Plaintiff's Name John E. James III
Inmate No. P-13474
Address A-2-204 / P.O. Box 1050
Soledad, CA. 93960

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

John E. James III
(Name of Plaintiff)

vs.

A.K. Scribner, et. al.,
(Names of all Defendants)

1:07-CV-00880 LJO WMW PC
(Case Number)

COMPLAINT

Civil Rights Act, 42 U.S.C. § 1983

I. **Previous Lawsuits (list all other previous or pending lawsuits on back of this form):**

A. Have you brought any other lawsuits while a prisoner? Yes ✓ No ___

B. If your answer to A is yes, how many? 2
Describe previous or pending lawsuits in the space below.
(If more than one, use back of paper to continue outlining all lawsuits.)

1. Parties to this previous lawsuit:

Plaintiff John James

Defendants (California State Prison Corcoran / C.S.P.-Cor) officials. (1-16)

2. Court (if Federal Court, give name of District; if State Court, give name of County)
U.S. Dis Court E. Dis of Cali

3. Docket Number CV-04-5878-LJO-DLB-P 4. Assigned Judge Dennis L. Beck (Magistrate)

5. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)
Pending

6. Filing date (approx.) June 2004 7. Disposition date (approx.) N/A

II. Exhaustion of Administrative Remedies

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes ✓ No___

B. Have you filed an appeal or grievance concerning **ALL** of the facts contained in this complaint?

Yes ✓ No___

If your answer is no, explain why not_____

C. Is the process completed?

Yes___ If your answer is yes, briefly explain what happened at each level.

No ✓ If your answer is no, explain why not.

Prison officials screened out plaintiffs appeal at the 2nd Level of review; said screen out was done unjustly, & done to Intentionally deny plaintiff any Available Administrative Remedies, & prevent plaintiff from seeking any civil Lawsuit Relief in this matter; Causing a chilling Effect of Plaintiffs First Amendment Right of the U.S. Constitution... — (See Included 1st Amend Claim of this complaint) —

NOTICE: Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). If there is an inmate appeal or administrative remedy process available at your institution, you may not file an action under Section 1983, or any other federal law, until you have first completed (exhausted) the process available at your institution. You are required to complete (exhaust) the inmate appeal or administrative remedy process before filing suit, regardless of the relief offered by the process. Booth v. Churner, 532 U.S. 731, 741 (2001); McKinney v. Carey, 311 F.3d 1198, 1999 (9th Cir. 2002). **Even if you are seeking only money damages and the inmate appeal or administrative remedy process does not provide money, you must exhaust the process before filing suit.** Booth, 532 U.S. at 734.

III. **Defendants**

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item B for the names, positions and places of employment of any additional defendants.)

A. Defendant M.A. Melo is employed as [redacted] Lieutenant at (C.S.P. - Corcoran)

B. Additional defendants R. Athey (officer); E. Barron (officer); K. Edmond (officer); T. Swaim (officer); I.G. Valdez (officer); ~~R. Hernandez~~ R. Hernandez (M.T.A.); M. Correia (Sergeant (A)); C. Galaviz (Sergeant); Sunderland (R.N.); N. Grannis (Chief of Inmate Appeals / 3rd Level Sacramento, CA); E. Mazon - Alec (Lieutenant); R. Vella (Captain); D.D. Sheppard-Brooks (CDW (A)); D. Ortiz (A.W.); A.K. Scribner (Warden);

Additional Defendants:

IV. **Statement of Claim**

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

(See Attached claims: ① Excessive Force.. ② Deliberate Indifference; ③ Conspiracy ... ④ Retaliation ... ④ Denial of any Available Administrative Remedies ... ⑤ Medical Deliberate Indifference.

(Attached pages (4-17))

Violations of the 1st, & 8th Amendments of the U.S. Constitution.

V. **Relief.**

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

Order Two Million Dollars Punitive, & Two Million Compensatory to be paid by each defendant.

I declare under penalty of perjury that the foregoing is true and correct.

Date 6-17-07 Signature of Plaintiff John E. Jones III

(revised 9/17/03)

Deliberate Indifference to Cruel & Unusual Punishment, "Excessive Force", In Violation of the Eigth Amend-ment of the U.S. Constitution; & Conspiracy to Cover Up Excessive Force aginst Plaintiff.

On 6-20-05 Immediately following the Incident plaintiff (JAMES) Continually alleged excessive force In this matter, to the following present (though not limited to) (CSPC) officials: ① "M. Correia"; (SGT); ② "C. Galaviz"; (SGT); ③ "M. Melo"; (LT); ④ "T. Swaim"; (C/O); ⑤ "I.G. Valdez"; (C/O); ⑥ "R. Hernandez"; (M.T.A); ... (See Ex: A; A-1; A-2;)

On 6-20-05 at approx between 1200 & 1600 hrs.) (while plaintiff was In administrative segregation (Ad-Seg) placement) plaintiff was contacted by (SGT) "C. Galaviz", at which time "Galaviz" (accompanied by an unKnown supervizing official) peformed a "Video Tape Recorded Interview" of plaintiff, concerning plaintiff's allegations of excessive force, In this matter... (See Ex: A-2; A-3)

On 6-20-05 plaintiff prepared & filed a (CDCR) (602/Greviance Appeal) "Staff Complaint", aginst Involved (CSPC) officials alleging excessive force. (See Attached Ex: A-4)... In the mentioned appeals (section= B. /Action Requested) the plaintiff requested (In part) as follows: ① To be Issued a Polygraph Examination pur CCR Title 15. § 3293... ② For the Warden: "A.K. Scribner", to be notified of plaintiffs allegations In this matter; & order an Investigation — Into It.

Warden: A.K. Scribner, failed to take the appropriate action In this matter...

Prison officials Intentionally "Miscatagorized" plaintiff's 6-20-05 Excessive Force Allegations, as a Catagory (1) staff Misconduct Complaint; thereby allowing the Institution to handle the Investigation Into the matter; & prevent the matter from being required to be (refered) reported to an outside Investigating Agency pur Department Operations Manual (D.O.M.) — § 31140.6.2. "Catagory (2) Investigations"... (See Staff Complaint / Ex: A-4)

A "Catagory (2) Investigation" is defined as follows:

Serious Misconduct that warrants outside Investigation; referal to the office of Internal Affairs (O.I.A.). (Examples / via.; =

= Inmates allegations of Excessive Force resulting in Injury.

= Multiple staff Involvement in alleged misconduct.

= Felony or Misdormeanor Law Violation. / Etc. etc.. etc...

(See D.O.M. § 31140.6.2. "catagory (2) Investigations" / Ex: ____)

Being on 6-20-05 the plaintiff alleged multiple staff as being involved in the misconduct aginst him in this matter; & being alleged misconduct did Invoke the allegation of excessive force resulting in Injury; & being the allegation (as explained) did rize to warrant a felony Law Violation; prison officials failure to administer the appropriate Investigation pur D.O.M policy (demonstrated) ~~constructed~~ deliberate Indifference; & officials Intentional miscatagorization of the alleged misconduct (via., Catagory (1)) as an unjust method to circumvent

the State Supervising (2) Investigation, demonstrate Conspiracy by officials to Cover Up their Excessive Force, & Medical deliberate Indifference officials Inflicted upon plaintiff...

Prison officials conspiracy to Cover Up their 6-20-05 misconduct aginst plaintiff, is further demonstrated through officials violation of the California Codes of Regulations (CCR) Title 15. § 3084.5 (e) "Level of Appeals Reviw & Disposition"... In regards to (CSPC) officials review of plaintiff's 6-20-05 "Staff Complaint / Ex: A-4 " Said greviance was reviewed by "C. Galaviz", (SGT); (See Ex: A-4 / First Level Response = Section E.). (SGT) "Galaviz", review of the 6-20-05 greviance was a violation of CCR Title 15. § 3084.5 (e), because, on 6-20-05 (SGT) "Galaviz" was present concerning the Incident, was Involved, & even submited a report regarding his Involvement In this matter with the (CDCR) 837 Incident report. (See Ex: A-5)...

CCR Title 15. § 3084.5 (e), states: "Appeal Review" Formal appeals shall not be reviewed by a staff person who participated In the event or dicision being appealed. (See § 3084.5 (e))... In this matter "Galaviz", was Infact a staff person who participated In the event being appealed; & therefore Is Infact prohibited from reviewing the appeal In this matter, & In doing so, "Galaviz", violated CCR Title 15. & Policy. As a result of the illegal hearing "Galaviz", also denied plaintiff's appeal, based on "Galaviz's" own fact-finding Inquiry (via., catagory (1) Investigation), "Galaviz" reported that plaintiff's allegation of staff Misconduct were "Not substantiated".

The following (CSPC) officials reviewed & approved (SGT) "Galaviz", illegal review of plaintiffs 6-20-05 appeal; they also had Knowledge of allegations plaintiff raised In this matter, though they failed to take any corrective action: ① "D. D. Sheppard-Brooks", (CDW(A)); ② "R. Vella", (cptn); ③ "D. Ortiz", (AW); said officials were deliberately Indifferent, & Conspired to Cover Up Excessive Force, aginst plaintiff.

Denial of any available Administrative Remedies In a Conspiracy to prevent the Plaintiff from seeking Civil Litigation In court, Causing a chilling Effect on plaintiff exercizing his 1st Amendmend Right of the U.S. Constitution.

On 6-20-05 (the day of the Incident) plaintiff filed a (CDCR) (602/Appeal) "Staff Complaint", alleging Excessive Force used aginst him In this matter. (See Ex: A-4)

On around or about 6-29-05 said appeal was returned to plaintiff after recieving its 1st Level review. On 9-6-05 plaintiff resubmitted said appeal for its 2nd Level review. (See Ex: A-4 / sec. E, & F.)

On 11-3-05 plaintiff was transfered out of (CSPC), to Calipatria State Prison (Cal). On 1-10-06 (while at (Cal)) plaintiff recieved said appeal back with its 2nd Level response ... // Be Advized: On 1-10-06 when plaintiff recieved said appeals 2nd Level response at (Cal), the appeal was already approx (3) months overdue for its response; so upon its delivery the plaintiff requested the (Cal) officer delivering the appeal c/o "E. Apodaca", to sign & date said appeal as being the date said appeal was recieved by plaintiff. c/o "E. Apodaca", complied with plaintiffs request by, signing, dating, & noting the appeal as the date recieved. (See Ex: A-4 / Inmate Appeal Form (Front page, at bottom, under section D.))

Upon recieving the appeal plaintiff was an Indigent prisoner, requiring State Postage & Manilla envelopes (Large) to mail said appeal to Sacramento, CA. to recieve a 3rd Level review. Being the Indigent Manilla envelopes needed could only be obtained at (Cal) Library, & (Cal) was on a State of Emergency

Lockdown; plaintiff's multiple request for Library access were not granted until 2-2-06. On 2-2-06 plaintiff prepared a breif Cover Sheet Letter explaining the reason for the appeals delay, attached it to the cover of the appeal, & sent the appeal to the 3rd Level for review. (See Ex: A-4 / Cover Sheet Letter, dated: 2-2-06)...

On around 5-2-06 said appeal was screened out (s/o) to plaintiff from the 3rd Level, alleging a (15) day Time Lapse between the date on the appeal as being returned to plaintiff 10-13-05, & the date plaintiff actually recieved the appeal 1-10-06, & the date it was filed. 2-2-06...

Being around 5-3-06 plaintiff could not obtain Immediate Library access (via, Manilla Envelopes) to return the appeal to the 3rd Level; ~~Instead~~ Plaintiff wrote a letter to the (CDCR) Director "J.S. Woodford", explaining all of the Foregoing, & requesting that she order said appeal faxed to the 3rd Level & issued a 3rd Level review. (See Letter to Director / Ex: A-6)

On 7-23-06 the Director responded to plaintiff's 5-3-06 corrospondense, stating that said appeal Log No. # 05-2259, was being processed & reviewed, as requested. (See 7-23-06 letter from Director / Ex: A-7)

On 5-22-06 (upon recieving Library Access) plaintiff wrote a second Cover Sheet Letter dated: 5-22-06, explaining the reason for said appeals delay in being processed —— "in great detail" —— explaining all of the foregoing, plus the fact that a (CDCR) employee even signed & dated the appeal, comfirming plaintiffs explination. Plaintiff Included said appeal, & requested that it be Issued a 3rd Level Review. (See Ex: A-4 / Cover Sheet Letter dated: 5-22-06)

On 9-26-06 prison officials, "N. Grannis", (CDCR Chief of Appeals branch); screened out (s/o) plaintiff's appeal, agin, for the second time, alleging plaintiff had violated the time restraints for processing the appeal.

On 10-11-06 plaintiff prepared & attached another Cover Sheet Letter, to said appeal, this time alleging (CDCR) officials conspiring to deny plaintiff any available (Ad-rem(s)), In attempts to prevent plaintiff from seeking civil Action In the matter of appeal log No.# (Cor-05-2259 Staff complaint)... In said corrospondence plaintiff agin expressed all of the foregoing. (See Attached 10-11-06 Corrospondence to (CDCR) Director/Ex: A-4)

On 1-6-07 (CDCR) officials unjustly (s/o) plaintiff's appeal In this matter, for the third time. (CDCR) official, "N. Grannis", (though not limitted to) denied plaintiff any available administrative remedies In this matter, to prevent plaintiff from seeking civil relief, causing a chilling effect of plaintiff's 1st Amend Right of the U.S. Const...

Medical Deliberate Indifference In Violation of the Eigth Amendment of the U.S. Constitution;

On the morning of 6-20-05 at approx (0945 hrs.) plaintiff was sprayed in the left eye (close Range/approx (3) inches away) with a: "MK-9 Cannister of Pepper Spray". Plaintiff was then tackled from behind (while blinded from the O.C. Pepper Spray) at which time his forehead was repeatedly banged into the [redacted] cement by prison gaurds, while plaintiff was locked in hand restraints behind his back...

Upon conclussion of the Incident, plaintiff was denied decontamination from chemical Agents (o.c.p.s.) used on him; plaintiff was not allowed to rinse the pepper spray (P/S) out of his eyes for approx (30) minutes after the Incident, causing the following (though not limited to) Injuries: "① Completely blinding plaintiff In left eye for approx (2) weeks; ② Preasure burns In left eye causing embrasians; ③ Infection (via. yellow/green pus & discharge) In left eye; ④ Blury vision, off & on; ⑤ Migrain Headace; ⑥ Migrain Headaces when reading small print / & or In light-shade changes...

On 6-20-05 In the dayroom section of building 3C01, at that time there were (6) fully operational showers, & (2) sink faucets Inwhich

officials could have used to decontaminate (via.) rinse pepper spray out of the eyes) of plaintiff. Instead, officials: K. Edmond; R. Athey; E. Barron; M. Correia; M. Melo; T. Swaim; I. G. Valdez; // elected to take plaintiff outside of 3col (away from cool fresh running water) allowing said chemical Agent to burn In plaintiffs eyes; attempting to Maime plaintiff.

Concluding the Incident plaintiff was held outside 3col denied decontamination (while plaintiff screamed In pain for medical treatment, cause his eyes were burning) for approx (15) minutes before setting off to the medical office; upon arriving at the medical office plaintiff was placed In a holding cell & denied medical treatment by officers: "T. Swaim; I. G. Valdez;" & medical staff: "R. Hernandez" (M.T.A.); & "Sunderland" (R.N.); while plaintiff constantly screamed In pain requesting medical treatment because the pepper spray was burning his eyes. Plaintiff was left In a holding cage, denied decontamination for another (15 to 25) minutes. C/o (s) "T. Swaim, & I. G. Valdez", (Still denying plaintiff decontamination) then took plaintiff out of the medical office, & took him outside of 3co2 (approx 200 yards away from the M.T.A. office) & held plaintiff outside of 3co2 building for another approx (10) minutes without decontamination. When plaintiff was finally allowed to rinse his eyes out with water at 3co2 C-section L-shower, plaintiff was unable to gain his vision In his left eye, due to the denial of a practical timely decontamination (via.) rinsing w/ cool water) of plaintiff's left eye. Plaintiff also suffered a Left eye Infection, & extreme pain & suffering.

(See Witness Declaration by "M. Foster" / Ex: A-2), (Medical documents of plaintiffs Left eye, post Incident treatment(s) / Ex: ___, ___, ___, ___)

Durring the 6-20-05 Incident plaintiffs forehead was banged into the cement multiple times by c/o "Edmonds"; as a result plaintiff suffered (2) large lumps on his head (In the center of his forehead).

(See witness declaration by M. Foster / Ex: A-2) & (declaration by "Kevin Dyas" Ex: A) ... & (declaration by "Thurman Spencer" Ex: A-1) ...

On 6-20-05 after the Incident the witnessing reporting medical staff refused to treat plaintiffs head Inguries, eventhough said head Inguries were clearly visual at the time of the Initial Post-Incident medical evaluation. Infact, medical officials even conspired with custody officials to cover up the assult upon plaintiff, by refusing to report/Log/document plaintiff's head Inguries In their 6-20-05 (7219) medical report. (See Attached Medical report of Injury or unusual occurence, by "R. Henderson", & "Sunderland", / Ex: A-5)

6-20-05 (7219) reports plaintiff had NO visual Inguries...

Based on the foregoing (though not limited to) It Is clear that the defendants were deliberately Indifferent to plaintiffs medical needs In this matter.

Retaliation against Plaintiff In Violation of the First Amendment of the U.S. Constitution, through actions that did not advance any legitimate penological goals, nor were such actions tailored narrowly enough to achieve such goals.

On around or about 6-16-05 plaintiff was a victim of death threats, & harrassment by (CSPC) officials; said (threats/harrass) were exercized by defendants: ① Edmond; ② Athey; ③ & Barron; as follows: " c/o Barron, pointed a gun at plaintiff while plaintiff stood alones quitely In the dayroom; Barron, repeatedly threatening to shoot plaintiff. when plaintiff contacted c/o(s) Edmond, & Athey, for assistance, both officers threatening to assult plaintiff; plaintiff then repeatedly asked to speak with a Sergeant though all of his request were denied by said defendants, & plaintiff was ordered to lock himself into his cell; plaintiff complied..."

On 6-19-05 Plaintiff Filed a (CDCR) (602) Staff Complaint against said official concerning said 6-16-05 Incident; appeal log No.# CSPC-04-05-02394.

Retaliation :

On 6-20-05 (the very next morning after plaintiff filed said (602) Staff Complaint) Plaintiff was released out of his cell by defendant c/o: R. Athey", approached by defendants c/o Edmond, & c/o Barron; at which time plaintiff was assulted by Edmond & Barron; by way of Excessive Force. (See Attached witness declarations by "Kevin Dyas", &

"Thurman Speech"; (Exhibit(s): A, A-1, ...)

The defendants then issued plaintiff a fabricated (CDCR) Rules Violation Report (RVR 115) alledging plaintiff (attempted) to batter staff. Said (RVR) was later heard, & the fabricated charge of attempted battery on a peace officer, was dropped, & plaintiff was found guilty of a lesser offense of:

"Behavior that could lead to violence"...

At no time in this matter did plaintiff ever attempt to batter staff; nor did reviewing prison officials find that plaintiff did so.

On 6-20-05 defendants stuck the nozzle of an MK-9 Cannister of O.C. Pepper Spray, into plaintiffs left eye, & discharged it into plaintiffs eye at extreme close-range; without just cause. Officials then went on to physically assult plaintiff while he was blinded by pepper spray.

This Excessive Force by (defendants) transpired exactly one day after plaintiff filed a (602) Staff Complaint aginst said defendants.

On 6-19-05 Plaintiff filed the greviance Inquestion.

On 6-20-05 Plaintiff was attacked by the same officials he greived...

Prison officials Retaliated aginst Plaintiff for filing a greviance against officials, (via.) exercized his 1st Amend Right); & said retaliatory action advanced No legitimate penological Interest.

(See Hines v. Gomez, 108 F.3d 265 (9th Cir. 1997)).

Cruel & Unusual Punishment In Violation of the Eigth Amendment of the U.S. Constitution. "Excessive Force"

(See Attached Sheet Continuing Cruel & Unusual Punishment)

On 6-20-05 at approx 0900 hrs. petitioner was released out of his assigned cell by c/o Atthey (Tower), & ordered to report to work exchange for transportation to ACH. At that time. c/o Atthey order petitioner to take out/ undue his Dread Lox, this order was Imposible for petitioner to comply with & was a completely illogical order by staff. (Note: Petitioner attends ACH on a regular basis, twice weekly, & has done so for approx 2½ years here at (C.S.P.C.). c/o Atthey is a regular employee stationed in 3C01 Tower, & has released petitioner out of cell/building to attend ACH (Physical Therapy) approx (20) times or more... Petitioner has had dreadlox since 2002, c/o Atthey has observe the dreadlox on every ACH visit occassion — though has never attempted to deny me medical treatment due to the dread Lox...)

c/o Atthey then contacted c/o Edmond, & Barron, both officers approached petitioner & emediately began threatening to spray me while shaking cans of O.C. Pepper Spray... As done while speaking to c/o Atthey I continued requesting supervizing officials to be present, all staff: Edmond, Barron, & Atthey repeatedly denying my request... As petitioner glanced to his (Right) c/o Edmond sprayed me in my Left eye at point blank range (Less than (1) foots distance). Edmond then tackled me from the back & Knocked me down, he then ordered my hands behind my back & applied cuffs, he then (In the process of roughing me) banged my forehead into the concrete floor numerous times. Additional officers arrived & began violently escorting me out of the building, the escorting officers were c/o T. Swain, & c/o I.G. Valdez, the officers removed me from the building, Petitioner was screaming in pain for medical attention & decontamination, both officers denying petitioner medical treatment & holding me outside the building Laughing & calling me names while I burned in pain. The officers Later escorted me over to 3C-Medical building & Locked me in a holding-cell. Petitioner screamed in pain begging approx (5) medical staff for medical assistance, all staff refused to treat me, the doctor present (Less than (10) feet

(Continuing Cruel & Unusual Punishment)

(Turn)

(Continue On Back Side)

away) even got up & closed his office door to drown out petitioners screams in
for medical assistance. The medical staff present were (2) Men & (3) Women.

