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no file 4A KCI CCI

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC 128 A (8-87)


NAME and NUMBER MENENDEZ

K-13758

FBD6-146L

On Wednesday, August 28, 1996, at approximately 1630 hours, Inmate **MENENDEZ K-13758 FBD6-146L** refused to present himself in the manner set forth for the 1630 hours standing count (standing with light on). The announcement was made in the housing unit via the P.A. system that all Inmates turn on thier cell lights and stand for the 1630 hours count. **MENENDEZ** has been verbally counseled pertaining to his behavior. **MENENDEZ** is aware that any further conduct of this nature will result in more serious disciplinary action. **MENENDEZ** is aware of this report.

Original: C-File
cc: Lieutenant
CCI
Writer
Inmate


J. Byrd
Correctional Officer
Ad/Seg 3/Watch

DATE 08-28-96

(DISRUPTIVE BEHAVIOR [COUNT])

CUSTODIAL COUNSELING

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER K-13758	INMATE'S NAME MENEDEZ (M) (W)	RELEASE/BOARD DATE LWO	INST. CCT IV-A	HOUSING NO. 8B-210L	LOG NO. 4A-96-09-032
VIOLATED RULE NO(S) D.R. 53005(b)		SPECIFIC ACTS REFUSED TO CUFF-UP	LOCATION 8B-210	DATE 9-13-96	TIME 1215 HRS.

On Friday, September 13, 1996, at approximately 1215 hours, while assigned to Housing Unit #8, Position #4223, I went to cell 8B-210 to move Inmate MENEDEZ, K-13758, 8B-210L, to cell 8A-2021, as mandated by committee directions, per Orientation Status. I ordered him to cuff-up to make the move, Inmate MENEDEZ said he wouldn't leave or exit his cell. After numerous attempts to convince him that the move was in his best interest, MENEDEZ stated he would not exit his cell. MENEDEZ was interviewed by Sergeant D. Burgi and Lieutenant S. Reed with the same results.

Inmate MENEDEZ is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) J. Mathys, Correctional Officer	DATE 9-13-96	ASSIGNMENT H.U. Floor Officer	RDO'S T/W
REVIEWING SUPERVISOR'S SIGNATURE D. Burgi, H.U.#8 Sergeant	DATE 9-13-96	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input checked="" type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: 9-16-26	DATE 9-16-96	LOC: 8B-210
CLASSIFIED BY (Typed Name and Signature) A. Lopez, Correctional Counselor II		HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" 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) <i>[Signature]</i>	DATE 9-17-96	TIME 1549
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME

HEARING **PLA: GUILTY** FINDINGS: **GUILTY**
 On October 10, 1996, at 0800 hours, Inmate MENEDEZ, K-13758, appeared before me, stating that he was in GOOD health and was prepared to proceed with the hearing. He received a copy of the charge(s) and all pertinent reports more than twenty-four (24) hours prior to the hearing. He was informed that the disposition in this matter would not become final pending review and approval by the chief Disciplinary Hearing Officer. Upon this approval, a completed copy of the CDC-115 will be issued.

He did not request any witnesses to be present at the hearing. He did not request the Reporting Employee to be present at the hearing. He did request the assignment of an Investigative Employee, which was GRANTED.

I read the charge(s) to Inmate MENEDEZ, and he ADMITS being GUILTY of the charge(s), stating, that he did not move based upon advise of his attorney. States that he has relied upon advise of his attorney for the past seven (7) years, and followed her advise in this matter out of habit. States that he has nothing further to add concerning this matter.

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> 8PT/NAEA	(SEE ATTACHED CONTINUATION)		
ACTION BY: (TYPED NAME) L.T. Cassell, Senior Hearing Officer	SIGNATURE <i>[Signature]</i>	DATE 10-10-96	TIME 0800
REVIEWED BY: (SIGNATURE) D. Travis, FC	DATE 10-18-96	CHIEF DISCIPLINARY OFFICER'S SIGNATURE <i>[Signature]</i>	DATE 10-21-96
<input checked="" type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) S. Barber	DATE 10/25/96	TIME 1930

RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	LOG NUMBER (W) 4A-9609-032	INSTITUTION CCI-IV-A	TODAY'S DATE 10-10-96
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____			

FINDINGS : Inmate MENENDEZ, K-13758, has been found **GUILTY** of violating Section 3005(b), specifically, Refusing To Cuff-Up. All evidence in this matter was considered and the evidence supports the findings of **GUILTY**. The FINDINGS in this matter are based upon the following facts; the plea of **GUILTY** and the statements of Officer J. Mathys in his report.

DISPOSITION : Inmate MENENDEZ, K-13758, has been assessed a **REDUCTION** from a **SERIOUS CDC-115** to an **ADMINISTRATIVE CLASSIFICATION**, forty (40) hours Extra Duty, to be completed thirty (30) days from receipt of final copy of this CDC-115, counseled and reprimanded concerning future behavioral expectations, specifically in the area of D.R. §3005(b).

Inmate MENENDEZ was advised that he has the right of appeal concerning this matter, and is referred to CCR, Title 15, Chapter I, Article 8, for the specifics of the appeal rights.

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER L.T. Cassell, Correctional Lieutenant	DATE SIGNED 10-10-96
	GIVEN BY: (Staff's Signature) <i>J. Barber</i>	DATE SIGNED 10-25-96

Det Travis Fc 10-18-96

ORDER AND HEARING FOR PLACEMENT IN SEGREGATED HOUSING

An inmate is entitled to a written decision including references to the evidence relied upon and the reasons for such confinement. A copy of the completed form must be given to the inmate, a copy placed in the central file, and a copy retained in a central location at the institution.

Prior to initial placement, or within 48 hours of such placement, an inmate is entitled to written notice of the reasons for placement in sufficient detail to enable the inmate to prepare a response or defense.

PART I NOTICE OF REASONS FOR PLACEMENT IN ADMINISTRATIVE SEGREGATION

NAME: MENENDEZ NUMBER: K-13758 INSTITUTION: California Correctional Institution

A determination has been made to place you in segregated housing. The reasons for such placement are: On September 13, 1996, at approximately 1215 hours, you were ordered by Correctional Officer D. Mathys to "cuff-up" so he could move you from your present housing in Administrative Segregation, 8B-210L, to the Orientation Unit, 8A-202L, as you had been released from Ad-Seg per committee action. You refused his orders twice. After being counseled by Sergeant D. Burgi and Lieutenant S. Reed, you still refused to move. Your actions are being deemed as a threat to the safety and security of the Institution as well as possibly other inmates. Consequently, you are being placed in Ad-Seg, and remain there pending review by appropriate Committee of your specific housing needs.

(per Order of Correctional Lieutenant R. Bird, on 9-17-96)

INMATE SIGNATURE: [Signature] Refused to Sign [X]

EMPLOYEE: [Signature] DATE: 17 Sept 96 Copy Given to Inmate [X]

Representation by counsel-substitute is required when it is determined that the inmate is illiterate or that the complexity of the issues makes it unlikely that he/she can collect and present the evidence necessary for an adequate comprehension of the case. This determination must be made at the time of initial placement or within 48 hours of such placement. (Complete both A and B below.)

PART II COUNSEL-SUBSTITUTE

A. STAFF ASSISTANT (Assigned if inmate is illiterate or issues complex.)

Not Assigned [X] Inmate Not Illiterate [] Inmate Declines [] Issues Not Complex [] Assigned [] (Name) _____

Other Reasons or Comments:

Inmate Menendez Refused to Sign 1140

B. INVESTIGATING EMPLOYEE (Assigned when inmate is not illiterate and issues are not complex but assistance is necessary to enable inmate to collect and present evidence necessary for an adequate comprehension of the case.)

Not Assigned [X] Inmate Declines [] Inmate Able to Collect and Present Evidence [] Assigned [] (Name) _____

Other Reasons and Comments:

Note & reviewed Portuon, FC 9-16-96

POOR ORIGINAL

Number: **K13758** Name: **MENENDEZ** Next Class: **FAC A UCC**
Custody: **CLO B** Release Date: **LWOP** PS **52** WG/PG **A1/A 6-27-05**
Comment: **INITIAL REVIEW: RELEASE TO FAC "A", GP. DOUBLE CELL APPROVED, RESTORE CONTACT VISITS.**

Inmate MENENDEZ appeared before ICC on this date for an Initial Administrative Segregation Placement Review. Subject was placed in Ad Seg on 6-27-05 from FAC "A" for safety and security reasons. According to the 114-D staff observed him in building 4 with injuries consistent with being involved in Mutual Combat. He was interviewed by the Sergeant regarding the injuries and informed the Sergeant that he received the injuries during a basketball game. However, there were several inconsistencies with his recollection of the incident. He was served a copy of the 114-D on 6-27-05 explaining the reasons for his Ad Seg placement.

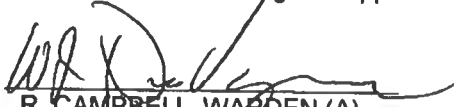
At the Administrative Review he was not assigned a staff assistant or an investigative employee, and did not request the presence of witnesses or an opportunity to present documentary evidence at this hearing. Subject was retained in Ad Seg on single cell status pending ICC review.

