

DOUBLE PAGES!!

EXHIBIT C

C-1...

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

August 8, 2008

HARRISON, H54077
DF03L 000000122L

Log Number: PBSP-D-08-01983
(Note: Log numbers are not assigned to screen out appeals or informal level appeals.)

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

This appeal constitutes an abuse of the appeal process pursuant to CCR 3084.4. Refusal to interview or cooperate with reviewer shall result in cancellation of the appeal per CCR 3084.4(d).

BASED ON YOUR DOCUMENTED LACK OF COOPERATION IN RESOLVING YOUR APPEAL ISSUE AT THE LOWEST LEVEL, YOUR APPEAL HAS BEEN CANCELLED.



C. E. Wilber
Appeals Coordinator
Pelican Bay State Prison

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE

AUG 08 2008

55
SUPPLY ISSUE
7/1 9/5
per CD

STATE OF CALIFORNIA

**INMATE/PAROLEE
APPEAL FORM**
CDC 602 (12/87)

STAFF COMPLAINT

DEPARTMENT OF CORRECTIONS

Location: Institution: PBSP Log No. DOB-01983 Category 7/1 9/5
1. PERSONNEL 2. _____

You may appeal any policy, action or decision which has a significant adverse effect 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.

NAME: HARRISON M. NUMBER: H54077 ASSIGNMENT: _____ UNIT/ROOM NUMBER: D3-122

A. Describe Problem: PLAINTIFF IS BEING ARBITRARILY RETALIATED AGAINST BY THE D3 FLOOR OFFICER C/O E. SMITH FOR PURPOSES OF ME EXERCISING MY CONSTITUTIONAL RIGHT TO SEEK LEGAL REDRESS AGAINST THE GOVERNMENT, IN WHICH I HAVE A PROTECTED RIGHT TO DO "PROTECTED CONDUCT." FOR THE RECORD, PLAINTIFF HAS FILED A 1983 CIVIL LAWSUIT AGAINST C/O J. SAMPLE, TO WHOM IS A FRIEND & A ASSOCIATE OF C/O E. SMITH, AS HE OFTEN COMES OVER TO D3 TO SOCIALIZE WITH HER. I AM PERSONALLY AWARE THAT C/O E. SMITH HAS KNOWLEDGE OF MY 1983 CIVIL LAWSUIT, AS SHE

If you need more space, attach one additional sheet. • SEE ATTACHMENT SHEET •

B. Action Requested: 1) THAT I BE AWARDED \$100,000 (ONE HUNDRED THOUSAND DOLLARS) IN PUNITIVE DAMAGES FOR EMOTIONAL DURESS CAUSED BY C/O E. SMITH'S ACTIONS TOWARDS ME; 2) THAT THE ISSUE OF RETALIATION AND INSTITUTIONAL RACISM BE ADDRESSED & THOROUGHLY INVEST.

Inmate/Parolee Signature: HARRISON M. Date Submitted: 7/3/08

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

BYPASS

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

BYPASS

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed CDC Appeal Number: _____

Board of Control form BC-1E, Inmate Claim
JUL 08 2008 JUL 18 2008

TO CDW 15, AW-SHY



First Level Granted P. Granted Denied Other

CANCELLED

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 7-18-08 Due Date: 8-29-2008

Interviewed by: RIMBOLDI, SGT. On 08/08/08 I interviewed Mr. HARRISON and I asked him that the staff complaint was rejected. And that the only part of the appeal to be addressed is a supply issue. Harrison refused to acknowledge the rejection, stated that he was refusing to address the issues, and would not answer any questions about the supplies. HARRISON'S lack of cooperation has made it impossible to investigate this appeal. There fore this appeal is CANCELLED.

Staff Signature: [Signature] Title: PCJ Date Completed: 8/5/08
Division Head/Approved: [Signature] Title: AW Returned to: 8/11/08
Signature: [Signature] Title: [Signature] Date to Inmate: 8/11/08

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.

Signature: _____ Date Submitted: _____

Second Level Granted P. Granted Denied Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: _____ Due Date: _____

See Attached Letter

Signature: _____ Date Completed: _____

Warden/Superintendent Signature: _____ Date Returned to Inmate: _____

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

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: _____

30

HAS PERSONALLY TOLD ME THAT SHE IS AWARE OF IT. THE BASIS OF RETALIATION, HAS MANIFESTED OVER THE PAST (6) SIX MONTHS, IN WHICH I HAVE ASKED %•E. SMITH FOR BASIC PERSONAL HYGIENE ITEMS (SOAP — TOILET PAPER) IN WHICH I AM ENTITLED TO, AND SHE HAS REPEATEDLY PROMISED TO HAVE FORGOTTEN, AS I HAVE HAD TO REMIND HER ABOUT MY SOAP SEVERAL TIMES THROUGHOUT THE SAME DAY I ASKED HER. THE MOST RECENT OCCURRENCE OF RETALIATION TOOK PLACE ON JUNE 26TH, 2008, WHEN %•E. SMITH HANDED ME SOME DIRTY, MOLDY, & CRUDY LAUNDRY ON ACCOUNT OF MY LAUNDRY BAG COMING UP MISSING. AT BREAKFAST TRAY PICK UP ON JULY 1ST, 2008, I INFORMED %•E. SMITH THAT I NEEDED SOME SOAP, AS I HAD TO WASH THE LAUNDRY SHE JUST GAVE ME. %•E. SMITH WALKED INTO D3•F•POD (2) TWO MORE TIMES WITHOUT ISSUING ME SOME SOAP. ON HER LAST TRIP INTO D3•F•POD, I REMINDED HER ABOUT THE SOAP, AGAIN NO SOAP!! 5 MINUTES LATER, I THEN CALLED OUT TO %•E. SMITH ABOUT THE SOAP, & SHE ACTED LIKE SHE DIDN'T KNOW WHAT I WAS TALKING ABOUT?! SO I INFORMED THE 3W•CONTROL BOOTH OFFICER THAT JUST CAME ON, OF MY PREVIOUS REQUEST FOR SOAP, AND I WAS THEN LET OUT OF MY CELL AND GIVEN SOME SOAP, IN WHICH I ALSO INFORMED %•E. SMITH; "THAT HER ACTIONS WERE UN-NECESSARY!!" ON JULY 2ND, 2008 I ATTEMPTED TO RESOLVE THIS ISSUE WITH %•E. SMITH, AS I COULDN'T SEE WHY SHE WAS ACTING LIKE THIS TOWARDS ME, AS I HAVE ALWAYS BEEN RESPECTFUL TO HER, AND IN PARTICULAR, WHEN SHE DOESN'T ACT LIKE THIS TOWARDS THE OTHER PRISONERS IN MY POD. %•E. SMITH BEGAN YELLING/SCREAMING AT ME IN AN INCOHERENT & DISRESPECTFUL TONE OF VOICE, AND MUMBLED THE WORDS "MEDICAL EMERG-

... I FOUND THIS TO BE QUITE IRONIC AS THE ISSUES HAS NOTHING TO DO WITH A "MEDICAL EMERGENCY" HOWEVER, MY 1983 CIVIL SUIT AGAINST %O. J. SAMPLE DOES.. THUS SPEAKING TO THE PRACTICES OF %O. E. SMITH RETALIATING AGAINST ME, TO WHICH IS CAUSING ME A GREAT DEAL OF EMOTIONAL DURESS, AS I AM ATTEMPTING TO EXERCISE MY "PROTECTED CONDUCT" IN SEEKING LEGAL REDRESS, TO WHICH I'M BEING ADVERSELY AFFECTED.. %O. E. SMITH HAS ALSO BEEN ENGAGING IN THE PRACTICES OF INSTITUTIONAL RACISM.. EVERY MORNING WHEN SHE COMES INTO D3. F. POD, SHE REBAIN COMMUNICATES "GOOD MORNING" TO EVERY PRISONER, EXCEPT FOR THE BLACK PRISONERS.. AND FURTHERMORE, WHENEVER A BLACK PRISONER IS MOVED OUT OF D3, A BLACK PRISONER IS NOT PLACED IN THAT CELL, BUT WHEN A WHITE/MEXICAN IS MOVED OUT OF D3, A WHITE PRISONER IS PLACED IN THE WHITE PRISONER'S OLD CELL, AND THE SAME WITH THE MEXICAN PRISONERS.. %O. E. SMITH'S ACTIONS IS IN VIOLATION OF C.C.R. — TITLE 15 SEC. 3004 (a), (b), & (c); 3391; BAAT V. TELFORD 677 F.2d 622 (7th Cir. 1982); SOCKWELL V. PHELPS 20 F.3d 187 (5th Cir. 1994); WASHINGTON V. GEE 263 F. SUPP. 327 (M.D. Ala. 1966); AND THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT..

ACTION REQUESTED - CONT. B.):

... REQUESTED, IN PARTICULAR, AS TO HOW BLACK PRISONERS IS HOUSED IN D3 AND TREATED IN D3.. AND THAT %O. E. SMITH BE REMOVED TO A DIFFERENT JOB POST IN ORDER TO PREVENT FUTURE ACTIONS OF RETALIATION BEING TAKEN AGAINST ME; AND 3.) THAT I BE TREATED FOR EMOTIONAL DURESS IN LIGHT OF SAID RETALIATION

• SEE ATTATCH CDC 1858 FORM!!

—CW...

PBSP APPEAL LOG # _____

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RIGHTS AND RESPONSIBILITY STATEMENT / INFORMATION ADVISORY
STAFF COMPLAINT / -PEACE OFFICER

Please read, sign and submit the following statement.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental Peace Officer must read, sign, and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST AN PEACE OFFICER FOR ANY IMPROPER CONDUCT. CALIFORNIA LAW REQUIRES AND THIS AGENCY HAS A PROCEDURE TO INVESTIGATE CITIZENS' [or inmate's] COMPLAINTS. YOU HAVE THE RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE A COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN PEACE OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate's] COMPLAINT'S, AND ANY REPORT OF FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST 5 YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST A PEACE OFFICER, KNOWING THAT IT IS FALSE, OR THE INFORMATION IN THE COMPLAINT IS FOUND TO CONTAIN FALSE STATEMENTS, DISRESPECTFUL OR INSULTING COMMENTS, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU [CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 15, SECTION 3004 RIGHTS/RESPECT OF OTHERS, A DIVISION F OFFENSE, AND/OR CCR 3021 FALSIFICATION OF RECORDS OR DOCUMENTS, A DIVISION E OFFENSE]. YOU CAN ALSO BE PROSECUTED ON A MISDEMEANOR CHARGE.

INMATE/PAROLEE PRINTED NAME	INMATE/PAROLEE'S SIGNATURE	CDC NUMBER	DATE SIGNED
MARCUS HARRISON	MARCUS HARRISON	H54077	7/3/08
RECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	

Attach this CDC Form 1858, Rights and Responsibility Statement, this Information Advisory Form to the CDC Form 602

PERMANENT ATTACHMENT TO CDC FORM 602/DO NOT REMOVE

THIS STAFF COMPLAINT WAS GIVEN TO C/O E. SMITH FOR REVIEW BUT SHE HAS NOT RESPONDED IN THE REQUIRED 10 WORKING DAYS - 30946 - TITLE 15. PELICAN STATE PRISON SECURITY HOUSING UNIT D-3

INMATE/PAROLEE APPEAL FORM CDC 802 (12/87)

You may appeal any policy, action or decision which has a significant adverse effect 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.

NAME: HARRISON M. NUMBER: H54077 ASSIGNMENT: UNIT/ROOM NUMBER: D3-122

A. Describe Problem: PLAINTIFF IS BEING ARBITRARILY RETALIATED AGAINST BY THE D3 FLOOR OFFICER E. SMITH FOR PURPOSES OF ME EXERCISING MY CONSTITUTIONAL RIGHT TO SEEK LEGAL REDRESS AGAINST THE GOVERNMENT IN WHICH I HAVE A PROTECTED RIGHT TO DO - I.E. "PROTECTED CONDUCT". FOR THE RECORD, PLAINTIFF HAS FILED A 1983 CIVIL LAWSUIT AGAINST C/O J. SAMPLE TO WHOM IS A FRIEND & A ASSOCIATE OF C/O E. SMITH AS HE OFTEN COMES OVER TO D3 TO SOCIALIZE WITH HER. I AM PERSONALLY AWARE THAT C/O E. SMITH HAS KNOWLEDGE OF MY 1983 CIVIL LAWSUIT AS SHE HAS PERSONALLY TOLD ME THAT SHE IS AWARE. SEE ATTACHMENT SHEET.

B. Action Requested: 1) THAT I BE COMPENSATED \$100,000 (ONE HUNDRED THOUSAND) DOLLARS IN PUNITIVE DAMAGES FOR THE EMOTIONAL DURESS C/O E. SMITH HAS CAUSED; 2) THAT THE ISSUE OF RETALIATION & RACISM BE INVESTIGATED, IN PARTICULAR, AS TO HOW BLACK PRISONERS IN D3 IS BEING TREATED. Inmate/Parolee Signature: [Signature] SEE ATTACHMENT Date Submitted: 7/17/08

C. INFORMAL LEVEL (Date Received: 8-7-08) (# P8SP-D-08-01983) Staff Response: THIS IS A DUPLICATE APPEAL OF A PREVIOUS APPEAL YOU FILED, IN WHICH THE CHIEF DEPUTY WARDEN REJECTED YOUR APPEAL ON ALL ISSUES EXCEPT SUPPLIES (SOAP). WHEN SGT MOORE ATTEMPTED TO INTERVIEW YOU ON YOUR PREVIOUS APPEAL, YOU WERE UNCOOPERATIVE, THEREFORE YOUR APPEAL WAS CANCELED. BECAUSE THIS IS A DUPLICATE, [REDACTED] THAT YOU REFUSED TO COOPERATE WITH, [REDACTED] AS WELL. Staff Signature: [Signature] FAC. D Date Returned to Inmate: 8/7/08

D. FORMAL LEVEL If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____ Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim CDC Appeal Number: _____

C8...

Date:

cc: 502 (12/97)
Seri: [unclear]

DIRECTOR'S ACTION: Granted P. Granted Denied Other

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

Date Submitted:

Signature:

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

Date Returned to Inmate:

Warden/Supervisor's Signature:

Date Completed:

Signature:

G: REVIEWER'S ACTION (complete within 10 working days). Date assigned: See Attached Letter

Due Date:

Second Level: Granted P. Granted Denied Other

Date Submitted:

Signature:

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.

Date Returned to Inmate:

Signature:

Date Completed:

Staff Signature:

E: REVIEWER'S ACTION (complete within 15 working days). Date assigned: Granted P. Granted Denied Other

Due Date:

First Level: Granted P. Granted Denied Other

DESCRIBE PROBLEM CONT. A.):

— C9...