Only Names Known was M.T.A. "Hernandez". After approx (15) minutes C/O(s) Swain & Valdez, then
escorted me approx (200 Yards) to 3C02 building, held me outside for approx (3) minutes then
finally placed me in 3C02 - C-section shower, & left me locked in restraints. Durring the
escorting C/O Swain constantly threatened me & made Racial slurs/ sarcasim, stating if I attempted
to spit the pepper spray out of my mouth he would slam my face into the ground & make
me eat gravel. Further stating that he would file a faulse charge aginst me alleging I spat on
his boots, I stated I did not, & he stated their was plenty of DNA on the ground to plant
on his boots... Petitioner became blind in his left eye completely (momentarily), all medical
staff refused to treat my eye, nor log thee injuries to both my eye & left shoulder....
While locked in a holding cell in 3C- Program Office, I overheard (SGT): "Correia", Inform
C/O Barron, of what to write in her Incident report, Informing Barron to report that she
held petitioner down until 8 additional staff arrived... Faulsifying thee allegation that petitioner
made attempts to resist... /// There was No cause for the use of any force, staff
conspired aginst petitioner to assault me, then file Faulse charge's aginst me that would
justify a D.A. referral & Faulse Criminal charge's...

DECLARATION FOR I/M JAMES P-13474

ON 6-20-05 AT APPROXIMATELY 0915, I KEVIN DYAS D-97250, WAS HOUSED IN 3601-117L. I OBSERVED I/M JAMES P-13474 BEING RELEASED OUT OF HIS CELL 3601-116. SUBSEQUENTLY, HE STOPPED BY THE 3601 CONTROL TOWER C/O ATHEY AT THE GRILL-GATE AND A CONVERSATION ENSUED. I THEN OBSERVED C/O EDMUNDS AND C/O BARRON (3601 FLOOR STAFF) ENTER THE GRILL GATE AND GOT INVOLVED WITH THE CONVERSATION WITH C/O ATHEY & I/M JAMES P-13474. SUBSEQUENTLY C/O EDMUNDS TOOK CONTROL OF THE CONVERSATION AND HE & I/M JAMES P-13474 WAS TALKING. I DID NOT HEAR THE CONVERSATION, BUT I NOTICED C/O EDMUNDS PLACED HIS O.C. PEPPER SPRAY IN HIS LEFT HAND AND STARTED SHAKING IT AS THE CONVERSATION BETWEEN HE & JAMES P-13474 CONTINUED. I THEN NOTICED I/M JAMES P-13474 TURN ~~FORCED~~ AWAY FROM C/O EDMUNDS AND IN A QUICK MOTION C/O EDMUNDS SPRAYED O.C. PEPPER SPRAY TO JAMES P-13474 FACIAL AREA AND TACKLED JAMES P-13474 TO THE GROUND SLAMMING HIS FOREHEAD TO THE PAVEMENT AND PLACED JAMES P-13474 IN RESTRAINTS WITHOUT ANY RESISTANCE FROM I/M JAMES.

IN MY OPINION C/O EDMUNDS WAS NOT JUSTIFIED IN HIS ACT AGAINST I/M JAMES, BECAUSE IT DIDN'T TAKE USE OF FORCE TO SETTLE A DISPUTE. C/O EDMUNDS COULD HAVE PLACED I/M JAMES ON THE WALL FOR A PAT DOWN SEARCH, PLACED HIM IN RESTRAINTS AND ESCORTED I/M JAMES TO PROGRAM SERGANT WITHOUT FORCE.

I KEVIN DYAS D-97250 DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND CORRECT.

RESPECTFULLY SUBMITTED

Kevin Dyas D-97250
KEVIN DYAS D-97250

6/7/19/05

Exhibit A

ATTORNEY Rio-PERTHURMAN SPENCER SAW THE INCIDENT REGARDING THE MATTER OF MR. JAMES. MR. JAMES REFUSE AND DENY TO RETURN BACK TO HIS CELL BECAUSE MR. JAMES MADE TWO EMERGENCY REQUEST TO SPEAK TO C/O EDMOND SGT. ON DUTY AND MR. JAMES WAS DENY TO SPEAK TO A SGT. MR. JAMES CONTINUE TO INFORM C/O EDMOND HE NEEDED TO TALK TO A SGT. C/O EDMOND STARTED SLAMING MR. JAMES, MR. JAMES WAS (WRONGFULLY AND UNLAWFULLY) REMOVED FROM BUILDING 3C01. THEREFORE WITHOUT ANY DOUBT C/O EDMOND AND OTHERS INDEED (VIOLATED RULES, STATE AND FEDERAL LAWS).

I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT, BASED UPON MY INFORMATION AND BELIEF. EXCUTED THIS 9TH DAY OF JULY, 2005 AT CORCORAN P.O. BOX 3471 CORCORAN, CA. 93212.

("Exzibit: A-1")

ATTORNEY Rio-PER THURMAN SPENCER
SIGNATURE OF DECLARANT
CDC T15088 3C01 124L

("Exhibit A-2")

DECLARATION OF MICHAEL FOSTER

I, MICHAEL FOSTER, DECLARE THE FOLLOWING:

I AM A PRISONER AT CORCORAN STATE PRISON, HOUSED IN ASU 1 CELL 126.

ON 6-20-2005 I WAS CALLED OUT OF MY CELL TO SPEAK WITH INMATE JAMES P-13474 ABOUT POSSIBLY RECEIVING HIM AS A CELLIE. WHEN I FIRST SAW JAMES I NOTICED HIS LEFT EYE WAS RED AND IRRITATED AND HE HAD A BRUISE AND A BIG KNOT ON HIS FOREHEAD. WHILE WE WERE IN THE CAGE TALKING, INMATE JAMES WAS TAKEN INTO A ROOM FOR A VIDEO INTERVIEW.

I AGREED TO LET MR. JAMES MOVE INTO THE CELL WITH ME. AFTER A COUPLE OF HOURS WENT BY, JAMES TOOK THE PATCH OFF OF HIS EYE AND SAID, "MAN I CAN'T SEE OUT OF MY EYE AND MY EYE IS BURNING". I TOLD OFFICER'S AND MTA'S AS EACH ONE CAME INTO "C" SECTION THAT MY CELLMATE CAN'T SEE OUT OF HIS EYE AND IS IN PAIN.

LATER ON, THAT SAME DAY, 6-20-05 WHEN SGT. WHITE CAME BY WITH THE MTA TO GIVE JAMES SOME EYE DROPS I REQUESTED THAT SGT. WHITE DOCUMENT, OR LOG THAT JAMES HAS A BIG KNOT ON HIS HEAD AND THAT HE HAD IT BEFORE HE CAME INTO THIS CELL, TO PROTECT MYSELF BE ACCUSED OF CAUSING JAMES' INJURIES.

LATER THAT SAME NIGHT 6-20-05 JAMES WROTE A 602 AND COMPLAINT, AND GAVE IT TO SGT. WHITE AND ASKED HIM TO SEND IT TO THE APPEALS COORDINATOR, SGT. WHITE SAID HE WOULD DO THAT.

ON THAT NIGHT 6-20-05 JAMES WAS TAKEN FROM THIS CELL TO GO TO THE HOSPITAL.

THE NEXT MORNING 6-21-05 JAMES COULDN'T OPEN HIS EYE TO PUT THE EYE DROPS IN, AND THICK YELLOW PUSS WAS COMING OUT OF HIS EYE. THIS CONTINUED AND IS STILL LEAKING PUSS NOW.

("Exhibit A 2")

DECLARATION CONTINUED MF

ON 6-22-05, OR 6-23-05 I CAN'T REMEMBER THE EXACT DAY, SGT. GALAVICE CAME TO THE CELL AND ASK FOR A WRITTEN STATEMENT OF THE INCIDENT. JAMES TOLD HIM THAT HE FILE A 602 COMPLAINT AND GAVE IT TO SGT WHITE TO SEND TO THE APPEALS COORDINATOR AND TO MAKE A COPY OF THAT.

ON 6-26-05 SGT. G. POLZIEN CAME TO THE CELL AND ASKED JAMES FOR A WRITTEN STATEMENT OF THE INCIDENT, STATING THAT THE WATCH COMMANDER REQUESTED A STATEMENT FROM JAMES FOR SGT. GALAVICE OF THE INCIDENT.

I PERSONALLY HEARD JAMES TELL SGT. GALAVICE THAT HE WROTE A STATEMENT IN A 602 COMPLAINT AND TO GET A COPY OF THAT FROM THE APPEALS COORDINATOR, SGT. GALAVICE SAID HE WOULD DO THAT.

ON 6-26-05 JAMES CONVEYED TO SGT. G. POLZIEN HIS DISCUSSION WITH SGT. GALVICE ABOUT THE STATEMENT AND THAT HE WOULD WRITE ANOTHER ONE IF NECESSARY, SGT. POLZIEN SAID, "LET ME CHECK BACK WITH THE WATCH COMMANDER AND I'LL GET BACK TO YOU AND LET YOU KNOW." SGT. POLZIEN NEVER CAME BACK.

NOTE: I PERSONALLY WITNESSED JAMES ASK ALL SGT'S MENTIONED HEREIN FOR A COPY OF HIS CDC 1140 LOCK-UP ORDER. ALL SGTs STATED THAT THEY WOULD PROVIDE HIM WITH IT BUT AS OF THIS DAY 6-26-05 3:00 P.M. JAMES STILL HAS NOT RECEIVED A COPY OF HIS 1140.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: 6-26-05

Michael Foster

MICHAEL FOSTER
DECLARANT / D-11452

VIDEOTAPED INTERVIEW FORMAT

("Exhibit: A-3")

ATE:

he following is to be used as a tool to focus the interview. Do **not** ask questions **inappropriate** to the situation.

BEGINNING THE INTERVIEW

If the inmate refuses to speak on tape, continue the interview and detail the contents in a memorandum.

A. Introduce yourself:
"Hello my mane is ~~Lieutenant~~/Sergeant G/Lewis **. This is a videotaped interview regarding** the Inmate P-13494 **. Today's date is** 6.20.05 **, and the time is currently** 1320 hrs **. I will now have the Camera operator introduce himself/herself.** S. Pina

B. Have the inmate state his name and CDC number. Ask the inmate to verify that there are no other staff member's in the room.

I. INTERVIEW FORMAT FOR SIGNIFICANT INJURY & HEAD INJURY

State the following, "I will ask you **specific** questions and I need your answers to be as **specific** as possible."

A. On (date) _____, you were involved in an incident that occurred (where) _____.

B. This incident has been assigned CDC INCIDENT LOG # _____.

C. According to the documentation provided on the CDC-7219, Medical Report of Injury or Unusual Occurrence, you sustained/stated, "_____."

D. In your own words, explain how you receive this injury and be as specific as possible.

E. Have you filed an appeal on this issue?

F. How many staff members were present when this transpired?

G. Can you identify these staff members by name?

H. How many inmate witnesses were present?

I. Can you identify these inmates by name?

If the inmate states that he does not know, or does not remember who was present or how he obtained the injury **CONCLUDE THE INTERVIEW.**

IT IS NOT NECESSARY TO PROD THE INMATE FOR MORE INFORMATION.

("Exhibit: A-3")

II. INTERVIEW FORMAT FOR ALLEGATIONS OF INAPPROPRIATE USE OF FORCE

State the following, "I will ask you specific questions and I need your answers to be as specific as possible."

A. On what day did this happen? Today 6-20-05
B. Do you have any injuries? yes-
C. What is the nature of the injury? Head injury-right upper quadrant forehead left eye.
D. How did you receive the injury? result of c/o Edmond slamming my head in the door's
E. Did you receive appropriate medical treatment? no Pend
F. Where did this happen? SCCI-
G. Have you filed an appeal on this issue? I
H. Explain who used force and **EXACTLY** what happened? -
I. Can you list inmate names? - every inmate in the building - 216 Dillon 215 - Smith 217 - Jones
J. Can you list staff witnesses? c/o Hurley, Bivens, Correctional Officer

equest that the inmate write his account of what transpired. The written statement should be signed, witnessed nd dated

nsure a videotaping of the inmate's body be taken with particular attention to alleged injured areas.

ave the inmate taken to the medical clinic and an evaluation conducted unless this has already been done.

t is responsibility of the Lieutenant/Sergeant to prepare and submit a report to the Facility Captain. This report shall ddress all reports reviewed and information gathered in relationship to the interview subject. Further, it is the esponsibility of the interviewer to summarize the interview statements and the results of the fact-finding. This report hall include a conclusion and make a recommendation to the Captain as to actions to be taken. The recommendation hall be supported by specific evidence.

or example: The officer's report which states.....
The videotape which shows.....
The 7219 which details.....

("Exzibits A-3")

INMATE APPEALS BRANCH
1515 S Street, Sacramento, CA 95814
P.O. Box 942883
Sacramento, CA 94283-0001

January 6, 2007

A4 108

JAMES, CDC #P-13474
Calipatria State Prison
P.O. Box 5002
Calipatria, CA 92233

RECD JAN 22 2007

Re: Institution Appeal Log #COR 05-02259 Staff Complaint

Dear Mr. JAMES:

The enclosed documents are being returned to you for the following reasons:

An appellant must submit the appeal within 15 working days of the event or decision being appealed, or of receiving a lower level decision in accordance with CCR 3084.6(c).

Your assigned counselor, the Appeals Coordinator, or your Parole Agent can answer any questions you may have regarding the appeals process. Library staff can help you obtain any addresses you need.

EM for

N. GRANNIS, Chief
Inmate Appeals Branch

Note: Obtain this name:

("Exzibit: A-4")

****PERMANENT APPEAL ATTACHMENT-DO NOT REMOVE****

ATTN: Director, (CDCR)

(CDCR) officials are conspiring to deny me any available Administrative Remedies (Ad-rem(s)), in attempts to prevent petitioner from seeking Civil Suit relief; in the matter of appeal Log# (Cor-05-2259 Staff Complaint)

Note: On 1-10-06 petitioner recieved said appeal in the mail from (CSPC); the (CAL) officer whom delievered the appeal to petitioner even signed it, & dated it, as the date delivered being 1-10-06 (See (602) Face Sheet, at the bottom (of the page) under D. Formal Level, it states Recieved B-5 1/10/06 signed by c/o E. Apodaca)

As stated on Initial cover-sheet (Letter), petitioner is Indigent, & need Law Library access for a Large Manila Envelopes, & Postage. Petitioner obtained Library access on 2-2-06 & filed/fowarded appeal to the 3rd Level (via, U.S. Postal).

IF (CSPC) officials allege that the appeal was s/o to petitioner on 10-13-05, then they are mistaken; because as you can clearly see, a (CAL) c/o "E. Apodaca", signed & dated the appeal as not being delivered to petitioner until 1-10-06. "This barrification is by a (CDCR) employee..." No Time Restraints have been violated by petitioner; Please process this appeal...

Date: 10-11-06 (P-13474) /s/ John E. James III

INMATE APPEALS BRANCH
1515 S Street, Sacramento, CA 95814
P.O. Box 942883
Sacramento, CA 94283-0001

September 27, 2006

JAMES, CDC #P-13474
Calipatria State Prison
P.O. Box 5002
Calipatria, CA 92233

Re: Institution Appeal Log #COR 05-2259 Staff Complaint

Dear Mr. JAMES:

The enclosed documents are being returned to you for the following reasons:

An appellant must submit the appeal within 15 working days of the event or decision being appealed, or of receiving a lower level decision in accordance with CCR 3084.6(c).

Your assigned counselor, the Appeals Coordinator, or your Parole Agent can answer any questions you may have regarding the appeals process. Library staff can help you obtain any addresses you need.

for

N. GRANNIS, Chief
Inmate Appeals Branch

****PERMANENT APPEAL ATTACHMENT-DO NOT REMOVE****

INMATE APPEALS BRANCH
1515 S Street, Sacramento, CA 95814
P.O. Box 942883
Sacramento, CA 94283-0001

July 23, 2006

Appeals Coordinator
Calipatria State Prison
P.O. Box 5002
Calipatria, CA 92233

CAL

RE: JAMES, CDC #P-13474 Institution Appeal Log #COR 05-2259 Staff Complaint

To the Appeals Coordinator:

Inmate claims he did not receive the Second Level Response until 1/1/06. Please verify and return the appeal package to the IAB for processing. Please complete and return the requested documents to this office by August 22, 2006.

N. GRANNIS, Chief
Inmate Appeals Branch

7/26/06 I spoke with Tiffany Jones - AGPA CSP-COR She said the returned date is as noted on the 602 form, and there were no circumstances in which the appeal would have been returned to the IM in January of 2006.

D Edwards
CCII SP-appeals
CAL

Cal P.C. §832.5(a) Citizens Complaint....

RECEIVED CAL APPEALS JUL 26 2006

Cal P.C. §832.5(a) Citizens Complaint....

INMATE/PAROLEE APPEAL FORM

CDC 602 (12/87)

CAL

Location: Institution/Parole Region — 1. CSP-CORCORAN — 2. _____

Log No. — 1. 05-2259 — 2. _____

Category — 7

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

3B03-106

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
John James #2	P-13474		3601-116

A. Describe Problem: Excessive Force; Retaliation; Fabricating Documents; Falsifying Charge's In retaliation to petitioner filing Citizens Complaint(s), & the filing of a Civil suit §1983 Case No. CV-04-5878 Rec DLB-P; & conspiracy by Administrative Officials to retaliate by assaulting - & filing false rules violation reports against petitioner... On 6-19-05 petitioner filed an §832.5(a) Citizens Complaint against all of the following (C.S.P.C.) officials: (A.W.): "Poules", (cpto): "R.Pella", (SGT): "R.Vogel", (CT): "Whitford", & 4o(s): Edmond - Barron - Yocum - Cooper; the 6-19-05 Complaint raised conspiracy to retaliate/harrass/threats/& deliberate indifference...

If you need more space, attach one additional sheet.

Continued: (See Attached Sheet)

B. Action Requested: ① Process this Complaint pur Cal P.C. §832.5(a) Citizens Complaint ② Be Issued a Polygraph Examination § CCR. Title 15. §3293.0 ③ That this Complaint to be processed as an Emergency Appeal pur CCR. 15. § 3084.7(a) ④ That Warden: "A.K. Scribner" be notified & order an Investigation

RETD JAN 25 2007

Inmate/Parolee Signature: John James — Date Submitted: 6-20-05

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

RECEIVED
B-1
JUL 27 2006
INMATE APPEALS BRANCH

REMINDER: Per OP 439, "CDC Form 602, Inmate/Parolee Appeal Forms alleging staff misconduct will be completed with a fact-finding report addressed to the Division Head and a separate First Level response to the inmate. The employee will indicate their finding in accordance to the following explanations: NO FINDING / NOT SUSTAINED / UNFOUNDED / EXONERATED / SUSTAINED." Responses received without this statement will be returned. (See OP 439 for further information.)

RETD JAN 25 2007

Signature: _____ — Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____

RECEIVED
JUL 28 2006
INMATE APPEALS BRANCH

Received B-5
1/10/06 c/o EXPEDITED

(Exhibit: A-4)

First Level ☐ Granted ☐ P. Granted ☒ Denied ☐ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 6/27/05 Due Date: 8/9/05

Interviewed by: Sgt. C Cudaback on 8-8-05 This appeal is Denied see attached

Staff Signature: C Cudaback DO-653 R20 Title: Sgt Date Completed: 8.9.05

Division Head Approved: Signature: [illegible] Title: AW(A) Date Returned to Inmate: 8/24/05

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Officials are Conspiring to Cover up staff Excessive Force. And thee misconduct To this matter shall be brought to light.