The facility staff prepared an RVR for this specific act of Mutual Combat. Menendez claims that he has no problem on the yard and that he can go back. The subject claimed that he was playing soccer and tumbled and noted that his injuries had gotten worse, and he made a decision not to report it, which he should have never done.

Based on the recommendation of the facility staff ICC acts to release to FAC 'A' GP, and place on the support services waiting list. His WG/PG is A1/A effective 6-27-05 and his custody is established at CLO B. He is double cell approved with a compatible cellmate and his contact visits are restored in accordance with current visiting regulations. The subject was an active participant in the hearing process this date, stating he has no medical or mental health concerns and that he understands the decision rendered. Subject was advised of his right to appeal the committee action.

COMMITTEE MEMBERS:

- W. DESVOIGNES, CDW (A)
- D. ARNOLD F/C (A)
- F. EDELHOFER, PH.D
- P. PAVLOVIC, M.D.
- E. RODRIGUEZ, AD SEG SGT.


R. CAMPBELL, WARDEN (A)
CHAIRPERSON


E. CUSIC, CC-II
RECORDER

Date: 07-07-05 Classification: ICC - Initial Inst: MCSP: cdd

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC 128-B1 (3-88)

NOTICE OF CLASSIFICATION HEARING

INMATE NAME MENENDEZ	NUMBER K-13758	DATE 01/19/00
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YOU WILL APPEAR BEFORE A CLASSIFICATION COMMITTEE ON A.S.A.P. FOR CONSIDERATION OF A MAJOR PROGRAM CHANGE AS FOLLOWS:

- TRANSFER INCREASE IN CUSTODY ASSIGNMENT TO SECURITY HOUSING
 REMOVAL FROM PROGRAM OTHER _____

REASON: Inmate MENENDEZ, K-13758, 4B-204-L, has been assigned to position JAN.B-301, Housing Unit #3, A.M. tier tender, since June 06, 1998. During this time, Inmate MENENDEZ has consistently shown a lack of attention to his job assignment. He was advised of his expectations and duties by Third Watch personnel immediately after his assignment. Inmate MENENDEZ was frequently found on the Housing Unit Yard playing handball or basketball, or on the IVB Main Yard for whatever reason. Inmate MENENDEZ was verbally counseled as to the importance of being in the Housing Unit until the end of his work hours. He received a CDC-128-A on May 28, 1998, for being absent from his job assignment, and again on October 16, 1998, for the same offense. Due to Inmate MENENDEZ's poor work habits and poor attitude towards Supervisors, he should be removed from his work assignment. Inmate MENENDEZ speaks and understands English and is aware of this report.

STAFF NAME <i>J. Thomas</i> J. THOMAS	TITLE CORRECTIONAL OFFICER	INSTITUTION CCI-IVB
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ROUTING INSTRUCTIONS ORIGINAL CLASSIFICATION COMMITTEE COPY TO INMATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

8A206

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ (W)	RELEASE/BOARD DATE LWO	INST. CCI IV-A	HOUSING NO. 8B-210L	LOG NO. 4A-96-09-47
VIOLATED RULE NO(S). DR\$3005(b)		SPECIFIC ACTS Refusing a Direct Order/ Cell Move	LOCATION H.U. #8	DATE 9-20-96	TIME 1555 Hrs.
CIRCUMSTANCES					

On 9-20-96, at approximately 1555 hours, while working as Administrative Segregation Sergeant, Position #424200, I gave Inmate MENENDEZ, K-13758, 3B-210L, a direct order to move to cell 8A-206U which he refused. MENENDEZ had been ordered released from Administrative Segregation Unit to the Orientation Unit, as a result of a committee hearing regarding his placement in Administrative Segregation. Following these orders, I found housing for him in the Orientation Unit, cell 8A-206U. I had Officer J. Mathys take MENENDEZ from his Administrative Segregation cell, 8B-210L, and bring him to Housing Unit #8 Office. Once there, I explained to MENENDEZ that, because of the release order, he was being placed in the Orientation Unit. MENENDEZ stated; "Then can I go to IV-B?" I told him that was not an option at this time. He'd go from Orientation to the Mainline. He said; "I don't think so." I asked MENENDEZ if he was refusing my order to move to "A" Section, and he said; "Yes."

Inmate MENENDEZ is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) D. Burgi, Correctional Sergeant		DATE 9-23-96	ASSIGNMENT Ad/Seg Sergeant	RDO'S S/S
REVIEWING SUPERVISOR'S SIGNATURE R. Bird, Correctional Lieutenant		DATE 9-20-96	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: 'F'	DATE 9-25-96	CLASSIFIED BY (Typed Name and Signature) A. Lopez, Correctional Counselor II	HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" 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) [Signature]	DATE 9-20-96	TIME 1451	TITLE OF SUPPLEMENT
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)

HEARING **PLEA: GUILTY** FINDINGS: **GUILTY**

On October 10, 1996, at 1950 hours, Inmate MENENDEZ, K-13758, appeared before me, stating that he was in GOOD health and was prepared to proceed with the hearing. He received a copy of the charges and all pertinent reports more than twenty-four (24) hours prior to the hearing. He was informed that the disposition in this matter would not become final pending review and approval by the Chief Disciplinary Hearing Officer. Upon this approval, a completed copy of the CDC-115 will be issued.

He did request witnesses to be present at the hearing, which was withdrawn at the time of the hearing. He did request the reporting Employee to be present at the time of the hearing, which was withdrawn at the time of the hearing. He did request the assignment of an Investigative Employee, which was GRANTED.

I read the charge(s) to Inmate MENENDEZ, and he ADMITS being GUILTY of the charge(s), stating that he refused based upon his attorney's advise.

REFERRED TO CLASSIFICATION BPT/NAEA

(SEE ATTACHED CONTINUATION)

ACTION BY: (TYPED NAME) L.T. Cassell, Senior Hearing Officer	SIGNATURE [Signature]	DATE 10-10-96	TIME 1950
REVIEWED BY: (SIGNATURE) [Signature]	DATE 10-18-96	CHIEF DISCIPLINARY OFFICER'S SIGNATURE [Signature]	DATE 10-21-96
<input checked="" type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) [Signature]	DATE 10-25-96	TIME 1930

RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ (W)	LOG NUMBER 4A-9609-047	INSTITUTION CCI-IV-A	TODAY'S DATE 10-10-96
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:		<input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING
		<input type="checkbox"/> IE REPORT	<input type="checkbox"/> OTHER	

FINDINGS : Inmate MENENDEZ, K-13758, has been found **GUILTY** of violating Section 3005(b), specifically, Refusing a Direct Order/Cell Move. All evidence in this matter was considered and the evidence supports the findings of **GUILTY**. The **FINDINGS** in this matter are based upon the following facts; that MENENDEZ plead **GUILTY** to the charge(s) and the statement of Sergeant D. Burgi in the report.

DISPOSITION : Inmate MENENDEZ, K-13758, has been assessed thirty (30) days Credit Forfeiture, which is consistent with the range of credit forfeiture for a Division "F" offense, sixty (60) days Loss of Privileges (LOP), effective from 10-1-96, to 12-10-96, including loss of hobby, quarterly packages, family visits, and weight pile, forty (40) hours of Extra Duty, to be completed sixty (60) days from receipt of final copy of this CDC-115.

Inmate MENENDEZ was advised that he has the right of appeal concerning this matter, and is referred to CCR, Title 15, Chapter I, Article 8, for the specifics of the appeal rights.

Inmate MENENDEZ was advised that the Credit Forfeiture assessed in this matter may be restored under certain provisions. He is referred to CCR, Title 15, Sub-Chapter 4, Article 5.5, Administrative Bulletin, dated April 4, 1996, for the specifics concerning the restoration of the forfeited worktime credits.

SIGNATURE OF WRITER <i>L.T. Cassell</i>		DATE SIGNED 10-10-96	
L.T. Cassell, Correctional Lieutenant			
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>D. Barber</i>	DATE SIGNED 10-25-96	TIME SIGNED 1930

D. Travis PC 10-18-96

STATE OF CALIFORNIA
SERIOUS RULES VIOLATION REPORT

DEPARTMENT OF CORRECTIONS

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	VIOLATED RULE NO(S) DR\$3005(b)	DATE 9-20-96	INSTITUTION CCI IV-A	LOG NO. 4A-96-09-47
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT YES NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE n/a	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE n/a	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE n/a	DATE

STAFF ASSISTANT

<input type="checkbox"/> REQUESTED	<input checked="" type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE Joseph Menendez	DATE Sept 26 96
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF	
<input type="checkbox"/> NOT ASSIGNED	REASON		

INVESTIGATIVE EMPLOYEE

<input checked="" type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE Joseph Menendez	DATE Sept 26 96
<input type="checkbox"/> ASSIGNED	DATE 9-27-96	NAME OF STAFF D.S. Reed	
<input type="checkbox"/> NOT ASSIGNED	REASON		

EVIDENCE/INFORMATION REQUESTED BY INMATE:

WITNESSES

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

REPORTING EMPLOYEE STAFF ASSISTANT INVESTIGATIVE EMPLOYEE OTHER _____ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