FIT.. THE BASIS OF RETALIATION, HAS MANIFESTED OVER THE PAST (6) SIX MONTHS OR MORE, IN WHICH I HAVE ASKED C/O. E. SMITH FOR BASIC PERSONAL HYGIENE ITEMS (SOAP — TOILET PAPER) IN WHICH I AM ENTITLED TO, AND SHE HAS REPEATEDLY PROCLAIMED TO HAVE FORGOTTEN, AS I HAVE HAD TO REMIND HER ABOUT MY SOAP, ETC. SEVERAL TIMES THROUGHOUT THE SAME DAY.. THE MOST RECENT OCCURRENCE OF RETALIATION, BEGUN & TOOK PLACE ON JUNE 26TH; 2008, WHEN C/O. E. SMITH HANDED ME SOME DIRTY, MOLDED, & CRUDED LAUNDRY ON ACCOUNT OF MY LAUNDRY BECOMING UP MISSING.. AT BREAKFAST TRAY PICK UP ON JULY 1ST; 2008, I INFORMED C/O. E. SMITH THAT I NEEDED SOME SOAP AS I HAD TO WASH THE LAUNDRY SHE GAVE ME.. ~~C/O. E. SMITH HANDED ME~~ ^{REPUBLICAN FAX SECURITY HOUSING UNIT} D3. F. Pod (2). TWO MORE TIMES WITHOUT ISSUING ME SOME SOAP!! ON HER LAST TRIP INTO THE POD, I REMINDED HER ABOUT THE SOAP, AGAIN NO SOAP!! 5. MILES LATER, I THEN CALLED OUT TO C/O. E. SMITH ABOUT THE SOAP & SHE ACTED LIKE SHE DIDN'T KNOW WHAT I WAS TALKING ABOUT?! SO I INFORMED THE 3W. CONTROL BOOTH OFFICER THAT JUST CAME ON, OF MY PREVIOUS REQUEST FOR SOAP, AND I WAS THEN LET OUT OF MY CELL AND GIVEN SOME SOAP, IN WHICH I ALSO INFORMED C/O. E. SMITH; "THAT HER ACTIONS WERE UN-NECESSARY!!" ON JULY 2ND; 2008, I ATTEMPTED TO RESOLVE THIS ISSUE WITH C/O. E. SMITH, AS I COULDN'T SEE WHY SHE WAS ACTING LIKE THIS TOWARDS ME, AS I HAVE ALWAYS BEEN RESPECTFUL TO HER SINCE I'VE KNOWN HER, AND IN PARTICULAR, WHEN SHE DOESN'T ACT LIKE THIS TOWARDS THE OTHER PRISONERS IN MY POD.. C/O. E. SMITH BEGAN YELLING /SCREAMING AT ME RIGHT IN FRONT OF MY CELL IN A INCOHERENT & DISRESPECTFUL TONE OF VOICE, AND MUMBLING THE WORDS "MEDICAL EMERGENCY".. I FOUND THIS TO BE QUITE IRONIC, AS OUR ISSUE HAD NOTHING TO DO WITH A "MEDICAL EMERGENCY", HOWEVER, MY 1983. CIVIL LAWSUIT AGAINST C/O. J. SAMPL

—C10...

DOES.. THUS SPEAKING TO THE PRACTICES OF, C/O. E. SMITH RETALIATING AGAINST ME, TO WHICH IS CAUSING ME A GREAT DEAL OF EMOTIONAL DURESS/STRESS, AS I AM ATTEMPTING TO EXERCISE MY PROTECTED CONSTITUTIONAL RIGHT, IN SEEKING LEGAL REDRESS TO WHICH I'M BEING ADVERSELY AFFECTED.. C/O. E. SMITH HAS ALSO BEEN ENGAGING IN THE PRACTICES OF INSTITUTIONAL RACISM.. EVERY MORNING WHEN SHE COMES INTO THE POD, SHE VERBALLY COMMUNICATES "GOOD MORNING" TO EVERY PRISONER, EXCEPT FOR THE BLACK PRISONERS.. AND FURTHERMORE, WHENEVER A BLACK PRISONER IS MOVED OUT OF D3, A BLACK PRISONER IS NOT PLACED IN THAT CELL, BUT WHEN A WHITE OR A MEXICAN IS MOVED OUT OF D3, A WHITE IS PLACED IN THE WHITE'S OLD CELL, AND THE SAME WITH THE MEXICANS.. THUS SPEAKING TO HOW BLACK PRISONERS IS DISPROPORTIONATELY HOUSED & TREATED IN D3, IN THAT, BLACK PRISONERS IS BEING SINGLED OUT & ISOLATED WITHIN THE PODS OF D3.. C/O. E. SMITH'S ACTIONS IS IN VIOLATION OF C.C.R. — TITLE 15 SECTION 3004 (a)(b) & (c); 3391; BART V. KEIFORD 677 F.2d 622 (7TH CIR. 1982); SOCKWELL V. PHEIPS 20 F.3d 187 (5TH CIR. 1994); AND THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT..

ACTION REQUESTED CONT. B.):

HOUSED & TREATED.. AND THAT C/O. E. SMITH BE REMOVED FROM HER JOB POST SO THAT THE ISSUE OF RETALIATION CAN BE NEGATED & NEUTRALIZED; AND 3.) THAT I BE TREATED FOR THE EMOTIONAL & MENTAL DURESS THAT OFFICER E. SMITH'S ACTIONS OF RETALIATION IS HAVING UPON ME..

PELICAN BAY STATE PRISON
SECURITY HOUSING UNIT

-C11...

UNPBP-3 APPEAL LOG # _____

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RIGHTS AND RESPONSIBILITY STATEMENT / INFORMATION ADVISORY
STAFF COMPLAINT / -PEACE OFFICER

Please read, sign and submit the following statement.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental Peace Officer must read, sign, and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST AN PEACE OFFICER FOR ANY IMPROPER CONDUCT. CALIFORNIA LAW REQUIRES AND THIS AGENCY HAS A PROCEDURE TO INVESTIGATE CITIZENS' [or inmate's] COMPLAINTS. YOU HAVE THE RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE A COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN PEACE OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate's] COMPLAINT'S AND ANY REPORT OF FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST 5 YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST A PEACE OFFICER, KNOWING THAT IT IS FALSE, OR THE INFORMATION IN THE COMPLAINT IS FOUND TO CONTAIN FALSE STATEMENTS, DISRESPECTFUL OR INSULTING COMMENTS, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU [CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 15, SECTION 3004 RIGHTS/RESPECT OF OTHERS, A DIVISION F OFFENSE, AND/OR CCR 3021 FALSIFICATION OF RECORDS OR DOCUMENTS, A DIVISION E OFFENSE]. YOU CAN ALSO BE PROSECUTED ON A MISDEMEANOR CHARGE.

INMATE / PAROLEE PRINTED NAME HARRISON [REDACTED]	INMATE / PAROLEE'S SIGNATURE <i>Harrison</i> [REDACTED]	CDC NUMBER H54077	DATE SIGNED 7/17/08
RECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	

Attach this CDC Form 1858, Rights and Responsibility Statement, this Information Advisory Form to the CDC Form 602

PERMANENT ATTACHMENT TO CDC FORM 602 / DO NOT REMOVE

C12...

AUGUST 5TH, 2008
PELICAN BAY STATE PRISON
SECURITY ASSOCIATE WARDEN
UNIT D.W. BRADBURY...

ON AUGUST 5TH, 2008 PER. A WOZ INTERVIEW WITH SGT MOORE, I WAS INFORMED; THAT HE WAS NOT GOING TO ADDRESS ALL OF THE ISSUES RAISED IN MY STAFF COMPLAINT AGAINST OFFICER E. SMITH, ON ACCOUNT OF, MY STAFF COMPLAINT BEING REGULATED TO THE STATUS OF A REGULAR WOZ." SGT. MOORE STATES THAT MY STAFF COMPLAINT WAS REJECTED.. I FIRMLY DISAGREE WITH THIS, BECAUSE IF MY STAFF COMPLAINT/ WOZ WAS REJECTED, THEN WHY HAVEN'T I RECEIVED A REJECTION NOTICE, AS IS REQUIRED PER. C.C.R. TITLE 15 SECTION 3084.3.8(d)?? SGT MOORE INSTEAD CHOOSE TO FOCUS ON, ONLY ONE OF THE ISSUES THAT WAS RAISED IN MY STAFF COMPLAINT/ WOZ IN WHICH I RAISED AGAINST OFFICER E. SMITH..

NOWHERE WITHIN THE TITLE 15 DOES IT STATE, THAT WHEN A STAFF COMPLAINT IS REDUCED TO A REGULAR WOZ, THAT ALL OF THE ISSUES WITHIN THE WOZ BECOMES MOOT !! BUT THIS IS THE POSITION THAT SGT. MOORE HE TAKEN.. AND FURTHERMORE, IF THIS WAS SO, WHY DID SGT. MOORE CHOOSE TO ADDRESS ONLY ONE OF THE ISSUE IN MY STAFF COMPLAINT THAT WAS AGAINST OFFICE E. SMITH ?? BECAUSE BY SGT. MOORE REFUSING TO ADDRESS AND/OR INVESTIGATE THE ISSUES THAT I RAISED WITHIN MY STAFF COMPLAINT AGAINST

OFFICER [NAME] STATE PRISON CONTINGENCY HOUSING UNIT
 SECURITY UNIT
 HE IS SAYING — C13...
 OFFICER [NAME] WITH SAID RACIAL DISCRIMINATORY PR
 ACTIONS AGAINST BLACK PRISONERS IN D3, AND
 THAT IT IS O.K. FOR HER TO CONTINUE RETALIATING
 AGAINST ME!! THERE IS NO OTHER VIABLE REASON
 OR EXPLANATION FOR SGT. MOORE'S POSITION???

I AM ENCLOSING A TRUE COPY OF SAID 602,
 PLEASE REVIEW IT AND IF NECESSARY, PUT FORTH THE
 APPROPRIATE OBJECTIVES AS TO HOW THIS 602 MUST
 BE ADDRESSED, IN PARTICULAR, BY CONDUCTING A INVE
 STIGATION INTO SAID ISSUES, AND BY REINSTATING TH
 602 AS A STAFF COMPLAINT SO THAT ALL OF THE ISSU
 CAN BE THOROUGHLY AND PROPERLY INVESTIGATED AND
 RESOLVED.. THANK YOU..

RESPECTFULLY,
 I/M. HARRISON
 # H54077
 D3-122

• SEE ATTATCH 602,
 AND BE SURE THAT YOU
 GET BACK TO ME ON THIS!!
 APPEAL LOG # 08-01983..

* PLEASE EXPLAIN TO ME, HOW DOES MY STAFF COMF
 AINT BEING CHANGED TO A REGULAR 602 DISQUALIFY
 THE ISSUES OF "RETALIATION" AND "RACIAL DISCRIMI
 ATION" WITHOUT THE ENTIRE STAFF COMPLAINT/602
 BEING DISQUALIFIED?? MAKES NO SENSE??

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

—C14...

RE: Screening at the FIRST Level

August 14, 2008

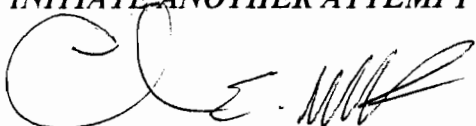
HARRISON, H54077
DF03L 000000122L

Log Number: PBSP-D-
(Note: Log numbers are not assigned to screen out appeals or informal level appeals.)

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

You have submitted an appeal that duplicates a previous appeal upon which a decision has been rendered or is pending (CCR 3084.3(c)(2)).

THIS ENTIRE ISSUE WAS ALREADY ROUTED VIA THE CDW'S OFFICE AND ASSIGNED APPEAL LOG# 08-01983 AS A REGULAR APPEAL ISSUE IN WHICH YOU FAILED TO COOPERATE WITH. THIS OFFICE SHALL NOT ALLOW YOU TO INITIATE ANOTHER ATTEMPT AT THIS.



C. E. Wilber
Appeals Coordinator
Pelican Bay State Prison

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE

AUG 14 2008

PELICAN BAY STATE PRISON

STATE OF CALIFORNIA

SECURITY HOUSING UNIT

DUPLICATE
C/O SMITH
DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE UNIT D-3

Location: Institution/Parole Region

Log No.

Category

APPEAL FORM

CDC 802 (12/87)

1. PELICAN BAY
2. _____

1. _____
2. _____

9/5

You may appeal any policy, action or decision which has a significant adverse effect 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.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
HARRISON	H54077		D3-122

A. Describe Problem: ON 8/11/08, I WAS ESCORTED DOWN TO THE D-FACILITY PRO-GRAM OFFICE FOR AN INTERVIEW WITH SGT. R. MOORE AND CAPTAIN R.L. JOHNSON. THE PURPOSE FOR THE INTERVIEW WAS TO ADDRESS THE NATURE OF (2) TWO STAFF COMPLAINTS THAT I FILED AGAINST D3 OFFICER. DURING THE COURSE OF THE INTERVIEW, I WAS INFORMED THAT: "THE REASON WHY MY STAFF COMPLAINTS WERE CANCELLED/REJECTED, WAS BECAUSE THEY SHOULD HAVE BEEN FILED AS REGULAR 1002 APPEALS". I WAS THEN INSTRUCTED BY SGT. R. MOORE, AS A REMEDY

If you need more space, attach one additional sheet. • SEE ATTACHMENT SHEET.

B. Action Requested: 1) THAT THESE ISSUES BE THOROUGHLY INVESTIGATED FOR PURPOSE OF OBTAINING A RESOLUTION TO SAID ISSUES; 2) THAT OFFICER E. SMITH BE REMOVED FROM HER JOB POST IN ORDER TO PREVENT FURTHER VIOLATIONS OF C.C.R. - TITLE 15 SECTION 3004 (a)(b)(c); 3160 (a); AND 3391; AN

Inmate/Parolee Signature: • SEE ATTACHMENT / Harrison Date Submitted: 8/11/08

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

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

CDC Appeal Number:

AUG 14 2008

-C15...

08-0198

16

C16...

CDC 602 (12/87)

DIRECTOR'S ACTION: Granted P. Granted Denied Other See Attached Letter

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

Signature: _____ Date Submitted: _____

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.

Warden/Superintendent Signature: _____

Date Returned to Inmate: _____

Signature: _____ Date Completed: _____

See Attached Letter

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: _____ Due Date: _____

Second Level Granted P. Granted Denied Other

Signature: _____ Date Submitted: _____

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.

Signature: _____

Title: _____

Date to Inmate: _____

Division Head Approved: _____

Title: _____

Date Completed: _____

Returned

Interviewed by: _____

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: _____ Due Date: _____

First Level Granted P. Granted Denied Other

DESCRIBE PROBLEM • COURT • A.:

—C17...

TO SOLVE THE CANCELLATION OF MY STAFF COMPLAINTS, TO FILE THE STAFF COMPLAINT AS A REGULAR W02 APPEAL.. SO I WILL NOW ATTEMPT TO DO SO ONCE AGAIN.. SINCE JANUARY OF 2007, I HAVE BEEN ROUTINELY HARASSED, RIDICULED, AND RETALIATED AGAINST BY OFFICER E. SMITH.. SUCH RETALIATION & HARASSMENT HAS MANIFESTED IN THE FOLLOWING FORMS: ROUTINELY ISSUED MY CANTEEN LAs, HAVING TO REPEATEDLY REQUEST FOR BASIC SUPPLIES (SOAP & TOILET PAPER) WHEN THIS IS NOT THE ISSUE, WHEN OTHER PRISONERS ASK FOR & REQUEST BASIC SUPPLIES; ABUSIVELY LABELED A TROUBLE MAKER IN THE UNIT LOG BOOK DURING THE MONTHS OF JULY AND AUGUST IN PARTICULAR, LABELING MESSAGES HAVING A NEGATIVE & HOSTILE ATTITUDE; ISSUED MOLDED, DIRTY, & CRUDED LAUNDRY ON PURPOSE, IN THAT, OFFICER E. SMITH ALWAYS CHECKS THE LAUNDRY PRIOR TO ISSUING IT TO PRISONERS; REPEATEDLY BEING ASKED BY OFFICER E. SMITH IF I NEEDED TO USE MY MEDICATIONS, WHEN I TOLD HER NOT TO ASK ME ANYMORE DUE TO HER UNPROFESSIONAL INTERACTIONS WITH ME, AS THERE IS NO WRITTEN RULE / POLICY FOR, OR THAT REQUIRES OFFICER E. SMITH TO CONTINUE ASKING ME ABOUT MY MEDICATIONS EVERY MORNING; AND VERBALLY COMMUNICATING "GOOD MORNING" TO NON-BLACK PRISONERS EVERY MORNING.. ON 6/26/08, I WAS ISSUED MOLDED, DIRTY, & CRUDED LAUNDRY BY OFFICER E. SMITH; ON 7/1/08 I WAS REPEATEDLY DENIED STATE SOAP BY OFFICER E. SMITH; ON 7/2/08 OFFICER E. SMITH YELLED AND SCREAMED AT ME IN A VERY DISRESPECTFUL TONE OF VOICE FOR UNJUST REASONS; SINCE 7/3/08 OFFICER E. SMITH HAS VERBALLY INFORMED HER FELLOW OFFICERS OF ME HAVING A HOSTILE & A NEGATIVE ATTITUDE, TO WHICH SHE ALSO NOTED IN THE UNIT LOG BOOK THROUGHOUT THE [REDACTED] MONTHS OF JULY / AUGUST; SINCE

—C18...