Signature: John James Date Submitted: 9-6-05

Second Level ☒ Granted ☐ P. Granted ☒ Denied ☐ Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 9/26/05 Due Date: 10/25/05

☒ See Attached Letter

Signature: [illegible] 10-7-5 Date Completed: 10/7/05

Warden/Superintendent Signature: D Sheppard Woods Date Returned to Inmate: 10/13/05

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

You didn't even Institute thee appropriate Investigation pur D.O.M § 31140.6.2 Category (1) Investigations... - O.I.A. - This Complaint fits O.I.A. Investigation criteria for multiple reasons! This is just another Conspiracy by CDC & R

Signature: John James Date Submitted: 1-11-06

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other

☐ See Attached Letter

Date:

CDC 602 (12/87)

RECEIVED CAL APPEALS

On 6-20-05 at approx 0900 hrs. petitioner was released out of his assigned cell by c/o Atthey (Tower), & ordered to report to work exchange for transportation to ACH. At that time c/o Atthey order petitioner to take out/ undue his Dread Lox, this order was Imposible for petitioner to comply with & was a completely illogical order by staff. (Note: Petitioner attends ACH on a regular basis, twice weekly, & has done so for approx 2 1/2 years here at (C.S.P.C.). c/o Atthey is a regular employee stationed in 3C01 Tower, & has released petitioner out of cell/building to attend ACH (Physical Therapy) approx (20) times or more... Petitioner has had dreadlox since 2002, c/o Atthey has observe the dreadlox on every ACH visit occassion — though has never attempted to deny me medical treatment due to the dread Lox...)
c/o Atthey then contacted c/o Edmond, & Barron, both officers approached petitioner & emediately began threatening — to spray me while shaking cans of O.C. Pepper Spray... As done while speaking to c/o Atthey I continued requesting supervizing officials to be present, all staff: Edmond, Barron, & Atthey repeatedly denying my request... As petitioner glanced to his (Right) c/o Edmond sprayed me in my [redacted] • Left eye at point blank range (Less than (1) foots distance). Edmond then tackled me from the back & knocked me down, he then ordered my hands behind my back & applied cuffs, he then (In the process of roughing me) barged my forehead into the concrete floor numerous times. Additional officers arrived & began violently escorting me out of the building, the escorting officers were c/o T. Swain, & c/o I.G. Valdez, the officers removed me from the building, Petitioner was screaming in pain for medical attention & decontamination, both officers denying petitioner medical treatment & holding me outside the building Laughing & calling me names while I burned in pain. The officers Later escorted me over to 3C- Medical building & Locked me in a holding-cell. Petitioner screamed in pain begging approx (5) medical staff for medical assistance, all staff refused to treat me, the doctor present (Less than (10) feet

away) even got up & closed his office door to drownout petitioners screams in for medical assistance. The medical staff present were (2) Men, & (3) Wemo. Only Names Know was M.T.A. Hernandez. After approx (15) minutes c/o (s) Swain & Valdez, then escorted me approx (200 Yards) to 3C02 building, held me outside for approx (3) minutes then finally placed me in 3C02-C-section shower, & left me locked in restraints. Durring the escorting c/o Swain constantly threatened me & made Racial slurs/sarcasim, stating If I attempted to spit the pepper spray out of my mouth he would slam my face into the ground & make me eat gravel. Further stating that he would file a faulse charge against me alleging I spat on his boots, I stated I did not, & he stated their was plenty of DNA on the ground to plant on his boots... Petitioner became blind in his left eye completely (momentarily), all medical staff refused to treat my eye, nor log thee Inguries to both my eye & left shoulder... While locked in a holding cell in 3C- Program Office, I overheard (SGT): "Correia", Inform c/o Barron, of what to write in her Incident report, Informing Barron to report that she held petitioner down until 3 additional staff arrived... Faulsifying thee allegation that petitioner made attempts to resist... /// There was No cause for the use of any force, staff conspired aginst petitioner to assault me, then file Faulse charge's aginst me that would justify a D.A. referral & Faulse Criminal charge's...

Cover Sheet Letter

5-22-06

Appeal Log #No. Cor-05-2259, was s/o by the 3rd Level during the month of May 2006; stating CCR. § 3084 Time Lapse ...

The appeal reading it was s/o to petitioner at the 2nd Level on 10-13-05; though thee appeal was not actually delivered to plaint until 1-10-06. (See (Cal) Staff Recieved Notice on (602) face sheet at the bottom; signed & dated by s/o "E. Apodoca", below section D.)...

On 11-3-05 petitioner transferred out of Corcoran, to (Calipatria); said (602) was mailed to petitioner at (Cal) & issued on 1-10-06...

Said appeal is extensive in page's & requires a large manilla envelope, Petitioner is Indigent & can only recieved Large manilla envelope from (Cal) library... After 1-10-06 (when the appeal was delivered to petitioner) petitioner was not allowed to (Cal) Library until 2-2-06 ...

On 2-2-06 I sent the appeal to the 3rd Level as soon as I recieved a manilla envelope from the library...

As stated, the appeal was s/o by the 3rd Level, back to petitioner... Immediately thereafter in may 2006 I wrote the director of (CDCR) "J.S. Woodford", explaining all of the foregoing, & requesting that she order the appeal faxed to the 3rd Level, & processed. (Due to the fact that (Cal) is on lockdown & Inmates

(Turn it over)

are not allowed Library access without (30) day court deadline...

And Im still Indigent & need a Large manilla envelope; On 5-22-06 I recieved library access at (cal), & the needed envelope...

I am requesting that this appeal be processed, this is my second request to have this appeal processed; not including the May 2006 corrospondence sent to "J.S. Woodford"...

Date 5-22-06

John E. James III

John E. James III

Paper Trail

Cover Sheet Letter

Appeal not delivered until 1-1-06

No Law Library Access until 2-2-06

I/M needed library access for manila envelopej
& postage...

Please process appeal...

John E. James III
P-13474

Date: 2-2-06

RECEIVED CAL APPEALS JUL 26 2005

First Level ☐ Granted ☐ P. Granted ☒ Denied ☐ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 6/27/05 Due Date: 8/9/05

Interviewed by: Sgt. C Chelsey on 8-8-05. This appeal is Denied see attached

RECEIVED
OCT 18 2005
INMATE APPEALS BRANCH

Staff Signature: C Chelsey DO#[illegible] Title: Sgt Date Completed: 8-9-05

Division Head Approved: Signature: [illegible] Title: AW(A) Returned Date to Inmate: 8/24/05

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Officials are Conspiring to Cover up staff Excessive Force. And thee misconduct In this matter shall be brought to light

Signature: John James Date Submitted: 9-6-05

Second Level ☐ Granted ☐ P. Granted ☒ Denied ☐ Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 9/26/05 Due Date: 10/25/05

☒ See Attached Letter

Signature: [illegible] 10-7-5 Date Completed: 10/7/05

Warden/Superintendent Signature: D Sheppard Woods Date Returned to Inmate: 10/13/05

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

RECEIVED
MAY 26 2006
INMATE APPEALS BRANCH

Signature: Date Submitted:

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other

☐ See Attached Letter

Date:

RECEIVED
JUL 28 2006
INMATE APPEALS BRANCH

CDC 602 (12/87)

DIVISION OF ADULT OPERATIONS
CALIFORNIA STATE PRISON - CORCORAN
P.O. Box 8800
Corcoran, CA 93212

October 7, 2005

Inmate James P13474

Re: **SECOND LEVEL APPEAL RESPONSE**
Log # CSP-C-4-05-2259
Issue: Complaint against Staff

DECISION: Denied

PROBLEM DESCRIPTION: You relate that in your appeal that the staff you have named within section A of your appeal are guilty of staff misconduct.

ACTION REQUESTED: You request an investigation.

APPEAL RESPONSE: You were interviewed at the First Level Review. Your appeal was filed, accepted, and processed as a complaint against staff. A fact-finding was conducted at the First Level of Review and the allegations were not sustained. You provided no further facts not available to the previous level of review. The fact-finding failed to disclose a preponderance of evidence to prove or disprove the allegations made, therefore, they are found not sustained.

Considering the above information, your appeal is denied at the Second Level of Review.

You may proceed to the next level of administrative review if you seek further relief.

D.D. Sheppard-Brooks
Chief Deputy Warden (A) – Operations
California State Prison – Corcoran

CALIFORNIA STATE PRISON-CORCORAN
Corcoran, California

JAMES
Inmate Name

P-13474
CDC #

Appeal Log Number: CSPC-04-05-02259

Appeal Decision: Denied

Inmate Interviewed: JAMES

Appeal Issue: STAFF COMPLAINT

Appeal Response:

On 08-07-05, Inmate James you were interviewed by Correctional Sergeant C. Galaviz regarding this appeal of allegations of staff misconduct. In addition to you being interviewed, Sergeant Galaviz, conducted a fact-finding inquiry concerning all individuals involved.

You are being advised that the fact-finding part of your appeal has been completed. The information received during the fact-finding inquiry is confidential and therefore will not be disclosed. If any staff misconduct is discovered, appropriate action will be taken.

Based on the information received during the fact-finding inquiry, your appeal is **Denied** at the First Level of Review.

Also, based on the fact-finding inquiry, I have concluded that your allegations of staff misconduct is **"Not Sustained".**

Approve/ Disapprove

R. Vella
Facility Captain
Facility 3C
CSP-Corcoran

Approve/ Disapprove

D. Ortiz
Associate Warden
CSP-Corcoran

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C — PAGE 1 OF 3

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	4B-05-06-030	CSP-COR	07/28/05

☐ SUPPLEMENTAL ☒ CONTINUATION OF: ☐ 115 CIRCUMSTANCES ☒ HEARING ☐ IE REPORT ☐ OTHER

ADJUDICATION/DISPOSITION (CONTINUED)

D.A. REFERRAL: This matter has been referred to the local District Attorney's Office for consideration of criminal prosecution. Inmate James has requested prompt hearing of this matter stating he wished to waive his rights to postpone his hearing pending the District Attorney's decision regarding prosecution, as documented by his signature on the CDC-115A on **July 5, 2005.** James has been advised that any statements made by him in this hearing may be used against him in a court of law.

DUE PROCESS: The CDC-115 Rules Violation Report, dated June 20, 2005, was served on James on July 5, 2005, within the required 15 days from discovery. This disciplinary hearing is being held within 30 days of that service. Therefore, all time constraints have been met and there are no due process issues prohibiting the forfeiture of credits.

INVESTIGATIVE EMPLOYEE: James requested and received the services of an Investigative Employee. He was issued a completed copy of the Investigative Employee's Report on **July 18, 2005,** more than 24 hours prior to this hearing. 03C-05-06-030-

NOTE: A Mental Health Assessment Request was not initiated as James is not a participant in the Mental Health Services Delivery System and his alleged conduct was not bizarre, unusual, or uncharacteristic.

STAFF ASSISTANT: This Senior Hearing Officer determined that James speaks English, is literate in that he has a reading level greater than 4.0, the issues are not complex and a confidential relationship is not required. James therefore was not assigned a Staff Assistant as the factors encompassing this case do not meet the criteria pursuant to CCR §3315(d)(2).

REQUEST FOR WITNESSES: At the time the CDC-115A was issued to James he requested that witnesses be present at his hearing (see CDC-115A). However, at the time of this hearing when this Senior Hearing Officer attempted to confirm this request, James stated he wished to withdraw his prior request and instead requested that only Correctional Officer R. Athey be present as a witness. James signed a CDC-128B chrono documenting this request, which this Senior Hearing Officer granted, and Officer Athey was summoned to the hearing. Upon the witness' arrival, James asked the following questions to which Officer Athey provided the below-stated responses:

Q #1) "Are you the regular Control Booth Officer?"
A #1) "Yes."
Q #2) "How long have I been in the Unit?"
A #2) "I don't know, I would have to look in my book."
Q #3) "Has it been longer than 30 days?"
A #3) "Yes."
Q #4) "Are you aware that I attend ACH?"
A #4) "I know you have been called out."
Q #5) "Did the C/O ever ask me to cuff up?"
A #5) "No, at that time it was unnecessary."
Q #6) "Did I ask you to call the Sergeant?"
A #6) "I don't remember."

SIGNATURE OF WRITER	DATE SIGNED
E. MAZON-ALEC, Correctional Lieutenant (SHO)	

☐ COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED

STATE OF [illegible] APPEALS JUL 26 2006

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE 2 OF 3

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	4B-05-06-030	CSP-COR	07/28/05

☐ SUPPLEMENTAL ☒ CONTINUATION OF: ☐ 115 CIRCUMSTANCES ☒ HEARING ☐ IE REPORT ☐ OTHER

ADJUDICATION/DISPOSITION (CONTINUED)

Neither James nor this Senior Hearing Officer had any further questions for the witness and Officer Athey was excused from the hearing.

INMATE'S PLEA AND STATEMENT: James is charged with, "ATTEMPTED BATTERY ON A PEACE OFFICER," a Division 'B' Offense, which is in violation of CCR § 3005(c). The circumstances of the violation were read to James. He acknowledged understanding the charge filed against him. James pled "NOT GUILTY." After entering his plea stated, "There is no evidence I tried to batter Staff."

EVIDENCE PRESENTED AT THE HEARING:

Rules Violation Report/CDC-115, Log # 4B-05-06-030 03C-05-06-030-	DATED: 06/20/05
CDC-837 Crime/Incident Report, Log # COR-03C-05-06-0307	DATED: 06/20/05
Investigative Employee's Report authored by C/O R. Lerma	DATED: 07/06/05
Hearing Testimony of Officer Athey	DATED: 07/28/05
James' Plea and Plea Statement at the Hearing	DATED: 07/28/05

FINDINGS: All evidence was considered during this hearing. This preponderance of evidence as described here includes:

1) The Reporting Employee's written report, which states in part, "...Inmate James was standing next to the podium in the dayroom yelling at the Control Booth Officer. Officer Barron and I approached Inmate James. I gave Inmate James three verbal orders to lock-up. Inmate James refused to comply. I advised Inmate James that if he didn't lock-up I would spray him with pepper spray. Inmate James refused to comply. Inmate James took a combative stance by stepping back with his right foot and clenching both fists and stated 'Fuck This' ... I ordered Inmate James to 'Get Down.' James refused to comply. Using both hands on Inmate James' shirt, I pulled him down to a prone position. I ordered Inmate James to place his hands behind his back. Inmate James refused to comply. Using both hands I grabbed Inmate James' right hand and placed it behind his back...."

2) The contents of the CDC-837 Incident Package, all of which are consistent with the finding in this matter; specifically, the following reports:

a) The written Supplemental Report of Correctional Officer Officer Athey, which states in part, "I advised James that he needs to be in compliance with Grooming Standards per the Title 15.... James said he was not going to get in compliance. I explained to James that is considered a refusal and he needs to return to his cell. James yelled, 'Fuck this, I need to go get my treatment!' I again ordered James to lock up. He said 'No, I'm not going to .' I asked 3C01 Floor Officers K. Edmonds and E. Barron to escort James back to his cell. Edmonds and Barron both ordered James back to his cell. James repeatedly yelled, 'Fuck that, I'm not locking up!' Edmonds and Barron withdrew their state-issued Oleoresin Capsicum spray. Edmonds stated, 'Go lock up or I'm going to spray you.' James yelled, 'Fuck this.' Edmonds sprayed James in the face and yelled 'Get down.' James did not get down..."

SIGNATURE OF WRITER	DATE SIGNED
E. MAZON-ALEC, Correctional Lieutenant (SHO)	7/28/05

☐ COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

CRIME / INCIDENT REPORT
PART A - COVER SHEET
CDC837-A1 (09/03)

PAGE 1 OF 1

INCIDENT LOG NUMBER	INCIDENT DATE	INCIDENT TIME
COR-03C-05-06-0307	06/20/05	09:45

INSTITUTION	FACILITY	FACILITY LEVEL	INCIDENT SITE	LOCATION		USE OF FORCE
CSP-Corcoran	3C	☐ I ☐ III ☐ II ☑ IV	Dayroom Floor	3C01 DAYROOM	☐ ASU ☐ SHU ☐ PSU ☐ PHU ☐ SNY ☑ GP ☐ CTC ☐ RC SEG. YARD: ☐ CC ☐ WA ☐ RM	☑ YES ☐ NO

SPECIFIC CRIME / INCIDENT
Attempted Battery/Assault on e Peace Officer Resulting in the Use of Force

☑ CCR ☐ PC ☐ N/A 3005 (c) Force & Violence
NUMBER / SUBSECTION:

D.A. REFERRAL ELIGIBLE	SERT ACTIVATED	NMT ACTIVATED	MUTUAL AID REQUEST	PIO/AA NOTIFIED
☑ YES ☐ NO	☐ YES ☑ NO	☐ YES ☑ NO	☐ YES ☑ NO	☐ YES ☑ NO

RELATED INFORMATION (CHECK ALL THAT APPLY)

DEATH
☐ INMATE
☐ STAFF
☐ VISITOR
☐ OTHER
☑ N/A

CAUSE OF DEATH
☐ ACCIDENT ☐ SUICIDE
☐ EXECUTIO ☐ NATURAL
☐ HOMICIDE
☐ OVERDOSE
☐ UNKNOWN
☑ N/A

ASSAULT / BATTERY
☐ INMATE
☑ STAFF
☐ VISITOR
☐ OTHER
☐ N/A

TYPE OF ASSAULT / BATTERY
☑ BEATING
☐ GASSING
☐ POISONING
☐ SEXUAL
☐ SHOOTING
☐ SLASHING
☐ SPEARING
☐ STABBING
☐ STRANGLING
☐ OTHER
☐ N/A

SERIOUS INJURY
☐ INMATE
☐ STAFF
☐ VISITO
☐ OTHER
☑ N/A

ESCAPES
☐ W / FORCE
☐ W / O FORCE
☐ ATTEMPTED
☑ N/A

INMATE WEAPONS
☐ CHEMICAL SUBSTANCE
☐ CLUB BLUDGEON
☐ EXPLOSIVE
☐ FIREARMS
☑ HANDS / FEET
☐ KNIFE
☐ SAP / SLUNG SHOT
☐ PROJECTILE
☐ SPEAR
☐ SLASHING INSTRUMENT
☐ STABBING INSTRUMENT
☐ OTHER
☐ BODILY FLUID ☐ OTHER FLUID
☐ UNKNOWN LIQUID
☐ N/A

TYPE:
☐ COMMERCIAL WEAPON
☐ INMATE MANUFACTURED

SHOTS FIRED / TYPE WEAPON / FORCE

WEAPON:	WARNING #	EFFECT #
☐ MINI 14		
☐ 38 CAL.		
☐ 9MM		
☐ SHOTGUN		
LAUNCHER:		
☐ 37MM		
☐ L8		
☐ 40MM		
☐ 40 MM MULTI		
☐ HFWRS		

FORCE:
☐ SIDE HANDLE BATON
☑ PHYSICAL FORCE
☐ X10
☐ OTHER

TYPE: NO:
BATON ROUND:
WOOD
RUBBER
FOAM
STINGER:
.32 (A)
.60 (B)
EXACT IMPACT:
CTS 4557
XM 1006
CHEMICAL:
☑ OC
☐ CN
☐ CS
☐ N/A

CONTROLLED SUBSTANCE / WEIGHT
☐ POSITIVE UA ☐ CONTROLLED MEDS
☐ WITH PACKAGING ☐ WITHOUT PACKAGING

	PRELIMINARY	LAB
☐ AMPHETAMINE		
☐ BARBITUATES		
☐ COCAINE		
☐ CODEINE		
☐ HEROIN		
☐ MARIJUANA / THC		
☐ METAMPHETAMINE		
☐ MORPHINE		
☐ OTHE		
☑ N/A		

PROGRAM STATUS
☐ MODIFIED PROGRAM
☐ LOCKDOWN
☐ STATE OF EMERGENCY
IF YES, LIST AFFECTED PROGRAMS:
☑ N/A

EXCEPTIONAL ACTIVITY
☐ EMPLOYEE JOB ACTION
☐ ENVIRONMENTAL HAZARD
☐ EXPLOSION
☐ FIRE
☐ GANG / DISRUPTIVE GROUP
☐ HOSTAGE
☐ INMATE STRIKE
☐ MAJOR DISTURBANCE
☐ MAJOR POWER OUTAGE
☐ NATURAL DISASTER
☐ PUBLIC DEMONSTRATION
☐ SPECIAL INTEREST I / M
☐ WEATHER
☐ SEARCH WARRANT
☐ ARREST
☐ OTHER

EXTRACTION:
☐ CONTROLLED
☐ IMMEDIATE
☑ N/A

BRIEF DESCRIPTION OF INCIDENT (ONE OR TWO SENTENCES)
On 06/20/05 at approximately 0945 hours, Inmate J. James, P-13474, refused to follow staff orders and return to his cell. When James approached staff he took an aggressive stance. Officer K. Edmonds administered one two second burst of OC Pepper Spray to stop the threat and used physical force to gain compliance with staff orders to get down in a prone position.