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

On September 27, 1996, I, (Correctional Officer D.S. Reed) was assigned as the Investigative Employee in CDC-115, Log #4A-9609-047. On 9-30-96, I interviewed Inmate MENENDEZ, K-13753, and asked him if he had any objection(s) to my serving in that capacity. He stated he had none, and the following interview ensued;

DEFENDANT STATEMENT ; MENENDEZ, K-13758

Date : 9-30-96
 Time : 1800 hours

On September 27, 1996, at 1800 hours, I interviewed Inmate MENENDEZ, K-13758, 8A-206L, about the CDC-115 he received on 9-20-96, written by Correctional Sergeant D. Burgi. MENENDEZ was asked if he would like to respond to the report at this time. MENENDEZ stated to me that he refused the cell move on the above-date because he was afraid for his safety, and what may happen to him in the Orientation Unit. He also stated that his attorney had advised him to stay in Ad-Seg until she had talked to the Warden and had his up-dated CDC-312 sent to DRV to reconsider his housing. Inmate MENENDEZ also stated he was made to believe that if he moved to Orientation, he would not be able to go to IV-B from there. MENENDEZ also stated that once he found out that Unit IV-A was better than Unit IV-B, in the way of safety, and that refusing the cell move would possible increase his custody points, and interfere with future moves, he agreed on

(SEE ATTACHED CONTINUATION)

<input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) [Signature]	INVESTIGATOR'S SIGNATURE D.S. Reed [Signature]	DATE 10-1-96
		TIME 1000	DATE 10/4/96

RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	LOG NUMBER 4A-9609-047	INSTITUTION CCI-IV-A	TODAY'S DATE 10-1-96
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input checked="" type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER _____				

(continued) . . . the cell move. MENENDEZ did not request any Staff or Inmate witnesses interviewed or any witnesses to be at his hearing. He did however, request that the Reporting Employee, Investigative Employee, and Officer J. Mathys, be present at the hearing.

END OF INTERVIEW

REPORTING EMPLOYEE STATEMENT : Correctional Sergeant D. Burgi

Date : 9-30-96

Time : 1345 hours

On September 20, 1996, at approximately 1555 hours, Sergeant D. Burgi had Inmate MENENDEZ brought to the Housing Unit #8 Office, where MENENDEZ was told he was getting a cell move into the Orientation Unit. At that time, Inmate MENENDEZ refused the move due to his attorney's advice. Sergeant Burgi stated he told MENENDEZ that this is his decision, not his attorney's, and that he was giving MENENDEZ a direct order to move. Sergeant Burgi then stated that he asked MENENDEZ if he was refusing his order to move to "A" Section and MENENDEZ then stated, "Yes" Sergeant Burgi then had MENENDEZ placed back into his Ad-Seg cell.

END OF INTERVIEW

STAFF WITNESS STATEMENT : Correctional Officer J. Mathys

Date : 9-28-96

Time : 1300 hours

On September 28, 1996, at 1300 hours, I interviewed Officer J. Mathys. He stated to me his only role in this incident was to escort Inmate MENENDEZ to and from the Housing Unit #8 Office. He stated he was not involved with the conversation in which Inmate MENENDEZ refused the cell move.

END OF INTERVIEW

Reporting Employee WAS requested to be present at the hearing.

Investigative Employee WAS requested to be present at the hearing.

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER D.S. Reed, Correctional Officer	DATE SIGNED 10-1-96
	GIVEN BY: (Staff's Signature)	DATE SIGNED 10-4-96

201 Sent 11/26/97 PSC

RULES VIOLATION REPORT

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	RELEASE/BOARD DATE LWOP	INST. CCI-IVA	HOUSING NO. 8B-205L	LOG NO. 4A-9711-040
VIOLATED RULE NO(S) CCR 3005(a)	SPECIFIC ACTS Conspiracy to Circumvent Mail Proced.	LOCATION H.U. #3	DATE 11-18-97	TIME 0930 Hours	

CIRCUMSTANCES

On Tuesday, November 18, 1997, at approximately 0930 hours, while working position #421215, Administrative Segregation Sergeant, I completed an investigative inquiry into Inmate MENENDEZ' K-13758, 8B-205L, involvement into circumventing institutional mail procedures, specifically packages. During my interview with MENENDEZ, he admitted to circumventing the institutional mail procedures by helping any and all inmates in Housing Unit #7 who asked him during his first few months of incarceration at CCI-IVA. The inmates would ask MENENDEZ to buy them Levis and sweatsuits. In return, MENENDEZ would be paid with canteen items. MENENDEZ' family would purchase the clothing, send it to the inmate's people on the street, who would then send it directly to the inmate in a package. Some of the time MENENDEZ received the clothing himself in a package and, in turn, gave it to the inmate. (Refer to confidential interviews dated November 3, 1997, and November 11, 1997, authored by D. R. Reed, Correctional Sergeant, in the confidential folder of MENENDEZ' central file.)

Inmate MENENDEZ is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) D. R. REED, CORRECTIONAL SERGEANT	DATE 11-25-97	ASSIGNMENT Ad Seg Sergeant	RDO'S S/S
REVIEWING SUPERVISOR'S SIGNATURE D. RUSSELL, CORRECTIONAL LIEUTENANT	DATE 11-25-97	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input checked="" type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: F Adm	DATE 11-26-97	CLASSIFIED BY (Typed Name and Signature) A. LOPEZ, CORRECTIONAL COUNSELOR II
HEARING REFERRED TO			<input type="checkbox"/> MO <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) [Signature]	DATE 11/24/97	TIME 1445	TITLE OF SUPPLEMENT N/A
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER: NA	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)

HEARING PLEA: GUILTY FINDINGS: GUILTY

On 12-17-97, at approximately 1633 hours, Inmate MENENDEZ, K-13758 appeared before me, stating that he was in good health and was prepared to proceed with the hearing. He received a copy of the charge(s) and all pertinent reports more than 24 hours prior to the hearing. He was informed that the disposition in this matter would not become final pending review and approval by the chief Disciplinary Hearing Officer. Upon this approval, a completed copy of the CDC 115 will be issued.

He did request witnesses be present at the hearing. The SHO asked Inmate Menendez why he wanted Sergeant Finch to appear at the hearing. Menendez stated that ^{about} the day he was interviewed regarding the circumstances surrounding Institutional concerns ^{regarding} his housing needs, he (Sergeant Finch) was present during the interview with Sergeant Reed. Menendez stated that Sergeant Finch could testify that prior to the interview, he (Menendez) was prompted by Sergeant Reed to speak freely regarding the circumstances to be discussed, and that would be used against him. The SHO asked Inmate Menendez if Sergeant Finch had any information

(CONTINUED)...

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT/NAEA	ACTION BY: (TYPED NAME) J.D. RAMOS, CORRECTIONAL LIEUTENANT				SIGNATURE [Signature]	DATE 12/17/97	TIME 1710
REVIEWED BY: (SIGNATURE) [Signature]	DATE 12-22-97	CHIEF DISCIPLINARY OFFICER'S SIGNATURE [Signature]		DATE 12/20/97			
<input checked="" type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) [Signature]	DATE 12/25/97	TIME 1045				

RULES VIOLATION REPORT - PART C

PAGE ___ OF ___

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	LOG NUMBER 4A-9711-040	INSTITUTION CCI IV-A	TODAY'S DATE 12-17-97
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER _____				

Conspiracy has three elements. 1) A conspiracy requires more than one person. Inmate Menendez admitted that he solicited his family to purchase clothing and mail it to inmates' families so they could mail the clothing to their inmates at CCI. 2) Evidence of an agreement or planning must exist. Inmate Menendez admitted that he made agreements with inmates to receive canteen items in exchange for clothing. Inmate Menendez admitted that he planned with his family members for them to purchase clothing, send it to other inmates' families so they could send the clothing to their inmates, or that he planned with his family for them to send clothing to him (Inmate Menendez) so that he could give the clothing to other inmates in exchange for canteen items. 3). An overt act must occur. Inmate Menendez admitted that he received clothing in the mail and gave it to other inmates. Inmate Menendez

The facts as documented in the RVR that Inmate Menendez admitted that he circumvented mail procedures by having his family purchase Levis and sweatsuits and that he had his family mail these clothing items to the families of other inmates, who would in turn send the clothing items into their inmate directly in a package.

Inmate Menendez admitted during the RVR hearing that he circumvented mail procedures by having his family purchase clothing and send it to inmates' families, who would in turn mail the clothing items to their inmates at CCI.

DISPOSITION: Inmate MENENDEZ, K-13758, has been assessed:

40 Hours Extra Duty, to be completed 30 days from receipt of final copy of CDC-115

30 Days Loss Of Privileges (LOP) effective from 12/18/97 to 01/17/98, including:

Quarterly Packages

Inmate Menendez was referred to CCR, Title 15, chapter I, Article 8, for the specifics of the appeal rights.