JANUARY OF 2007 OFFICER E. SMITH HAS ONLY VERBALLY COMMUNICATED "GOOD MORNING" TO NON-BLACK PRISONERS, ALSO BLACK PRISONERS CONTINUE TO BE HOUSED IN SECTIONS/PODS BY THEMSELVES WHICH OFFICER E. SMITH IS RESPONSIBLE FOR, AS I.G.I. LT. WISE HAS INFORMED ME; "THAT ALL IN-HOUSE - UNIT CELL MOVES IS DONE BY UNIT STAFF (PER. A 602 INTERVIEW)"; AND OFFICER E. SMITH CONTINUES TO ASK ME ABOUT MY MEDICATIONS WHEN I ASKED HER NOT TO, BASED ON HER CONTINUED UNPROFESSIONAL INTERACTIONS WITH ME.. OFFICER E. SMITH'S ACTIONS IS IN VIOLATION OF THE FOLLOWING ADMINISTRATIVE PROVISIONS - I.E. "C.C.R. - TITLE 15 - SECTIONS 3004 (a)(b)(c); 3160 (a); AND 3391..

• ACTION REQUESTED CON'T. B.):

3.) THAT I BE AWARDED \$100,000 (ONE HUNDRED THOUSAND DOLLARS) IN PUNITIVE DAMAGES..

— C 19 ...

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

August 8, 2008

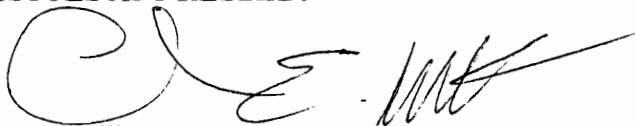
HARRISON, H54077
DF03L 000000122L

Log Number: PBSP-D-
(Note: Log numbers are not assigned to screen out appeals or informal level appeals.)

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

This appeal constitutes an abuse of the appeal process pursuant to CCR 3084.4. Refusal to interview or cooperate with reviewer shall result in cancellation of the appeal per CCR 3084.4(d).

SCREENOUT DECISIONS ARE SUBJECT TO REVIEW, BUT NOT APPEAL. THIS OFFICE HAS REVIEWED THE SCREEN-OUT DECISION IN QUESTION. YOUR DOCUMENTED LACK OF COOPERATION ON RESOLVING YOUR SUPPLY ISSUE WARRANTS CANCELLATION OF YOUR APPEAL MAKING THE GRIEVANCE SYSTEM AVAILABLE TO INMATES WITH A SINCERE DESIRE TO HAVE THEIR ISSUES ADDRESSED.



C. E. Wilber
Appeals Coordinator
Pelican Bay State Prison

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE

73.
Screening
Decision

SECURITY HOUSING UNIT

STATE OF CALIFORNIA

UNIT D-3

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE

APPEAL FORM

CDC 802 (12/87)

Location: Institution/Parole Region

Log No.

Category

- 1. PELICAN BAY
- 2. _____

10/12

You may appeal any policy, action or decision which has a significant adverse effect 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.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
HARRISON - M.	H54077		D3-122

A. Describe Problem: ON 8/7/08, I WAS INFORMED BY LT. R. GRAVES THAT MY W02 - LOG # D-08-01983 HAD BEEN CANCELLED ON ACCOUNT OF SGT. MOORE INFORMING HIM THAT I WAS UNCOOPERATIVE DURING A W02 INTERVIEW WITH SGT. MOORE ON 8/5/08.. (SEE ATTACH W02 RESPONSE) THIS IS SIMPLY NOT TRUE!! DURING THE W02 INTERVIEW WITH SGT. MOORE I SIMPLY INFORMED HIM THAT I HAD NOTHING ELSE TO ADD.. NOW HOW IS THIS BEING UNCOOPERATIVE?? SGT. MOORE IS DEPRIVING ME PROCEDURAL DUE PROCESS, BY

If you need more space, attach one additional sheet. ARBITRARILY CANCELLING MY W02 APPEAL

B. Action Requested: THAT MY W02 APPEAL LOG/# D-08-01983 BE REINSTATED SO THAT I MAY EXHAUST ALL OF MY ADMINISTRATIVE REMEDIES.. AND THAT IT BE CLARIFIED AS TO HOW EXACTLY WAS I BEING UNCOOPERATIVE IN SAID W02 INTERVIEW..

Inmate/Parolee Signature: HARRISON - M. Date Submitted: 8/7/08

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

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

CDC Appeal Number:

AUG 08 2008

-C20...

7

C21...

Date:

See Attached Letter Granted P. Granted Denied Other

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942888
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

Date Submitted:

Signature:

H. If dissatisfied, explain reasons for requesting Director's Level Review, and submit by mail to the Inmate Appeals Coordinator within 15 days of receipt of response.

Date Returned to Inmate:

Warden/Superintendent Signature:

Date Completed:

Signature:

See Attached Letter

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: Granted P. Granted Denied Other

Due Date:

Date Submitted:

Signature:

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.

Date Returned to Inmate:

Signature:

Date Completed:

Signature:

First Level Granted P. Granted Denied Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned:

Due Date:

Date Submitted:

Signature:

STAFF COMPLAINT

ASKED FROM 75.
M. COVINE EF
DEPARTMENT OF CORRECTIONS
HE NEEDS MED.
Category ~~9/17~~

STATE OF CALIFORNIA

INMATE/PAROLEE APPEAL FORM CDC 802 (12/87)

Location: Institution/Parole Region

Log No.

1. PETENNA BAY
2. _____

1. _____
2. _____

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.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
HARRISON - M.	H54077		D3-122

A. Describe Problem: OFFICER E. SMITH, THE 2ND FLOOR OFFICER OF HOUSING UNIT D3, CONTINUES TO SUBJECT PLAINTIFF TO AN ARBITRARY MEANS OF RETALIATION, THROUGH HER PERSISTENT & ON-GOING ANTICS OF HARASSMENT & RIDICULE, WHICH IS PRIMARILY PREDICATED UPON PLAINTIFF EXERCISING HIS 1ST AMENDMENT CONSTITUTIONAL RIGHT, BY ME FILING A 1983 CIVIL CLAIM AGAINST HER CO-WORKER AND FRIEND C/O J. SAMPLE. C/O E. SMITH HAS INDICATED TO ME THAT SHE HAS PERSONAL KNOWLEDGE OF MY 1983 CIVIL CLAIM AGAINST C/O J. SAMPLE. ON JULY 2ND, 2009

If you need more space, attach one additional sheet.

• SEE ATTACHMENT SHEET.

B. Action Requested: 1.) THAT C/O E. SMITH BE REMOVED FROM HER JOB POST IN ORDER TO NEGATE HER ON-GOING PRACTICES OF RETALIATION AGAINST ME FOR FILING A 1983 CIVIL CLAIM; AND 2.) THAT I BE SEEN/TREATED FOR THE EMOTIONAL/PSYCHOLOGICAL STRESS THAT C/O E. SMITH'S ACTIONS IS HAVING ON ME

Inmate/Parolee Signature: Harrison - M. Date Submitted: 8/2/08

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

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

CDC Appeal Number:

AUG 14 2008
25

C22...

C23...

Date: _____

See Attached Letter
 Granted
 P. Granted
 Denied
 Other

Attn: Chief, Inmate Appeals
 Sacramento, CA 94283-0001
 P.O. Box 942883

For the Director's Review, submit all documents to: Director of Corrections

Signature: _____

Date Submitted: _____

H. If dissatisfied with the reasons for requesting a Director's Level Review, and submit by mail to the Inmate Appeals Coordinator within 15 days of receipt of response.

Warden/Supervisor Signature: _____

Date Returned to Inmate: _____

Signature: _____

Date Completed: _____

G. REVIEWER'S ACTION (complete within 10 working days). Date assigned: _____

Due Date: _____

See Attached Letter
 Granted
 P. Granted
 Denied
 Other

Second Level: _____

Signature: _____

Date Submitted: _____

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.

Division Head/Approver: _____

Signature: _____

Date Returned to Inmate: _____

Staff Signature: _____

Title: _____

Date Completed: _____

E. REVIEWER'S ACTION (complete within 10 working days). Date assigned: _____

Due Date: _____

Granted
 P. Granted
 Denied
 Other

First Level: _____

Signature: _____

Date Submitted: _____

—C24...

DESCRIBE PROBLEM • CONT. A.:

I PERSONALLY INFORMED C/O. E. SMITH; "THAT THERE WAS NO NEED FOR HER TO CONTINUE ASKING ME, IF I NEEDED TO USE MY PRESCRIBED MEDICATION EVERY MORNING AT BREAKFAST TRAY PICK-UP, AND THAT I WOULD INFORM HER WHEN I NEEDED TO USE MY ASTHMA INHALER (PRESCRIBED MEDICATION)." HOWEVER, AS OF THIS WRITING, C/O. E. SMITH HAS PERSISTED ON WITH ANTAGONIZING ME, AND HARASSING ME, WITH/BY CONTINUING TO ASK ME EVERY SINGLE MORNING THE SAME RIDICULOUS QUESTION; "DO I NEED TO USE MY PRESCRIBED MEDICATION?" THERE IS NOT A SINGLE JUSTIFIABLE, OR A NEUTRAL REASON FOR C/O. E. SMITH CONTINUING TO ASK ME THIS QUESTION, AFTER I TOLD HER NOT TO, OTHER THAN TO "HARASS, RIDICULE, & RETALIATE" AGAINST ME FOR FILING A 1983 CIVIL COMPLAINT AGAINST HER CO-WORKER C/O. J. SAMPLE.. BECAUSE THERE IS NO WRITTEN RULE, OR POLICY THAT MANDATES A PROTOCOL FOR HER TO CONTINUE ASKING ME EVERY MORNING, IF I NEED MY PRESCRIBED MEDICATION. THE LANGUAGE ON MY PRESCRIBED MEDICATION, CLEARLY INSTRUCTS ME TO USE AS OR WHEN NEEDED.. BUT FOR THE SAKE OF CLARIFICATION, THERE IS AN ESTABLISHED PROTOCOL FOR PRESCRIBED MEDICATION USAGE.. I HAVE BEEN INFORMED BY R/W. J. FLOWERS, THAT PER. A S.H.U. SET., THAT "ALL OR THE ONLY THING THAT IS REQUIRED TO USE ONE'S PRESCRIBED MEDICATION, IS TO ASK FOR IT!" C/O. E. SMITH'S CONTINUED RETALIATORY ACTIONS AGAINST ME IS CONTINUING TO CAUSE ME UNNECESSARY EMOTIONAL, MENTAL, & PSYCHOLOGICAL STRESS!! C/O. E. SMITH HAS ALSO INFORMED HER CO-WORKERS & HAS WRITTEN IN THE UNIT LOG BOOK THAT I HAVE A NEGATIVE ATTITUDE, AND FOR THEM TO TAKE PRECAUTION

—C25...

WHEN DEALING WITH ME.. THIS IS NOT TRUE AT ALL AS I AM SIMPLY FED UP, AND IS EMOTIONALLY AND PSYCHOLOGICALLY STRESSED FROM CONSTANTLY BEING SUBJECTE TO %O. E. SMITH'S RETALIATORY ANTICS AGAINST ME.. IN PARTICULAR WHEN I AM ONLY GUILTY OF EXCERCISING MY PROTECTED CONSTITUTIONAL RIGHT BY FILING A 1983-CIVIL CLAIM AGAINST HER CO. WORKER J. SAMPI.. %O. E. SMITH'S ALLEGATIONS OF ME HAVING A NEGATIVE ATTITUDE AGAINST ANYBODY, IS FURTHER EVIDENCE OF HER RETALIATORY POSITION AGAINST ME, AS SHE IS THE ONLY OFFICER IN D3 THAT IS MAKING SUCH UNSUBSTANTIATED CLAIMS!! ON AUGUST 14TH, AND 16TH, OF 2008, I WAS VERBALLY THREATENED BY OFFICER E. SMITH TO WHICH SHE VERBALLY THREATENED ME BY STATING; "THAT SHE WAS GOING TO START WRITING ME UP IF I DIDN'T START ACCEPTING MY PRESCRIBED MEDICATION FROM HER AT BREAKFAST TRAY PICK UP!!"

INMATE APPEALS BRANCH

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



January 22, 2009

HARRISON, MARCUS, H54077
Pelican Bay State Prison
P.O. Box 7000
Crescent City, CA 95531-7000

RE: IAB# 0814552 PBSP-08-02541 DISCIPLINARY

Mr. HARRISON:

The Inmate Appeals Branch, California Department of Corrections and Rehabilitation (CDCR) acts for the Director, Division of Adult Institutions, at the third level of appeal. The Branch examines and responds to inmate and parolee appeals that are submitted on a CDC Form 602, Inmate/Parolee Appeal Form, after the institution or parole region has responded at the Second Level of Appeal.

Institution and parole staff are available to assist you in obtaining additional copies of forms and documents required to submit an appeal. The inmate library offers resources and assistance to obtain general information regarding regulations, procedures, policies, and government agency addresses. Additionally, your assigned Counselor or Parole Agent, or the Appeals Coordinator can answer any questions you may have regarding the appeals process. The Inmate Appeals Branch appreciates your responsible use of the appeal system to address your grievance.

The Inmate Appeals Branch has received an appeal from you and has determined that it does not comply with the appeal procedures established in California Code of Regulations (CCR) Title 15, Article 8, and is being screened-out and returned to you pursuant to CCR 3084.3 for the following reason(s):

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).

A handwritten signature in black ink, appearing to read "N. Grannis".

N. GRANNIS, Chief
Inmate Appeals Branch

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

September 3, 2008

HARRISON, H54077
DF03L 000000122L

Log Number: PBSP-D-

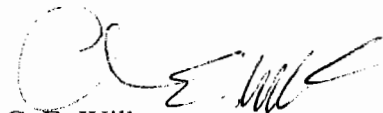
(Note: Log numbers are not assigned to screen out appeals or informal level appeals.)

APPEAL FIRST LEVEL
FINAL COPY
FINAL COPY
2ND LEVEL
ALLOWED AT W/O ATTACH AFTER TO OF REVIEW.
C. WILBER, AC

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

Your disciplinary appeal is incomplete. You must attach legible copies of all documents you received during the disciplinary process. For example: the completed CDC 115, Rule Violation Report, the laboratory report, the Mental Health Assessment Form, the completed CDC 115-A, Serious Rule Violation Report, the CDC 115, Investigative Employee report, supplemental reports for the CDC 115, the CDC 7219, Report of Injury, the complete CDC 837, Incident Report, and the CDC 1030, Confidential Information Disclosure Form.