COMPLETE SYNOPSIS / SUMMARY ON PART A1

NAME OF REPORTING STAFF (PRINT/TYPE)	TITLE	ID#	BADGE #
M. A. Melo	Lieutenant	2062271	33570
SIGNATURE OF REPORTING STAFF		PHONE EXT. (INCIDENT SITE)	DATE
M. A. Melo		6503	06/20/05
NAME OF WARDEN / AOD (PRINT/SIGN)		TITLE	DATE
A. K. SCRIBNER		Warden	

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

CRIME / INCIDENT REPORT
PART A1 - SUPPLEMENT
CDC837-A1 (09/03)

PAGE 1 OF 2

INCIDENT LOG NUMBER: COR-03C-05-06-0307

INSTITUTION	FACILITY	DATE OF INCIDENT	TIME OF INCIDEN
CSP-Corcoran	3C	06/20/05	09:45

TYPE OF INFORMATION:
☑ SYNOPSIS/SUMMARY OF INCIDENT ☐ SUPPLEMENTAL INFORMATION ☐ AMENDED INFORMATION ☐ CLOSURE REPORT

NARRATIVE:

"IMMEDIATE USE OF FORCE"

On Monday June 20, 2005, at approximately 0945 hours, Correctional Officer R. Athey, 3C01 Control Booth Officer, released Inmate J. James, P-13474, 3C01-116L, to report to 3C Work Change to be accounted and escorted to the Acute Care Hospital. Officer R. Athey advised Inmate James that he needed to be in compliance with grooming standards. Inmate James has his hair worn in a braid like style and facial hair. Inmate James told the Officer R. Athey that he was not going to comply with the grooming standards. Officer R. Athey ordered James to return to his assigned cell and James yelled " Fuck that, I need to go get my treatment!". Officer R. Athey again ordered James to return his cell and James yelled "No, I'm not going to!" Officer R. Athey asked Correctional Officers K. Edmonds, 3C01 Floor Officer #1, and E. Barron to escort James back to his assigned cell. Both Officers gave several orders to James to return to his cell. Inmate James failed to comply with staff orders and yelled "Fuck that, I'm not locking up!" Officers K. Edmonds and E. Barron unholster their state issued MK-09 OC Pepper Spray and K. Edmonds ordered James to return to his cell or he was going to spray him with OC Pepper Spray. Inmate James yelled "Fuck this!" and stepped back with his right leg and made both hands into a fist. Officer K. Edmonds immediately sprayed James in the facial area with one, 2 second burst of OC Pepper Spray to stop the threat. Officer K. Edmonds ordered James to get down in a prone position on the floor. Inmate James refused to comply with staff instruction. Officer K. Edmonds used physical force to place James on the floor. Officer K. Edmonds ordered James to place his hands behind his back. Inmate James again refused to comply with Officer K. Edmonds' orders. This required Officer K. Edmonds and with the assistance from Officer E. Barron to use physical force to place his hands behind his back. Officer K. Edmonds than placed handcuffs on James without further incident. The unit alarm was activated and responding staff arrived to assist. Correctional Officers I. Valdez, 3CS&E #2 and T. Swaim, 3C02 Floor Officer #1, escorted Inmate James to 3C Medical Clinic holding cell for a medical evaluation. Both Officer escorted James to building 3C02, where he was decontaminated in the "C" section shower.

A more descriptive/detailed account of the incident and forced used is contained in the employee's 837C, Part C-1-Supplement.

SUSPECT(S):
J. James, P-13474, 3C01-116L, Not Affiliated Inmate, that is not a participant in the Mental Health Services Delivery System. He has a TABE score of above 4.0 and is not a participant in the DDP.

VICTIM(S):
Correctional Officer K. Edmonds 3C01 Floor Officer #1.

USE OF FORCE:
Officer K. Edmonds discharged one (1), approximate two (2) second burst of Oleoresin Capsicum from an MK-09 canister and applied physical force/strength and holds.
Officer E. Barron applied physical force/strength and holds.

A more descriptive/detailed account of the force used is contained in the employee's 837C, Part C-1-Supplement.

☑ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL A1

NAME OF REPORTING STAFF (PRINT/TYPE)	TITLE	ID#	BADGE #
M. A. Melo	Lieutenant	2062271	33570
SIGNATURE OF REPORTING STAFF		PHONE EXT. (INCIDENT SITE)	DATE
		6503	06/20/05
NAME OF WARDEN / AOD (PRINT/SIGN)		TITLE	DATE
A. K. SCRIBNER		Warden	

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

CRIME / INCIDENT REPORT
PART A1 - SUPPLEMENT
CDC837-A1 (09/03)

PAGE 2 OF 2

INCIDENT LOG NUMBER: COR-03C-05-06-0307

INSTITUTION	FACILITY	DATE OF INCIDENT	TIME OF INCIDEN
CSP-Corcoran	3C	06/20/05	09:45

TYPE OF INFORMATION:
☑ SYNOPSIS/SUMMARY OF INCIDENT ☐ SUPPLEMENTAL INFORMATION ☐ AMENDED INFORMATION ☐ CLOSURE REPORT

NARRATIVE:

ESCORT(S):
Officers I. Valdez and T. Swaim escorted inmate James from Unit 3C01 dayroom floor to the 3C Medical Clinic holding cell and to 3C02 "C" section lower tier shower for decontamination. After he was decontaminated in the shower, James was escorted to the 3C Program Office and placed in the holding cell. Later uninvolved staff escorted inmate James to his new housing in the Administrative Segregation Unit without further incident.

CRIME SCENE/EVIDENCE:
There was no crime scene to process and there was no evidence collected as a result of this incident.

MEDICAL/MENTAL HEALTH EVALUATION/TREATMENT:
Medical Technical Assistant (MTA) R. Hernandez completed medical evaluations CDC-7219 on Inmates J. James noting no injuries. Inmate J. James was medically cleared for re-housing in Administrative Segregation. Inmate James was decontaminated with fresh air and cool running water.

A CDC 128B Mental Health Referral was not generated because neither of the suspects were participants in the Mental Health Services Delivery System (MHSDS) and neither exhibited bizarre or unusual behavior.

NOTIFICATIONS:
All appropriate Administrative staff were advised of this incident. Additional notifications or information, if any, will be made via supplemental reports. This incident will be referred to the District Attorney for possible prosecution.

CONCLUSION:
Inmate J. James will be issued a Rules Violation Report, CDC 115, Log# 3C-05-06-030 charging him with violation of California Code of Regulations, Title 15, section 3005 c, for the specific act of "Attempted Battery/Assault on a Peace Officer". Inmate James was re-housed in Administrative Segregation without further incident.

This incident report was reviewed by:

R. Vella
Correctional Captain Facility 3C
CSP-Corcoran

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL A1

NAME OF REPORTING STAFF (PRINT/TYPE)	TITLE	ID#	BADGE #
M. A. Melo	Lieutenant	2062271	33570
SIGNATURE OF REPORTING STAFF		**PHONE EXT. (INCIDENT SITE)**	**DATE**
		6503	06/20/05
NAME OF WARDEN / AOD (PRINT/SIGN)		**TITLE**	**DATE**
A. K. SCRIBNER		Warden	

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STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

CRIME / INCIDENT REPORT
PART B1 - INMATE

CDC837-B1 (09/03)

PAGE 1 OF 1

INSTITUTION	FACILITY	INCIDENT LOG NUMBER
CSP-Corcoran	3C	COR-03C-05-06-0307

INMATE (ENTIRE SHEET)

NAME: LAST	FIRST	MI	CDC #	SEX	ETHNICITY	FBI #	CII #
James	John	E	P-13474	M	Black	953875TA5	A12106539

CHECK ONE	CLASS SCORE	PV RTC	DATE REC'D BY CDC	DATE REC'D BY INST	ANTICIPATED RELEASE DATE	EXTRACTION	DOB	HOUSING ASSIGN.
☐ VICTIM ☑ SUSPECT ☐ WITNESS	128	☐ YES ☑ NO	10/14/98	01/23/03	01/31/2011	☐ YES ☑ NO	02/29/76	3C01-116L

☐ CCCMS ☐ EOP ☐ DPP ☐ DMH ☐ MHCB ☐ DDP ☑ N/A

COMMITMENT OFFENSE: Refer to C-File

COUNTY OF COMMITMENT: Contra Costa

DESCRIPTION OF INJURIES: None

☐ N/A

PRISON GANG / DISRUPTIVE GROUP: Not Affiliated

☐ VALIDATED ☐ ASSOCIATED ☐ N/A

☐ HOSPITALIZED ☑ TREATED AND RELEASED ☐ REFUSED TREATMENT

☐ DECEASED DATE: 06/20/05 ☐ N/A

NAME / LOCATION OF HOSP. / TREAT. FACILITY: ☐ N/A 3C Facility MTA Clinic

---

NAME: LAST	FIRST	MI	CDC #	SEX	ETHNICITY	FBI #	CII #

CHECK ONE	CLASS SCORE	PV RTC	DATE REC'D BY CDC	DATE REC'D BY INST	ANTICIPATED RELEASE DATE	EXTRACTION	DOB	HOUSING ASSIGN.
☐ VICTIM ☐ SUSPECT ☐ WITNESS		☐ YES ☐ NO				☐ YES ☐ NO		

☐ CCCMS ☐ EOP ☐ DPP ☐ DMH ☐ MHCB ☐ DDP ☐ N/A

COMMITMENT OFFENSE:

COUNTY OF COMMITMENT:

DESCRIPTION OF INJURIES:

☐ N/A

PRISON GANG / DISRUPTIVE GROUP:

☐ VALIDATED ☐ ASSOCIATED ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT

☐ DECEASED DATE: ☐ N/A

NAME / LOCATION OF HOSP. / TREAT. FACILITY: ☐ N/A

NAME: LAST	FIRST	MI	CDC #	SEX	ETHNICITY	FBI #	CII #

CHECK ONE	CLASS SCORE	PV RTC	DATE REC'D BY CDC	DATE REC'D BY INST	ANTICIPATED RELEASE DATE	EXTRACTION	DOB	HOUSING ASSIGN.
☐ VICTIM ☐ SUSPECT ☐ WITNESS		☐ YES ☐ NO				☐ YES ☐ NO		

☐ CCCMS ☐ EOP ☐ DPP ☐ DMH ☐ MHCB ☐ DDP ☐ N/A

COMMITMENT OFFENSE:

COUNTY OF COMMITMENT:

DESCRIPTION OF INJURIES:

☐ N/A

PRISON GANG / DISRUPTIVE GROUP:

☐ VALIDATED ☐ ASSOCIATED ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT

☐ DECEASED DATE: ☐ N/A

NAME / LOCATION OF HOSP. / TREAT. FACILITY: ☐ N/A

NAME: LAST	FIRST	MI	CDC #	SEX	ETHNICITY	FBI #	CII #

CHECK ONE	CLASS SCORE	PV RTC	DATE REC'D BY CDC	DATE REC'D BY INST	ANTICIPATED RELEASE DATE	EXTRACTION	DOB	HOUSING ASSIGN.
☐ VICTIM ☐ SUSPECT ☐ WITNESS		☐ YES ☐ NO				☐ YES ☐ NO		

☐ CCCMS ☐ EOP ☐ DPP ☐ DMH ☐ MHCB ☐ DDP ☐ N/A

COMMITMENT OFFENSE:

COUNTY OF COMMITMENT:

DESCRIPTION OF INJURIES:

☐ N/A

PRISON GANG / DISRUPTIVE GROUP:

☐ VALIDATED ☐ ASSOCIATED ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT

☐ DECEASED DATE: ☐ N/A

NAME / LOCATION OF HOSP. / TREAT. FACILITY: ☐ N/A

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

CRIME / INCIDENT REPORT
PART B2 - STAFF

CDC837-B2 (09/03)

INSTITUTION	FACILITY	INCIDENT LOG NUMBER
CSP-Corcoran	3C	COR-03C-05-06-0307

STAFF (ENTIRE SHEET)

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
Athey	R.		Officer	F	White	T/W

CHECK ONE	BADGE #	ID #	POST ASSIGN. #	POSITION
☑ PRIMARY ☐ CAMERA ☐ RESPONDER ☐ WITNESS ☐ VICTIM	64493	2062671	2303	3C01 CNTL BTH (B)

DESCRIPTION OF INJURIES: None ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ DECEASED DATE: ☑ N/A	NAME / LOCATION OF HOSP. / TREAT. FACILITY: ☑ N/A	USED FORCE: ☐ YES ☑ NO TYPE:	PROCESSED EVIDENCE: ☐ YES ☑ NO

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
Barron	E.		Officer	F	Hispanic	W/T

CHECK ONE	BADGE #	ID #	POST ASSIGN. #	POSITION
☑ PRIMARY ☐ CAMERA ☐ RESPONDER ☐ WITNESS ☐ VICTIM	60382	206958	2309	3C01 FLR #2 (B)

DESCRIPTION OF INJURIES: None ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ DECEASED DATE: ☑ N/A	NAME / LOCATION OF HOSP. / TREAT. FACILITY: ☑ N/A	USED FORCE: ☐ YES ☑ NO TYPE:	PROCESSED EVIDENCE: ☐ YES ☑ NO

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
CORREIA	M.		Sergeant (A)	M	White	T/F

CHECK ONE	BADGE #	ID #	POST ASSIGN. #	POSITION
☐ PRIMARY ☐ CAMERA ☐ RESPONDER ☑ WITNESS ☐ VICTIM	64697	2062670	230375	3C FAC YARD SGT

DESCRIPTION OF INJURIES: None ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ DECEASED DATE: ☑ N/A	NAME / LOCATION OF HOSP. / TREAT. FACILITY: ☑ N/A	USED FORCE: ☐ YES ☑ NO TYPE:	PROCESSED EVIDENCE: ☐ YES ☑ NO

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
Edmonds	K.		Officer	M	White	F/S

CHECK ONE	BADGE #	ID #	POST ASSIGN. #	POSITION
☑ PRIMARY ☐ CAMERA ☐ RESPONDER ☐ WITNESS ☐ VICTIM	46239	20643321	2308	3C01 FLR #1 (B)

DESCRIPTION OF INJURIES: None ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ DECEASED DATE: ☑ N/A	NAME / LOCATION OF HOSP. / TREAT. FACILITY: ☑ N/A	USED FORCE: ☑ YES ☐ NO TYPE: OC Pepper	PROCESSED EVIDENCE: ☐ YES ☑ NO

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
Galaviz	C		Sergeant	M	Hispanic	F/S

CHECK ONE	BADGE #	ID #	POST ASSIGN. #	POSITION
☐ PRIMARY ☐ CAMERA ☑ RESPONDER ☐ WITNESS ☐ VICTIM	38401	206430	230375	3C YARD SGT

DESCRIPTION OF INJURIES: None ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ DECEASED DATE: ☑ N/A	NAME / LOCATION OF HOSP. / TREAT. FACILITY: ☑ N/A	USED FORCE: ☐ YES ☑ NO TYPE:	PROCESSED EVIDENCE: ☐ YES ☑ NO

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

CRIME / INCIDENT REPORT
PART B2 - STAFF
CDC 837-B2 (09/03)

INSTITUTION	FACILITY	INCIDENT LOG NUMBER
CSP-Corcoran	3C	COR-03C-05-06-0307

STAFF (ENTIRE SHEET)

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
Hernandez	R.		M.T.A.	F	Hispanic	T/W

CHECK ONE	BADGE #	ID #	POST ASSIGN. #	POSITION
☐ PRIMARY ☐ CAMERA ☐ RESPONDER ☑ WITNESS ☐ VICTIM	69143	2063386	M206	3C FAC MTA #1 (B)

DESCRIPTION OF INJURIES: None ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ DECEASED DATE: ☑ N/A	NAME / LOCATION OF HOSP. / TREAT. FACILITY	USED FORCE	PROCESSED EVIDENCE
	☑ N/A	☐ YES ☑ NO TYPE:	☐ YES ☑ NO

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
Melo	M.		Lieutenant	M	Hispanic	T/W

CHECK ONE	BADGE #	ID #	POST ASSIGN. #	POSITION
☐ PRIMARY ☐ CAMERA ☐ RESPONDER ☑ WITNESS ☐ VICTIM	33570	2062271	230170	3C LIEUTENANT

DESCRIPTION OF INJURIES: None ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ DECEASED DATE: ☑ N/A	NAME / LOCATION OF HOSP. / TREAT. FACILITY	USED FORCE	PROCESSED EVIDENCE
	☑ N/A	☐ YES ☑ NO TYPE:	☐ YES ☑ NO

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
Swaim	T.		Officer	M	Black	T/W

CHECK ONE	BADGE #	ID #	POST ASSIGN. #	POSITION
☐ PRIMARY ☐ CAMERA ☐ RESPONDER ☑ WITNESS ☐ VICTIM	60332	206909	2310	3C02 FLR #1 (B)

DESCRIPTION OF INJURIES: None ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ DECEASED DATE: ☑ N/A	NAME / LOCATION OF HOSP. / TREAT. FACILITY	USED FORCE	PROCESSED EVIDENCE
	☑ N/A	☐ YES ☑ NO TYPE:	☐ YES ☑ NO

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
Valdez	I. G.		Officer	M	Hispanic	F/S

CHECK ONE	BADGE #	ID #	POST ASSIGN. #	POSITION
☐ PRIMARY ☐ CAMERA ☐ RESPONDER ☑ WITNESS ☐ VICTIM	35878	2061579	231844	3C S & E #2 (B)

DESCRIPTION OF INJURIES: None ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ DECEASED DATE: ☑ N/A	NAME / LOCATION OF HOSP. / TREAT. FACILITY	USED FORCE	PROCESSED EVIDENCE
	☑ N/A	☐ YES ☑ NO TYPE:	☐ YES ☑ NO

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S

CHECK ONE	BADGE #	ID #	POST ASSIGN. #	POSITION
☐ PRIMARY ☐ CAMERA ☐ RESPONDER ☐ WITNESS ☐ VICTIM				

DESCRIPTION OF INJURIES: ☐ N/A

☐ HOSPITALIZED ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ DECEASED DATE: ☐ N/A	NAME / LOCATION OF HOSP. / TREAT. FACILITY	USED FORCE	PROCESSED EVIDENCE
	☐ N/A	☐ YES ☐ NO TYPE:	☐ YES ☐ NO

Department of Corrections

Supplemental to the Crime/Incident Report (CDC Form 837) Page: 1 of 2

Last Name, First Name, Initial	Badge #	Incident Date	Incident Log #
HOLLEY, R.	1[illegible]93	06/20/05	[illegible]

Length of Service	ID#	Post Description	Incident Time	Report Date
3 YRS	[illegible]	3A1 CONTROL	[illegible] HOURS	06/20/05

RDOs	Duty Hours	Incident Location
T-W	06:14	3A1 DAYROOM FLOOR

Description of Incident/Crime	CCR Section/Rule
ATTEMPTED BATTERY ON A PEACE OFFICER	3005 (c)

Your Role	Witness (prefix S-Staff, V-Visitor, O-Other)		Inmates Involved (prefix S-Suspect, V-Victim, W-Witness)	
☐ Primary (S)	K. EMBRA		JAMES, P13474	
☐ Responder	S/E BROWN			
☒ Witness				
☐ Victim				
☐ Camera				

Force Used by You	Less Lethal Weapons	Lethal Weapons	Number of Rounds Fired	Force Observed by Yo
☐ Lethal	☐ 37 mm ____ Size	☐ Mini-14	____	☐ Lethal
☐ Less Lethal	☐ Baton	☐ Shotgun	____	☒ Less Lethal
☐ Physical	☐ OC	☐ Handgun	____	☐ Physical
☒ None	☐ Other: N/A	☐ Other N/A	____	☐ None

Evidence Collected	Evidence Description	Disposition	Weapon	BIO Hazard
☐ Yes			☐ Yes	☐ Yes
☒ No N/A	N/A	N/A	☒ No	☒ No

Reporting Staff Injured	Description of Injury	Location Treated	Bodily Fluid Exposure	SCIF 3391/3967 Compl
☐ Yes			☐ Yes	☐ Yes
☒ No	N/A	N/A	☒ No	☒ No

Narrative: ON 6-20-05 AT APPROXIMATELY 0945 HOURS, I RELEASED [illegible] JAMES, P13474, 3A01-11-L TO ESCORT TO 3C WORKCHANGE TO BE ESCORTED TO THE ACUTE CARE HOSPITAL FOR TREATMENT. I ADVISED JAMES THAT HE NEEDS TO BE IN COMPLIANCE WITH GROOMING STANDARDS FOR THE TITLE 15. JAMES HAS HIS HAIR WORN IN A BRAID-LIKE MANNER AND FACIAL HAIR. JAMES SAID THAT HE WAS NOT GOING TO GET IN COMPLIANCE. I EXPLAINED TO JAMES THAT IS CONSIDERED A REFUSAL AND HE NEEDS TO RETURN TO HIS CELL. JAMES YELLED, 'FUCK THAT, I NEED TO GO GET MY TREATMENT!' I AGAIN ORDERED JAMES TO LOCK UP. HE SAID, "NO, I'M NOT GOING TO." I ASKED 3C1 FLOOR OFFICE

Reporting Staff Signature		Date
[signature]	Holley	6/20/05

Reviewer's Signature	Approved	Clarification Needed	Date
[signature]	☒	☐	6-20-05

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STATE OF CALIFORNIA
Crime/Incident Report
PART C-2 - SUPPLEMENT
CDC 837 C-2

Incident Log Number COR-03C-05-06-067

Last Name, First Name Initial	Badge #	Incident Date	Incident Time
[illegible] E.	04693	6/20/06	0745 HOURS

☑ Continuation Report ☐ Additional Information ☐ Clarification Request

Narrative:

C. EDMONDS AND E. BARRON TO ESCORT JAMES BAILEY TO HIS CELL. EDMONDS AND BARRON BOTH ORDERED JAMES BACK TO HIS CELL. JAMES REPEATEDLY YELLED, "FUCK THAT! I'M NOT LOCKING UP!" EDMONDS AND BARRON WARNED THAT STATE ISSUED OLEORESIN CAPSICUM SPRAY. EDMONDS STATED, "GO LOCK UP OR I'M GOING TO SPRAY YOU." JAMES YELLED, "FUCK THIS!" WHILE STEPPING BACK WITH HIS RIGHT FOOT AND CLENCHING HIS FIST. EDMONDS SPRAYED JAMES IN THE FACE AND YELLED, "GET DOWN!" JAMES DID NOT GET DOWN. MOMENTARILY I ACTIVATED MY PERSONAL ALARM AND ADVISED STAFF VIA INSTITUTIONAL RADIO OF THE DISTURBANCE. I DID A VISUAL SECURITY CHECK OF THE SURROUNDING AREA FOR ADDITIONAL STAFF RESPONSE. JAMES WAS THEN ESCORTED OUT OF THE BUILDING.

