

DEPARTMENT OF CORRECTIONS  
DISPOSITION OF CHARGE(S)

DC FORM 150-01B

Informal Conference [ ] Formal Hearing [X]

FACILITY CCCF

OFFENDER NAME: CLUTTS, EDWARD NUMBER: 122690 CASE NO: 09-0624

CURRENT HOUSING UNIT: 7C225 CURRENT CUSTODY LEVEL DESIGNATION: MEDIUM

Continuation of Hearing: NO If yes, describe date/time continued from: \_\_\_\_\_

Disciplinary Officer Name and Position : C/C/ GONZALES

FINDINGS OF FACT: (List SPECIFIC evidence relied upon to support finding(s) including the general substance of confidential information and/or evidence)  
Charge(s): CLASS II RULE 25 Plea: Not Guilty Guilty Guilty w/explanation Finding: Not Guilty Guilty Dismissed

Charge(s): \_\_\_\_\_ Plea: Not Guilty Guilty Guilty w/explanation Finding: Not Guilty Guilty Dismissed

Offender Representative Requested: Yes [ ] No [XX] Offender Representative Allowed: Yes [X] No [ ]  
Offender Representative Name: \_\_\_\_\_

Was Confidential Information Used: Yes [ ] No [X] If Yes, was information determined reliable by Hearing Officer: Yes [ ] No [ ]

Describe accused offender testimony: This is not a lawful order to put me in harms way. Haling Vs. McKinney court case. This is against the law. I wish I could remember the exact quote on it. I ratted on the gangs and they are going to put me the same place I ratted on them. I/M David Hamm told me that we were going to fight because I don't have paper work and I can't prove I'm not a sex offender. That's when I went to C/M Lucero and told her about it, and she called the SCO and after talking he took me to seg.

Describe staff testimony and evidence presented: SCO Pelster's written statement indicating she gave I/M Clutts, Edward 122690 a direct and lawful order to vacate segregation cell 7C336 and return to general population. I/M Clutts refused to comply with the direct order and still resides in cell 7C225. I/M Clutts custody issues are not validated and he states that he does not want to be in the middle of the gangs.

Identify all offender witnesses requested: (C/M Lucero)

Briefly describe all called witness testimony, or justification for not allowing requested witnesses: (Lucero)-not called due to irrelevancy of her testimony.

Briefly describe specific evidence and testimony relied upon to reach finding: Inmate refused to leave segregation and return to general population. Inmates custody issues are not validated through CDOC.

Briefly describe how offender behavior violated COPD: Inmate refused to comply with a direct order from staff.

Other comments (describe any offender rights waived, justification of non-allowance of representation, explanation of extended recess and any other pertinent information): Inmate waived his right to remain silent This COPD Case has been reviewed by CDOC.

SUMMARY OF PENALTIES:

Describe any aggravating or mitigating factors considered: None

Name \_\_\_\_\_

Describe any stayed or probated sanctions: None

Date 6/1/09

Description of Penalties Imposed: 4 ts days Punitive Segregation

Date of sanction start and end; Explanation of Pre-Hearing segregation time credit: 5/28/09 thru 6/1/09

Explanation of monetary restitution imposed/Information relied upon to determine amount imposed: None

[Signature] Date 6/1/09  
LT GUERRERO Chairperson

DATE OF HEARING 6/1/09 TIME OF HEARING 9:32 AM LOCATION OF HEARING CCCF

COMMITTEE MEMBERS PRESENT: None

WARDEN/DIRECTOR REVIEW: (Not required for informal) (X) AFFIRM ( ) MODIFY ( ) REVERSE  
COMMENTS:

[Signature] Date 6-4-09  
Administrative Head or Designee

Offender Acknowledgment: I acknowledge receipt of a copy of this Disposition of Charge

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

08-CV-02506-2207M  
Plaintiff's 4 14

Exhibit  
A-17

STATE OF COLORADO  
DEPARTMENT OF CORRECTIONS  
NOTICE OF CHARGE(S)