~~In the interest of justice and progressive discipline, this RVR is being reduced to an Administrative-Rule-Violation.~~

SIGNATURE OF WRITER J.D. RAMOS, CORRECTIONAL LIEUTENANT		DATE SIGNED 12-17-97	
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>F. Sade</i>	DATE SIGNED 12/24/97	TIME SIGNED 10:45

RULES VIOLATION REPORT - PART C

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	LOG NUMBER 4A-9711-040	INSTITUTION CCI IV-A	TODAY'S DATE 12-17-97
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SUPPLEMENTAL CONTINUATION OF: 115 CIRCUMSTANCES HEARING IE REPORT OTHER _____

relevant to the charges against him. Inmate Menendez stated that Sergeant Finch did not. However, inmate Menendez stated that Sergeant Finch could provide mitigating information with regard to the motivations for his actions and attest to his (Menendez') claim that he was told that nothing he said would be used against him. Sergeant Finch was Granted

He **did** request the Reporting Employee to be present at the hearing. Inmate Menendez requested the Reporting Employee(RE) Sergeant Reed be present at the hearing in the 115-A. During the questioning prior to the hearing regarding requested witnesses, inmate Menendez said that he would waive the appearance of the RE at the hearing if Sergeant Finch was allowed. The SHO reiterated that Sergeant Finch was granted.

He **did** request the assignment of an Investigative Employee, which was granted.

I read the charge(s) to Inmate **MENENDEZ**, and he **DENIES** being Guilty of the charge(s) stating; initially that he did not believe his actions constituted a Conspiracy to Circumvent Mail Procedures. Inmate Menendez stated that when he first arrived at CCI he received a package with some clothing in it. As time went on, he saw that some of the inmates in his section did not have similar clothing. He said that he felt sorry for some of these inmates and gave some of his clothing to them. Menendez stated that on a couple of occasions, he would have his family purchase clothing items on the outside and mail them into him, and he would give the clothing items to other inmates when he received them. Menendez also said that he had his family purchase clothing items and would have his family mail the clothing items to the families of other inmates who would in turn mail the clothing items into their inmate. Menendez said that sometimes he would receive canteen in exchange for these items and that sometimes the inmates paid him and sometimes they did not. He said that he was not too concerned about getting paid for the clothing items. He also indicated that part of his motivation was to "get along"

The SHO pointed out to Inmate Menendez that he had just made an admission to the charges. Menendez then agreed to withdraw his NOT GUILTY plea and enter a plea of GUILTY with an explanation.

After making this admission and changing his plea, Inmate Menendez stated that he waived the appearance of Sergeant Reed at the hearing.

Inmate Menendez stated that he engaged in this activity over eight months ago, and has not engaged in any recent circumvention of mail procedures.

FINDINGS: INMATE MENENDEZ K-13758, has been found guilty of violating CCR § 3005(a) specifically; Conspiracy to Circumvent Mail Procedures

All evidence in this matter was considered and the preponderance of the evidence supports the findings of **GUILTY**. The **FINDINGS** in this matter are based upon the following facts;

noted - A. Lopez CA 12-22-97

SIGNATURE OF WRITER <i>J. D. Ramos</i>	DATE SIGNED 12-17-97
J. D. RAMOS, CORRECTIONAL LIEUTENANT	
GIVEN BY: (Staff's Signature) <i>P. Santa Cruz</i>	DATE SIGNED 12/24/97
	TIME SIGNED 1045

COPY OF CDC 115-C GIVEN TO INMATE

STATE OF CALIFORNIA
SERIOUS RULES VIOLATION REPORT

DEPARTMENT OF CORRECTIONS

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	VIOLATED RULE NO(S) CCRS3005(a)	DATE 11-8-97	INSTITUTION CCT-TV-A	LOG NO. 4A-9711-040
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT YES NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE NR	DATE
--	--------------------------	------

<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE MR	DATE
---	--------------------------	------

DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION
---------------------------------	-------------

<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE NR	DATE
--	--------------------------	------

STAFF ASSISTANT

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input checked="" type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE E. J. Menendez	DATE 11/26/97
--	--------------------------------------	------------------

<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
-----------------------------------	------	---------------

<input type="checkbox"/> NOT ASSIGNED	REASON
---------------------------------------	--------

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE E. J. Menendez	DATE 11/26/97
---	--------------------------------------	------------------

<input checked="" type="checkbox"/> ASSIGNED	DATE 11-30-97	NAME OF STAFF W. TEESDALE YO 2/W
--	------------------	-------------------------------------

<input type="checkbox"/> NOT ASSIGNED	REASON DUE 12-5-97
---------------------------------------	-----------------------

EVIDENCE/INFORMATION REQUESTED BY INMATE:

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)
 REPORTING EMPLOYEE STAFF ASSISTANT INVESTIGATIVE EMPLOYEE OTHER _____ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
Will inform I.E.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

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

On 12-1-97, I, (Correctional Officer W. TEESDALE), was assigned as the Investigative Employee in CDC-115, Log #4A-9711-040. On 12-1-97 I interviewed Inmate MENENDEZ, K-13758 and explained to him that I had been assigned as the Investigative Employee to his case and I asked him if he had any objections to my serving in that capacity; He stated: "No."

DEFENDANT'S STATEMENT: INMATE MENENDEZ, K-13758:

DATE: 12-1-97
 TIME: 1230 HOURS

On December 1, 1997, at approximately 1230 hours, I interviewed Inmate MENENDEZ, K-13758. Inmate MENENDEZ stated "I don't have a statement to make, I'll take care of it at the hearing."

<input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) C/O W. TEESDALE	INVESTIGATOR'S SIGNATURE C/O W. TEESDALE	DATE 12-1-97
	TIME 10:30		DATE 12/6/97

RULES VIOLATION REPORT - PART C

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	LOG NUMBER 4A-9711-040	INSTITUTION CCI-IV-A	TODAY'S DATE 12-1-97
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:		<input type="checkbox"/> 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING
			<input checked="" type="checkbox"/> IE REPORT	<input type="checkbox"/> OTHER

REPORTING EMPLOYEE STATEMENT: CORRECTIONAL SERGEANT D.R. REED:

DATE: 12-1-97

TIME: 1240 HOURS

I interviewed Sgt. Reed and he stated: " I interviewed Menendez regarding statements by white inmates that they did not want Menendez back on the yard. During the course of the interview Menendez said that he had been receiving packages and giving sweats and jeans to inmates that he felt sorry for. He said he was also having packages sent to inmates families to he sent to inmates here at CCI. Menendez said he was doing this with inmates of all races.
END OF STATEMENT.

STAFF WITNESS STATEMENT: CORRECTIONAL SERGEANT J. FINCH:

DATE:

TIME:

Sergeant Finch was unavailable for interview. Menendez stated Finch was present during his interview with Sergeant Reed.

STAFF WITNESSES REQUESTED AT HEARING:

NAME	POSITION	RDO
J. FINCH	CORRECTIONAL SERGEANT	

INMATE WITNESSES REQUESTED AT HEARING:

NAME	CDC NUMBER	HOUSING
*****NONE*****		

Reporting Employee was requested at the hearing.

The Investigative Employee was not requested at the hearing.

END OF REPORT.

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER W. TEESDALE	DATE SIGNED 12-3-97
	CORRECTIONAL OFFICER	12-1-97
GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 12/6/97	TIME SIGNED 1630

NAME and NUMBER MENENDEZ K-18758 CCI-IVB 3B-202-U

CDC-128-A (REV. 4/74)

On May 20, 1998, the following property was confiscated from Inmate MENENDEZ, K-18758, 3B-202-U, at his job assignment, laundry worker, assignment number CLD-B.104. One (1) Canon Typestar 10-II, Serial Number SJ2018065 (in working condition), Ten (10) pieces of stationary paper, Four (4) 'D' size batteries, One (1) magazine, and One (1) letter. This property was confiscated and stored in R & R.

Orig: C-File

cc: Facility Captain
Correctional Counselor I
Writer
Inmate



L. Stumbaugh, Correctional Sergeant,
CCI-IVB, Second Watch

DATE 05-20-98

CUSTODIAL COUNSELING

RULES VIOLATION REPORT - PART C

PAGE ___ OF ___

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	LOG NUMBER IVB-98/07-20	INSTITUTION CCI-IVB	TODAY'S DATE 07/05/98
<input checked="" 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			

On Sunday, July 5, 1998, at approximately 0825 hours, while assigned to IVB Visiting Sergeant, Officer A. Martinez notified me that he suspected a female visitor, Michele McMillen, was going to exchange shoes with Inmate MENENDEZ, K-13758, 3B-202-U. She was wearing large, new Adidas shoes identical to the shoes worn by Inmate MENENDEZ. He continued to periodically check Inmate MENENDEZ and at approximately 0920 hours, he noticed that the exchange had been made. Inmate MENENDEZ now had on the new shoes. I notified Lieutenant Stainer who stated he knew exactly what Inmate MENENDEZ had for shoes because he had a conversation with MENENDEZ about his shoes the previous day. Lieutenant Stainer interviewed Inmate MENENDEZ who at first stated that he did not exchange shoes and then admitted to doing a shoe exchange. Lieutenant Stainer and myself interviewed Michele McMillen who at first denied exchanging shoes and then admitted exchanging shoes. She said she did not pay for the shoes and that a friend of MENENDEZ' bought the shoes and asked her to bring the shoes in for Inmate MENENDEZ. Before leaving the lobby, Ms. McMillen was heard by the Lobby Officer D. Nelson to make a phone call and say, "Hi, Judy", and to explain that the shoe exchange did not go as planned. Note: Judy Goldstein is a regular visitor of Inmate MENENDEZ. Officer Martinez performed an unclothed body search on Inmate MENENDEZ and no other contraband was found. Officer Martinez fluoroscoped the new shoes and no contraband was found. The new shoes were given back to Michele McMillen by Lieutenant Stainer. She was given her termination slip and termination was explained to her by myself and Lieutenant Stainer. Inmate MENENDEZ was given back his old shoes which he has a soft shoe chrono. He received a copy of the termination form and was released back to his Housing Unit by me.