PLEASE WAIT AND ATTACH FINAL COPY OF RVR.


C. E. Wilber
Appeals Coordinator
Pelican Bay State Prison

— SEE ENCLOSED FINAL COPY OF SAID 115!! BEING SUBMITTED

PURSUANT TO C.C.A. — TITLE 15. SEC. 3084.7 (a)(1)(C)(b)(1) AS A EMERGENCY APPEAL!! I'VE ALREADY BEEN ON THIS 30-DAY RESTRICTION FOR 11-DAYS.. — THANK YOU —

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE

SEP 03 2008

EMERGENCY APPEAL PURSUANT TO TITLE 15 SEC. 3084.7(a)(1)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE APPEAL FORM CDC 602 (12/87)

Location: Institution/Funds Region Pelican Bay State Prison
1. PELICAN BAY 2. SECURITY HOUSING UNIT
508-02541
UNIT D-2 D08 08 005

You may appeal any policy, action or decision which has a significant adverse effect 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.

NAME HARRISON	NUMBER H54077	ASSIGNMENT	UNIT/ROOM NUMBER D3-122
------------------	------------------	------------	----------------------------

A. Describe Problem: THIS W02 APPEAL IS BEING SUBMITTED PURSUANT TO C.C.R. — TITLE 15 SECTION 3084.7 (a)(1), IN THAT THIS W02 APPEAL NEEDS TO BE RESOLVED IN THE SHORTEST PRACTICAL AMOUNT OF TIME, AS THE PUNITIVE AND ADVERSE ACTIONS THAT WERE TAKEN AGAINST ME EXPIRES IN 30 DAYS.. (SEE ATTATCH) ON 8/28/08, PLAINTIFF WAS SUBJECTED TO A ARBITRARY MEANS OF CRUNVISM VIA OFFICER E. SMITH'S CONTINUED RE-TALIATION CAMPAIGN AGAINST ME FOR FILING A 1983 CIVIL CLAIM AGAINST HER.. PLAINTIFF WAS FOUND GUILTY OF A CDC 115 BY SGT. J.

If you need more space, attach one additional sheet. • SEE ATTACHMENT SHEET •

B. Action Requested: 1.) THAT OFFICER E. SMITH BE REMOVED FROM HER JOB POST SO THAT THERE WON'T BE ANY FURTHER VIOLATIONS OF C.C.R. TITLE 15 SECTION 3004 (a)(b)(c) AND 3100 (a) ON ACCOUNT OF ME FILING A LAWSUIT AGAINST HER; 2.) THAT MY T.V. BE PLUGGED IN SO THAT I CAN

Inmate/Parolee Signature: *[Signature]* • SEE ATTACHMENT SHEET • Date Submitted: 9/1/08

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

DISMISS

INMATE APPEALS BRANCH
715 days
4/17/08
D08 08 005
2/2/08
EJ

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

DISMISS

Signature: _____ Date Submitted: _____

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

CDC Appeal Number:

SEP 02 2008 SEP 08 2008

OCT 22 2008



21 1ST AWSHM 2ND APPEALS

First Level Granted P. Granted Denied Other _____

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 9/19/08 Due Date: 10/22/08

Interviewed by: R. GRAVES, LT. 9/27/08
R. Graves et al (see attached)

Staff Signature: [Signature] Title: FC Date Completed: 10/2/08
Division Head Approved: _____ Title: AW Returned: _____
Signature: _____ Title: _____ Date to Inmate: OCT 16 2008

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.

DISSATISFIED!! AS THE 1ST. LEVEL REVIEWER LT. R. GRAVES STATED THAT OFFICER E. SMITH WAS WITHIN HER OBLIGATIONS IN ISSUING ME A CDC.115 RULES VIOLATION REPORT FOR A TORN SHEET/T-SHIRT. THIS FACT MAY BE TRUE, HOWEVER OFFICER E. SMITH ONLY EXERCISED THIS OBLIGATION →

Signature: [Signature] • SEE ATTACHMENT SHEET • Date Submitted: 10/20/08

Second Level Granted P. Granted Denied Other _____

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 10/22/08 Due Date: 11/20/08

See Attached Letter

Signature: S. Wald CCH Date Completed: 11/10/08
Warden/Superintendent Signature: [Signature] Date Returned to Inmate: NOV 17 2008

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.

THE 2ND. LEVEL REVIEWER FAILED TO TAKE INTO CONSIDERATION THE ENCLOSED LEGAL ASSISTANCE LETTER DATED 10/5/08 FROM INMATE TAYLOR, TO WHICH HE PERSONALLY OBSERVED C/O E. SMITH NOT GIVE A WHITE PRISONER A CDC.115 FOR TORN STATE PROPERTY TO WHICH HE WAS ONLY MADE TO SIGN A TRUST WITHDRAWAL FOR THE TORN STATE PROPERTY (SEE ATTATCH). THIS SPEAKING TO THE SELECTIVE ENFORCEMENT OF PRISON POLICY, I.E. "RETAIATION"...

Signature: [Signature] Date Submitted: 12/1/08

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: _____

• DESCRIBE PROBLEM • CONT. A. •

FRISK FOR THE DESTRUCTION OF STATE ISSUED PROPERTY LESS THAN \$50 DOLLARS.. (SEE ATTATCH CDC 128 B CHRONO DATED 8/28/08) THE DISPOSITION THAT WAS RENDERED AGAINST ME, WAS ARBITRARY & EXTREME, TO WHICH I BELIEVE THAT SGT. J. FRISK ALSO ABUSED HIS AUTHORITY VIA HIS LACK OF DISCRETION IN CONSIDERING THE ACTUAL MATERIAL FACTORS INVOLVED WITH THE CDC 115 THAT I WAS GIVEN.. WITH THE PUNISHMENT BEING, HAVING ME PLACED IN PRIVILEGE C GROUP, TO WHERE; 1) MY T.V. IS UNPLUGGED FOR 30 DAYS, THUS DENYING ME THE ABILITY TO PARTAKE IN MY COLLEGE CLASS THAT I'M INVOLVED IN AT COASTLINE COMMUNITY COLLEGE THIS SEMESTER; 2) I AM LIMITED TO 1/4 OF MY MAXIMUM CANTEEN DRAW; 3) ORDERED TO PAY FOR THE TORN SHEET AND T-SHIRT TO WHICH I ^{WAS FORCED} ^{BY SIGNING THE TRUST WITH J.R. AUL} AND 4) BEING SUBJECTED ^{TO THE REST OF THE RESTRICTIONS THAT ARE IDENTIFIED WITH PRIVILEGE GROUP C..} THE REASON AS TO WHY I SAY THAT THIS DISPOSITION IS ARBITRARY & IS EXTREME, IS AS FOLLOWS: FIRST OFF, THE DISCIPLINARY METHODS IN C.C.R. TITLE 15 SECTION 3312 WERE COMPLETELY IGNORED, IN THAT, I WAS NEVER VERBALLY WARNED BY OFFICER E. SMITH UNTIL THE DAY OF THE 115 WRITE UP, NOR HAS OFFICER E. SMITH EVER ISSUED ME A CDC 128 B CHRONO ABOUT THIS ISSUE.. SGT. J. FRISK ATTEMPTED TO SAY, " THAT HE VERBALLY WARNED ME ABOUT THIS NEARLY (3) THREE YEARS AGO WHILE HE WAS THE RELIEF OFFICER IN DB ON 3W." HOWEVER, THERE IS NO DOCUMENTED EVIDENCE OF HIM DOING THIS AS IS REQUIRED FOR WHEN A OFFICER VERBALLY COUNSELS A PRISONER.. I FURTHER BELIEVE THAT THIS WHOLE 115 WRITE UP TRIP THAT I WAS ISSUED BY OFFICER E. SMITH ^{IS A PART OF HER} ON GOING RETALIATION CAMPAIGN AGAINST ME FOR FILING A 1983 CIVIL CLAIM AGAINST HER.. THE MAT.
 • SEE BANKSIDE •

MATERIAL FACTS THAT BRINGS ME TO THIS CONCLUSION IS THIS;
 "I HAVE PERSONALLY KNOWN OFFICER E. SMITH FOR ALMOST
 10 YEARS NOW, TO WHICH SHE HAS BEEN MY FLOOR OFFICER,
 S & E OFFICER, OR WORKING OVERTIME IN THE UNIT THAT I
 WAS HOUSED IN, AND SHE HAS SEARCHED MY CELL OVER A 100
 TIMES OR MORE TO WHICH THERE WAS ALWAYS A TORN SHEET IN MY
 CELL, BUT SHE HAS NEVER MADE A ISSUE OUT OF IT TO ME, OR WHEN
 SHE HAS SEARCHED OTHER PRISONER'S CELLS. BUT NOW THAT I'VE
 FILED A LAWSUIT AGAINST HER, IT HAS NOW BECOME A ISSUE,
 AGAINST ME, AND AGAINST ME ONLY?! MEANING, THAT OFFICER
 E. SMITH HAS CHOSEN TO SINGLE ME OUT FOR RETALIATION & HAR-
 ASSMENT BY SELECTIVELY CHOOSING TO ENFORCE A PRISON RULE &
 POLICY AGAINST ME ONLY!! THE COURTS HAVE LONG HELD THAT THE
 SELECTIVE ENFORCEMENT OF PRISON RULES FOR A PERSON FILING A
 LAWSUIT AGAINST THEM CONSTITUTES [REDACTED] AS BEING RETALIATION..
 SEE: BART V. TELFORD • 677 • F.2D. 622 (7TH CIR. 1982); AND
 U.C.R. — TITLE • 15 • SECTION • 3160(a).. IN THE PAST, OFFICER
 E. SMITH HAS GIVEN ME CLEANING RAGS FOR MY CELL, THAT WERE
 CLEARLY TORN!! NOW SHE IS WRITING ME UP FOR TORN STUFF?!

• ACTION REQUESTED • CONT. B): — DOUBLE STANDARD

FULLY PARTICIPATE IN MY CURRENT COLLEGE COURSE THROUGH COA-
 STLINE COMMUNITY COLLEGE; AND 3.) THAT THE CDC • 115 • DISCIPLIN-
 ARY DISPOSITION BE OVERTURNED, MODIFIED, AND RE-EVALUATED IN
 ACCORDANCE WITH THE MATERIAL FACTORS THAT IS STIPULATED IN
 THIS W02 APPEAL, AND THAT I'VE ALREADY PAID THE \$6.01 FOR THE
 TORN SHEET AND T-SHIRT BY SIGNING THE TRUST WITHDRAWAL..

• SUPPORTING DOCUMENT: CDC • 128 • B • DATED: 8/28/08

• CDC • 115 • DATED: 8/20/08

SECTION F CONTINUED :

IN SINGLING ME OUT FOR [REDACTED] HARASSMENT/RETALIATION ON ACCOUNT OF ME FILING A LAWSUIT AGAINST HER, BY SELECTIVELY CHOOSING TO ENFORCE A PRISON RULE AGAINST ME, AND AGAINST ME ONLY!! I RECEIVED EVIDENCE OF THIS TRUTH, BY WAY OF A APPROVED LEGAL ASSISTANCE CORRESPONDENCE FROM A I/M. RALPH TAYLOR # D03780 - D3-102 ON 10/5/08, TO WHICH HE INFORMED ME; " THAT IN 2007, [REDACTED] A WHITE PRISONER HOUSED IN CELL # 203 ATTEMPTED TO EXCHANGE SOME TORN LAUNDRY WITH OFFICER E. SMITH, AND WITHIN OFFICER E. SMITH'S OBLIGATION OF DUTY, SHE ONLY MADE HIM (CELL # 203) FILL OUT A TRUST WITHDRAWAL, AND HE WASN'T ISSUED A CDC-115 RULES VIOLATION REPORT (SEE ATTATCH LEGAL ASSISTANCE CORRESPONDENCE).." THE ONLY SUBSTANTIVE REASON AS TO WHY I WAS GIVEN A CDC-115 FOR TORN LAUNDRY, AND THIS WHITE PRISONER WASN'T, IS NOT ONLY RACIALLY DISCRIMINATORY, BUT ALSO PRINCIPALLY DUE TO ME HAVING A CIVIL LAWSUIT FILED AGAINST OFFICER E. SMITH, AND THE WHITE PRISONER DOESN'T.. IN RE: MARCUS L. HARRISON V. CORRECTIONAL OFFICER E. SMITH - CASE NO: C-08-4123-SI-(PR) - U.S. NORTHERN DISTRICT COURT.. OFFICER E. SMITH'S RETALIATORY ACTIONS AGAINST ME FOR FILING THIS LAWSUIT AGAINST HER, CLEARLY CREATES A CONFLICT OF INTEREST WITH HER WORKING IN THIS UNIT, AS BASED ON THE

SEE BACKSIDE.

ATTACHED MATERIAL EVIDENCE, SHE HAS CLEARLY SINGLED ME OUT, BY SELECTIVELY ENFORCING A PRISON RULE AGAINST ME, BY GIVING ME A CDC-115; AND NOT GIVING A WHITE PRISONER A A CDC-115 FOR THE SAME EXACT ISSUE!! (SEE ATTATCH APPROVED LEGAL CORRESPONDENCE DATED 10/5/08) [NOTE: I'M IN THE PROCESS OF OBTAINING SWORN DECLARATIONS FROM EVERY SINGLE PRISONER, IN EVERY SINGLE POD, TO WHICH WILL SPEAK TO HOW OFFICER E. SMITH IS NOT GIVING EVERYBODY CDC-115 FOR THE SAME REASON, IN WHICH SHE GAVE ME ONE WITHOUT EVER WARNING ME!!] BASED ON THIS FACT, OFFICER E. SMITH NEEDS TO HAVE HER JOB POSITION RE-ASSIGNED TO PREVENT THIS CONFLICT OF INTEREST FROM ESCALATING!! AS SHE HAS PERSONALIZED THE FACT, THAT I'VE FILED A LAWSUIT AGAINST HER, AND NOW, I AM AT HER WHIM OF RECEIVING A CDC-115. WHENEVER SHE FEELS LIKE DOING SO!!

• SUPPORTING DOCUMENTS:

• APPROVED LEGAL ASSISTANCE CORRESPONDENCE. DATED: 10/5/08

STATE OF CALIFORNIA

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

NAME and NUMBER HARRISON H-54077 **CELL:** D3-122L

On 8/28/2008, this inmate was found guilty of a disciplinary offense (log number D08-08-0005) for DESTRUCTION OF STATE ISSUED PROPERTY LESS THAN \$50.00. Effective the date of this hearing, HARRISON will be placed in privilege group C. Per CCR 3044(f)(B), privileges may be restricted for a period of 30 days for any administrative disciplinary offense listed in CCR 3314. These restrictions include, no personal appliances, no family visits, no telephone calls, limited (concrete) yard access, no access to any other recreational or entertainment activities, no accrual of excused time off, no special packages, no special canteen purchases, and one-fourth the maximum monthly canteen draw. Effective the date of this hearing through 9/27/2008 all of these restrictions will remain in place for HARRISON for a total of 30 days.