Reporting Staff's Signature		Date
[signature]	ADDEN	

Reviewer's Signature	Approved	Clarification Needed	Date
M Correia Sgt.	☐	☐	

Department of Corrections — Supplement to the Crime/Incident Report (CDC Form 837) — Page: 1 of 1

Last Name, First (Individual)	Badge	I.D.	Incident Date	Incident Log
Barron E	6038-2		6-20-05	COR05060307
Length of Service	**Post Description**	**Incident Time**	**Report Date**	
10½ years	3C01 FLOOR	0945 AM	6-20-05	
RDO	**Duty Hours**	**Incident Location**		
W-T	06-N	3C01 DAYROOM FLOOR		

Description of Incident/Crime	CCR Section/Rule
Attempted Battery on Peace officer	3005 (c)

Your Role	Witnesses (preface S-Staff, V-Visitor, O-Other)		Inmates Involved (preface S-Suspect, V-Victim, W-Witness)	
☒ Primary	( ) K Edmonds		( )	( ) James P-13474
☐ Responder	( ) R Athey		( )	( )
☐ Witness	( ) I valdez		( )	( )
☐ Victim	( )		( )	( )
☐ Camera	( )		( )	( )

Force Used by You	Less Lethal Weapons	Lethal Weapons	Number of Rounds Fired	Force Observed by You
☐ Lethal	☐ 37mm	☐ Mini-14	☐ 1	☐ Lethal
☒ Less Lethal	☐ Baton	☐ Shotgun	☐ 2	☒ Less Lethal
☒ Physical	☒ OC	☐ Handgun N/A	☐ 3 N/A	☒ Physical
☐ None	☐ Other	☐ Other	☐ Other	☐ None

Evidence Collected	Evidence Description	Disposition	Weapon	BIO Hazard
☐ Yes	N/A	N/A	☐ Yes	☐ Yes
☒ No			☒ No	☒ No

Reporting Staff Injured	Description of Injury	Location Treated	Bodily Fluid Exposure	CDCR-3301/3067 Completed
☐ Yes	N/A	N/A	☐ Yes	☐ Yes
☒ No			☒ No	☐ No

On Monday June 20, 2005 at approximately 945 am officer Athey contacted both officer, advised myself and officer Edmonds that Inmate James P13474 would not lock up, We approached James and ordered James to lock up, he began yelling out "NO Fuck this shit", I'm not Fucking Locking up", Officer Edmonds then pulled out his OC pepper spray and ordered him to lock up three different times, James took a bladed stance in the middle of the dayroom by the podium, with his fists clenched, Officer Edmonds then sprayed Inmate James. James refused to comply with direct orders to get down, officer Edmonds used both hands to pull James down by his shirt, I assisted Edmonds in restraining James by grabbing his left hand and holding him down, while Edmonds cuffed his right hand then his left hand. I was then relieved by assisting staff.

Reporting Staff's Signature	Date
/s/ C. Barron	6-20-05

Reviewer's Signature	Approved	Clarification Needed	Date
C Sales - SF	☒	☐	6-20-05

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Department of Corrections

Supplement to the Crime/Incident Report (CDC Form 837) Page: of

Last Name, First Name initial	Badge #	I. D. #	Incident Date	Incident Log #
Correia, M.	64697	2062670	June 20,2005	COR-05-06-0307

Length of Service	Post Description	Incident Time	Report Date
3 YRS. 4 MO.	3 C Facility Sergeant	0945	June 20, 2005

RDO's	Duty Hours	Incident Location
T/F	0600-1400	3C01

Description of Incident/Crime	CCR Section/Rule
Attempted Battery on a Peace Officer	3005 (c)

Your Role	Witnesses (preface S-Staff, V-Visitor, O Other		Inmates Involved (preface S-Suspect, V-Victim, W-Witness)	
☐ Primary	( ) C/O Valdez	( )	( )	( )i/m James, P-13474
☒ Responder	( )C/O Edmonds	( )	( )	( )
☐ Witness	( )C/O Swaim	( )	( )	( )
☐ Victim	( )Sgt. Galaviz	( )	( )	( )
☐ Camera	( )	( )	( )	( )

Force Used by You	Less Lethal Weapons	Lethal Weapons	Number of Rounds Fired	Force Observed by You
☐ Lethal	☐ 37mm	☐ Mini-14	☐ 1	☐ Lethal
☐ Less Lethal	☐ Baton	☐ Shotgun	☐ 2	☐ Less Lethal
☐ Physical	☐ OC	☐ Handgun	☐ 3	☐ Physical
☒ None	☐ OtherN/A	☐ Other N/A	☐ Other N/A	☒ None

Evidence Collected	Evidence Description	Disposition	Weapon	BIO Hazard
☐ Yes ☒ No	N/A	N/A	☐ Yes ☒ No	☐ Yes ☒ No

Reporting Staff Injured	Description of Injury	Location Treated	Bodily Fluid Exposure	SCIF 3301/3067Completed
☒ Yes ☐ No	Pulled left leg muscle	none wanted	☐ Yes ☒ No	☒ Yes ☐ No

Narrative: On June 20, 2005 at approximately 0945 hours, while performing my duties as Facility C Sergeant, I responded to an alarm in 3CO1 building, along with yard staff. Upon entering the building I saw Officer Edmunds cuffing Inmate James P-13474, 3C01–116L. I told officers Swaim and Valdez to escort Inmate James to the 3C MTA office for a medical evaluation, and decontamination. Subsequently Inmate James was taken to 3C02 for decontamination. At approximately 0955 Officer Valdez called for me on the institutional radio, to respond to 3C02 building. When I arrived, inmate James was in the shower refusing to be handcuffed. I attempted for approximately 15 minutes to talk to inmate James, and to have him submit to mechanical restraints (handcuffs). Inmate James ignored my efforts, but Sergeant Galaviz was successful in talking inmate James to submit to mechanical restraints. Inmate James was then escorted to the 3C program office holding cells.

Reporting Staff's Signature	Date
M Correia	June 20, 2005

Reviewer's Signature	Approved	Clarification Needed	Date
	☑	☐	6-20-05

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Department of Corrections
Supplement to the Crime/Incident Report (DOC Form 837) Page 2 of 2

Last Name, First Name, Initial	Badge #	I.D.	Incident Date	Incident Log
EDMUNDS IL	46239	266168	6-20-05	CIR-03C-05-06-6307

Length of Service	Post Description	Incident Time	Report Date
2 YEARS 6 MONTH	3C01 - FLOOR #1	0945	6-20-05

RDO's	Duty Hours	Incident Location
F I S	0600 / 1406	3C01 DAYROOM FLOOR

Description of Incident/Crime	CCR Section/Rule
ATTEMPTED BATTERY ON A PEACE OFFICER	3005 (C)

Your Role	Witnesses (preface S-Staff, V-Visitor, O Other)		Inmates Involved (preface S-Suspect, V-Victim, W-Witness)	
[X] Primary	(S) E BARRON	( )	( )	(S) JAMES P-13474
[ ] Responder	(S) R ATHEN	( )	( )	( )
[ ] Witness	(S) I VALDEZ	( )	( )	( )
[ ] Victim	(S) SWAIM	( )	( )	( )
[ ] Camera	( )	( )	( )	( )

Force Used by You	Less Lethal Weapons	Lethal Weapons	Number of Rounds Fired	Force Observed by You
[ ] Lethal	[ ] 37mm	[ ] Mini-14	[ ] 1	[ ] Lethal
[X] Less Lethal	[ ] Baton	[ ] Shotgun	[ ] 2	[ ] Less Lethal
[X] Physical	[X] OC	[ ] Handgun N/A	[ ] 3 N/A	[ ] Physical
[ ] None	[ ] Other	[ ] Other	[ ] Other	[X] None

Evidence Collected	Evidence Description	Disposition	Weapon	BIO Hazard
[ ] Yes [X] No	N/A	N/A	[ ] Yes [X] No	[ ] Yes [X] No

Reporting Staff Injured	Description of Injury	Location Treated	Bodily Fluid Exposure	ISCIF 3301/3067 Completed
[ ] Yes [X] No	N/A	N/A	[ ] Yes [X] No	[ ] Yes [X] No

ON 6-20-05, AT APPROXIMATELY 0945 HOURS, I WAS INFORMED BY THE 3C01 CONTROL BOOTH OFFICER C/O R. ATHEN, THAT I/M JAMES P-13474, 3C01-116-L, WAS REFUSING TO LOCK UP. OFFICER BARRON AND I EXITED THE OFFICE. I/M JAMES WAS STANDING NEXT TO THE PODIUM, IN THE DAYROOM, YELLING AT THE CONTROL BOOTH OFFICER. OFFICER BARRON AND I APPROACHED I/M JAMES. I GAVE I/M JAMES THREE VERBAL ORDERS TO LOCK UP. I/M JAMES REFUSED TO COMPLY. I ADVISED I/M JAMES THAT IF HE DIDN'T LOCK UP, I WOULD SPRAY HIM WITH PEPPER SPRAY. I/M JAMES REFUSED TO COMPLY. I/M JAMES TOOK A COMBATIVE STANCE BY STEPPING BACK, WITH HIS RIGHT FOOT AND CLENCHING BOTH FISTS, AND STATED "FUCK THIS". USING MY ASSIGNED M-K-9, I DISPURSED ONE 2-SECOND BLAST TO THE FACIAL AREA OF I/M JAMES. I ORDERED I/M JAMES TO GET DOWN. I/M JAMES REFUSED TO COMPLY. USING BOTH HANDS ON I/M JAMES SHIRT, I PULLED HIM DOWN TO A PRONE

Reporting Staff's Signature	Date
[signature]	6-20-05

Reviewer's Signature	Approved	Clarification Needed	Date
[signature]	[X]	[ ]	6-20-05

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STATE OF CALIFORNIA

Crime/Incident Report

PART C-2 - SUPPLEMENT

CDC 837 C-2

Incident Log Number: COR-03C-05-06-037

Last Name, First Name Initial	Badge #	Incident Date	Incident Time
EDMONDS, JC	46239	6-20-05	0945

☑ Continuation Report ☐ Additional Information ☐ Clarification Request

Narrative:

POSITION, I ORDERED I/M JAMES TO PLACE HIS HANDS BEHIND HIS BACK. I/M JAMES REFUSED TO COMPLY. USING BOTH HANDS I GRABBED I/M JAMES RIGHT HAND AND PLACED IT BEHIND HIS BACK. OFFICER BARRON PLACED I/M JAMES LEFT HAND BEHIND HIS BACK. I PLACED I/M JAMES IN MECHINCAL RESTRAINTS. I WAS RELIEVED BY RESPONDING STAFF.

Reporting Staff's Signature	Date
	6-20-05

Reviewer's Signature	Approved	Clarification Needed	Date
	☑	☐	6-20-05

STATE OF CALIFORNIA

Crime/Incident Report
PART C-1 - SUPPLEMENT

CDC 837 C-1

Last Name, First Name Initial	Badge #	Incident Date	INCIDENT LOG NUMBER
GALAVIZ, C.	38401	06-20-05	COR-03C-05-06-0307

Length of Service	ID #	Post Description	Incident Time	Report Date
18 YRS, 4 MO.	206430	3C, YARD SERGEANT	0945 hours	06-20-05

RDOs	Duty Hours	Incident Location
F/S	0800-1600 HOURS	FACILITY 3C01, DAYROOM

Description of Incident/Crime	CCR Section Rule
ATTEMPTED BATTERY ON PEACE OFFICER RESULTING IN USE OF O.C.	3005 (C)

Your Role	Witnesses (preface S-Staff, V-Visitor, O-Other)		Inmates Involved (preface S-Suspect, V-Victim, W-Witness)	
☐ Primary	(S) E.M. BARRON	(S) M. CORREIA		(S) JAMES, P-13474
☐ Responder	(S) K. EDMONDS	(S) R. HERNANDEZ		
☒ Witness	(S) I.E. VALDEZ			
☐ Victim	(S) R. ATHEY			
☐ Camera	(S) T.G. SWAIM			

Force Used by You	Less Lethal Weapons	Lethal Weapons	Number of Rounds Fired	Force Observed by You
☐ Lethal	☐ 40mm	☐ Mini-14		☐ Lethal
☐ Less Lethal	☐ Baton	☐ Shotgun		☐ Less Lethal
☐ Physical	☐ OC	☐ Handgun		☐ Physical
☒ None	☐ Other: N/A	☐ Other N/A		☒ None

Evidence Collected	Evidence Description	Disposition	Weapon	BIO Hazard
☐ Yes			☐ Yes	☐ Yes
☒ No	N/A	N/A	☒ No	☒ No

Reporting Staff Injured	Description of Injury	Located Treated	Bodily Fluid Exposure	SCIF 3301/3067 Completed
☐ Yes	NONE		☐ Yes	☐ Yes
☒ No		N/A	☒ No	☒ No

Narrative:

On June 20, 2005, at approximately 0945 hours, while assigned as he 3C Facility, Yard Sergeant, a personal alarm was activated in 3C01. I responded and observed inmate James, P-13474-3C01-216L, lying on the dayroom floor in a prone position. I was informed by Correctional Officer Edmonds, 3C01, Floor Officer #1, that inmate James had refused a lawful order to lock up and had taken a aggressive stance by clenching his fist. while standing in front of him on the dayroom floor. Officer Edmonds used O.C. to stop the threat. Inmate James was escorted outside of the building and staff had exited the unit. I exited the unit and returned to the yard. Inmate James, was escorted from the MTA's office to 3C02 for further decontamination. I reported to 3C02 to assist Facility Sergeant M. Correia. Upon entering the unit I was informed by Correctional Officer I.E. Valdez that inmate James was refusing to cuff up and exit the shower cell.

Reporting Staff's Signature	Date
C. Galaviz / Sgt	6-20-05

Reviewer's Signature	Approved	Clarification Needed	Date
A. Mc. Z	☑	☐	6-20-05

STATE OF CALIFORNIA
Crime/Incident Report
PART C-2 - SUPPLEMENT
CDC 837 C-2

LOG # COR-03C-05-06-0307

Last Name, First Name Initial	Badge #	Incident Date	Incident Time
GALAVIZ, C.	38401	06-20-05	0945

☒ Continuation Report ☐ Additional Information ☐ Clarification Request

Narrative:

Medical Technical Assistant R. Hernandez, completed a CDC 7219, on inmate James and noted no injuries. Inmate James made reference to a head injury that was not visible from my view point. I ordered inmate James to cuff up and he complied. Officers I.G. Valdez and T.G. Swaim escorted inmate James to the 3C Facility Program Office. Inmate James was subsequently rehoused in Administrative Segregation.

Reporting Staff's Signature			Date
C. Galaviz #37			6-20-05
Reviewer's Signature	**Approved**	**Clarification Needed**	**Date**
[signature]	☑	☐	6-20-05

Department of Corrections

Supplemental to the Crime/Incident Report (CDC Form 837C) Page: 1 of 3

Last Name, First Name, Initial	Badge #	Incident Date	Incident Log #
SWAIM, T	60332	6-20-05	COR-03C-05-06-03C
Length of Service	**ID#**	**Post Description**	**Incident Time**	**Report Date**
5yrs 11mth.	2069109	3002 Floor #	0945	6-20-05
RDOs	**Duty Hours**	**Incident Location**
TUES / WED	0600-1400	3001 - B- Section Dayroom
Description of Incident/Crime	**CCR Section/Rule**
Attempted Battery on a Peace officer	3005 (c)

Your Role	Witness (prefix S-Staff, V-Victim, O-Other)		Inmates Involved S-Suspect, V-Victim, W-Witness
☐ Primary	K. EDMUNDS (S)	GALIV (S)	JAMES P-13474 (S)
☒ Responder	R. BARRON (S)	R. Hernandez (MTA)	
☐ Witness	E. Athey (S)		
☐ Victim	I. VALDEZ (S)		
☐ Camera 35mm	M. CorreiA (S)		

Force Used by You	Less Lethal Weapons	Lethal Weapons	Number of Rounds Fired	Force Observed by Staff
☐ Lethal	☐ 37 mm	☐ Mini-14		☐ Lethal
☐ Less Lethal	☐ Baton	☐ Shotgun		☐ Less Lethal
☐ Physical	☐ OC	☐ Handgun		☐ Physical
☒ None	☐ Other:	☐ Other		☒ None

Evidence Collected	Evidence Description	Disposition	Weapon	BIO Hazard
☐ Yes			☐ Yes	☐ Yes
☒ No			☒ No	☒ No

Reporting Staff Injured	Description of Injury	Location Treated	Bodily Fluid Exposure	SOF 3301/3304 Completed
☐ Yes			☐ Yes	☐ Yes
☒ No			☒ No	☒ No

On Monday June 20, 2005 at Approximately 0945 hours, the alarm was activated in building 3001. I responded to 3001 and entered through the sallyport. As I entered into the building I saw officer R. Barron and officer K. Edmunds restraining inmate James P-13474 3001 116L in the middle of -B- Section on the dayroom floor. I and officer I. VALDEZ responded to the area and relieved Barron and Edmunds, due to the strong odor of OC Pepper-Spray. James was already cuffed up and Valdez and I escorted James outside of building 3001, to the front of 3001 for James to decontaminate with fresh air. Valdez and I placed James facing the wind to decontaminate Valdez and I then escorted James to the facility 3-C MTA clinic for A medical evaluation. Valdez and I then escorted James to building 3002 -C- lower Shower, where he could decontaminate

Reporting Staff Signature | Date

C/O T. Swaim | 6-20-05

Reviewer's Signature | Approved | Clarification Needed | Date

DEC[illegible] CM APPEALS 2007-015

STATE OF CALIFORNIA
Crime/Incident Report
PART C-2 - SUPPLEMENT
CDC 837 C-2

COR-03C-05-06-0307

Last Name, First Name Initial	Badge #	Incident Date	Incident Time
SWAIM, T	60332	6-20-05	0945

☒ Continuation Report | ☐ Additional Information | ☐ Clarification Request

Narrative:

with copious amounts of cool running water, due to the fact that JAMES WAS still complaining of burning from the results of the OC. Pepper spray he had been sprayed with. JAMES WAS placed in the shower and WAS yelling and screaming that he couldn't breath or see. VALDEZ then shut and secured the shower door and instructed JAMES to back up to the foodport to uncuff without incident. I instructed JAMES not to rub his eyes and to flush them out with copious amounts of cool running water. Once JAMES WAS uncuffed he began yelling to other inmates in 3C02 that officer VALDEZ and I had beat him up. JAMES stated, "I am going to sue you officers I will see you in court." JAMES WAS spitting out of the shower and WAS instructed not to spit. JAMES ignored my order and continued to yell & spit. JAMES then started yelling that he WAS blind and couldn't see. I WAS standing approximately 30 feet away and officer VALDEZ WAS approximately 10 (ten) to 15 (fifteen) feet away from JAMES in the shower. JAMES stood at the shower door, looks at me and states, "SWAIM WHATS that S-W-A-I-M (spells it out) whats your first initial?" AND YOU I. VALDEZ. V-A-L-D-E-Z (spells it out) 146 did you get that, THEY Beat ME UP." JAMES decontaminated for approximately 45 minutes. JAMES refused to cuff up and exit the C-Section shower. JAMES demanded that the M.T.A. respond to his location, Sgt M. CORREIA AND M.T.A. R. Hernandez responded to his location. Sgt. CORREIA counseled JAMES for approximately 15 (fifteen) minutes with negative results. Sgt. C. GALAVIZ counseled JAMES on cuffing up, and JAMES submitted to being cuffed up.

Reporting Staff's Signature	Date
C/O T. SWAIM	6-20-05

Reviewer's Signature	Approved	Clarification Needed	Date
Sgt	☐	☐	6-20-05

STATE OF CALIFORNIA
Crime/Incident Report
PART C-2 - SUPPLEMENT
CDC 837 C-2

COR-03C-05-06-0307

Last Name, First Name Initial	Badge #	Incident Date	Incident Time
Swaim, T	60332	6-20-05	0945

☒ Continuation Report ☐ Additional Information ☐ Clarification Request

Narrative:

Valdez and I then escorted JAMES to the B facility 3-C program office holding cell room and placed JAMES in a holding cell. JAMES was given a dry clean exchange of clothes to put on, by officer Valdez and myself. This concludes my involvement in this incident.