Inmate MENENDEZ speaks and understands the English language. Inmate MENENDEZ is aware of this report.

SIGNATURE OF WRITER A. WISHAM, CORRECTIONAL SERGEANT		DATE SIGNED 07/05/98	
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) MS	DATE SIGNED 7.11.98	TIME SIGNED 1500

RULES VIOLATION REPORT - PART C

CDC NUMBER K-13578	INMATE'S NAME MENENDEZ	LOG NUMBER IVB-98/07-20	INSTITUTION CCI-IVB	TODAY'S DATE 07/05/98
<input checked="" 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 _____			

On Sunday, June 5, 1998, at approximately 1018 hours, while working Position Number 525416, Lobby Officer, I observed visitor Michele McMillen, CDL #A4165268, utilize the IVB Lobby Payphone. Visitor McMillen deposited money into the phone and began to dial a number. I heard McMillen say "Hi Judy, it's me. I am sorry it didn't work out, I will talk to you later. Judy, I'm okay, it was no big deal." After visitor McMillen hung up the phone, I contacted Sergeant A. Wisham who was the IVB Visiting Sergeant.

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER <i>D. Nelson</i> (4)	DATE SIGNED 7.9.98
	D. NELSON, CORRECTIONAL OFFICER	07/05/98
	GIVEN BY: (Staff's Signature) <i>HB</i>	DATE SIGNED 7-11-98
		TIME SIGNED 1800

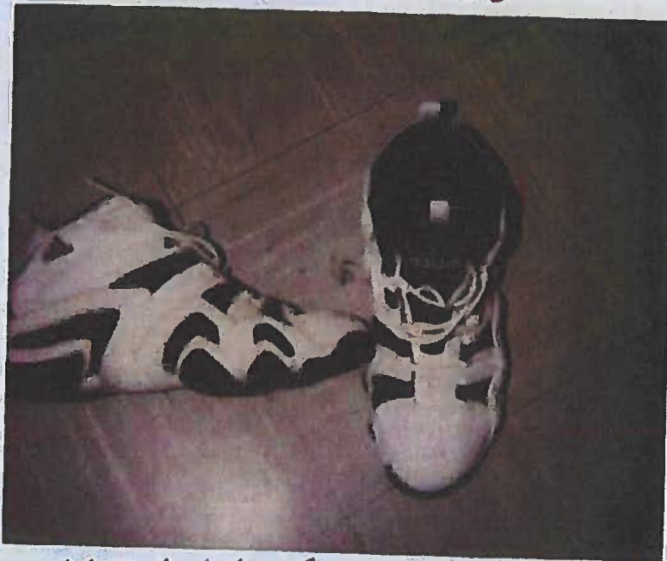
MENENDEZ K13758



OLD SHOES
ADIDAS

7-5-98

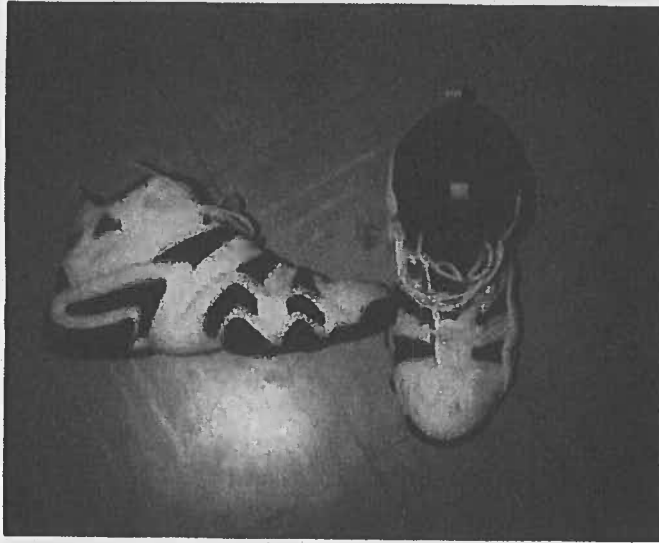
MENENDEZ K13758



NEW SHOES
ADIDAS

7-5-98

MENENDEZ K13758



"NEW ADIDAS" 7-5-98
MENENDEZ'S FRIEND (MICHELE
MCMILLEN'S SHOES)

MENENDEZ K13758



"OLD ADIDAS" 7-5-98
MENENDEZ'S OLD SHOES

"MENENDEZ" K13758



"OLD ADIDAS" 7.5-9.8
MENENDEZ'S OLD SHOES
LEFT SHOES HAS A HOLE.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC 128 A (8-87)

NAME and NUMBER

MENENDEZ K13758 CCI-IVB 3B-202-L

On Friday, October 16, 1998 approximately 1430 hours,, while working position #535371, assigned to Housing Unit #3 Floor Officer, I observed that inmate MENENDEZ, K13758, 3B-202-L was absent from his work assignment. Inmate MENENDEZ is assigned as a tier tender, and is scheduled to work from 0730 hours to 1500. He has been counseled on previous occasion for being on the yard during his working hours. Any further violations will result in a CDC-115. Inmate MENENDEZ speaks and understands English and is aware of this report.

Orig: C-File

cc: Facility Captain
Correctional Counselor I
Writer
Inmate

J. Thomas

J. THOMAS, Correctional Officer
CCI-IVB, Third Watch, H.U. #3 Floor

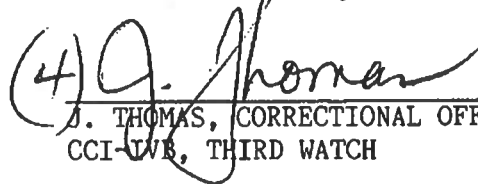
DATE 10/16/98

(ABSENT FROM WORK ASSIGNMENT)

CUSTODIAL COUNSELING

NAME and NUMBER MENENDEZ K-13758 CCI-IVB 4B-204-L CDC-128-A (REV. 4/74)
On Wednesday, January 05, 2000, at approximately 1410 hours, while working as Housing Unit #3 Floor Officer, Position #5333. While conducting the Close 'A' Count, I observed that Inmate MENENDEZ, K13758, 4B-204-L was absent from his job assignment. Inmate MENENDEZ is assigned as a Housing Unit #3 Tier Tender, and his work hours are 0730-1130 hours and 1200-1500 hours. At approximately 1430 hours, I called IVB Central Control with my Close 'A' Count, I was informed by Officer R. Farmer that Inmate MENENDEZ was on the yard. At approximately 1445 hours, I was called by Housing Unit #3 Control Officer S. Lozano, who informed me that Inmate MENENDEZ had reported back to the housing unit, stating that he had been at the hobby shop. Inmate MENENDEZ has been verbally counseled as to his work hours and job expectations. He received a CDC-128-A for being on the yard during his work hours on 05/20/98 and also on 10/16/98. Inmate MENENDEZ did not have a ducat to be on the main yard, or to be in the hobby shop. Inmate MENENDEZ speaks and understands English and is aware of this report. Inmate MENENDEZ IS a participant in the MHSIS program at the level of COOMS.

Orig: C-File
cc: Facility Captain
Correctional Counselor I
Writer
Inmate


J. THOMAS, CORRECTIONAL OFFICER
CCI-IVB, THIRD WATCH

DATE

CUSTODIAL COUNSELING

NAME and NUMBER **K-13758** **MENENDEZ** **CCI-IVB** **4B-204-L**

On Friday, May 19, 2000, at approximately 1410 hours, while assigned as Housing Unit #4 Floor Officer, while conducting Institutional Close-A Count. I checked Inmate MENENDEZ, K-13758, 4B-204-L cell and I noticed that cell 4B-204-L was empty. The cell is jointly assigned to Inmate MENENDEZ, K-13758, 4B-204-L and Inmate AYALA, H-33048, 4B-204-U. I then proceeded to call Central Control for my "Close-A" count. At approximately 1445 hours, Central Control Officer Stokes called back to Housing Unit #4. Officer Stokes told me that Inmate MENENDEZ was missing for Close-A count. Correctional Officer Conner and I went back to "B" section to look for Inmate MENENDEZ. I signaled Central Control Officer TWETTY to open cell door 4B-204. I looked for Inmate MENENDEZ and he was not there. I then called Central Control and notified Officer Stokes of the situation. At approximately 1455 hours Central Control Sergeant Miller advised me that Inmate MENENDEZ was enroute to Housing Unit #4 from Housing Unit #3. Inmate MENDEZ does not appear to be a participant in the MHSIS system at any level of care. Inmate MENENDEZ speaks and understands English and is aware of the report.