J. FRISK
CORRECTIONAL SERGEANT

ORIG : C-File
cc : Inmate trust office, Canteen, Program Lieutenant, Floor Officer, Control Booth Officer, Receiving and Release, Inmate

DATE 8/28/2008 **PBSP** **GENERAL CHRONO**

STATE OF CALIFORNIA

(NOT SENT TO RECORDS ON 05-10-11)

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER H-54077	INMATE'S NAME HARRISON	RELEASE/BOARD DATE "	INST. PSSP	HOUSING NO. D3-122L	LOG NO. 1008-00-0005
VIOLATED RULE NO(S) 3010		SPECIFIC ACTS DESTRUCTION OF STATE PROPERTY \$50 OR LESS	LOCATION D3-122	DATE 08-18-08	TIME 1800 HRS

CIRCUMSTANCES

On August 18, 2008, at approximately 0800 hours, while assigned as the DC Floor Officer, I conducted a search of cell D3-122 which occupied by inmate HARRISON, H-54077. During the search, I discovered an inmate manufactured weight bag. The weight bag consisted of a state issued pillow case packed with miscellaneous paperwork. It was approximately (2) two feet tall and weighed approximately 50 plus pounds. The inmate manufactured weight bag was tightly bound with an altered form state sheet and shirt. The sheet was wrapped several times around all four sides of the weight and knotted in several areas, creating a handle on the top of the weight. Following the search, I attempted to counsel HARRISON to not store property in a manner that makes it difficult to search. HARRISON was not receptive to counseling stating, "You are just playing games. You can wand that." HARRISON was insinuating that I could utilize the hand-held metal detector. He continued stating, "You don't have to take it apart."

CONT ON PART C

REPORTING EMPLOYEE (Typed Name and Signature) E. SMITH, CORRECTIONAL OFFICER	DATE 8/20/08	ASSIGNMENT D3 FLOOR	RDO'S 2W SAM
REVIEWING SUPERVISOR'S SIGNATURE W. C. Strickhouser, Sgt.	DATE 8-21-08	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input checked="" type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> SERIOUS	OFFENSE DIVISION: _____	DATE 8/21/08	CLASSIFIED BY (Typed Name and Signature) S. O'DELL / CC/IT
HEARING REFERRED TO			<input type="checkbox"/> HO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC

COPIES GIVEN INMATE BEFORE HEARING

<input type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)
		DATE	TIME	

HEARING

The issuing officer used simple English and short sentences to ensure the inmate understood what was issued to him as well as the circumstances of the offense.

SIGNATURE OF ISSUING OFFICER

PELICAN BAY STATE PRISON
SECURITY HOUSING UNIT
UNIT D-3

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT/NAEA	ACTION BY: (TYPED NAME)			SIGNATURE	DATE	TIME
REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE		DATE		
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE)	DATE	TIME			

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE ___ OF ___

CDC NUMBER 2 14377	INMATE'S NAME HARRISON	LOG NUMBER 100 42 000	INSTITUTION PEL	TODAY'S DATE 09-18-09
<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER				

I proceeded to counsel him that in the future the contents of his security bag could and will be confiscated and disposed of. I also informed him he would be charged for the confiscated state issued shirt and a shirt. HARRISON'S response was, "I don't give a fuck what you do." The cost of the state shirt is \$2.00 (two dollars and no cents) and eleven cents. The cost of the state issued shirt is ninety cents. The total of the items is \$3.00 (job dollars and one cent). HARRISON is aware of this report.

This inmate is not EOP or Crisis Inc. Following current guidelines for Mental Health Assessments the circumstances of this offense have been carefully evaluated. The reviewing supervisor has concluded that a Mental Health Assessment is not required.

PELICAN BAY S1
 SECURITY HOUSE
 UNIT D-3
 HARRISON
 UNIT

<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER P. J. BRYAN, CORRECTIONAL OFFICER	DATE SIGNED 9/18/09
	GIVEN BY: (Staff's Signature)	DATE SIGNED



STATE OF CALIFORNIA
RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 1 OF 2

CDC NUMBER H-54077	INMATE'S NAME HARRISON	LOG NUMBER D08-08-0005	INSTITUTION PBSP	TODAY'S DATE 8/28/08
-----------------------	---------------------------	---------------------------	---------------------	-------------------------

SUPPLEMENTAL CONTINUATION OF: CDC 115 CIRCUMSTANCES HEARING I.E. REPORT OTHER

Hearing: The hearing was convened on 8/28/08, at approximately 0825 hours when I introduced myself to HARRISON as the Hearing Officer for this disciplinary. HARRISON stated he was in good health with normal vision and hearing. HARRISON acknowledged that he received copies of the following document more than 24 hours in advance of the hearing: CDC-115. This report as well as the disciplinary charge of DESTRUCTION OF STATE PROPERTY LESS THAN \$50.00 were reviewed with HARRISON in the hearing. He stated that he understood both and that he was prepared to begin the hearing.

Due Process: Per California Code of Regulations, Title 15, Section 3320 (a), the disciplinary must be served on the inmate within 15 days of discovery. Per California Code of Regulations, Title 15, Section 3320 (b), the charges must be heard, with specific exceptions, within 30 days of service on the inmate. Per California Code of Regulations, Title 15, Section 3320 (f), failure to meet these time constraints precludes the hearing from assessing a credit forfeiture. Failure to meet these time constraints does not preclude the hearing officer from assessing any other appropriate penalties. As credit forfeitures are not available to an administrative hearing in any case, these time constraints have no practical relevance for this hearing. As noted, the inmate received a copy of hearing documents more than 24 hours in advance of the hearing. There are no due process issues.

The behavior of this inmate was evaluated at the time that the Reviewing Supervisor reviewed this disciplinary report. The Reviewing Supervisor concluded that a mental health assessment was not required. The hearing officer concurs. There is no compelling need for a mental health assessment based upon the circumstances given in this report.

Staff Assistant: A Staff Assistant was not assigned as HARRISON agrees that he speaks English, is literate (that is, reads at 4.0 or above), the issues are not complex and a confidential relationship is not required. HARRISON has a T.A.B.E. score of 9.6

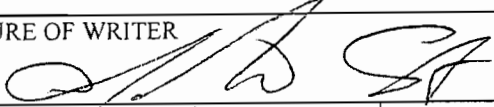
Investigative Employee/Witnesses: Per CCR 3314 (c), the inmate does not have the right to assignment of an investigative employee or request witnesses at this hearing. The hearing officer did not request witnesses.

Plea: HARRISON entered a plea of GUILTY

HARRISON gave the following testimony as his defense: Officer Smith has searched my cell over a hundred times and this has never been an issue. Yes it was wrong to tear up the sheet and t-shirt. I feel like this is retaliation for a law suit that I filed.

Finding: Guilty of the administrative offense (CCR 3314 (a) (3) (A)) DESTRUCTION, MISUSE, ALTERATION, OR DAMAGE TO STATE PROPERTY VALUED AT \$50 OR LESS. As destruction or damage of state property, this offense requires evidence of intentional destruction or damage of state property and the available evidence must show the replacement value of this property does not exceed \$50. Per CCR 3011 (revised), replacement value is calculated as the cost of materials plus labor. Unless reimbursement is assessed, this offense does not require evidence that replacement was necessary. This finding is based upon the following preponderance of evidence:

- A. The testimony of OFFICER E. SMITH in the disciplinary report of 8/13/08 wherein Officer Smith testifies that during a search of cell D3-122, solely occupied by HARRISON, she discovered an inmate manufactured weight bag made from one state issued sheet and one state issued t-shirt. Both the sheet and t-shirt had been torn to make the weight bag
- B. HARRISON plea of GUILTY and statement that he knew it was wrong to tear-up the sheet and t-shirt.

SIGNATURE OF WRITER J. FRISK 		TITLE CORRECTIONAL SERGEANT		DATE NOTICE SIGNED 8/28/08	
COPY OF CDC-115-C GIVEN TO INMATE		GIVEN BY: (STAFF'S SIGNATURE)		DATE SIGNED:	

STATE OF CALIFORNIA
RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 2 OF 2

CDC NUMBER H-54077	INMATE'S NAME HARRISON	LOG NUMBER D08-08-0005	INSTITUTION PBSP	TODAY'S DATE 8/28/08
-----------------------	---------------------------	---------------------------	---------------------	-------------------------

SUPPLEMENTAL CONTINUATION OF: CDC 115 CIRCUMSTANCES HEARING I.E. REPORT OTHER

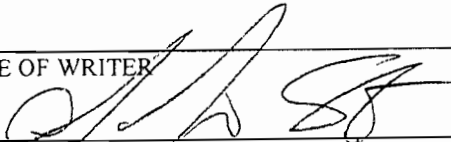
Disposition: HARRISON was counseled that this behavior is not appropriate and given a reprimand. HARRISON was referred to CCR §3084.1 and following for additional information on appeal procedures.

Additional penalties: Per California Code of Regulations, Title 15, Section 3011 (a), this offense involved the intentional destruction, damage, alteration or misuse of state property. The inmate may be charged for the cost of repair or replacement of this state property. Based upon the evidence given in the hearing, it is my conclusion that the state has suffered a financial loss in the amount of \$6.01 as a consequence of this offense. The inmate is charged this cost. In the hearing, HARRISON signed a trust withdrawal to pay this cost. Submitting a trust withdrawal with insufficient funds does not discharge this debt. If the inmate has insufficient funds, his trust account will remain frozen until the inmate has sufficient funds and this debt has been discharged.

Per CCR 3090(d), canteen privileges may be restricted for an offense including intentional or negligent misuse, destruction or damage of state property. Restriction of canteen privileges means canteen draw slips will not be accepted during this period of restriction. Any canteen draw slips submitted by this inmate during this period will be returned without action. The inmate will be allowed to keep any canteen received or ordered prior to this restriction. This offense involved the intentional or negligent misuse, damage or destruction of state property as follows: one state sheet and one state t-shirt. Effective the date of this hearing through 9/27/2008, canteen privileges are restricted for HARRISON for a total of 30 days.

Per California Code of Regulations Title 15, 3314 (e) (3) The hearing official may find the inmate guilty and order the placement into privilege group B or C for no more than a 30-day period starting the date the rule violation report was adjudicated. HARRISON will remain in privilege group C for a period of 30 days effective 8/28/2008 and ending with 9/27/2008.

Copies: Inmate trust office; Canteen, Program Lieutenant

SIGNATURE OF WRITER J. FRISK 	TITLE CORRECTIONAL SERGEANT	DATE NOTICE SIGNED 8/28/08	
COPY OF CDC-115-C GIVEN TO INMATE	GIVEN BY: (STAFF'S SIGNATURE)	DATE SIGNED:	TIME SIGNED:

FIRST LEVEL APPEAL RESPONSE

RE: PELICAN BAY STATE PRISON (PBSP) **OCT 16 2008**
Appeal Log PBSP-D-08-02541
First Level Reviewer's Response

Inmate: HARRISON, H-54077

APPEAL DECISION: DENIED

APPEAL ISSUE:

You claim that Hearing Officer J. Frisk wrongfully and unfairly dispensed justice for a California Department of Corrections and Rehabilitation (CDCR) 115, Rules Violation Report that you received, which was written by Officer E. Smith. You feel that the penalties assessed by Sergeant Frisk were excessive and therefore not appropriate because you cannot participate in your college courses via the television (TV) for 30 days, due to being temporarily placed in Privilege Group C. You claim this is retaliation by Officer Smith because you filed a 1983 civil lawsuit against her. You go on to write that you have known her for ten years and that in the past, when she searched your cell; she did not issue you a CDCR 115.

You provided a copy of the hearing documents by Sergeant Frisk that show he placed you on Privilege Group C, had you sign a Trust Account Withdrawal to pay for the damaged property and froze your trust account until payment was made. It is your contention that Sergeant Frisk's penalties were arbitrary and extreme. You also argue that progressive discipline was not used when it should have been.

You request the following remedial action take place; allow the use of your TV, so that you may continue your college studies, overturn the CDCR 115, and remove Officer Smith from her current job position.

FINDINGS:

Your complaint, including your requested remedial action, has received careful consideration. Lieutenant R. Graves was assigned by the First Level Reviewer to interview you and investigate your complaint. During the course of the investigation, Lieutenant Graves interviewed you on September 27, 2008.

During your interview, Lieutenant Graves explained that Sergeant Frisk appropriately adjudicated the CDCR 115. Removing Officer Smith was not discussed because matters dealing with staff are confidential and not to be discussed in the interview. You stated that you understood this. By the time of this interview, your temporary privilege group change had already expired and therefore was a moot issue. Lieutenant Graves informed you that he would not recommend any portion of your appeal being granted because Officer Smith acted within her obligations and Sergeant Frisk

Appeal Log PBSP-D-08-02541
Page2


appropriately dispensed justice. You were not in agreement with the discussion and the interview was concluded. You did however admit to tearing the sheet and clothing.

DETERMINATION OF ISSUE:

A thorough review of your appeal has been completed. Based on the investigation by Lieutenant Graves of your complaint and the available facts, including the writing of the disciplinary report and the adjudication of it, your appeal is **DENIED** at the First Level of Review.


R. L. JOHNSON
Facility Captain
Facility D


Date


D. W. BRADBURY
Associate Warden
Security Housing Unit


Date

PELICAN BAY STATE PRISON
SECOND LEVEL REVIEW

DATE: NOV 17 2008

Inmate HARRISON, H-54077
Pelican Bay State Prison
Facility D, Security Housing Unit
Building 3, Cell 122

RE: WARDEN'S LEVEL DECISION
APPEAL LOG NO. PBSP-D-08-02541

APPEAL: DENIED
ISSUE: DISCIPLINARY
LOG NUMBER: D08-08-0005

This matter was reviewed by Francisco Jacquez, Warden (A), at Pelican Bay State Prison (PBSP). On September 27, 2008, the inmate was interviewed, by Correctional Lieutenant R. Graves, at the First Level of Review.

ISSUES

Inmate Harrison contends he was written a disciplinary report classified as an administrative offense. The disciplinary report was for Destruction of State Property, \$50 or Less. He believes the author of this report, Correctional Officer E. Smith, has singled him out because he has filed a law suit against her.

FINDINGS

I

The inmate is requesting that:

- Officer E. Smith be removed from her post and
- His television be plugged in so he can continue his college courses through Coastline Community College.

II

The inmate disagrees with the First Level of Review, stating he is utterly convinced he is being retaliated against for filing a law suit against the officer.

DETERMINATION OF ISSUE

On August 13, 2008, the inmate received a disciplinary report for Destruction of State Property, \$50 or less. The report states that, during a cell search of the inmate's cell, an inmate manufactured weight bag was discovered. The bag consisted of a state issued pillow case packed with miscellaneous paperwork. The weight bag was tightly bound with an altered/torn state sheet and T-

Supplement Page 2
HARRISON, H-54077
Appeal # PBSP-08-02541

shirt. The sheet was wrapped several times around all four sides of the weight and knotted in several areas, creating a handle at the top of the weight. The author of the report, Officer Smith, attempted to counsel the inmate regarding the weight bag. The inmate responded by saying, "You are just playing games, you can wand that." She also informed him that he would be charged for the torn/altered sheet and T-shirt. The inmate replied, "I don't give a fuck what you do."

On August 28, 2008, the disciplinary hearing was held. He was found guilty of an administrative offense of Destruction of State Property, \$50 or Less. The following additional penalties were assessed:

- The inmate charged \$6.01 for the replacement cost of the sheet and t-shirt,
- Canteen restriction, and
- Placement in Privilege Group "C."

These additional penalties were in effect from August 28, 2008 through September 27, 2008.