DC Form  
150-1A

Facility AVCF

CASE NO. 091512

<b>1. OFFENDER</b> Clutts, Edward	<b>DOC NUMBER</b> 122690
<b>CURRENT HOUSING UNIT</b> Segregation	<b>CURRENT SECURITY DESIGNATION</b> Minimum Restricted
<b>2. ALLEGED CHARGES</b> Date <u>6/18/2009</u> Time: App. <u>10:00 am</u> Location <u>Living Unit 1</u> Specific Charge (Code of Penal Discipline) Use extra sheets if necessary <u>II-16, Advocating or Creating Facility Disruption</u> <u>II-25, Disobeying a Lawful Order</u>	
<b>3. SUMMARY</b> June 18, 2009, at approximately 10:00 am, I, Sgt. Frankmore, reported to Unit One to assist with an offender. Sgt. Boatwright, Officer S. Vigil, Officer Norris and Officer Valdez-Gonzales were present in the Unit. Offender Clutts #122690, was refusing to leave the tech's office and move into the cell that had been assigned to him. Offender Clutts stated that he could not live with a gang member and that "we" were setting him up like Crowley had. Sgt. Boatwright and I counseled offender Clutts. Offender Clutts stated that we could not place him with a gang member. At no time did offender Clutts state that he had been threatened. Offender Clutts was moved to the laundry room. Sgt. Boatwright and I spoke with the Unit One staff, Officers Norris and Valdez-Gonzales. They stated that they had spoke with offenders Clutts cellie regarding the issue. The cellie had not threatened offender Clutts. I instructed offender Clutts to move his property to his cell. Offender Clutts refused. Officer Vigil, Sgt. Boatwright and I moved offender Clutts properly to his assigned to cell. Officer Vigil cuffed offender Clutts. I placed my hands on offender Clutts right arm to escort offender Clutts, offender Clutts pulled away from me dragging me toward the entry of Unit One. Sgt. Boatwright assisted by grabbing his left arm. Offender Clutts continued toward the entry way dragging/pulling Sgt. Boatwright and I. Officer Vigil and Valdez-Gonzalez assisted. Repetitive orders to stop resisting were given. Offender Clutts was in compliant. A common peroneal strike was used as a distraction technique and touch pressure applied to his clavicle notch were applied to gain control of the situation by placing offender Clutts face down on the floor. Offender Clutts was passive resistive when we attempted to move him from the floor to escort him. Offender Clutts stopped being resistive when I stated that we would escort him to medical for an anatomical exam. Sgt. Boatwright and Officer Vigil escorted offender Clutts in cuffs one on each side with me following from Unit One to medical for an anatomical exam. Sgt. Boatwright and Officer Vigil escorted offender Clutts in cuffs one on each side with me following with the anatomical report to the security office. Major Flores and Lt. Sandoval, Shift Commander, spoke with offender Clutts. Sgt. Boatwright and Officer Vigil escorted offender Clutts in cuffs one on each side with me following with the camera to segregation. I took photos of offender Clutts in seg for documentation. Offender Clutts continually stated during the entire situation to take him to seg or CSP.	
<b>4. CONTRABAND</b> (Description and disposition. Also including same type information as required in number 3 if not listed.)	
<b>5. NAMES OF WITNESSES TO VIOLATION:</b> (Including employees)	I certify that aforementioned charges and summary are true and correct to my knowledge. The date of my signature reflects the discovery date of the violation.
_____	S/ <u>Kimberly Frankmore</u> Initiating Employee <u>Kimberly Frankmore #5413</u> Date _____
_____	S/ _____ Reviewing Supervisor _____ Date _____
<b>6. INVESTIGATION/PHARMACY REPORT</b> (when required)	Date: _____
Signature _____	Comment(s): _____
<b>7. Hearing Schedule:</b>	This case is scheduled for <u>6/29/09</u> at: <u>After 0800 hours</u> Date
Formal Hearing <input checked="" type="checkbox"/> Informal Conference <input type="checkbox"/>	
<b>8. Serving Employee:</b>	You are hereby served with a copy of alleged charges this <u>12</u> day of <u>June</u> 20 <u>09</u> at <u>10:00</u> (am) (pm). If you desire witnesses, in accordance with the Code of Penal Discipline, please notify the Reviewing Supervisor as soon as possible, but no later than 24 hours prior to scheduled hearing, to avoid a continuance. Signature <u>[Signature]</u> Date <u>6/18/09</u>
<b>9. I do <input type="checkbox"/> do not <input type="checkbox"/> desire an inmate representative. Name of representative _____</b>	<b>08-cv-02506-2LW-8N2</b> <b>6/17</b>
<b>I do <input type="checkbox"/> do not <input type="checkbox"/> desire a 3 member hearing board (FOR CLASS I CHARGES ONLY).</b>	
<b>INMATE ACKNOWLEDGEMENT.</b> I acknowledge receipt of a copy of the Notice of Charge. Signature _____ Date _____	

Exhibit  
A-19

STATE OF COLORADO  
DEPARTMENT OF CORRECTIONS  
NOTICE OF CHARGE(S)

DC Form 150-1A

FACILITY CCCF

CASE NO. 08-019

1. OFFENDER NAME CLUTTS, EDWARD	DOC NUMBER 122690
CURRENT HOUSING UNIT 7C225	CURRENT CUSTODY DESIGNATION MEDIUM

2. ALLEGED CHARGES Date 06/01/09 Time 0919 HRS Location UNIT 5C

Class <u>II</u>	Rule <u>25</u>	Specific Charge (Code of Penal Discipline) Use extra sheets if necessary <u>DISOBEYING A LAWFUL ORDER</u>
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3. SUMMARY (Factual Reporting, including who, what, when, where, and how).