Orig: C-File

cc: Facility Captain
Correctional Counselor I
Writer
Inmate



J. ROSELE, CORRECTIONAL OFFICER
CCI-IVB, THIRD WATCH

DATE

CUSTODIAL COUNSELING

SENT TO RECORDS BY: *[Handwritten Signature]*

DATED: 6-8-00

STATE OF CALIFORNIA

DEPARTMENT OF CORRECT. JNS

RULES VIOLATION REPORT

54209 SA 209

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ (M)	RELEASE/BOARD DATE <i>W/OP</i>	INST CCI-IVB	HOUSING NO. 4B-204-L	LOG NO. IVB-00/06-203
VIOLATED RULE NO(S) CCR § 3282(5)(b)		SPECIFIC ACTS MISUSE OF STATE TELEPHONE	LOCATION H.U. #4	DATE 06-01-00	TIME 1550 HRS.

CIRCUMSTANCES
On Thursday, June 01, 2000, at approximately 1550 hours, while working position #5307R as Housing Unit #4 Control Officer. INMATE MENENDEZ, K-13758, 4B-204-L, was observed in the rotunda talking on the telephone. I tapped on the window above the phone and motioned with my hand for him to hang up. I opened 'B' section door, MENENDEZ entered the section and I informed him that when I am doing yard recall, he needs to enter his section and go to his cell. Inmate MENENDEZ has been instructed several times, on different occasions to return to his cell. I removed Inmate MENENDEZ'S bed card from the file and observed he had been counseled on several occasions. He received a verbal counseling for being on the phone when it was not his time on these dates; 11/5/98, 4/29/99 and 3/10/00. He received a CDC-128-A for the same rule violation on 4/7/00. Inmate MENENDEZ is a participant in the MISDS program at the COOMS level of care. Inmate MENENDEZ speaks and understands English and is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) K. TWITTY, CORRECTIONAL OFFICER <i>[Signature]</i>	DATE 6-8-00	ASSIGNMENT H.U. #4 CONTROL	RDO'S T/W
REVIEWING SUPERVISOR'S SIGNATURE R. ALIPAZ, CORRECTIONAL SERGEANT <i>[Signature]</i>	DATE 6-8-00	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input checked="" type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> SERIOUS	OFFENSE DIVISION 0	DATE 6-12-00	CLASSIFIED BY (Typed Name and Signature) D. CHAPMAN, CORRECTIONAL COUNSELOR II <i>[Signature]</i>
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) <i>[Signature]</i>	DATE 6/26	TIME 1100	TITLE OF SUPPLEMENT assessment
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) <i>[Signature]</i>	DATE 6/26	TIME 1100	

HEARING

On Friday, June 30, 2000, Inmate MENENDEZ, K-13758, appeared before me, stated he was in good health and was prepared to proceed with the hearing. Inmate MENENDEZ was given a copy of the charges and all pertinent reports more than twenty four hours prior to the hearing. Inmate MENENDEZ was advised that the results of this hearing are not final until reviewed and approved by the Chief Disciplinary Officer, and that after that review he will receive his final copy of the completed CDC-115. He was apprised of his right to appeal this action.

I read the charges as written to Inmate MENENDEZ and he Denies the charges stating; "I was not having a conversation on the phone, someone wanted to know if the phone was on. The Officer gave me a sign to put the phone down and not use it, so I did and went back to the section."

FINDINGS: Inmate MENENDEZ is being found Guilty of violating California Code of Regulations, Title 15, Section 3082(5)(b), Misuse of State Phone. The preponderance of evidence submitted at the hearing substantiates the charges. The evidence included the following;

REFERRED TO CLASSIFICATION BPT/NAEA

CONTINUED ON CDC-115 PART C

ACTION BY: (TYPED NAME) W. CRIBB, HEARING OFFICER	SIGNATURE <i>[Signature]</i>	DATE 6/1/00	TIME 2105
REVIEWED BY: (SIGNATURE) <i>[Signature]</i>	DATE 7-3-00	CHIEF DISCIPLINARY OFFICER'S SIGNATURE <i>[Signature]</i>	DATE 7/7/00
<input checked="" type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) <i>[Signature]</i>	DATE 7/16	TIME 1100


STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC 128 A (8-87)

NAME AND NUMBER MENENDEZ, K-13758, A5-233-L

On 07-07-01, at approximately 1225 hours, while performing my duties as a Facility "A" Visiting Room Officer, I observed Inmate MENENDEZ, K-13758, A5-233-L, engaged in excessive contact with his female visitor. Inmate Menendez and his visitor were stroking and touching each other on the head, back, and leg areas. Inmate Menendez was repeatedly kissing her face and neck area. Inmate Menendez has been verbally counseled on numerous occasions. Any further infractions of this nature will result in the issuance of a CDC-115. Inmate Menendez is aware of this report.

ORIGINAL: CENTRAL FILE
cc: CCI
WRITER
INMATE


S. CORSALETTI
CORRECTIONAL OFFICER
MCSP

DATE 07-07-01 CCR § 3170(g) EXCESSIVE CONTACT CUSTODIAL COUNSELING

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC 128 A (8-87)

NAME AND NUMBER MENENDEZ-K-13758, A5-232-L

On MAY 30, 2002 at approximately 1845 hours, while performing my duties as the "B" visiting floor officer I, Correctional Officer C. Harmon, was stationed at the A/B foyer door, I observed inmate MENENDEZ, K-13758, A5-232L and his female visitor Ms. Sneed engaging in excessive contact. Inmate Menendez pinned her hands up onto the wall and began kissing her. The excessive contact continued at different time periods for approximately ten minutes. I notified the Facility "A" visiting floor officer, Correctional Officer Velasquez, of what I had observed and asked her to send inmate Menendez to the foyer door. I explained the rules of the visiting room to him and told him that his behavior would not be tolerated. Inmate Menendez has been given a CDC 128 on July 7, 2001 for excessive contact. He has been verbally counselled on May 24, 2001 and July 6, 2001. Inmate Menendez is aware of this report.

ORIGINAL: CENTRAL FILES
CC: CCI, M. HAMILTON
WRITER
INMATE
5-30-02

C. Harmon
C. HARMON
CORRECTIONAL OFFICER
FACILITY "A"
MCSP

CCR §3170(g) EXCESSIVE CONTACT

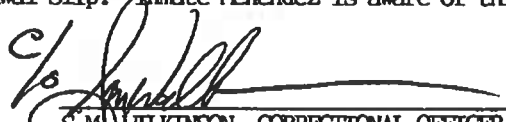
CUSTODIAL COUNSELING

NAME and NUMBER MENENDEZ, K-13758, A5-232-L

CDC-128-B Rev. A/74

On 1-21-03 at approximately 1200 hours, while performing a cell search of cell A5-232-L. I confiscated thirty-one (31) music C.D.s and one (1) pair of soccer cleats (black/red). The above listed items belonged to inmate MENENDEZ, K-13758, A5-232-L. Menendez has elected to send the confiscated items home at his expense. The shoes and C.D.s will be held in the Facility "A" contraband/evidence locker located in the Facility "A" classification room pending receipt of an address to mail out and a Trust Withdrawal slip. Inmate Menendez is aware of this report.

ORIGINAL: CENTRAL FILE
CC: CCI, M. HAMILTON
WRITER
INMATE


S.M. WILKINSON, CORRECTIONAL OFFICER
FACILITY "A"

1-21-03

INFORMATIONAL CHRONO

DATE

GENERAL CHRONO

NAME and NUMBER

On (Date) 6-27, 2003, at approximately 1910 hours,
I/M MENENDEZ, # K13758, and his female visitor were observed
violating the below visiting regulation in the Facility visiting room;

- Excessive personal contact: ARMS AROUND WAIST AND/OR SHOULDERS.
- Conduct: KISSING DURING VISIT. HEAD ON SHOULDER AND UPPER CHEST AREA
SHOULDER
- Other: RUBBING OR MASSAGING.

I/M and VISITOR have received a verbal warning on (DATE) 8-31-02 2002.
Any future violations of the above will result in more serious disciplinary
action (CDC-115 and/or suspension of visits). I/M MENENDEZ was was not
receptive to counseling.

C/O S. Shipley
Correctional Officer

cc: C-file, Writer, Inmate, Visiting Supervisor.