The California Code of Regulations (CCR), Title 15, Section 3030, Issuance and Possession of State Clothing and Linen, states, in part, "*(a) Each inmate shall be provided state clothing and linen pursuant to this section. Each item issued shall remain state property for which the inmate shall be accountable. State items shall be recalled and exchanged as directed by the institution head.*"

The CCR, Title 15, Section 3032, Alteration of Clothing, states, in part, "*(a) Inmates shall not alter or dispose of damaged or worn out personal or state-issued clothing or linen in any manner, without the specific authority to do so. (b) An inmate shall not alter personally owned clothing in any manner that would change its characteristics or style from that originally approved by the institution head.*"

The CCR, Title 15, Section 3090, Inmate Canteen Operation, states, in part, "*(d) An inmate's trust account deductions for canteen purchases shall not be restricted beyond limits established by the director for all inmates in like work/training incentive groups, except by formal disciplinary action for a violation involving canteen or the intentional or negligent destruction, damage, or misuse of state property.*"

The CCR, Title 15, Section 3314, Administrative Rule Violations, states, in part, "*(e) The hearing official may find the inmate guilty and order one or more of the following dispositions: ... (2) Suspension of privileges specified by the hearing official for no more than a 30 day period starting the date the rule violation report was adjudicated. (3) Placement into privilege group B or C for no more than a 30 day period starting the date the rule violation report was adjudicated.*"

The California Code of Regulations (CCR), Title 15, Section 3320 (l), Hearing Procedures and Time Limitations, requires "*any finding of guilt shall be based upon determination by the official conducting the disciplinary hearing that a preponderance of evidence submitted at the hearing substantiates the charge.*" It was determined by the hearing officer that there was preponderance of evidence to support the charge and finding of guilt.

Supplement Page 3
HARRISON, H-54077
Appeal # PBSP-08-02541

The inmate has provided no additional information or evidence that his procedural or due process requirements were violated or that the officer has embarked on a campaign of retaliation against him.

As a result of this review, a determination has been made that the finding was reasonable and the inmate has failed to present sufficient evidence to warrant a reduction in the finding.

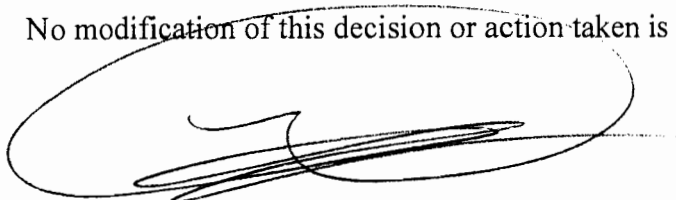
Based on the above, the inmate's request that:

- Officer E. Smith be removed from her post is **DENIED**. Officer Smith was acting within her duties as a sworn peace officer when she issued the disciplinary report. This request is beyond the scope of this appeal. The inmate can, however, submit a request to be moved to another housing unit. He has provided no proof or evidence that the officer has written the disciplinary report as retaliation against him for filing a law suit.
- His television be plugged in so he can continue his college courses through Coastline Community College is a moot issue. As stated in the First Level of Review, the temporary privilege group and penalty assessments have already expired. The inmate has had his television privileges restored.

This APPEAL IS **DENIED** at the Second Level of Review

MODIFICATION ORDER

No modification of this decision or action taken is required.



FRANCISCO JACQUEZ
Warden (A)

SCW #6 Date 11/10/08

STATE OF CALIFORNIA

SECURITY HOUSING UNIT

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE UNIT D-3

Location: Institution/Parole Region

Log No.

Category

APPEAL FORM
CDC 902 (12/87)

1. **PBSP BAY**
2. _____

1. _____
2. _____

1/8

You may appeal any policy, action or decision which has a significant adverse effect 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.

NAME HARRISON	NUMBER H54077	ASSIGNMENT	UNIT/ROOM NUMBER D3-122
-------------------------	-------------------------	------------	-----------------------------------

A. Describe Problem: **ON 8/21/08, I INQUIRED TO OFFICER E. SMITH, IN REGARDS TO, WAS THERE A RULE OR POLICY THAT REQUIRED HER TO ASK ME IF I NEEDED TO USE MY MEDICATION EVERY SINGLE MORNING? SHE TOLD ME THAT THERE WAS NO SUCH RULE OR POLICY THAT REQUIRED HER TO DO THIS.. I THEN EXPLAINED TO OFFICER E. SMITH THAT THE ASTHMA INHAIR THAT SHE KEEPS ASKING ME ABOUT; "IS A NON-EMERGENCY - NON-CRITICAL ASTHMA INHAIR AND THAT MY EMERGENCY ASTHMA INHAIR IS KEPT IN MY CELL." SHE THEN INFORMED A UNIDENTIFIED SGT. OR LT. THAT WAS STANDING IN FRONT OF MY**

if you need more space, attach one additional sheet. • **SEE ATTACHMENT SHEET.**

B. Action Requested: **THAT OFFICER E. SMITH BE REMOVED FROM HER JOB. POST SO THAT THERE WON'T BE ANY FURTHER VIOLATIONS OF C.C.R. - TITLE 15. SECTION 3004 (a), (b), (c); 3160 (a.) WITH REGARDS TO HER ON-GOING RETALIATION CAMPAIGN AGAINST ME FOR FILING A LAWSUIT AGAINST OFFICER J. SAMPLE AND NOW**

Inmate/Parolee Signature: **Harrison** / **SEE ATTACHMENT SHEET.** Date Submitted: **8/24/08** HER

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim

AUG 25 2008

21



STAFF COMPLAINT PORTION ADDRESSED IN 08-01983 3 08-07350

CDC 802 (12/87)

See Attached Letter

Granted

P. Granted

Denied

Other

Date:

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

Signature: _____

Date Submitted: _____

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.

Warden/Superintendent Signature: _____

Date Returned to Inmate: _____

Signature: _____

Date Completed: _____

See Attached Letter

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: _____

Due Date: _____

Granted

P. Granted

Denied

Other

Signature: _____

Date Submitted: _____

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.

Staff Signature: _____

Date Completed: _____

Division Head/Approved: _____

Date Returned: _____

Title: _____

Title: _____

Interviewed by: _____

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: _____

Due Date: _____

First Level

Granted

P. Granted

Denied

Other

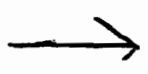
• DESCRIBE PROBLEM CONT. (A) •

CELL WITH HER AND A FEW OTHER UNIDENTIFIED OFFICERS, THAT I BE DISRESPECTING HER, BY FLIPPING HER OFF; MAKING OBSCENE GESTURES TO HER, ETC... THIS SAME SGT./LT. THEN ALSO ACCUSED ME OF BEING DISRESPECTFUL TO OFFICER E. SMITH FOR UNSTATED REASONS.. THIS EXCHANGE BETWEEN MYSELF, OFFICER E. SMITH, AND THIS SGT./LT. WAS CARRIED ON, IN A HOSTILE AND A CONTEMPTFUL MANNER, AND IN VIOLATION OF C.C.R. — TITLE .15 . SECTION . 3004 (a)(b)(c).

• I WAS ALSO ACCUSED BY OFFICER E. SMITH OF BEING MAD AT HER IS THE SOLE BASIS FOR MERITON W02'S AGAINST HER, WHICH IS NOT TRUE AT ALL. STATE PRISON BELICAN'S BUT STATE UNIT SECURITY HOUSE ENEMY?

IMPORTANTLY, I HAVE NOT EVER DISRESPECTED HER BY FLIPPING HER OFF.. THESE FALSE ALLEGATIONS THAT HAVE BEEN MADE BY OFFICER E. SMITH AGAINST ME, SPEAKS TO HER ON-GOING "RETTALIATION CAMPAIGN" AGAINST ME FOR FILING A 1983-CIVIL CLAIM AGAINST HER FELLOW OFFICER J. SAMPLE, AND THE ONE THAT I'VE NOW FILED AGAINST HER.. TO WHICH STANDS IN DIRECT VIOLATION OF PENAL CODE SECTION - 148 (MAKING FALSE REPORTS); AND C.C.R. — TITLE .15 . SECTION . 3160 (a).. FURTHERMORE, AS THIS UNIDENTIFIED SGT./LT. WAS LEAVING MY CELL FRONT, HE TOLD ME; "THAT IT WAS ALL ABOUT RESPECT, AND THAT TO GET IT, YOU HAVE TO GIVE IT.." AND THEN AS THIS SGT./LT. EXITED THE POD DOOR, HE STATED; "I'LL TEACH HIM ABOUT SOME RESPECT, WE CAN GO IN THERE AND DO A POD RAID IN F.POD".. THIS SPEAKING TO THE ON-GOING "RETTALIATION CAMPAIGN" THAT OFFICER E. SMITH HAS INITIATED AGAINST ME FOR FILING A LAWSUIT AGAINST OFFICER J. SAMPLE, AND NOW HER.. ON 8/24/08, I RECEIVED FURTHER EVIDENCE OF OFFICER E. SMITH'S ON-GOING "RETTALIATION CAMPAIGN" AGAINST ME

• SEE BACKSIDE •



FOR FILING W/2'S AND 1983 CIVIL CLAIMS AGAINST HER AND OFFICER J. SAMPLE.. ON 8/24/08, I WAS PULLED OUT OF MY CELL AND WAS ISSUED A CDC-115 FOR "THE DESTRUCTION OF STATE PROPERTY", AS I HAD USED A TORN SHEET/T-SHIRT TO TIE UP MY WEIGHT BAG.. (SEE ATTATCH) YES, IT IS WRONG TO TEAR UP STATE PROPERTY.. HOWEVER, I HAVE KNOWN OFFICER E. SMITH FOR ABOUT 10 YEARS NOW, AND SHE HAS SEARCHED MY CELL WELL OVER A 100 (ONE HUNDRED) TIMES, IN THE CAPACITY OF A FLOOR OFFICER; A S.E.; OR JUST WORKING OVERTIME, AND SHE HAS NEVER MADE AN ISSUE OUT OF ME USING A TORN SHEET/T-SHIRT TO TIE UP MY WEIGHT BAG.. BUT NOW THAT I'VE FILED A LAWSUIT AGAINST HER, IT HAS BECOME A ISSUE.. THE COURTS HAVE LONG HELD, THAT THE SELECTIVE ENFORCEMENT OF RULES AGAINST A PERSON FOR EXERCISING THEIR CONSTITUTIONAL RIGHTS, CONSTITUTES AS BEING A FORM OF HARASSMENT AND RETALIATION, REGARDLESS OF HOW SMALL THE ISSUE IS.. SEE: BART V. TEIFORD • 677 • F.2D. 622 (7TH. CIR. 1982); AND C.C.R. - TITLE • 15 • SECTION • 3160 (a).. OFFICER E. SMITH ALSO THREATENED TO CONFISCATE AND DISPOSE OF MY WEIGHT BAG, INSPITE OF ME INFORMING HER THAT IT ONLY CONTAINED LEGAL DOCUMENTS/MATERIALS FOR CURRENT LEGAL CASES THAT I HAVE IN THE COURTS.. (SEE ATTATCH) AGAIN, SPEAKING TO ON-GOING RETALIATION AGAINST ME!!

• ACTION REQUESTED • CON'T • B.):

AND 2.) THAT OFFICER E. SMITH'S THREAT AGAINST ME, TO DISPOSE OF AND CONFISCATE MY LEGAL DOCUMENTS/MATERIALS FOR CURRENT LEGAL CASE BE PROPERLY DOCUMENTED..

• SUPPORTING DOCUMENTS:

• CDC-115 • DATED - 8/20/08

101.
JR

STATE OF CALIFORNIA

804 SENT TO RECORDS ON 08-16-08

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER H-54077	INMATE'S NAME HARRISON	RELEASE/BOARD DATE	INST. PESP	HOUSING NO. D3-122L	LOG NO. 008-05-0005
VIOLATED RULE NO(S) 3011	SPECIFIC ACTS RESTRICTION OF STATE PROPERTY \$50 OR LESS	LOCATION D3-122	DATE 08-13-08	TIME 1930 HRS	

CIRCUMSTANCES

On August 13, 2008, at approximately 0930 hours, while assigned as the D3 Floor Officer, I conducted a search of cell D3-122, solely occupied by inmate HARRISON, H-54077. During the search I discovered an inmate manufactured weight bag. The weight bag consisted of a state issued pillow case packed with miscellaneous paperwork. It was approximately (2) two feet tall and weighed approximately 50 plus pounds. The inmate manufactured weight bag was tightly bound with an altered/torn state sheet and t-shirt. The sheet was wrapped several times around all four sides of the weight and knotted in several areas, creating a handle on the top of the weight. Following the search, I attempted to counsel HARRISON to not store property in a manner that makes it difficult to search. HARRISON was not receptive to counseling stating, "You are just playing games. You can ward that." HARRISON was insinuating that I could utilize the hand-held metal detector. He continued stating, "You don't need to take it apart."

CONT ON PART C

REPORTING EMPLOYEE (Typed Name and Signature) E. SMITH, CORRECTIONAL OFFICER	DATE 8/20/08	ASSIGNMENT D3 FLOOR	RDO'S 2/W S/M
REVIEWING SUPERVISOR'S SIGNATURE W. C. Strickhouser, Sgt.	DATE 8-21-08	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input checked="" type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> SERIOUS	OFFENSE DIVISION: 8/22/08	CLASSIFIED BY (Typed Name and Signature) S.S. [Signature]	HEARING REFERRED TO <input type="checkbox"/> HO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC

COPIES GIVEN INMATE BEFORE HEARING

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) K. WELCH	DATE 8/22/08	TIME 12:15	TITLE OF SUPPLEMENT		
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)	DATE	TIME

HEARING

The issuing officer used simple English and short sentences to ensure the inmate understood what was issued to him as well as the circumstances of the offense.

K. Welch
SIGNATURE OF ISSUING OFFICER

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT/NAEA	ACTION BY: (TYPED NAME) CORRECTIONAL SERGEANT J. FRISK	SIGNATURE [Signature]	DATE 8/22/08	TIME 12:25
REVIEWED BY: (SIGNATURE) CORRECTION R. L. JOHNSON	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE D. W. BRADBURY A.W.	DATE	
<input checked="" type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) K. Welch	DATE 8/19/08	TIME 12:35	

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE 1 OF 2

CDC NUMBER B-54077	INMATE'S NAME HARRISON	LOG NUMBER DWS-08-0003	INSTITUTION FOSP	TODAY'S DATE 09-15-08
<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:		<input checked="" type="checkbox"/> 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER

I proceeded to counsel him that in the future the contents of the weight bag could and will be confiscated and disposed of. I also informed him he would be charged for the torn/soiled state issued sheet and t-shirt. HARRISON'S response was "I don't give a fuck what you do." The cost of the state sheet is \$2.11 (two dollars and eleven cents). The cost of the state t-shirt is \$3.90 (three dollars and ninety cents). The total of the items is \$6.01 (six dollars and one cent.) HARRISON is aware of this report.

This inmate is not EOP or Crisis Bed. Following current guidelines for Mental Health Assessments, the circumstances of this offense have been carefully evaluated. The Reviewing supervisor has concluded that a Mental Health Assessment is not required.

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER E. Ashite, CORRECTIONAL OFFICER	DATE SIGNED 8/20/08
	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 8-24-08

RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 1 OF 2

CDC NUMBER H-54077	INMATE'S NAME HARRISON	LOG NUMBER D08-08-0005	INSTITUTION PBSP	TODAY'S DATE 8/28/08
-----------------------	---------------------------	---------------------------	---------------------	-------------------------

<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER
---------------------------------------	--	--	---	--------------------------------------	--------------------------------

Hearing: The hearing was convened on 8/28/08, at approximately 0825 hours when I introduced myself to HARRISON as the Hearing Officer for this disciplinary. HARRISON stated he was in good health with normal vision and hearing. HARRISON acknowledged that he received copies of the following document more than 24 hours in advance of the hearing: CDC-115. This report as well as the disciplinary charge of DESTRUCTION OF STATE PROPERTY LESS THAN \$50.00 were reviewed with HARRISON in the hearing. He stated that he understood both and that he was prepared to begin the hearing.