On June 1, 2009 at 0919hrs. I, Senior Correctional Officer E. Pelster, gave Inmate Clutts, Edward #122690 a direct and lawful order to vacate Segregation cell 7C225 and return to general population. Inmate Clutts refused to answer after I gave him the directive. I again asked Inmate Clutts if he was going back to the yard and that I needed some sort of response. He shook his head side to side, which I understood as his refusal to obey a Direct and Lawful Order. Inmate Clutts remains in cell 7C225 at this time. EOR.

4. CONTRABAND: (Description and disposition. Also including same type information as required in number 3 if not listed.)

5. NAMES OF WITNESSES TO VIOLATION: (Including employees)

I certify that aforementioned charges and summary are true and correct to my knowledge. The date of my signature reflects the discovery date of the violation.

_____	S/ _____	Date _____
	Initiating Employee	
_____	S/ _____	Date _____
	Reviewing Supervisor	

6. INVESTIGATIONS/PHARMACY REPORT (when required) Date \_\_\_\_\_

Signature \_\_\_\_\_ Comment(s) \_\_\_\_\_

7. Hearing Schedule: This case is scheduled for: \_\_\_\_\_ at: \_\_\_\_\_

Formal Hearing  Informal Conference  Date \_\_\_\_\_ Time \_\_\_\_\_

8. SERVING EMPLOYEE: You are hereby served with a copy of alleged charges this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ at \_\_\_\_\_ (am)/(pm). If you desire witnesses, in accordance with the Code of Penal Discipline, please notify the Reviewing Supervisor as soon as possible, but no later than 24 hours prior to scheduled hearing, to avoid a continuance.

Signature \_\_\_\_\_ Date \_\_\_\_\_

*08-CV-02506-264-BNE  
EX-19*

9. I do  do not  desire an offender representative. Name of representative \_\_\_\_\_

OFFENDER ACKNOWLEDGEMENT. I acknowledge receipt of a copy of the Notice of Charge.

Signature \_\_\_\_\_ Date \_\_\_\_\_

DEPARTMENT OF CORRECTIONS  
NOTICE FOR ADMINISTRATIVE SEGREGATION HEARING

FACILITY: Crowley County Correctional Facility

OFFENDER 1. NAME Clutts, Edward	DOC NUMBER # 122690
HOUSING UNIT 7C225/Segregation	CURRENT SECURITY DESIGNATION MinR
<p>2. SUMMARY: (Factual Report, including who, what, when, where, and how) Use additional sheets if necessary.          On 4/17/09 lawful Executive Assignment Order assigned Clutts, Edward #122690 to the Crowley County Correctional Facility. Clutts was placed into segregation on 5/20/09 for possible custody issues. During the course of the investigation it was found that Clutts does not have any validated custody issues at CCCF. Clutts was ordered to vacate segregation on 5/28/09 and refused to vacate. On 6/1/09 he was found guilty of a Class II Rule 25 Disobeying a Lawful Order due to refusing to vacate segregation. Clutts was given punitive sanctions in segregation up to 6/1/09 and was ordered to vacate segregation. Clutts again refused to leave segregation on 6/1/09. There are no verified documented custody issues between Clutts and offenders housed at CCCF. Due to offender Clutts refusing his assignment to CCCF I STG Officer David Navarrete recommend he be reviewed for Administrative Segregation placement.</p>	
<p>3. I certify that the foregoing statements are true &amp; correct to best of my knowledge.</p> <p style="text-align: right;">S/ <u>[Signature]</u> <u>June 4, 2009</u> Initiating Employee Date</p> <p style="text-align: right;">S/ <u>[Signature]</u> <u>6/1/09</u> Administrative Head/Director Date</p>	
<p>4. HEARING SCHEDULE:</p> <p>Case referred to Classification, scheduled for <u>June 4, 2009 at 9:30 a.m.</u></p>	
<p>5. SERVING EMPLOYEE:</p> <p>You are hereby served this copy on this <u>1st</u> day of <u>June</u>, 20<u>09</u>, at <u>1:27</u> (am) (PM). If you desire witnesses or a representative, in accordance with Administrative Regulation 600-2, please notify the Classification Chairperson as soon as possible, but no later than 24 hours prior to scheduled hearing, to avoid a continuance.</p> <p style="text-align: right;">S/ <u>[Signature]</u> <u>6-1-09</u> Date</p>	
<p>6. INMATE ACKNOWLEDGEMENT:</p> <p>I acknowledge receipt of a copy of the Notice for Administrative Segregation.</p> <p style="text-align: right;">S/ <u>[Signature]</u> <u>6/1/09</u> Date</p>	

Distribution: White - Department  
Canary - Working  
Pink - Administrative Head/Direc  
Gold - Inmate

08-CU-02506-24-0259

EX-20