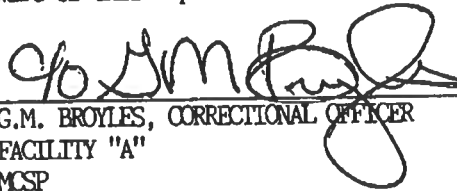
DATE

CUSTODIAL COUNSELING

NAME AND NUMBER MENENDEZ, CDC #K-13758, 4-233-L

On March 9, 2004 and March 10, 2004, at approximately 0730 hours, while supervising the working Inmates in the Facility "A" Program Office, Inmate Menendez, CDC #K-13758, 4-233-L, assigned to IAC-A.101, failed to report to work on either day. Inmate Menendez, will receive an A-Day for 3-9-04 and an A-Day for 3-10-04. Inmate Menendez, has been instructed by this Officer of the minimum expectations required of him while assigned to this position. It should be noted that Inmate Menendez, is the only Inmate Worker in this area that failed to meet the minimum requirements of his Job Assignment. Inmate Menendez is aware of this report.

orig: C-FILE
cc: WRITER
CC-1, M. HAMILTON
INMATE


G.M. BROYLES, CORRECTIONAL OFFICER
FACILITY "A"
MCSP

DATE 3-9-04 & 3-10-04 **\$3041(a) FAILURE TO REPORT**

CUSTODIAL COUNSELING

NAME AND NUMBER

MENENDEZ, K-13758

On 3-25-04 at approximately 1500 hours, Inmate Menendez, K-13758, A4-233L, failed to report to work as a 3rd watch porter in 3 building, Poss.#PTR-A.339. I contacted C/O Mayberry in A4 and was informed that he stated that he didn't report to work because it was raining. On 3-12-04 Menendez signed his job description form indicating that he knew the requirement to report to work. Menendez is aware that continued infractions will result in a CDC115 and possible removal from his job assignment. Menendez will receive "A" Time for this date and any other dates he refuses to report to work. Menendez is aware of this report.

orig: C-FILE
cc: WRITER
OC-1,
INMATE 3-25-04

Cp D. Dizon
D. DIZON, CORRECTIONAL OFFICER
FACILITY "A"
MCS? (COUNSELING CHRONO ,

DATE

CUSTODIAL COUNSELING

NAME AND NUMBER

On 2/22, 2006 at approximately 1500 hours, Inmate Mendez K13758, and his female visitor were observed violating the below visiting regulation in the Facility "A" visiting room;

- Excessive personal contact; ARMS AROUND WAIST AND/OR SHOULDERS.
- Conduct: KISSING DURING VISIT.
- Other: RUBBING OR MASSAGING.

2/16

Inmate [REDACTED] received a verbal warning on (DATE) [REDACTED] 2008. Any future violations of the above will result in more serious disciplinary action (CDC-115 and/or suspension of visits). Inmate Mendez WAS/WAS NOT receptive to counseling. Inmate Mendez is aware of this report

orig: **CEP/MB**
cc: WRITER
CCI
INMATE

[Signature]
CORRECTIONAL OFFICER
FACILITY "A"
MCSP

CCRS3005 (a) EXCESSIVE CONTACT WITH VISITOR

DATE 2/23/08

CUSTODIAL COUNSELING

CDC128A COUNSELING CHRONO

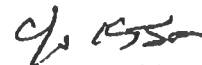
MULE CREEK STATE PRISON

Inmate; MENENDEZ

Number: K-13758

Date: June 22, 2010

On 06-22-10, at approximately 0900 hours, inmate Menendez, K-13758, 4-233L attempted to circumvent the Mule Creek State Prison package procedure by turning in tennis shoes that did not belong to him. On 01-22-10, Menendez received Nike Dart VII leather white tennis shoes size 10 ½. The shoes Menendez was attempting to turn in had significantly more wear than shoes only 5 months old, along with they were cleats, not tennis shoes as were listed on his property card. I told Menendez that I was not going to issue him his new shoes, and he could go back to the yard and retrieve his proper shoes for turn in or he could send the shoes home back to the vendor at his own expense or donate the shoes to the state for proper disposal. Menendez stated, "when can I come back". I told him to get in line with the rest of the inmates who had 0900 hours package ducats and we would get to him. Menendez returned later in the day and turned in the proper shoes that he had on his property card. I advised Menendez that any future violations of this nature would result in progressive disciplinary action and possible package restrictions. Menendez is aware of this report.



K.T. Smith
Correctional Officer
Receiving & Release

Cc. C-File
Inmate
Writer

CDC128A

#3006 Attempting to circumvent the MCSP package procedure

Counseling Chrono

TABE 12.9 Winkler

STATE OF CALIFORNIA

RULES VIOLATION REPORT

DEPARTMENT OF CORRECTIONS

Reviewed S. Winkler

S.A.P. mt p EC 9 O codes p 06/10/13

CDC NUMBER K-13758	INMATE'S NAME MENEDEZ	OTH	RELEASE/BOARD DATE	INST. MCSP	HOUSING NO. 09-101U	LOG NO. B05/13-047
VIOLATED RULE NO(S) CCR§ 3006		SPECIFIC ACTS POSSESSION OF CONTRABAND (LIGHTER)	LOCATION BLDG. 9	DATE 5/21/2013	TIME 1230	
CIRCUMSTANCES						

On 5/21/13, at approximately 1230 hours, while performing my duties as the MCSP Facility-B Program Sergeant, I walked over to the Facility-B, Building 9 dayroom. While in the dayroom I walked over to a location where inmate L. MENEDEZ, K-13758, 9-101U was standing directly in front of a locked storage cabinet. Inmate MENEDEZ who is the MCSP Facility-B M.A.C Chairman, opened the lock on the outside of the storage cabinet and then opened the doors and reached under the middle shelf and grabbed an item and walked away. MENEDEZ was asked to turn around and open his hand and show the item he pulled from under the shelf. MENEDEZ was asked to turn was trying to hide a black lighter. When questioned as to the ownership of the lighter, MENEDEZ admitted that the lighter belonged to him. I then took possession of the lighter and placed it in the B-Program Evidence Locker. Inmate MENEDEZ was informed that he would be receiving a CDCR 115 RVR for the contraband (lighter). Inmate MENEDEZ is aware of this report. Inmate MENEDEZ is a participant in the Correctional Clinical Case Management System.

REPORTING EMPLOYEE (Typed Name and Signature) J. THOMAS, Correctional Sergeant	DATE 5/27/13	ASSIGNMENT 2/W FACILITY B Correctional Ser	RDO'S S/S
REVIEWING SUPERVISOR'S SIGNATURE K. Rainwater, Correctional Sergeant	DATE	INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input checked="" type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> SERIOUS	OFFENSE DIVISION: Admin	DATE 6/1/13	CLASSIFIED BY (Typed Name and Signature) J. CHADRON, LT.
HEARING REFERRED TO			<input checked="" type="checkbox"/> HO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE)	DATE 6/1/13	TIME 1210	TITLE OF SUPPLEMENT CDC 115, 115A, 115C
<input checked="" type="checkbox"/> INCIDENT REPORT LOG NUMBER: N/A	BY: (STAFF'S SIGNATURE)	DATE 6/1/13	TIME 1210	BY: (STAFF'S SIGNATURE)

HEARING
CDC-804 Sent to Records on: 5/27/2013 T.A.B.E. Score is: 12.9

FINDINGS

The HO finds all time constraints and due process requirements have been met. Inmate MENEDEZ was found Guilty for the charge of POSSESSION OF CONTRABAND (LIGHTER), an 'Administrative Offense.

DISPOSITION

Refer to UGC for Program Review with a recommendation of placement on "A1C" Status and removal from job assignment. Counseled, warned, and reprimanded regarding future behavioral expectations.

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT/NAEA	ACTION BY: (TYPED NAME) J. WATSON, HO, Correctional Sergeant		SIGNATURE	DATE 06/03/13	TIME 0800 Hrs.
REVIEWED BY: (SIGNATURE) L. Olivas Facility Captain	DATE 6/4/13	CHIEF DISCIPLINARY OFFICER'S SIGNATURE J. C. Blim, Associate Warden	DATE 6/6/13		
<input checked="" type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) J. Mc...	DATE 6/19/13	TIME 1200		

RULES VIOLATION REPORT - PART C

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	LOG NUMBER B05/13-047	INSTITUTION MCSP	TODAY'S DATE 06/03/13
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER _____				

HEARING PREPARATION:

Mental Health, DDP, DPP, and T.A.B.E. score roster were verified.

Inmate **MENENDEZ, K-13758**, appeared before the Senior Hearing Officer on 06/03/13 at 0800 hours.

Inmate **MENENDEZ** IS a participant in the MHSDS at the CCCMS level of care.

Inmate **MENENDEZ** IS NOT a participant in the **DISABILITY PLACEMENT PROGRAM (DPP)**. (*No Medical Appliances*).

Inmate **MENENDEZ** DOES NOT have a disability (VISION/HEARING/SPEECH) and DOES NOT require staff assistance, i.e. written, hearing, or sign language interpreter.

Inmate **MENENDEZ**' actions WERE NOT considered bizarre, unusual, or uncharacteristic, behavior.

Inmate **MENENDEZ** stated that he was in good health and ready to proceed with the hearing.

All written reports considered as evidence in this hearing have been issued to the inmate charged in this matter.

All reports were issued at least 24 hours in advance of this hearing.

All time constraints have been complied with.

The reports Inmate **MENENDEZ** has received include:

- ❖ CDC-115
- ❖ CDC-115A
- ❖ CDC-115C EFFECTIVE COMMUNICATION (2)

These reports as well as the disciplinary charge of **POSSESSION OF CONTRABAND (LIGHTER)** were reviewed with inmate **MENENDEZ** in the hearing. Inmate **MENENDEZ** is able to understand and effectively articulate both the nature of the charge(s) and the disciplinary process. This was determined by Inmate **MENENDEZ** reading the RVR and letting him speak to the charge. Inmate **MENENDEZ** stated he understood and was prepared to begin.

ASSIGNMENT OF STAFF ASSISTANT (CDC-115-A):

Inmate **MENENDEZ** does not meet the criteria for a (SA) per CCR §3315(d)(2).

ASSIGNMENT OF INVESTIGATIVE EMPLOYEE (CDC-115A):

Inmate **MENENDEZ** does not meet the criteria for an Investigative Employee (IE) per CCR §3315(d)(1).

DISTRICT ATTORNEY REFERRAL (CDC-115A)

This matter was not referred to the District Attorney.