Due Process: Per California Code of Regulations, Title 15, Section 3320 (a), the disciplinary must be served on the inmate within 15 days of discovery. Per California Code of Regulations, Title 15, Section 3320 (b), the charges must be heard, with specific exceptions, within 30 days of service on the inmate. Per California Code of Regulations, Title 15, Section 3320 (f), failure to meet these time constraints precludes the hearing from assessing a credit forfeiture. Failure to meet these time constraints does not preclude the hearing officer from assessing any other appropriate penalties. As credit forfeitures are not available to an administrative hearing in any case, these time constraints have no practical relevance for this hearing. As noted, the inmate received a copy of hearing documents more than 24 hours in advance of the hearing. There are no due process issues.

The behavior of this inmate was evaluated at the time that the Reviewing Supervisor reviewed this disciplinary report. The Reviewing Supervisor concluded that a mental health assessment was not required. The hearing officer concurs. There is no compelling need for a mental health assessment based upon the circumstances given in this report.

Staff Assistant: A Staff Assistant was not assigned as HARRISON agrees that he speaks English, is literate (that is, reads at 4.0 or above), the issues are not complex and a confidential relationship is not required. HARRISON has a T.A.B.E. score of 9.6

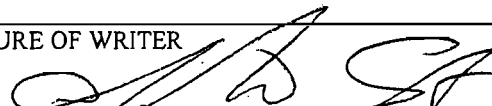
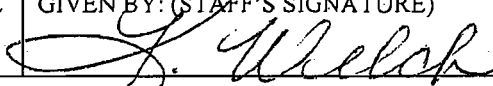
Investigative Employee/Witnesses: Per CCR 3314 (c), the inmate does not have the right to assignment of an investigative employee or request witnesses at this hearing. The hearing officer did not request witnesses.

Plea: HARRISON entered a plea of GUILTY

HARRISON gave the following testimony as his defense: Officer Smith has searched my cell over a hundred times and this has never been an issue. Yes it was wrong to tear up the sheet and t-shirt. I feel like this is retaliation for a law suit that I filed.

Finding: Guilty of the administrative offense (CCR 3314 (a) (3) (A)) DESTRUCTION, MISUSE, ALTERATION, OR DAMAGE TO STATE PROPERTY VALUED AT \$50 OR LESS. As destruction or damage of state property, this offense requires evidence of intentional destruction or damage of state property and the available evidence must show the replacement value of this property does not exceed \$50. Per CCR 3011 (revised), replacement value is calculated as the cost of materials plus labor. Unless reimbursement is assessed, this offense does not require evidence that replacement was necessary. This finding is based upon the following preponderance of evidence:

- The testimony of OFFICER E. SMITH in the disciplinary report of 8/13/08-wherein Officer Smith testifies that during a search of cell D3-122, solely occupied by HARRISON, she discovered an inmate manufactured weight bag made from one state issued sheet and one state issued t-shirt. Both the sheet and t-shirt had been torn to make the weight bag
- HARRISON plea of GUILTY and statement that he knew it was wrong to tear-up the sheet and t-shirt.

SIGNATURE OF WRITER J. FRISK 		TITLE CORRECTIONAL SERGEANT		DATE NOTICE SIGNED 8/28/08	
COPY OF CDC-115-C GIVEN TO INMATE <input checked="" type="checkbox"/>		GIVEN BY: (STAFF'S SIGNATURE) 		DATE SIGNED: 9-9-08	
				TIME SIGNED: 1235	

STATE OF CALIFORNIA
RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 2 OF 2

CDC NUMBER H-54077	INMATE'S NAME HARRISON	LOG NUMBER D08-08-0005	INSTITUTION PBSP	TODAY'S DATE 8/28/08
-----------------------	---------------------------	---------------------------	---------------------	-------------------------

SUPPLEMENTAL CONTINUATION OF: CDC 115 CIRCUMSTANCES HEARING I.E. REPORT OTHER

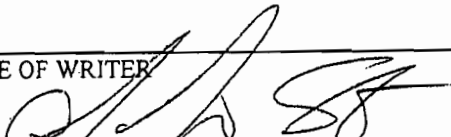

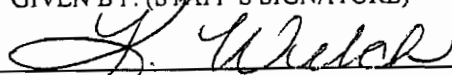
Disposition: HARRISON was counseled that this behavior is not appropriate and given a reprimand. HARRISON was referred to CCR §3084.1 and following for additional information on appeal procedures.

Additional penalties: Per California Code of Regulations, Title 15, Section 3011 (a), this offense involved the intentional destruction, damage, alteration or misuse of state property. The inmate may be charged for the cost of repair or replacement of this state property. Based upon the evidence given in the hearing, it is my conclusion that the state has suffered a financial loss in the amount of \$6.01 as a consequence of this offense. The inmate is charged this cost. In the hearing, HARRISON signed a trust withdrawal to pay this cost. Submitting a trust withdrawal with insufficient funds does not discharge this debt. If the inmate has insufficient funds, his trust account will remain frozen until the inmate has sufficient funds and this debt has been discharged.

Per CCR 3090(d), canteen privileges may be restricted for an offense including intentional or negligent misuse, destruction or damage of state property. Restriction of canteen privileges means canteen draw slips will not be accepted during this period of restriction. Any canteen draw slips submitted by this inmate during this period will be returned without action. The inmate will be allowed to keep any canteen received or ordered prior to this restriction. This offense involved the intentional or negligent misuse, damage or destruction of state property as follows: one state sheet and one state t-shirt. Effective the date of this hearing through 9/27/2008, canteen privileges are restricted for HARRISON for a total of 30 days.

Per California Code of Regulations Title 15, 3314 (e) (3) The hearing official may find the inmate guilty and order the placement into privilege group B or C for no more than a 30-day period starting the date the rule violation report was adjudicated. HARRISON will remain in privilege group C for a period of 30 days effective 8/28/2008 and ending with 9/27/2008.

Copies: Inmate trust office; Canteen, Program Lieutenant

SIGNATURE OF WRITER J. FRISK 	TITLE CORRECTIONAL SERGEANT	DATE NOTICE SIGNED 8/28/08	
COPY OF CDC-115-C GIVEN TO INMATE 	GIVEN BY: (STAFF'S SIGNATURE) 	DATE SIGNED: 9-9-08	TIME SIGNED: 1235

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

RIGHTS AND RESPONSIBILITY STATEMENT

CDCR 1858 (Rev. 10/06)

RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Rehabilitation has added departmental language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmate/parolees'] COMPLAINTS. YOU HAVE THE RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE A COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATED TO THE COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

COMPLAINANT'S PRINTED NAME	COMPLAINANT'S SIGNATURE	DATE SIGNED	
INMATE/PAROLEE PRINTED NAME HARRISON	INMATE/PAROLEE'S SIGNATURE <i>Harrison</i>	CDC NUMBER H-54077	DATE SIGNED 9-8-08
RECEIVING STAFF'S PRINTED NAME SGT. D. KERR	RECEIVING STAFF'S SIGNATURE <i>D. Kerr</i>	DATE SIGNED 9-8-08	

DISTRIBUTION:
 ORIGINAL -
 Public - Institution Head/Parole Administrator
 Inmate/Parolee - Attach to CDC form 602
 Employee - Institution Head/Parole Administrator
 COPY - Complainant

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

September 25, 2008

HARRISON, H54077
DF03L 000000122L

Log Number: PBSP-D-
(Note: Log numbers are not assigned to screen out appeals or informal level appeals.)

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

You have submitted an appeal that duplicates a previous appeal upon which a decision has been rendered or is pending (CCR 3084.3(c)(2)).

YOUR ISSUE OF ALLEGED RETALIATION BY OFFICER E. SMITH HAS BEEN ADEQUATELY ADDRESSED IN APPEAL 08-01983 AND 08-02350. IN ADDITION, YOU ATTEMPTED TO APPEAL THIS EXACT SCENARIO IN THE PAST (ON A GREEN 602 AS OPPOSED TO A PINK 602-HC) AND WERE ADVISED AT THAT TIME THAT YOUR APPEAL AS WRITTEN SUPPORTED NO POTENTIAL STAFF MISCONDUCT TO WARRANT FURTHER PROCESSING.



C. E. WILBER
Appeals Coordinator
Pelican Bay State Prison

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE

SEP 25 2008

INMATE APPEALS BRANCH

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



January 22, 2009

HARRISON, MARCUS, H54077
Pelican Bay State Prison
P.O. Box 7000
Crescent City, CA 95531-7000

RE: IAB# 0814555 PBSP-08-02658 STAFF COMPLAINTS

Mr. HARRISON:

The Inmate Appeals Branch, California Department of Corrections and Rehabilitation (CDCR) acts for the Director, Division of Adult Institutions, at the third level of appeal. The Branch examines and responds to inmate and parolee appeals that are submitted on a CDC Form 602, Inmate/Parolee Appeal Form, after the institution or parole region has responded at the Second Level of Appeal.

Institution and parole staff are available to assist you in obtaining additional copies of forms and documents required to submit an appeal. The inmate library offers resources and assistance to obtain general information regarding regulations, procedures, policies, and government agency addresses. Additionally, your assigned Counselor or Parole Agent, or the Appeals Coordinator can answer any questions you may have regarding the appeals process. The Inmate Appeals Branch appreciates your responsible use of the appeal system to address your grievance.

The Inmate Appeals Branch has received an appeal from you and has determined that it does not comply with the appeal procedures established in California Code of Regulations (CCR) Title 15, Article 8, and is being screened-out and returned to you pursuant to CCR 3084.3 for the following reason(s):

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).

A handwritten signature in black ink, appearing to read "N. Grannis".

N. GRANNIS, Chief
Inmate Appeals Branch

810 E-SMITH
102

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**
CDC 802 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. PELICAN BAY
2. D0662658

1. PELICAN BAY STATE PRISON
2. SECURITY HOUSING UNIT

You may appeal any policy, action or decision which has a significant adverse effect 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.

NAME HARRISON	NUMBER H54077	ASSIGNMENT	UNIT/ROOM NUMBER D3-122
-------------------------	-------------------------	------------	-----------------------------------

A. Describe Problem: **PLAINTIFF CONTINUES TO BE HARASSED & RETALIATED AGAINST BY OFFICER E. SMITH ON ACCOUNT OF ME FILING A LAWSUIT AGAINST HER. ON 9/9/08, WHEN OFFICER E. SMITH ENTERED D3-F-POD TO PASS OUT LIBRARY BOOKS, I ASKED HER FOR SOME I/M REQUEST FORMS. AS OFFICER E. SMITH HANDED ME MY I/M REQUEST FORMS, SHE MADE A VERY DISRESPECTFUL, SMART MOUTHED, & UN-NECESSARY COMMENT TO ME TO WHICH SHE SAID: "DON'T BE LYING TO NOBODY TALKING ABOUT I DIDN'T GIVE THESE TO YOU!" I THEN TOLD HER: "TO GET THE**

If you need more space, attach one additional sheet. • **SEE ATTACHMENT SHEET.**

B. Action Requested: **1.) THAT OFFICER E. SMITH BE REMOVED FROM HER JOB POST IN ORDER TO PREVENT FURTHER VIOLATIONS OF C.C.R. - TITLE-15. SECTIONS 3004 (a)(b)(c); AND 3160 (a); AND 2.) THAT IT BE DOCUMENTED THAT OFFICER E. SMITH'S ACTIONS TOWARDS ME IS CAUSING ME EMOTIONAL**

Inmate/Parolee Signature: **AND MENTAL STRESS!! / DANIAN** Date Submitted: **9/9/08**

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

INMATE APPEALS BRANCH
RECEIVED
DEC 30 2008
15 days
11/11/08
12/1/08
9/

D. FORMAL LEVEL
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

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

SEP 10 2008 TO CDW
SEP 17 2008 1ST AW-SHY
OCT 31 2008 2ND APPEALS
CDC Appeal Number:

CDC 602 (12/87)

DIRECTOR'S ACTION: Granted P. Granted Denied Other See Attached Letter

Date: _____

H54077



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

Signature: *[Signature]*

Date Submitted: 12/4/08

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.
Ist. Level of Review Failed to State: "Level of Review Failed to State: Officer E. Smith Admitted to or Denied Making this Statement Towards Me or as to Why My W2/Staff Complaint Was Partially Granted at the 2nd. Level of Review."

Signature: *[Signature]*
Warden/Superintendent Signature: _____
Date Returned to Inmate: NOV 19 2008
Date Completed: 11/12/08

G. REVIEWER'S ACTION (complete within 10 working days): Date assigned: 10/31/08
Second Level: Granted P. Granted Denied Other
Due Date: 10/3/08

Signature: *[Signature]*
Date Submitted: 10/29/08

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.
Ist. Level of Review Failed to State: "WHAT INVESTIGATIVE MATERIAL FACTORS THAT WERE RELIED UPON IN CONCLUDING THAT THE ENCLOSED ALLEGATIONS WERE NOT SUSTAINED?" IN PARTICULAR, DID OFFICER E. SMITH ADMIT TO OR DENY MAKING THESE STATEMENTS."

Signature: *[Signature]*
Division Head/Approved: _____
Staff Signature: *[Signature]*
Title: FC (A)
Date Completed: 10/21/08
Returned: OCT 28 2008
Date to Inmate: _____

E. REVIEWER'S ACTION (complete within 15 working days): Date assigned: 9/17/08
Interviewed by: *[Signature]* (see ATTACHED)
First Level: Denied P. Granted Granted Other
Due Date: 10/30/08

• DESCRIBE PROBLEM (CONT A.) •

FUCK AWAY FROM MY CELL WITH THAT BULLSHIT!!" OFFICER E. SMITH THEN THREATENED ME BY SAYING; "O.K. I'M GOING TO REMEMBER THAT!!" AS OFFICER E. SMITH EXITED THE POD DOOR, AN UNIDENTIFIED OFFICER HAD ASKED HER; "WHAT WAS ALL OF THAT ABOUT??" THE UNIDENTIFIED OFFICER THEN SAID; "YOU SHOULD'VE JUST GAVE THEM TO HIM.." OFFICER E. SMITH'S ANTICS WERE CLEARLY DESIGNED TO ANTAGONIZE & PROVOKE ME, AS THERE WAS NO JUSTIFICATION FOR HER COMMENTS TO ME.. THIS IS EXACTLY WHY I HAVE REPEATEDLY ASKED OFFICER E. SMITH TO STOP ASKING ME ABOUT MY NON-EMERGENCY MEDICATION, IN ORDER TO AVOID THIS TYPE OF UN-NECESSARY NON-SENSE.. TO WHICH SHE CONTINUES, TO STILL HARASS ME ABOUT EVERY SINGLE MORNING!! OFFICER E. SMITH'S ACTIONS CONTINUE TO VIOLATE THE PROVISIONS OF C.C.R.—TITLE-15-SECTION-3004-(a)(b)(c); AND 3160(a)..

PELICAN BAY STATE PRISON
 SECURITY HOUSING UNIT
 UNIT D-3

111.

RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Rehabilitation has added departmental language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] **FOR ANY IMPROPER POLICE** [or peace] **OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS'** [or inmates/parolees'] **COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN** [or inmate/parolee] **COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.**

RECEIVED
PUBLIC INSTITUTION
CITIZEN COMPLAINT

COMPLAINANT'S PRINTED NAME	COMPLAINANT'S SIGNATURE	DATE SIGNED	
INMATE/PAROLEE PRINTED NAME	INMATE/PAROLEE'S SIGNATURE	CDC NUMBER	DATE SIGNED
HARRISON	Harrison	1154077	10/20/08
RECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	

DISTRIBUTION:
ORIGINAL -
Public - Institution Head/Parole Administrator
Inmate/Parolee - Attach to CDC form 602
Employee - Institution Head/Parole Administrator
COPY - Complainant

§ 3004

DEPARTMENT OF CORRECTIONS AND REHABILITATION

TITLE 15

3003. Inmates and Respect of Others.
 (a) Inmates and parolees have the right to be treated respectfully, humanely, and fairly by all employees. Inmates and parolees have the responsibility to treat others in the same manner. Employees and inmates may use first names in conversation with each other when it is mutually acceptable to both parties.