Reporting Staff's Signature	Date
C/O T. Swaim	6-20-05

Reviewer's Signature	Approved	Clarification Needed	Date
	☒	☐	6-20-05

STATE OF CALIFORNIA
Crime/Incident Report
PART C-1 - SUPPLEMENT
Page: 1 of 3
CDC 837 C-1

Last Name, First Name Initial	Badge #	Incident Date	INCIDENT LOG NUMBER
VALDEZ, I. G.	35878	6-20-2005	KOR-03C-05-06-03C

Length of Service	ID #	Post Description	Incident Time	Report Date
17 YRS 9 mos	2061579	3C S+E #2	0945	6-20-05

RDOs	Duty Hours	Incident Location
FRI-SAT	0600-1400	3C01-"B" section dayroom

Description of Incident/Crime	CCR Section Rule
Attempted Battery on a peace officer	3005(c)

Your Role	Witnesses (preface S-Staff, V-Visitor, O-Other)		Inmates Involved (preface S-Suspect, V-Victim, W-Witness)	
☐ Primary	K-EDMONDS (S)	R. Hernandez (S)	JAMES P-13474 (S)	
☒ Responder	R-BARRON (S)			
☐ Witness	F. Athey (S)			
☐ Victim	M. CORREIA (S)			
☐ Camera	C. Galaviz (S)			

Force Used by You	Less Lethal Weapons	Lethal Weapons	Number of Rounds Fired	Force Observed by You
☐ Lethal	☐ 40mm	☐ Mini-14		☐ Lethal
☐ Less Lethal	☐ Baton	☐ Shotgun		☐ Less Lethal
☐ Physical	☐ OC N/A	☐ Handgun N/A		☐ Physical
☒ None	☐ Other:	☐ Other		☒ None

Evidence Collected	Evidence Description	Disposition	Weapon	BIO Hazard
☐ Yes	N/A	N/A	☐ Yes	☐ Yes
☒ No			☒ No	☒ No

Reporting Staff Injured	Description of Injury	Located Treated	Bodily Fluid Exposure	SCIF 3301/3067 Completed
☐ Yes	N/A	N/A	☐ Yes	☐ Yes
☒ No			☒ No	☒ No

Narrative:

On 6-20-05 at approximately 0945 hrs, while performing my duties as the 3C facility Search + Escort Officer #2. The personal alarm was activated at building 3C01. I responded to 3C01 and Upon entering I saw C/O K. Edmonds and C/O R. Barron on top of a BLACK Inmate in restraints. He was later Identified as I/m James P-13474 3C01-116L. I/m James had been Pepper-sprayed in the facial area. C/O T. Swaim and myself escorted I/m James outside of building 3C01 to be decontaminated by fresh air and Wind

Reporting Staff's Signature	Date
J. G. Valdez	6-20-05

Reviewer's Signature	Approved	Clarification Needed	Date
	☒	☐	6-20-05

STATE OF CALIFORNIA
Crime/Incident Report
PART C-2 - SUPPLEMENT
CDC 837 C-2

Last Name, First Name Initial	Badge #	Incident Date	Incident Time
VALDEZ, I. G.	35878	~~0945~~ 06/20/05 J.V.	0945

☒ Continuation Report ☐ Additional Information ☐ Clarification Request

Narrative:

for approximately 10 mins. I/m James was escorted to the 3C medical clinic for evalution. Per Lt. Melo, I/m James was escorted to building 3C02 by C/O Swaim and myself and placed him in the "C" section lower shower. I turned on the cold water and placed I/m James in the shower with the water running, hitting his face. After approximately 5 mins I/m James was complaining that he could not see and breath. I then secured the shower door and ordered him to put his hands out to uncuff him. After approximately 10 mins I/m James became disruptive yelling out and stating "I am going to sue you guys, they beat me down and sprayed me, I can't see or breath" I/m James moved over to the shower door and stated in a loud voice "T-S-W-A-I-M" spelling out his name letter for letter. C/O Swaim was standing approximately 30 Ft from the showe door. I was standing approximately 10-15 ft from the shower door and I/m James looked over to me and he also yelled out and spelled my name letter for letter, and also stated "Did you get that 146". I/m James continve ~~this~~ J.V. stated "I can't see and breath" I what to see a Sgt. and a M.T.A.". I notified Sgt. M. Corriea and 3C medical clinic to send a M.T.A. to see I/m James. Sgt M. Corriea and M.T.A. R. Hernandez arrived. M.T.A. Hernandez instructed I/m James to put his face in the water and continve doing So. for 5 mins. Sgt. Corriea ordered I/m James to cuff up and he refused. Sgt. Galaviz ordered I/m James to cuff up and he complied to orders. C/O Swaim and myself escorted him to 3C program office and placed him in the holding Cage

Reporting Staff's Signature			Date
J. G. Valdez			6-20-05
Reviewer's Signature	**Approved**	**Clarification Needed**	**Date**
C. Galaviz	☒	☐	6-20-05

STATE OF CALIFORNIA
Crime/Incident Report
PART C-2 - SUPPLEMENT
CDC 837 C-2

Last Name, First Name Initial	Badge #	Incident Date	Incident Time
VALDEZ, I. G.	35878	6-20-2005	0945

☒ Continuation Report ☐ Additional Information ☐ Clarification Request

Narrative:

without further incident. % Swain and myself gave I/m James Dry Clothing. This concludes my involvement in this incident.

Reporting Staff's Signature	Date
D. D. Valdez	6-20-05

Reviewer's Signature	Approved	Clarification Needed	Date
C. Haley	☒	☐	6-20-05

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

MEDICAL REPORT OF INJURY OR UNUSUAL OCCURRENCE

NAME OF INSTITUTION	FACILITY/UNIT	REASON FOR REPORT (circle)	DATE
CSP-COR	3C01	USE OF FORCE / ~~INJURY~~ / UNUSUAL OCCURRENCE / ON THE JOB INJURY / PRE AD/SEG ADMISSION	06.2005

	NAME LAST	FIRST	CDC NUMBER	HOUSING LOC.	NEW HOUSING LOC.
THIS SECTION FOR INMATE ONLY	James	John	P-13147	3C1-116L	N/A

	NAME LAST	FIRST	BADGE #	RANK/CLASS	ASSIGNMENT RDOs
THIS SECTION FOR STAFF ONLY					

	NAME LAST	FIRST	MIDDLE	DOB	OCCUPATION
THIS SECTION FOR VISITOR ONLY					
	HOME ADDRESS	CITY	STATE	ZIP	HOME PHONE

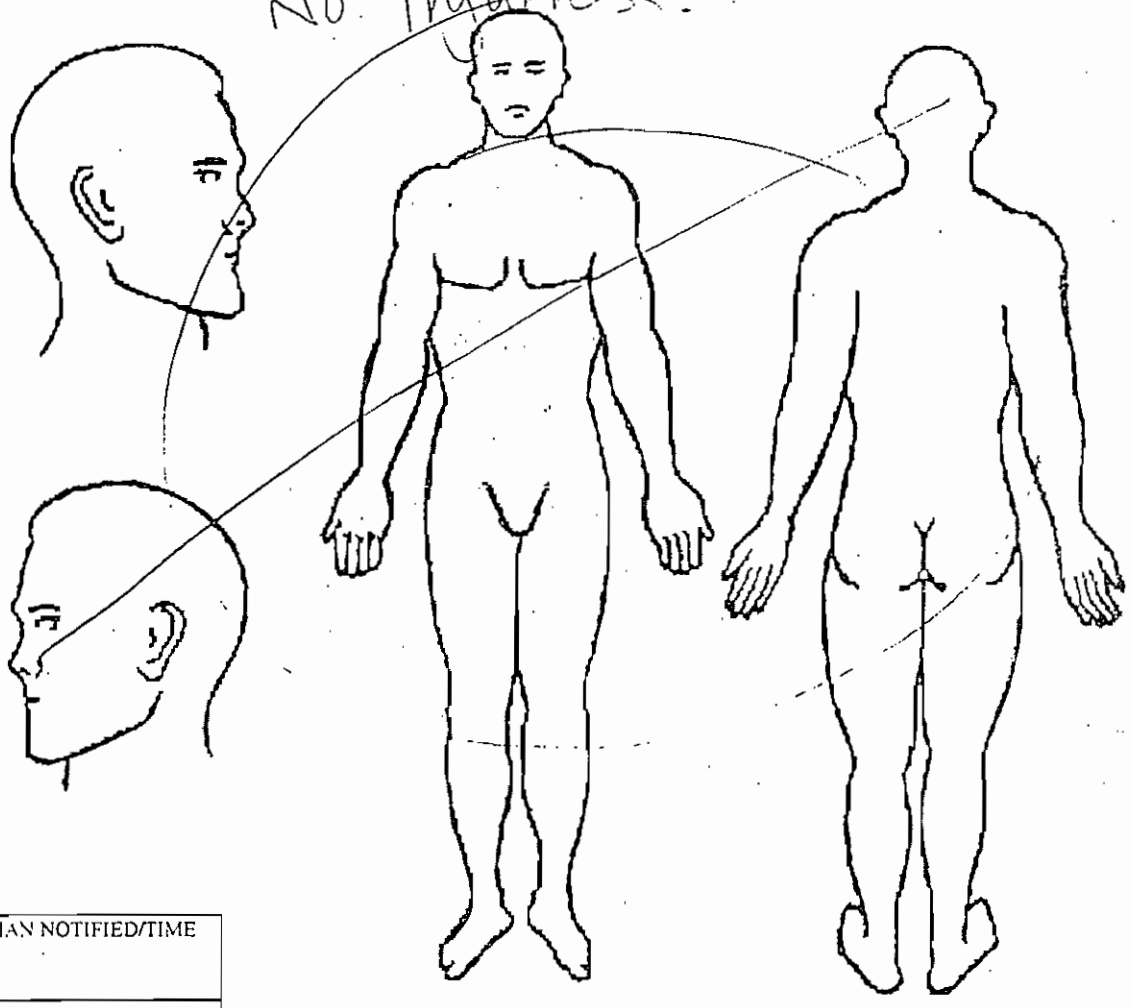
PLACE OF OCCURRENCE	DATE/TIME OF OCCURRENCE	NAME OF WITNESS(ES)
3C01	APPROX 06.20.05 09:52	N/A

TIME NOTIFIED	TIME SEEN	ESCORTED BY	MODE OF ARRIVAL (circle)	AGE	RACE	SEX
APPROX 09:52	APPROX 09:55	CUSTODY	LITTER / WHEELCHAIR / AMBULATORY / ON SITE		BLK	M

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

INJURIES FOUND? YES / NO	
Abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
O.C. Spray Area	10
Pain	11
Protrusion	12
Puncture	13
Reddened Area	14
Skin Flap	15
Swollen Area	16
Other	17
	18
	19

NO INJURIES



O.C. SPRAY EXPOSURE?	YES / NO
DECONTAMINATED?	YES / NO
Self-decontamination instructions given?	YES / NO
Refused decontamination?	YES / NO
Q 15 min. checks	✓ ✓ ✓
Staff issued exposure packet?	YES / NO

RN NOTIFIED/TIME	PHYSICIAN NOTIFIED/TIME
APPROX 10:00 RN Sunderland	

TIME/DISPOSITION
APPROX 11:10
Medically cleared

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)
R. Hernandez MPA R.N. CNDA

BADGE # 09143

RDOs Tues Wed

(Medical data is to be included in progress note or emergency care record filed in UHR)

CDC 7219 (Rev. 11/02) DISTRIBUTION: ORIGINAL - UHR CANARY - CUSTODY PINK - HEALTH AND SAFETY/RTW COORDINATOR

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER	INMATE'S NAME	RELEASE/BOARD DATE	INST.	HOUSING NO.	LOG NO.
P-13474	JAMES		CSP-COR	3C01-116L	3C-05-06-0

VIOLATED RULE NO(S).	SPECIFIC ACTS	LOCATION	DATE	TIME
CCR §3005(c)	ATTEMPTED BATTERY ON A PEACE OFFICER	3C01-116L	06/20/05	0945 HOURS

CIRCUMSTANCES On Monday, June 20, 2005, at approximately 0945 hours, I was informed by the 3C01 Control Booth Officer R. Athey, that Inmates James P-13474, 3C01-116L, was refusing to lock up. Officer E. Barron and I exited the office. Inmate James was standing next to the podium in the dayroom yelling at the Control Booth Officer. Office Barron and I approached Inmate James. I gave Inmate James three verbal orders to lock-up. Inmate James refused to comply. I advised Inmate James that if he didn't lock-up I would spray him with pepper spray. Inmate James refused to comply. Inmate James took a combative stance by stepping back with his right foot and clenching both fists and stated "Fuck This" using my assigned MK-9, I dispersed one 2-second blast to the facial area of Inmate James. I ordered Inmate James to "Get Down." Inmate James refused to comply. Using both hands on Inmate James' shirt, I pulled him down to a prone position.

PLEASE SEE CDC-115, PART C, FOR CONTINUATION OF REPORT

INMATE JAMES IS NOT A PARTICIPANT IN THE MENTAL HEALTH DELIVERY SYSTEM AND HE HAS A READING LEVEL ABOVE 4.0

REPORTING EMPLOYEE (Typed Name and Signature)	DATE	ASSIGNMENT	RDO'S
▶ K. EDMONDS, Correctional Officer		3C01 FLOOR #1	F/S

REVIEWING SUPERVISOR'S SIGNATURE	DATE	☐ INMATE SEGREGATED PENDING HEARING
▶ C. GALAVIZ, Correctional Sgt.		DATE _____ LOC. _____

CLASSIFIED	OFFENSE DIVISION:	DATE	CLASSIFIED BY (Typed Name and Signature)	HEARING REFERRED TO
☐ ADMINISTRATIVE ☒ SERIOUS	_____		▶ Correctional Lieutenant	☐ HO ☒ SHO ☐ SC ☐ FC

COPIES GIVEN INMATE BEFORE HEARING

☒ CDC 115	BY: (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT
	▶			

☒ INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)	DATE	TIME
CR-03C-05-06-0307	▶			▶		

HEARING

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME)	SIGNATURE	DATE	TIME
	▶		

REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	DATE
▶		▶	

☐ COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE)	DATE	TIME
	▶		

CDC 115 (7/88)

RECEIVED ON APPEAL JUL 26 2005

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C — PAGE 1 OF 1

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	3C-05-06-030	CSP-COR	06/20/05

☐ SUPPLEMENTAL ☒ CONTINUATION OF: ☒ 115 CIRCUMSTANCES ☐ HEARING ☐ IE REPORT ☐ OTHER

I ordered Inmate James to place his hands behind his back. Inmate James refused to comply. Using both hands I grabbed Inmate James' right hand and placed it behind his back. Officer Barron placed Inmate James left hand behind his back.

I placed Inmate James in Handcuffs. I was relieved by responding staff.

SIGNATURE OF WRITER	DATE SIGNED
K. EDMONDS, Correctional Officer	

☐ COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED

CDC 115-C (5/95)

OSP 99 25081

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

SERIOUS RULES VIOLATION REPORT

CDC NUMBER	INMATE'S NAME	VIOLATED RULE NO(S).	DATE	INSTITUTION	LOG NO.
P-13474	JAMES	CCR §3005(c)	06/20/05	CSP-COR	3C-05-06-030

REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

POSTPONEMENT OF DISCIPLINARY HEARING

☐ I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ NOT APPLICABLE	DATE NONE
☐ I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ NOT APPLICABLE	DATE NONE

DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION
NOT APPLICABLE	NOT APPLICABLE

☐ I REVOKE my request for postponement.	INMATE'S SIGNATURE ▶ NOT APPLICABLE	DATE NONE

STAFF ASSISTANT

STAFF ASSISTANT		INMATE'S SIGNATURE	DATE
☐ REQUESTED ☐ WAIVED BY INMATE		▶	
☐ ASSIGNED	DATE	NAME OF STAFF	
☐ NOT ASSIGNED	REASON DOES/DOES NOT MEET CRITERIA PER CCR § 3315(d)(2)/READING LEVEL ABOVE/BELOW 4.0		

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE		INMATE'S SIGNATURE	DATE
☐ REQUESTED ☐ WAIVED BY INMATE		▶	
☐ ASSIGNED	DATE	NAME OF STAFF	
☐ NOT ASSIGNED	REASON		

EVIDENCE / INFORMATION REQUESTED BY INMATE:

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

☐ REPORTING EMPLOYEE ☐ STAFF ASSISTANT ☐ INVESTIGATIVE EMPLOYEE ☐ OTHER _____ ☐ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
	☐	☐		☐	☐
	☐	☐		☐	☐

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

	INVESTIGATOR'S SIGNATURE ▶	DATE
☐ COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) ▶	TIME / DATE

CDC 115-A (7/88)

— If additional space is required use supplemental pages —

OSP 03 7481

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	3C-05-06-030	CSP-COR	06/20/05

[X] SUPPLEMENTAL [X] CONTINUATION OF: [X] 115 CIRCUMSTANCES [ ] HEARING [ ] IE REPORT [ ] OTHER_____

On Monday, June 20, 2005 at approximately 0945 hours, I released Inmate James, P-13474, 3C01-116L to report to 3C Workchange to be escorted to the Acute Care Hospital for treatment. I advised James that he needs to be in compliance with grooming standards per the Title 15. James had his hair worn in a braid like manner and facial hair. James said that he was not going to get in compliance. I explained to James that is considered a refusal and he needs to return to his cell. James yelled, "Fuck this, I need to go get my treatment." I again ordered James to lock up. He said, "No, I'm not going to." I asked 3C01 Floor Officer K. Edmonds and E. Barron to escort James back to his cell. Edmonds and Barron both ordered James back to his cell. James repeatedly yelled, "Fuck that! I'm not locking up!" Edmonds and Barron withdrew their state issued Oleoersin Capsicum spray. Edmonds stated, "Go lock up or I'm going to spray you!" James yelled, "fuck this!", While stepping back with his right foot and clenched his fist.

Edmonds sprayed James in the face and yelled, "Get down!" James did not get down. Meanwhile, I activated my personal alarm and advised staff via institutional radio of the situation. I did a visual security check of the surrounding area after additional staff responded. James was then escorted out of the building.

SIGNATURE OF WRITER		DATE SIGNED
R. ATHEY, Correctional Officer		
[ ] COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED / TIME SIGNED

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	3C-05-06-030	CSP-COR	06/20/05

[X] SUPPLEMENTAL [X] CONTINUATION OF: [X] 115 CIRCUMSTANCES [ ] HEARING [ ] IE REPORT [ ] OTHER

On Monday, June 20, 2005 at approximately 0945 AM Officer Athey Control Booth Officer, advised myself and Officer Edmonds that Inmate James P-13474, would not lock up. We approached James and ordered James to lock up, he began yelling out "No, fuck this shit, I'm not fucking locking up". Officer Edmonds then pulled out his O.C. Pepper spray and ordered him to lock up three different times. James took a bladed stance in the middle of the dayroom by the podium with his fists clenched, Officer Edmonds then sprayed Inmate James. James refused to comply with direct orders to get down, Officer Edmonds used both hands to pull James down by his shirt. I assisted Edmonds in restraining James by grabbing his left hand and holding him down, while Edmonds cuffed his right hand then his left hand. I was then relieved by assisting staff.

SIGNATURE OF WRITER		DATE SIGNED
E. BARRON, Correctional Officer		
[ ] COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED / TIME SIGNED

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE SEGREGATION UNIT [illegible] SEMENT NOTICE
CDC 114-D (Rev 10/98)

DISTRIBUTION:
WHITE - CENTRAL FILE
BLUE - INMATE (2ND COPY)
GREEN - ASU
CANARY - WARDEN
PINK - HEALTH CARE MGR
GOLDENROD - INMATE (1ST COPY)

INMATE'S NAME	CDC NUMBER
JAMES	P-13747

REASON(S) FOR PLACEMENT (PART A)

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

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON S) FOR PLACEMENT:
On June 20, 2005, You, Inmate JAMES, P-13474, 3001-116L, are being removed from the Facility III-C General Population and placed in Administrative Segregation. Specifically, on this date at approximately 0950 hours, you attempted to commit a Battery on Correctional Officer Edmonds in housing unit 3001. In view of this, your continued presence on this Facility is a threat to the safety of others and jeopardizes institutional security. You will remain in AD-SEG pending a review of your housing and program needs. Your custody level, credit earning status and visiting status may be impacted by this placement. Inmate JAMES is not a patient in the Mental Health Services Delivery System (MHSDS).

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

DATE OF ASU PLACEMENT	SEGREGATION AUTHORITY'S PRINTED NAME	SIGNATURE	TITLE
06-20-05	M. MELO		LIEUTENANT

DATE NOTICE SERVED	TIME SERVED	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE	SIGNATURE	STAFF'S TITLE

[ ] INMATE REFUSED TO SIGN | INMATE SIGNATURE | CDC NUMBER

ADMINISTRATIVE REVIEW (PART B)

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

STAFF ASSISTANT (SA)

STAFF ASSISTANT NAME	TITLE

IS THIS INMATE:

LITERATE?	[ ] YES	[ ] NO
FLUENT IN ENGLISH?	[ ] YES	[ ] NO
ABLE TO COMPREHEND ISSUES?	[ ] YES	[ ] NO
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS?	[ ] YES	[ ] NO
DECLINING FIRST STAFF ASSISTANT ASSIGNED?	[ ] YES	

Any "NO" requires SA assignment

[ ] NOT ASSIGNED

INVESTIGATIVE EMPLOYEE (IE)

INVESTIGATIVE EMPLOYEE'S NAME	TITLE

EVIDENCE COLLECTION BY IE UNNECESSARY	[ ] YES	[ ] NO
DECLINED ANY INVESTIGATIVE EMPLOYEE	[ ] YES	[ ] NO
ASU PLACEMENT IS FOR DISCIPLINARY REASONS	[ ] YES	[ ] NO
DECLINED 1ST INVESTIGATIVE EMPLOYEE ASSIGNED	[ ] YES	

Any "NO" may require IE assignment

[ ] NOT ASSIGNED

INMATE WAIVERS

[ ] INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER [ ] INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME
[ ] NO WITNESSES REQUESTED BY INMATE | INMATE 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 CO-SIGNATURE (if necessary)	DATE OF REVIEW

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

INMATE SEGREGATION PROFILE

CDC 114-A1 (10/98)

Update information and prepare a new CDC Form 114-A1 at least every 90 days or as required to maintain current information.

RECEIVED CAL APPEALS JUN 2 6 2005

DATE INITIATED	CDC NUMBER	INMATE'S NAME	ETHNICITY	CELL
6-20-2005	P-13474	James, John	BLA	

DATE OF BIRTH	COUNTY OF LAST LEGAL RESIDENCE	CONTROLLING COMMITMENT OFFENSE	PRIOR HOUSING
4-7-75	Contra Costa	211-212.5(c) PC Robbery	

REASON FOR SEGREGATION	DATE OF ASU PLACEMENT	CS	PRISON RELEASE DATE	MERD
	6-20-05	128	1-31-11	

SPECIAL INFORMATION

COMMENT WHEN ADDITIONAL INFORMATION WOULD HELP CLARIFY AN ISSUE

MED / PSYCH ISSUE: ☐ EOP ☐ CCCMS ☐ DPP: ☐ HEARING ☐ SIGHT ☐ MOBILITY none noted

YES	NO		YES	NO	
	X	STAFF THREATS / BATTERY: none noted		X	SAFETY CONCERNS (WHEN/WHERE?): none noted
X		INMATE THREATS / BATTERY: CSP-COR 4-1-05 PVSP 3-22-01, PVSP 3-17-01		X	PRIOR SUICIDE ATTEMPTS: none noted
	X	SEX RELATED OFFENSES / DISCIPLINARIES: none noted		X	CELLING LIMITATION / RESTRICTIONS: none noted
X		IN PRISON WEAPON OFFENSES: SVSP 9-2-02	X		PRIOR CELL FIGHTS:
	X	GANG STATUS: none noted	X		DOUBLE CELL / AUTHORIZED BY: 2-9-05 M Paulos CDW ADMIN
	X	NICKNAME OR MONIKER: none noted		X	PRIOR SINGLE CELL STATUS (WHEN/WHERE/REASON?): none noted
	X	ESCAPE RISK: none noted			

COMMENTS / OBSERVATIONS:

ENEMIES / RIVAL GROUPS (LIST ALL ENEMIES HOUSED IN THIS INSTITUTION)

DATE ADDED	NAME AND CDC NUMBER	HOUSING / LOCATION	GANG STATUS / COMMENTS
	None noted at Corcoran		

☐ ADDITIONAL ENEMIES NOTED ON ATTACHED INMATE SEGREGATION PROFILE

YARD ASSIGNMENT: ICC DATE:	☐ WALK ALONE ☐ CONTROLLED/COMPATIBLE ☐ REINTERGRATED/MIXED	
YARD ASSIGNMENT: ICC DATE:	☐ WALK ALONE ☐ CONTROLLED COMPATIBLE ☐ REINTERGRATED/MIXED	Reason for Change
YARD ASSIGNMENT: ICC DATE:	☐ WALK ALONE ☐ CONTROLLED/COMPATIBLE ☐ REINTERGRATED/MIXED	Reason for Change

YARD ASSIGNMENT RESTRICTIONS/COMMENTS:

PRINTED NAME, TITLE, AND SIGNATURE OF PERSON INITIATING FORM	DATE
C. Gallant, C. Alley	6-20-05

HIGHLIGHT "CONFIDENTIAL" ENEMIES AND REDACT PRIOR TO SENDING TO RECORDS OFFICE FOR SLOUGH FILING

STATE OF CALIFORNIA
GA 154 (Rev. 1/99)

FAX BACK TO 5220 FOR FACILITY III-C

DEPARTMENT OF CORRECTIONS

INMATE HOUSING ASSIGNMENT CHANGE

TIME: 1200 DATE: 06/20/05

CDC NUMBER	INMATE'S NAME	FROM QUARTERS	TO QUARTERS	REASON
P-17174	JAMES B/NT	3C01-110L	ASU-126L	SECURITY

DISTRIBUTION:
White Copy - Central Files
Yellow Copy - Sending Facility
Pink Copy - Receiving Facility
Goldenrod Copy - Approving Authority

S. GRANDY, FAC. ASU LT. 2/W

K. [illegible], FAC. III-C LT. 2/W
Signature and Title of Approving Authority
(Correctional Lieutenant or above)

MARS SENT: _____ MARS REC'D: _____

TOTAL P.01

CENTRAL CONTROL

P.01

TRANSACTION REPORT

JUN-20-2005 MON 03:13 PM

FOR: WATCH OFFICE CSP 5599927389

BROADCAST

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-20	02:38 PM	INCIDENT REPORT	2'24"	6	SEND	OK	541	
	03:11 PM	REGIONAL	2'26"	6	SEND	OK	541	
	02:41 PM	WARDENS OFFICE	2'27"	6	SEND	OK	541	
	02:44 PM	ISU	2'25"	6	SEND	OK	541	
	02:46 PM	CENTRAL SERVICE	2'26"	6	SEND	OK	541	
	02:49 PM	MENTAL HEALTH	15'36"	6	SEND	OK	541	
			TOTAL :	27M 44S	PAGES:	36		

STATE OF CALIFORNIA

CRIME / INCIDENT REPORT
PART A - COVER SHEET

CDC837-A1 (09/03)

DEPARTMENT OF CORRECTIONS

PAGE 1 OF 1

INCIDENT LOG NUMBER	INCIDENT DATE	INCIDENT TIME
COR-03C-05-06-0307	06/20/05	09:45

INSTITUTION	FACILITY	FACILITY LEVEL	INCIDENT SITE	LOCATION		USE OF FORCE
CSP-Corcoran	3C	☐ I ☐ III ☐ II ☑ IV	Dayroom Floor	3C01 DAYROOM	☐ ASU ☐ SHU ☐ PSU ☐ PHU ☐ SNY ☑ GP ☐ CTC ☐ RC SEG. YARD: ☐ CC ☐ WA ☐ RM	☑ YES ☐ NO

SPECIFIC CRIME / INCIDENT

Attempted Battery/Assault on a Peace Officer Resulting in the Use of Force

☑ CCR ☐ PC ☐ N/A 3005 (c) Force & Violence

NUMBER / SUBSECTION:

D.A. REFERRAL ELIGIBLE	SERT ACTIVATED	NMT ACTIVATED	MUTUAL AID REQUEST	PIO/AA NOTIFIED
☑ YES ☐ NO	☐ YES ☑ NO	☐ YES ☑ NO	☐ YES ☑ NO	☐ YES ☑ NO

RELATED INFORMATION (CHECK ALL THAT APPLY)

DEATH	CAUSE OF DEATH	ASSAULT / BATTERY	TYPE OF ASSAULT / BATTERY	
☐ INMATE	☐ ACCIDENT ☐ SUICIDE	☐ INMATE	☑ BEATING	☐ SPEARING
☐ STAFF	☐ EXECUTIO ☐ NATURAL	☑ STAFF	☐ GASSING	☐ STABBING
☐ VISITOR	☐ HOMICIDE	☐ VISITOR	☐ POISONING	☐ STRANGLING
☐ OTHER	☐ OVERDOSE	☐ OTHER	☐ SEXUAL	☐ OTHER
	☐ UNKNOWN		☐ SHOOTING	
☑ N/A	☑ N/A	☐ N/A	☐ SLASHING	☐ N/A

SERIOUS INJURY	INMATE WEAPONS		SHOTS FIRED / TYPE WEAPON / FORCE				
☐ INMATE	☐ CHEMICAL SUBSTANCE	TYPE:	WEAPON:	WARNING #	EFFECT #	TYPE:	NO:
☐ STAFF	☐ CLUB BLUDGEON	☐ COMMERCIAL WEAPON	☐ MINI 14			BATON ROUND:	
☐ VISITO	☐ EXPLOSIVE	☐ INMATE MANUFACTURED	☐ 38 CAL.			WOOD	
☐ OTHER	☐ FIREARMS		☐ 9MM			RUBBER	
	☑ HANDS / FEET		☐ SHOTGUN			FOAM	
	☐ KNIFE		LAUNCHER:			STINGER:	
☑ N/A	☐ SAP / SLUNG SHOT		☐ 37MM			.32 (A)	
	☐ PROJECTILE		☐ L8			.60 (B)	
ESCAPES	☐ SPEAR		☐ 40MM			EXACT IMPACT:	
☐ W / FORCE	☐ SLASHING INSTRUMENT		☐ 40 MM MULTI			CTS 4557	
☐ W / O FORCE	☐ STABBING INSTRUMENT		☐ HFWRS			XM 1006	
☐ ATTEMPTED	☐ OTHER		FORCE:			CHEMICAL:	
☑ N/A	☐ BODILY FLUID ☐ OTHER FLUID		☐ SIDE HANDLE BATON			☑ OC	

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER	INMATE'S NAME	RELEASE/BOARD DATE	INST.	HOUSING NO.	LOG NO.
P-13474	JAMES	1-31-11	CSP-COR	3C01-116L	3C-05-06-030

VIOLATED RULE NO(S).	SPECIFIC ACTS	LOCATION	DATE	TIME
CCR §3005(c)	ATTEMPTED BATTERY ON A PEACE OFFICER	3C01-116L	06/20/05	0945 HOURS

CIRCUMSTANCES On Monday, June 20, 2005, at approximately 0945 hours, I was informed by the 3C01 Control Booth Officer R. Athey, that Inmates James P-13474, 3C01-116L, was refusing to lock up. Officer E. Barron and I exited the office. Inmate James was standing next to the podium in the dayroom yelling at the Control Booth Officer. Office Barron and I approached Inmate James. I gave Inmate James three verbal orders to lock-up. Inmate James refused to comply. I advised Inmate James that if he didn't lock-up I would spray him with pepper spray. Inmate James refused to comply. Inmate James took a combative stance by stepping back with his right foot and clenching both fists and stated "Fuck This" using my assigned MK-9, I dispersed one 2-second blast to the facial area of Inmate James. I ordered Inmate James to "Get Down." Inmate James refused to comply. Using both hands on Inmate James' shirt, I pulled him down to a prone position.

PLEASE SEE CDC-115, PART C, FOR CONTINUATION OF REPORT

INMATE JAMES IS NOT A PARTICIPANT IN THE MENTAL HEALTH DELIVERY SYSTEM AND HE HAS A READING LEVEL ABOVE 4.0

REPORTING EMPLOYEE (Typed Name and Signature)	DATE	ASSIGNMENT	RDO'S
▶ K. EDMONDS, Correctional Officer		3C01 FLOOR #1	F/S

REVIEWING SUPERVISOR'S SIGNATURE	DATE	☐ INMATE SEGREGATED PENDING HEARING
▶ C. GALAVIZ, Correctional Sgt.		DATE LOC.

CLASSIFIED	OFFENSE DIVISION:	DATE	CLASSIFIED BY (Typed Name and Signature)	HEARING REFERRED TO
☐ ADMINISTRATIVE ☒ SERIOUS	B		▶ Correctional Lieutenant	☐ HO ☒ SHO ☐ SC ☐ FC

COPIES GIVEN INMATE BEFORE HEARING

	BY: (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT
☒ CDC 115	▶ A. CARRO	7-5-05	0915	

	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)	DATE	TIME
☒ INCIDENT REPORT LOG NUMBER: CR-CSC-05-06-0307	▶ A. CARRO	7-5-05	0915	▶		

HEARING

PLEA: NOT GUILTY — FINDINGS: GUILTY (INCLUDED OFFENSE)

ADJUDICATION: Inmate JAMES appeared for this hearing on Thursday, July 28, 2005, at approximately 1000 hours, at which time I introduced myself as the Senior Hearing Officer (SHO) for this disciplinary hearing. James stated he was in "good" health and ready to proceed with the hearing. James stated he had no objections to the hearing being conducted by this Senior Hearing Officer, he acknowledged that he had received copies of all pertinent documentation at least 24 hours prior to the hearing, and he stated he desired to proceed with the hearing at this time.

PLEASE SEE CDC-115, PART C, FOR CONTINUATION OF HEARING

DISPOSITION: Found GUILTY of the included charge, "DISOBEDIENCE/DISRESPECT, WHICH BY REASON OF INTENSITY OR CONTEXT CREATED A POTENTIAL FOR VIOLENCE, a Division 'F' Offense. Worktime credit forfeiture of 30 days consistent with a Division 'F' Offense assessed against James pursuant to CCR §3323. James was counseled and reprimanded. James is referred to ICC for a Program/Custody review.

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME)	SIGNATURE	DATE	TIME
E. MAZON-ALEC, Correctional Lieutenant (SHO)	▶		

REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	DATE
▶ R. VELLA, Facility Captain		▶ D.D. ORTIZ, Assoc. Warden	8/8/05

☒ COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE)	DATE	TIME
	▶ A. CARRO	8/11/05	1000

CDC 115 (7/88)

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	35-05-06-030	CSP-COR	07/28/05

☐ SUPPLEMENTAL ☒ CONTINUATION OF: ☐ 115 CIRCUMSTANCES ☒ HEARING ☐ IE REPORT ☐ OTHER

ADJUDICATION/DISPOSITION (CONTINUED)

D.A. REFERRAL: This matter has been referred to the local District Attorney's Office for consideration of criminal prosecution. Inmate James has requested prompt hearing of this matter stating he wished to waive his rights to postpone his hearing pending the District Attorney's decision regarding prosecution, as documented by his signature on the CDC-115A on **July 5, 2005.** James has been advised that any statements made by him in this hearing may be used against him in a court of law.

DUE PROCESS: The CDC-115 Rules Violation Report, dated June 20, 2005, was served on James on July 5, 2005, within the required 15 days from discovery. This disciplinary hearing is being held within 30 days of that service. Therefore, all time constraints have been met and there are no due process issues prohibiting the forfeiture of credits.

INVESTIGATIVE EMPLOYEE: James requested and received the services of an Investigative Employee. He was issued a completed copy of the Investigative Employee's Report on **July 18, 2005,** more than 24 hours prior to this hearing.

NOTE: A Mental Health Assessment Request was not initiated as James is not a participant in the Mental Health Services Delivery System and his alleged conduct was not bizarre, unusual, or uncharacteristic.

STAFF ASSISTANT: This Senior Hearing Officer determined that James speaks English, is literate in that he has a reading level greater than 4.0, the issues are not complex and a confidential relationship is not required. James therefore was not assigned a Staff Assistant as the factors encompassing this case do not meet the criteria pursuant to CCR §3315(d)(2).

REQUEST FOR WITNESSES: At the time the CDC-115A was issued to James he requested that witnesses be present at his hearing (see CDC-115A). However, at the time of this hearing when this Senior Hearing Officer attempted to confirm this request, James stated he wished to withdraw his prior request and instead requested that only Correctional Officer R. Athey be present as a witness. James signed a CDC-128B chrono documenting this request, which this Senior Hearing Officer granted, and Officer Athey was summoned to the hearing. Upon the witness' arrival, James asked the following questions to which Officer Athey provided the below-stated responses:

Q #1) "Are you the regular Control Booth Officer?"
A #1) "Yes."
Q #2) "How long have I been in the Unit?"
A #2) "I don't know, I would have to look in my book."
Q #3) "Has it been longer than 30 days?"
A #3) "Yes."
Q #4) "Are you aware that I attend ACH?"
A #4) "I know you have been called out."
Q #5) "Did the C/O ever ask me to cuff up?"
A #5) "No, at that time it was unnecessary."
Q #6) "Did I ask you to call the Sergeant?"
A #6) "I don't remember."

SIGNATURE OF WRITER	DATE SIGNED
E. MAZON-ALEC, Correctional Lieutenant (SHO)	

☒ COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
	A. CABRAL	8-11-05	1000

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	~~ZF~~-05-06-030	CSP-COR	07/28/05

☐ SUPPLEMENTAL ☒ CONTINUATION OF: ☐ 115 CIRCUMSTANCES ☒ HEARING ☐ IE REPORT ☐ OTHER

ADJUDICATION/DISPOSITION (CONTINUED)

b) The written Supplemental Report of Correctional Officer Officer E. Barron, which states in part, "Officer Athey ... advised myself and Officer Edmonds that Inmate James ... would not lock up. We approached James and ordered James to lock up, he began yelling out, 'No, fuck this shit, I'm not fucking locking up.' Officer Edmonds then pulled out his OC pepper spray and ordered him to lock up three different times. James took a bladed stance in the middle of the Dayroom by the podium with his fists clenched. Officer Edmonds then sprayed James. James refused to comply with direct orders to get down...."

3) James' plea of "not guilty" to the charged Specific Act and plea statement, in which he denied attempting to batter Staff.

4) The contents of the Investigative Employee's Report, in which multiple inmate witnesses stated they observed the incident and James did not resist Staff, attempt to batter Staff, or take a combative stance, and to which James' handwritten statement was attached.

In light of the charged CCR section, this Senior Hearing Officer has determined that the preponderance of the written and material evidence presented at this hearing are insufficient to support the charged Specific Act and a finding of "not guilty" is therefore warranted on that charge. The written reports simply do not set forth an attempted battery on the part of James. However, per CCR §3315(f)(3), inmates stand equally liable for included offenses and this Senior Hearing Officer finds the undisputed loud and profane refusals of James to comply with multiple orders, which ultimately resulted in the use of O.C. Pepper Spray and physical force and which occurred in the middle of the 3C01 Dayroom, satisfy the elements for the charge, "DISOBEDIENCE/DISRESPECT, WHICH BY REASON OF INTENSITY OR CONTEXT CREATED A POTENTIAL FOR VIOLENCE" and a finding of "guilty" on that included charge is warranted.

APPEAL RIGHTS AND CREDIT RESTORATION POLICY AND PROCEDURE: This is your notification of the appeal rights and credit restoration policy. If you are dissatisfied with any portion of the hearing, the findings, and/or disposition, you may submit an appeal (CDC-Form-602) within fifteen (15) days following receipt of the finalized copy of the CDC-115 and CDC-115A. You must attach the final copy of the CDC-115 and CDC-115A to the appeal and submit it for Second Level Review and action. You will be issued a finalized copy of the CDC-115 and CDC-115A upon final audit by the Chief Disciplinary Officer. You may apply for restoration of forfeited credits per CCR § 3327 for a Division 'F' Offense. The disciplinary-free period for a Division 'F' Offense commences on the day following issuance of this CDC-115 and continues for three months from that date. Disciplinary-free periods and their percentage of restoration are outlined in the CCR § 3328. Forfeited credits shall be restored by Classification action, only after completion of the above-cited disciplinary-free period. Credit restoration shall be permanently forfeited if you are found guilty of any rule violation received during the specified disciplinary-free period. Credits shall further not be restored if you have, since the commencement of the disciplinary-free period in this matter, refused to participate in a work, training, or educational assignment, or if extraordinary circumstances, as described in CCR § 3329, are present. Once credits lost for a Serious disciplinary are determined not restorable, you may not have those credits restored regardless of the length of time you remain disciplinary free.

	SIGNATURE OF WRITER	DATE SIGNED
	E. MAZON-ALEC, Correctional Lieutenant (SHO)	

☒ COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
	A. CARDO	8-11-05	1000

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	~~AB~~-05-06-030 2C	CSP-COR	07/28/05

☐ SUPPLEMENTAL ☒ CONTINUATION OF: ☐ 115 CIRCUMSTANCES ☒ HEARING ☐ IE REPORT ☐ OTHER

ADJUDICATION/DISPOSITION (CONTINUED)

Neither James nor this Senior Hearing Officer had any further questions for the witness and Officer Athey was excused from the hearing.

INMATE'S PLEA AND STATEMENT: James is charged with, "ATTEMPTED BATTERY ON A PEACE OFFICER," a Division 'B' Offense, which is in violation of CCR § 3005(c). The circumstances of the violation were read to James. He acknowledged understanding the charge filed against him. James pled "NOT GUILTY." After entering his plea stated, "There is no evidence I tried to batter Staff."

EVIDENCE PRESENTED AT THE HEARING:

Rules Violation Report/CDC-115, Log # ~~AB~~ 3C-05-06-030	DATED: 06/20/05
CDC-837 Crime/Incident Report, Log # COR-03C-05-06-0307	DATED: 06/20/05
Investigative Employee's Report authored by C/O R. Lerma	DATED: 07/06/05
Hearing Testimony of Officer Athey	DATED: 07/28/05
James' Plea and Plea Statement at the Hearing	DATED: 07/28/05

FINDINGS: All evidence was considered during this hearing. This preponderance of evidence as described here includes:

1) The Reporting Employee's written report, which states in part, "...Inmate James was standing next to the podium in the dayroom yelling at the Control Booth Officer. Officer Barron and I approached Inmate James. I gave Inmate James three verbal orders to lock-up. Inmate James refused to comply. I advised Inmate James that if he didn't lock-up I would spray him with pepper spray. Inmate James refused to comply. Inmate James took a combative stance by stepping back with his right foot and clenching both fists and stated 'Fuck This' ... I ordered Inmate James to 'Get Down.' James refused to comply. Using both hands on Inmate James' shirt, I pulled him down to a prone position. I ordered Inmate James to place his hands behind his back. Inmate James refused to comply. Using both hands I grabbed Inmate James' right hand and placed it behind his back...."