(b) Inmates, parolees and employees will not openly display disrespect or contempt for others in any manner intended to or reasonably likely to disrupt orderly operations within the institution or to instigate or provoke violence.

(c) Inmates, parolees and employees will not subject other persons to any form of discrimination because of race, religion, nationality, sex, political belief, age, or physical or mental handicap.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment of subsection (a) filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
3. New subsection (c) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).

3005. Conduct.

(a) Inmates and parolees shall obey all laws, regulations, and local procedures, and refrain from behavior which might lead to violence or disorder, or otherwise endangers facility, outside community or another person.

(b) Obeying Orders. Inmates and parolees must promptly and courteously obey written and verbal orders and instructions from department staff, and from employees of other agencies with authorized responsibility for the custody and supervision of inmates and parolees.

(c) Force or Violence. Inmates shall not willfully commit or assist another person in the commission of a violent injury to any person or persons, including self mutilation or attempted suicide, nor attempt or threaten the use of force or violence upon another person. Inmates shall not willfully attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 242, 295-300.3, 2931 and 5054, Penal Code.

HISTORY:

1. Repealer and new section (b) filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. New subsection (c) filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
3. Amendment of subsection (c) filed 6-30-77 as an emergency; effective upon filing (Register 77, No. 27).
4. Amendment of subsection (c) filed 9-29-77 as an emergency; effective upon filing. Certificate of Compliance included (Register 77, No. 40).
5. Amendment filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12).
6. Change without regulatory effect amending subsection (a) filed 6-5-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 31).
7. Amendment of subsection (c) filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
8. Amendment of Note filed 9-20-99 as an emergency; operative 9-20-99 (Register 99, No. 39). Pursuant to Penal Code section 5058(e) a Certificate of Compliance must be transmitted to OAL by 2-28-2000 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 9-20-99 order transmitted to OAL 1-14-2000 and filed 2-22-2000 (Register 2000, No. 8).
10. Amendment of subsection (c) and amendment of Note filed 1-9-2004 as an emergency; operative 1-9-2004 (Register 2004, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of

Compliance must be transmitted to OAL by 6-17-2004 or emergency language will be repealed by operation of law on the following day.

11. Amendment of subsection (c) and amendment of Note refiled 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 6-17-2004 order transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).

3006. Contraband.

Inmates may possess only the personal property, materials, supplies, items, commodities and substances, up to the maximum amount, received or obtained from authorized sources, as permitted in these regulations. Possession of contraband as defined in section 3000 may result in disciplinary action and confiscation of the contraband.

(a) Dangerous Property. Inmates may not possess or have under their control any weapons, explosives, explosive making material, poisons or any destructive devices, nor shall they possess or assist in circulating any writing or voice recording which describes the making of any weapons, explosives, poisons, or destructive devices.

(b) Money. Inmates may not possess money. If an inmate finds money and voluntarily surrenders it, and the rightful owner does not claim it within 30 days, it will be credited to the inmate's trust account.

(c) Except as authorized by the institution head, inmates shall not possess or have under their control any matter which contains or concerns any of the following:

- (1) Any matter of a character tending to incite murder; arson; riot; or any form of violence or physical harm to any person, or any ethnic, gender, racial, religious, or other group.
- (2) Blackmail or extortion.
- (3) Contraband, or sending or receiving contraband.
- (4) Plans to escape or assist in an escape.
- (5) Plans to disrupt the order, or breach the security, of any facility.
- (6) Plans for activities which violate the law, these regulations, or local procedures.
- (7) Coded messages.
- (8) A description of the making of any weapon, explosive, poison or destructive device.
- (9) Illustrations, explanations, and/or descriptions of how to sabotage or disrupt computers, communications, or electronics.
- (10) Diskettes.
- (11) Catalogs, advertisements, brochures, and material whose primary purpose is to sell a product(s) or service(s) and when taken as a whole, lacks serious literary, artistic, political, educational, or scientific value.
- (12) Maps depicting any area within a ten mile radius of a facility.
- (13) Gambling or a lottery.
- (14) Markings on the envelope which are obscene in nature as described in subsection (15) below.
- (15) Obscene material and mail containing information concerning where, how, or from whom obscene material may be obtained.

(A) Obscene material means material taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest; and is material which taken as a whole, depicts or describes sexual conduct; and which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(B) When it appears from the nature of the matter or the circumstances of its dissemination, distribution, or exhibition that it appeals to deviant sexual groups.

§ 3150

DEPARTMENT OF CORRECTIONS AND REHABILITATION

TITLE 15

7. Amendment of subsections (a)(9)(I)1.-5. and Note refiled 6-13-95 as an emergency; operative 6-13-95 (Register 95, No. 24). A Certificate of Compliance must be transmitted to OAL by 11-20-95 or emergency language will be repealed by operation of law on the following day.
8. Reinstatement of section as it existed prior to emergency amendment filed 12-27-95 by operation of Government Code section 11346.1(f). Certificate of Compliance as to 6-13-95 order transmitted to OAL 11-9-95; disapproved by OAL and order of repeal as to 6-13-95 order filed on 12-27-95 (Register 95, No. 52).
9. Amendment filed 12-27-95 as an emergency pursuant to Government Code section 11346.1; operative 12-27-95 (Register 95, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-25-96 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 12-27-95 order including amendment of subsections (a)(5) and (a)(5)(A), relocation of former subsection (a)(5)(C) to section 3137(b), redesignation and amendment of former subsection (a)(6) to subsection (a)(5)(B), repealer of former subsections (a)(6)(A) through (a)(6)(D) and subsection renumbering, amendment of newly designated subsections (a)(6), (a)(7), (a)(8)(C) through (a)(8)(E), and relocation of former subsections (a)(9)(G) through (a)(9)(J) to section 3138(d) through (g) transmitted to OAL 4-25-96 and filed 6-6-96 (Register 96, No. 23).

Article 5. Inmate Manuscripts

3150. Definitions.

HISTORY:

1. Change without regulatory effect repealing section filed 10-29-90 pursuant to section 100, Title I, California Code of Regulations (Register 91, No. 6).

3151. Possession.

Any manuscript as defined in section 3000 remains the property of the inmate who created it. It may be retained in the inmate's possession except as otherwise described in section 3152.

Comment: Former DP-2502, possession of manuscripts.

HISTORY:

1. Change without regulatory effect amending section filed 10-29-90 pursuant to section 100, Title I, California Code of Regulations (Register 91, No. 6).

3152. Unauthorized or Dangerous Material.

(a) If unauthorized state materials have been used in the creation of a manuscript, the item may be impounded pending disciplinary action and reimbursement by the inmate for materials used.

(b) An inmate will not be permitted to retain in his or her personal possession manuscripts, which violate the provisions of Section 3006. Any such manuscript will be confiscated and disposed of in accordance with the provisions of Section 3006(c), or providing there is no conflict with the regulations governing mail and handicraft as set forth in Subchapter I, Articles 2 and 4 of these regulations, the manuscript and related material may be sent to a person outside the correctional facility as designated by the inmate.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600, 2601 and 5054, Penal Code.

HISTORY:

1. Repealer and new subsection (b) filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).

3153. Mailing.

Incoming and outgoing manuscripts will be processed as regular mail in accordance with the provisions of Sections 3136 and 3138.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5054 and 5055, Penal Code.

HISTORY:

1. Repealer and new section filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).

Article 6. Legal Documents

~~3160. Inmate Access to Courts~~

~~(a) Inmate access to courts shall not be obstructed. Staff shall assist inmates on those physically incapable of preparing forms adopted under rules of the United States courts and the Judicial Council of California for petitions for habeas corpus or modification of custody if such an inmate requests assistance. Staff shall not in any way retaliate against or discipline any inmate for initiating or maintaining a lawsuit.~~

(b) In addition to any other court costs, filing fees, or procedures, an inmate initiating a state civil action shall pay a three-dollar (\$3) filing fee to the Department.

(1) Civil actions are defined as any non-criminal actions. For the purposes of this regulation, habeas corpus actions are not considered civil actions.

(2) The filing fee shall be charged against the inmate's trust account.

(3) If the inmate is without sufficient funds at the time of the charge, the civil action shall be allowed to be transmitted to the courts, and the inmate shall not be charged for any remaining balance of the filing fee.

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

HISTORY:

1. Amendment of section heading and text and new Note filed 10-19-93; operative 11-18-93 (Register 93, No. 43).
2. Newly designated subsection (a), new subsections (b)-(2) and amendment of Note filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
3. Reinstatement of section as it existed prior to emergency amendment filed 7-25-95 by operation of Government Code section 11346.1(f) (Register 95, No. 30).
4. New emergency amendment filed 7-25-95; operative 7-25-95 (Register 95, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-25-95 order transmitted to OAL 9-7-95 and filed 10-16-95 (Register 95, No. 42).

3161. Inmate-Owned Legal Materials.

Inmate-owned legal materials/documents, law books and papers shall be limited to the availability of space authorized by section 3190(b) for personal property in the inmate's quarters/living area except as specified in this section. Inmates may possess up to one cubic foot of legal materials/documents related to their active cases, in excess of the six cubic feet of allowable property in their assigned quarters/living area. Legal materials/documents, law books and papers in excess of this limitation shall be disposed of pursuant to section 3191(c). Inmates may request the institution/facility store excess legal materials/documents related to their active cases(s) when such materials/documents exceed this one cubic foot additional allowance. Inmate-owned law books in excess of the additional allowance shall not be stored by the institution/facility.

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

HISTORY:

1. Amendment of section heading and text and new Note filed 10-19-93; operative 11-18-93 (Register 93, No. 43).

FIRST LEVEL SUPPLEMENTAL PAGE

RE: PELICAN BAY STATE PRISON (PBSP)
Appeal Log PBSP-D-08-02658
First Level Reviewer's Response

Inmate: HARRISON, H-54077

APPEAL DECISION: DENIED

APPEAL ISSUE: (MODIFIED)

You contend that on September 9 2008, you requested some Inmate Request for Interview forms from Correctional Officer E. Smith. You contend that Officer Smith made a very disrespectful, smart mouthed and unnecessary comment to you, ("Don't be lying to nobody, talking about I didn't give these to you"), at which time you told her to, "Get the fuck away from my cell with that Bull Shit." You state in your appeal that Officer Smith threatened you by saying, "OK I'm going to remember that." You also state in your appeal that upon exiting the section, an unidentified officer asked Officer Smith, "What was that all about?" the unidentified officer then said, "You should have just given it to him." You also state in your appeal that this is the reason that you asked Officer Smith to stop asking you if you wanted your non-emergency medication, to avoid this type of unnecessary nonsense, and she continues to harass you every morning by asking you if you want your medication.

ACTION REQUESTED:

You are requesting that Officer Smith be removed from her job, and that it be documented that Officer Smith's actions towards you is causing you emotional and mental stress.

FINDINGS:

A review of your appeal has been completed. Your appeal and attachments, including your requested action has received careful consideration. Correctional Sergeant R. Moore was assigned to investigate your allegations by the First Level Reviewer.

Sergeant Moore interviewed you on October 8, 2008. You stated basically the same information as you did in your appeal; however, you did state that there were some racial issues in regards to the ethnic balance of your housing unit.

In the event staff misconduct is sustained, the institutions Administration will take the appropriate course of action. All staff personnel matters are confidential in nature and not privy to the inquiries of other staff, the general public, or the inmate population and will not be released to the inmate. Although the inmate has the right to submit an appeal as a staff complaint, the request for administrative action regarding staff or the placement of documentation in the staff member's Personnel File is beyond the scope of the appeal process.

Appeal Log PBSP-D-08-02658

Page 2

DETERMINATION OF ISSUE:

A thorough review of the allegation presented in this complaint has been completed. Based on this review, the action requested to resolve this appeal is **DENIED** at the First Level of Review. Additionally, the following determination has been made concerning your allegations of staff misconduct: **NOT SUSTAINED**

4) *R. L. Johnson FC(A)* 10/21/08
R. L. JOHNSON
Facility Captain
Facility D
Date

D. W. Bradbury 10/21/08
D. W. BRADBURY
Associate Warden
Security Housing Unit
Date

PELICAN BAY STATE PRISON
SECURITY HOUSING UNIT
UNIT D-3

State of California

Memorandum

Date :

To : Inmate HARRISON, H54077
Pelican Bay State Prison
Facility D, Security Housing Unit
Building 3, Cell 122

Subject: **STAFF COMPLAINT RESPONSE - APPEAL # PBSP-D-08-02658**

APPEAL ISSUE: You allege that, on September 9, 2008, you requested some GA-22, Inmate Request for Interview Forms, from Correctional Officer E. Smith. You contend that Officer Smith made a very disrespectful, "smart mouthed" and unnecessary comment to you. Specifically, you allege she stated, "Don't be lying to nobody, talking about I didn't give these to you." You responded, "Get the fuck away from my cell with that bull shit!" You state that she threatened you by responding, "OK, I'm going to remember that." You also state that upon exiting the section, an unidentified officer asked Officer Smith, "What was that all about?" The unidentified officer then said, "You should have just given it to him." You contend that this is the reason you asked Officer Smith to stop asking you if you wanted your non-emergency medication, so that you would avoid this type of "unnecessary nonsense". However, you contend that she continues to harass you every morning by asking if you want your medication.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal has been handled as follows:

- PROCESSED AS A STAFF COMPLAINT APPEAL INQUIRY
 REFERRED TO THE OFFICE OF INTERNAL AFFAIRS (Note: You will be notified of the conclusion of any Internal Affairs investigation.)

SUMMARY FOR APPEAL INQUIRY:

You were interviewed, on October 8, 2008, by Correctional Sergeant R. Moore and you stated basically the same information as in your written appeal. However, you did add that there were some racial issues in regards to the ethnic balance of your housing unit. Per the Confidential Supplement, the following witnesses were questioned: Correctional Officer E. Smith, R. Branion, P. Russell, C. Shafer, and several inmates of various races housed within D-3. Per the Confidential Supplement, the following information was reviewed as a result of your allegations of staff misconduct: written documentation authored by you.

FINDINGS FOR AN APPEAL INQUIRY:

Your appeal is PARTIALLY GRANTED at the First level Second level:

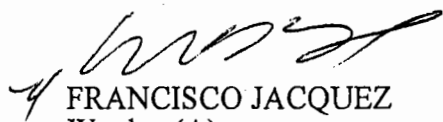
- An inquiry into your allegation has been conducted.
 An investigation is being conducted by the Office of Internal Affairs

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, the details of any inquiry/investigation will not be shared with staff, members of the public, or inmates. Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process. However, you have the right to be notified if after a review of your allegations, it is determined that staff violated CDCR policy. In this case:

Supplement Page 2
HARRISON, H54077
Appeal # PBSP-D-08-02658

- The (inquiry / investigation) is not yet complete
- The investigation is complete. Staff did not violate CDCR policy.

Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process. If you wish to appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Director's Level of Review. Once a decision has been rendered at the Director's Level of Review, your administrative remedies will be considered exhausted.


FRANCISCO JACQUEZ
Warden (A)

NAT # 54 Date 11/12/08