2) The contents of the CDC-837 Incident Package, all of which are consistent with the finding in this matter; specifically, the following reports:

a) The written Supplemental Report of Correctional Officer Officer Athey, which states in part, "I advised James that he needs to be in compliance with Grooming Standards per the Title 15.... James said he was not going to get in compliance. I explained to James that is considered a refusal and he needs to return to his cell. James yelled, 'Fuck this, I need to go get my treatment!' I again ordered James to lock up. He said 'No, I'm not going to .' I asked 3C01 Floor Officers K. Edmonds and E. Barron to escort James back to his cell. Edmonds and Barron both ordered James back to his cell. James repeatedly yelled, 'Fuck that, I'm not locking up!' Edmonds and Barron withdrew their state-issued Oleoresin Capsicum spray. Edmonds stated, 'Go lock up or I'm going to spray you.' James yelled, 'Fuck this.' Edmonds sprayed James in the face and yelled 'Get down.' James did not get down..."

SIGNATURE OF WRITER	DATE SIGNED
E. MAZON-ALEC, Correctional Lieutenant (SHO)	

☒ COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
	A. CASTRO	8-11-05	1000

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	3C-05-06-030	CSP-CORCORAN	7/6/05

☐ SUPPLEMENTAL ☒ CONTINUATION OF: ☐ 115 CIRCUMSTANCES ☐ HEARING ☐ IE REPORT ☐ OTHER

REPORTING EMPLOYEE'S STATEMENT:

"Officer R. Athey informed me that Inmate JAMES was refusing to lock up. Officer Barron and I exited the officer's office and saw Inmate JAMES standing at the dayroom podium yelling at Officer Athey. Officer Barron and I approached Inmate JAMES and ordered him three times to lock it up in which he failed to comply. I advised Inmate JAMES that if he failed to comply with my lawful order, I would spray him with pepper spray for him to comply. Inmate JAMES refused and took a combative stance by stepping back with his right foot and clenched both fists and stated, "Fuck this!" Using my state issued MK-9, I dispersed one two-second blast to the face of Inmate JAMES. I ordered Inmate JAMES to get down in a prone position but he did not comply. Using both hands on Inmate JAMES' shirt, I pulled him down to a prone position. Inmate JAMES refused my orders to place both his hands behind his back. I grabbed Inmate JAMES' right hand and placed it behind his back and Officer Barron placed Inmate JAMES' left hand behind his back to place both hands in handcuffs. Responding staff relieved Inmate JAMES from me."

Inmate JAMES did not request the Investigative Employee at the RVR hearing.

ISSUED BY: A. ATHEY DATE: 7-19-05 ~~R. LERMA, C/O~~ A. ATHEY

SIGNATURE OF WRITER	DATE SIGNED
R. LERMA, CORRECTIONAL OFFICER	7-19-05

☒ COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
	A. ATHEY	7-19-05	1100

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	3C-05-06-030	CSP-COR	06/20/05

☐ SUPPLEMENTAL ☒ CONTINUATION OF: ☒ 115 CIRCUMSTANCES ☐ HEARING ☐ IE REPORT ☐ OTHER

I ordered Inmate James to place his hands behind his back. Inmate James refused to comply. Using both hands I grabbed Inmate James' right hand and placed it behind his back. Officer Barron placed Inmate James left hand behind his back.

I placed Inmate James in Handcuffs. I was relieved by responding staff.

SIGNATURE OF WRITER	DATE SIGNED
K. EDMONDS. Correctional Officer	

☒ COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
	A. CARRO	7-5-05	0915

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	30-05-06-030	CSP-COR	06/20/05

☒ SUPPLEMENTAL ☒ CONTINUATION OF ☒ 115 CIRCUMSTANCES ☐ HEARING ☐ IE REPORT ☐ OTHER

On Monday, June 20, 2005 at approximately 0945 AM Officer Athey Control Booth Officer, advised myself and Officer Edmonds that Inmate James P-13474, would not lock up. We approached James and ordered James to lock up, he began yelling out "No, fuck this shit, I'm not fucking locking up". Officer Edmonds then pulled out his O.C. Pepper spray and ordered him to lock up three different times. James took a bladed stance in the middle of the dayroom by the podium with his fists clenched, Officer Edmonds then sprayed Inmate James. James refused to comply with direct orders to get down, Officer Edmonds used both hands to pull James down by his shirt. I assisted Edmonds in restraining James by grabbing his left hand and holding him down, while Edmonds cuffed his right hand then his left hand. I was then relieved by assisting staff.

SIGNATURE OF WRITER	DATE SIGNED
E. BARRON. Correctional Officer	6-20-05

☒ COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
	A. CASIRO	7-5-05	0915

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	3C-05-06-030	CSP-COR	06/20/05

[X] SUPPLEMENTAL [X] CONTINUATION OF: [X] 115 CIRCUMSTANCES [ ] HEARING [ ] IE REPORT [ ] OTHER

On Monday, June 20, 2005 at approximately 0945 hours, I released Inmate James, P-13474, 3C01-116L to report to 3C Workchange to be escorted to the Acute Care Hospital for treatment. I advised James that he needs to be in compliance with grooming standards per the Title 15. James had his hair worn in a braid like manner and facial hair. James said that he was not going to get in compliance. I explained to James that is considered a refusal and he needs to return to his cell. James yelled, "Fuck this, I need to go get my treatment." I again ordered James to lock up. He said, "No, I'm not going to." I asked 3C01 Floor Officer K. Edmonds and E. Barron to escort James back to his cell. Edmonds and Barron both ordered James back to his cell. James repeatedly yelled, "Fuck that! I'm not locking up!" Edmonds and Barron withdrew their state issued Oleoersin Capsicum spray. Edmonds stated, "Go lock up or I'm going to spray you!" James yelled, "fuck this!", While stepping back with his right foot and clenched his fist.

Edmonds sprayed James in the face and yelled, "Get down!" James did not get down. Meanwhile, I activated my personal alarm and advised staff via institutional radio of the situation. I did a visual security check of the surrounding area after additional staff responded. James was then escorted out of the building.

SIGNATURE OF WRITER	DATE SIGNED
R. ATHEY, Correctional Officer	6/20/05

[X] COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
	A. CASTRO	7-5-05	0915

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

SERIOUS RULES VIOLATION REPORT

CDC NUMBER	INMATE'S NAME	VIOLATED RULE NO(S).	DATE	INSTITUTION	LOG NO.
P-13474	JAMES	CCR §3005(c)	06/20/05	CSP-COR	3C-05-06-030

REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

POSTPONEMENT OF DISCIPLINARY HEARING

☒ **I DO NOT REQUEST** my hearing be postponed pending outcome of referral for prosecution. — INMATE'S SIGNATURE: ~~NOT APPLICABLE~~ X John James — DATE: 7-5-05 ~~NONE~~

☐ **I REQUEST** my hearing be postponed pending outcome of referral for prosecution. — INMATE'S SIGNATURE: NOT APPLICABLE — DATE: NONE

DATE NOTICE OF OUTCOME RECEIVED: NOT APPLICABLE — DISPOSITION: NOT APPLICABLE

☐ **I REVOKE** my request for postponement. — INMATE'S SIGNATURE: NOT APPLICABLE — DATE: NONE

STAFF ASSISTANT

STAFF ASSISTANT: ☒ REQUESTED ☐ WAIVED BY INMATE — INMATE'S SIGNATURE: X AC — DATE: 7-5-05 AC

☐ ASSIGNED — DATE: — NAME OF STAFF:

☐ NOT ASSIGNED — REASON: DOES/DOES NOT MEET CRITERIA PER CCR § 3315(d)(2)/READING LEVEL ABOVE/BELOW 4.0

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE: ☒ REQUESTED ☐ WAIVED BY INMATE — INMATE'S SIGNATURE: X John James — DATE: 7-5-05

☒ ASSIGNED — DATE: 7-5-05 — NAME OF STAFF: C/O M CASTRO — REFUSED C/O A CASTRO on 7-5-05

☐ NOT ASSIGNED — REASON:

EVIDENCE / INFORMATION REQUESTED BY INMATE: NONE

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

☒ REPORTING EMPLOYEE ☐ STAFF ASSISTANT ☐ INVESTIGATIVE EMPLOYEE ☐ OTHER _____ ☐ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
C/O E. Barron	☐	☐	MTA R. Hernandez	☐	☐
C/O R. Athey	☐	☐		☐	☐

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

INVESTIGATIVE EMPLOYEE'S STATEMENT:

On July 6, 2005, Correctional Officer R. Lerma, was assigned as the Investigative Employee to Rules Violation Report (Log # 3C-05-06-030) issued to Inmate JAMES, P-13474. Inmate JAMES did not object to me being the Investigative Employee.

Inmate JAMES statement: See attached (3) page handwritten statement from Inmate JAMES.

Inmate JAMES **did** request the following Custody Staff as witnesses at the RVR hearing:

Correctional Officer K. Edmonds (reporting employee)

Correctional Officer E. Barron

Correctional Officer R. Athey

MTA R. Hernandez

SEE ATTACHED CDC-115 PART-C FOR CONTINUATION OF THIS REPORT

Issued Copy of RIE to James Rpt to Hva 7-18-05 A. CASTRO

INVESTIGATOR'S SIGNATURE: — DATE: 7-12-05

☒ COPY OF CDC 115-A GIVEN INMATE — BY: (STAFF'S SIGNATURE): A. CASTRO — TIME: 0915 — DATE: 7-5-05

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	3C-05-06-030	CSP-CORCORAN	7/6/05

☐ SUPPLEMENTAL ☒ CONTINUATION OF: ☐ 115 CIRCUMSTANCES ☐ HEARING ☒ IE REPORT ☐ OTHER

(I asked Inmate JAMES what questions did he have for the requested Custody Staff witnesses.) Inmate JAMES stated, "I want to ask them the questions myself and at the hearing."

Inmate JAMES had questions for Inmate witnesses that were assigned in 3C01, cells 116, 117, 118, 121, 123, 124, 125, 210, 215, 217, and 222 during the time of the incident. Inmate JAMES was unable to provide names of these inmates; therefore, I could only ask the inmates assigned to these cells on the day of the incident and currently still housed there. The following is a list of those Inmates:

DALTON:	C-88133	3C01-116	WILLIAMS	V-50787
SPENCER	T-15088	3C01-124	JAA	J-51594
HAMILTON	J-23774	3C01-215	MITCHELL	V-59361
WASHINGTON	K-29198	3C01-222		

Questions for inmate witnesses:

1. On 6-20-05, did you observe the use of force incident in front of the dayroom grill gate upon Inmate JAMES.

DALTON: "YES." JAA: "YES" MITCHELL: "YES"

HAMILTON: "YES." WASHINGTON: "YES."

2. Did Inmate JAMES ever attempt to batter staff?

DALTON: "NO." JAA: "NO." MITCHELL: "NO."

HAMILTON: "NO." WASHINGTON: "NO."

3. Did Inmate JAMES assume a combative stance against staff?

DALTON: "NO." JAA: "NO." MITCHELL: "NO."

HAMILTON: "NO." WASHINGTON: "NO."

4. Could you hear the incident as it transpired?

DALTON: "YES." JAA: "YES." MITCHELL: "YES."

HAMILTON: "YES." WASHINGTON: "YES."

5. Did Inmate JAMES request to speak to a Sergeant and if so, how many times did he request to speak to a Sergeant?

SEE ATTACHED CDC-115 PART-C FOR CONTINUATION OF THIS REPORT

	SIGNATURE OF WRITER	DATE SIGNED
	R. LERMA, CORRECTIONAL OFFICER	7.12.05

☒ COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
	A. ASTRO	7-18-05	1100

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
P-13474	JAMES	3C-05-06-030	CSP-CORCORAN	7/6/05

☐ SUPPLEMENTAL ☒ CONTINUATION OF: ☐ 115 CIRCUMSTANCES ☐ HEARING ☒ IE REPORT ☐ OTHER

DALTON: "Yes, at least three to four times he requested to speak to a sergeant."

JAA: "Yes, two times he asked for a sergeant."

MITCHELL: "Yes, he requested a sergeant several times."

HAMILTON: "Yes, he requested a sergeant six times."

WASHINGTON: "Yes, he asked to speak to a sergeant alot of times."

6. Did Inmate JAMES attempt to resist staff in any way?

DALTON: "NO." JAA: "NO." MITCHELL: "NO."

HAMILTON: "NO." WASHINGTON: "NO."

7. Which officers were involved in the force against Inmate JAMES?

Inmates DALTON, JAA, MITCHELL, HAMILTON, and WASHINGTON each stated that Correctional Officers K. Edmonds and E. Barron were the two Officers involved.

8. Do you know if any other Inmate may have witnessed the incident, if so, please direct the (I.E.) to those inmates.

Inmates DALTON, JAA, MITCHELL, HAMILTON, and WASHINGTON each stated that they were unaware who else witnessed the incident.

Inmates WILLIAMS and SPENCER made the following statement regarding Inmate JAMES' questions to this incident:

WILLIAMS: "All I can say is that the alarm went off and I saw the C/O's take Inmate JAMES down. I can't answer all those questions."

SPENCER: "I don't know anything about that incident."

SEE ATTACHED CDC-115 PART-C FOR CONTINUATION OF THIS REPORT

SIGNATURE OF WRITER	DATE SIGNED
R. LERMA, CORRECTIONAL OFFICER	7-18-05

☒ COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
	A. CASTRO	7-18-05	1100

NAME and NUMBER JAMES CDC# P-13474 HOUSING ASU-1-126L CDC-128-B Rev. 4/74

On 07-05-05, at approximately 0915 hours, I issued CDC 115 log # 3C-05-05-030 to inmate James. I informed inmate James that I had been appointed Investigation Employee in this matter. Inmate James stated his objection to me acting in that capacity. I asked inmate James if he was refusing the services of the first appointed IE. Inmate James stated "YES".

Orig: C-File
cc: CC-I
Writer
Inmate

A. CASTRO
Facility 3C Yard #3
CSP-CORCORAN

DATE 07-05-05

GENERAL CHRONO

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC-128 B (8-87)

NAME and NUMBER JAMES P-13474 **RM:**

Prior to the disciplinary hearing, inmate JAMES ; CDC # P-13474 waived the presence of the requested witnesses. Inmate JAMES stated that he had received a copy of the Investigative Employee Report and the witness statements were on the IE Report. CDC-115 Log # 3C-05-06-030.

Inmate Signature P-13474 CDC-#

C/O [signature] 7-28-05
Correctional Officer Date

C/O T. [signature] 7-28-05
Correctional Officer Date

ORIG : C-File
cc :

DATE 7-28-05

CSP-COR

GENERAL CHRONO

Statement of John E. James III (P-13474

Concerning RVR 115 Log No: 3C-05-06-030

#1.) The Charge in this matter of (attempted battery on a P.O.) Is a Faulse Charge, It Is Selfmanufactured & Corroborated by (c.s.p.c.) officials as a tactic to counter petitioners 6-20-05 allegation of Excessive Force. And, the 6-20-05 Excessive Force Itself was an act of Retaliation due to I/M JAMES filing a CDC (602) Staff Complaint gainst all reporting employees the very night prior On 6-19-05; also charging multiple (c.s.p.c.) Administrative officials...

#2.) Petitioner did "not" - In any way ever attempt to batter Staff; nor Is It reported that he did so.. Infact It Is reported that petitioner stepped backwords (away from staff) & allegedly clinched his fist. "This In No way describes any attempt by JAMES to batter anyone."

#3.) The Use of Force upon & gainst JAMES' In this matter was "Completely Un'warranted"! Again, according to "all" reporting staffs own reports: (Staff never even requested JAMES to submit to restraints) Never ask JAMES to submit to a pat search. Staff never even attempted to contact/notify a supervising official..

#4.) Reporting staffs own explination for stopping JAMES from attending medical treatment that day (c/o Athey/alleged Grooming Standards) Is In violation of CCR 15. § 3312 (a) (1) (2) (3) Counseling - 128-A - RVR 115.

#4.) This procedure is not descressionary; & correctional staff cannot simply circumvent them. Furthermore & More Importantly, prison officials cannot deny a prisoner Medical Treatment, simply because they feel the Inmate is not In compliance with grooming standards. Staff (c/o Athey) clearly reports, that she stopped & denied JAMES medical treatment; "solely" cause he was not In compliance with (her opinion) of grooming standards. (James Rastifarian Dread Lox)

#5.) Petitioner Is requesting a Polygraph Examination pur CCR Title 15. § 3293...

#6.) In this matter, petitioner constantly requested for all reporting/ / & or witnessing staff to contact/notify a supervising official Sergeant (SGT). Petitioner made this request to staff precipitating any Use of Force approx (30) times. Petitioner did so out of a fear for his safety being the same reporting employees pointed a "Gun" at petitioner (for No reason) just (5) days prior, which was thee Issue (602) Staff Complaint mentioned In "Statement #1." dated 6-19-05. This Is the reason that staff never attempted to notify a (SGT) prior to Using Force aginst JAMES, In this matter.

#7.) Petitioners RVR 115 must be held to thee "Some Evidence" standard. In this matter, according to all reports, there Is no evidence that JAMES attempted to batter anyone; or even exercized any violence at'all. Based on these facts JAMES cannot be found guilty of thee alleged charge's (See Hill, 472 U.S. 445, 105 S. Ct. 2768, 86 L.Ed.2d 356 (1985). Furthermore, Retalintory RVR 115's are a violation of petitioners U.S. 1st Amend Right of the Constitution.

(See, Hines V. Gomez, 108 F.3d 265 (9th cir 1997)

ATTN: (Director) "J. S. Woodford" ("Exhibit A 6")
CDCR

At this time petitioner brings to your attention; what Im alledging on Information & belief to be: Statewide (CDCR) Deliberate Indifference to Cruel & Unusual Punishment; & Conspiracy to Cover Up alleged criminal acts by way of Unjust screening out of (602) Staff Complaints by (CDCR) Third Level of appeal review....

On 11-3-05 petitioner was transfered from (C.S.P.-Cor), to Calipatria (cal).

On 1-11-06 or around that time (while at (cal)), petitioner recieved a second Level response from (CSPC), regarding (602) Staff Complaint Log # cor-05-2259...

Note: (cal) Is Locked down on modified programy & has been since around June 2005. Thee Institution only has (2) Library's to suffice four Yards, & two Ad-Segs. Access Is Issued (via., request). The waiting List Is Long. The Library Is the only source of Legal material (Manilla Envelope - Postage - Ect) for Indigent prisoners. Petitioner Is Indigent... Staff Complaint cor-05-2259 Is extensive, & required Large Manilla envelope & postage...

From around 1-11-06 through 2-2-06 petitioner filed approx (2) Library access request at (cal), per week..

On 2-2-06, (Due to P.L.V. status/ Courtdeadline notice) I was Issued Library access. At which time petitioner prepared a breif Cover Sheet Letter for said staff Complaint explaining petitioners Library/Envelope predicament; & the 2nd/Level responding Institution (CSPC) excessively delaying said appeal being returned to petitioner, & (not being) returned as dated.. And, asserting that upon Library access, this appeal was fowarded to the Directors Level; Immediately... Seeking/Requesting 3rd/Level appeal review.

On 5-2-06 petitioner received Staff Complaint s/o by the Directors Level, (alleging) time Lapse CCR § 3084.6. The directors Level in doing so ignoring the attached Cover Sheet Letter explaing the delay; & showing that any delay was not petitioners fault; but the fault of (C.S.P.C.), & in part (Cal).

Based on all the foregoing, petitioner is compeled to believe that the directors Level appeal review officials are unjustly malicious & sadistically refusing to process said appeal because of the clear Level of serious criminal violations exemplified by (C.S.P.C.) officials. And, their failure to Investigate the allegations raised in the Complaint pur. D.O.M. § 31140.6.2. Catagory III requirements.

Official Notice Issued: 5-2-06

Petitioner Address: John E. James III P-12272
A-5-237 / P.O. Box 5005
Calipatria, CA. 92233

Note: Due to No Library access at (Cal) without a court deadline, petitioner cant return appeal with this letter. (Cal) Institution denied library without court deadline. I cannot obtain Manilla envelopes. Please order appeal (Cor-05-2259) Faxed to the 3rd Level for review.

/s/ John E. James

Action Requested:

#1) That you order (Staff Complaint / Log # Cor-05-2259) reviewed at the Directors Level...

#2) That you administer the appropriate Investigation into the allegations raised in said appeal...

#3) That you conduct an Investigation into the 3rd/Level of appeal review, & its screening out of prisoner staff complaint appeals.... Fore, this is the fifth staff Complaint s/o by the 3rd/Level regarding (C.S.P.C.) officials; & each situation is Identical. (Response delay/ Cover Sheet Letter Late explination attached; & Ignored by (COCR).)

Some of those s/o complaints; (though not limitted to) Log No. # are as follows:

Cor-05-1320 (s/c); Cor-05-1219 (s/c);

(Sent to Director on 5-3-06)
processed by s/o J. Hall

INMATE APPEALS BRANCH
1515 S Street, Sacramento, CA 95814
P.O. Box 942883
Sacramento, CA 94283-0001

July 23, 2006

("Exzibit: A-7")

James, CDC #P-13474
Calipatria State Prison
P.O. Box 5002
Calipatria, CA 92233

Re: Institution Appeal Log #COR 05-2259 Staff Complaint

Dear Mr. James:

The Inmate Appeals Branch has received your correspondence regarding the above matter. It has been forwarded to the Appeals Coordinator at your location for further review. It is anticipated that they will complete further action at that level, returning the material to this office by August 22, 2006. You will receive further resolution from this office once the material is returned to the Inmate Appeals Branch.

N. GRANNIS, Chief
Inmate Appeals Branch