INMATE STATEMENT:

Inmate **MENENDEZ** was read and acknowledged understanding the charge filed against him.

Inmate **MENENDEZ** pled Guilty to the written charge **POSSESSION OF CONTRABAND (LIGHTER)**.

Inmate **MENENDEZ** stated: "*Lighter was used for a religious ceremony.*"

WITNESSES:

Subject does not have the right to call witness for an Administrative Offence per CCR§ 3314(c).

(Continued on CDC 115-C, page 2 of 2)

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER J. WATSON, Correctional Sergeant	DATE SIGNED 06/03/13
	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 6-10-13

RULES VIOLATION REPORT - PART C

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	LOG NUMBER B05/13-047	INSTITUTION MCSP	TODAY'S DATE 06/03/13
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER				

FINDINGS:

The Hearing Officer finds Inmate **MENENDEZ** Guilty of the charge **CCR§ 3006 POSSESSION OF CONTRABAND (LIGHTER)**.

The evidence that supports the findings includes:

1. The written Rules Violation Report dated 5/21/2013 authored by J. THOMAS, Correctional Sergeant which states in part that on 5/21/13, at approximately 1230 hours, I walked over to a location where inmate **MENENDEZ**, K-13758, 9-101U was standing directly in front of a locked storage cabinet. **MENENDEZ**, who is the Facility-B M.A.C Chairman, opened the storage cabinet, reached under the middle shelf, grabbed an item, and walked away. It was then discovered that **MENENDEZ** was trying to hide a black lighter. When questioned as to the ownership of the lighter, **MENENDEZ** admitted that the lighter belonged to him.
2. The admission of guilt by inmate **MENENDEZ** to the written charge at the time of the hearing wherein he entered a plea of Guilty. **MENENDEZ** did not dispute the facts of the RVR as written.
3. The statement made by inmate **MENENDEZ** at the time of the hearing, specifically, "*Lighter was used for a religious ceremony.*" There is no evidence to exonerate **MENENDEZ** of the written charge. A finding of Guilty is appropriate under these circumstances.

DISPOSITION:

Placement on "A1C" status from 06/03/13 through 07/03/13.

Inmate **MENENDEZ** was counseled and warned regarding future behavioral expectations.

Inmate **MENENDEZ** was advised of his rights to appeal the findings and/or disposition of this hearing, pursuant to CCR § 3084.1, and also advised that he would receive a completed copy upon final audit by the Chief Disciplinary Officer (CDO). The review and signature of the Chief Disciplinary Officer affirms, reverses, or modifies this disciplinary action and/or Credit Forfeiture.

SIGNATURE OF WRITER J. WATSON, Correctional Sergeant		DATE SIGNED 06/03/13	
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 6-10-13	TIME SIGNED 1200

RULES VIOLATION REPORT - PART C

CDC NUMBER K-13758	INMATE'S NAME MENENDEZ	LOG NUMBER B05/13-047	INSTITUTION MCSP	TODAY'S DATE 06/03/13
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER _____				

FINDINGS:

The Hearing Officer finds Inmate **MENENDEZ** Guilty of the charge **CCR§ 3006 POSSESSION OF CONTRABAND (LIGHTER)**.

The evidence that supports the findings includes:

1. The written Rules Violation Report dated 5/21/2013 authored by J. THOMAS, Correctional Sergeant which states in part that on 5/21/13, at approximately 1230 hours, I walked over to a location where inmate **MENENDEZ**, K-13758, 9-101U was standing directly in front of a locked storage cabinet. **MENENDEZ**, who is the Facility-B M.A.C Chairman, opened the storage cabinet, reached under the middle shelf, grabbed an item, and walked away. It was then discovered that **MENENDEZ** was trying to hide a black lighter. When questioned as to the ownership of the lighter, **MENENDEZ** admitted that the lighter belonged to him.
2. The admission of guilt by inmate **MENENDEZ** to the written charge at the time of the hearing wherein he entered a plea of Guilty. **MENENDEZ** did not dispute the facts of the RVR as written.
3. The statement made by inmate **MENENDEZ** at the time of the hearing, specifically, "**Lighter was used for a religious ceremony.**" There is no evidence to exonerate **MENENDEZ** of the written charge. A finding of Guilty is appropriate under these circumstances.

DISPOSITION:

Placement on "A1C" status from 06/03/13 through 07/03/13.

Inmate **MENENDEZ** was counseled and warned regarding future behavioral expectations.

Inmate **MENENDEZ** was advised of his rights to appeal the findings and/or disposition of this hearing, pursuant to CCR § 3084.1, and also advised that he would receive a completed copy upon final audit by the Chief Disciplinary Officer (CDO). The review and signature of the Chief Disciplinary Officer affirms, reverses, or modifies this disciplinary action and/or Credit Forfeiture.

SIGNATURE OF WRITER J. WATSON, Correctional Sergeant		DATE SIGNED 06/03/13	
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 6-10-13	TIME SIGNED 1200



DISCIPLINARY HEARING RESULTS

Institution Name: RJ Donovan Correctional Facility	Facility: RJD-Facility E	Log Number: 000000007421448
Inmate Name: MENENDEZ, JOSEPH L.	CDC #: K13758	Bed Number: RJD-E - E 025C2 - 202001L
Reading Level: 12.9	MH LOC: GP	DDP Status: NDD

DUE PROCESS

Rule Violation #: 3006(a)
 Level: Serious
 Offense Occurrence: **1st Occurrence**
 Violation Date: 03/15/2024
 Hearing Date: 04/03/2024
 Specific Act: Possession of a cellular telephone
 Offense Division: Division D
 Violation Time: 20:59:00
 Hearing Time: 11:38:00
 Did a laboratory confirm the evidence tested positive for Controlled substances?: **N/A**

Actions Taken				
Date	Time	Type/Reason	Staff	Elapsed Days
03/21/2024	15:35:01	RVR Ready for Review by Supv.	B. MERCADO	6
03/21/2024	15:36:47	RVR Approved by Supervisor	R. Segovia	6
03/22/2024	07:22:53	RVR Classified	S. Rutledge	7
03/23/2024	19:39:13	Inmate Copy Served Initial Rules Violation Report	I. Sosa	8
03/23/2024	19:40:56	Inmate Copy Served Photograph(s)	I. Sosa	8
03/31/2024	13:32:00	Other - See Comments	D. Castillo	16

All Time Constraints Met?: Yes SHO/HO DDP Certified?: **Yes**

Due Process Additional Information:

HEARING

Subject elected not to participate in the adjudication process by refusing to attend the hearing. An Informational Chrono was generated documenting the refusal to attend the hearing.
 Subject was Present, in good health and ready to proceed.

Hearing Additional Information

DISABILITY

Hearing
 Vision
 Mobility
 Learning
 Developmental/Cognitive
 Other
 None

Requires Accommodation? **No**

DDP Specific Information

12B-C2 Reviewed? **Yes**

Current DDP Status Date: **07/19/2002**

Did the Reporting Employee document the use of Adaptation Support(s)? **N/A**

Adaptive Support	Contribute	How
------------------	------------	-----

Adaptive Support	Contribute	How
Victimization	Contribute	How
Disability Additional Information:		

MENTAL HEALTH ASSESSMENT

Mental Health Assessment Requested: No
 Reason for Mental Health Assessment Request:
 Clinical Staff Recommended Staff Assistance Assignment: N/A
 Clinical Staff determined Mental Health Symptoms strongly influenced behavior and recommended alternate documentation: N/A
 Clinical Staff determined Developmental Disability strongly influenced behavior and recommended alternate documentation: N/A
 Clinical Staff determined Mental Health Symptoms contributed to behavior: N/A
 Clinical Staff determined Developmental Disability contributed to behavior: N/A
 Clinical Staff provided information when assessing the penalties: N/A

STAFF ASSISTANT

Staff Assistant Assigned: No
 Reason for assignment of Staff Assistant:

SA Name	Date Assigned	Certified?	Meet 24 hours prior to hearing?	Present?

Staff Assistant Additional Information:

INVESTIGATIVE EMPLOYEE

Investigative Employee Assigned: No
 Reason for assignment of Investigative Employee:

Investigative Employee Additional Information:

CONFIDENTIAL INFORMATION

Confidential Information Used: No

Confidential Document Number	Author of Confidential Document	Date of Confidential Document	Reviewed by SHO/HO	Deemed Confidential	Reason(s) Information was Deemed Confidential
					<input type="checkbox"/> Information which, if known to inmates, would endanger the safety of person(s). <input type="checkbox"/> Information which, if known to inmates, would jeopardize the security of the institution. <input type="checkbox"/> Specific medical or Psychological information which, if known to inmates, would be medically or psychologically detrimental to the inmate. <input type="checkbox"/> Information provided and classified confidential by another governmental agency. <input type="checkbox"/> A Security Threat Group debrief report, reviewed and approved by the debriefing subject, for placement in the confidential section of the central file.

Confidential Document Number	Confidential Source Number	Confidential Disclosure Form Issued	Sufficient Information Disclosed	Reason(s) Deemed Reliable
				<input type="checkbox"/> The confidential source has previously provided information which has proved to be true. <input type="checkbox"/> Other confidential sources have independently provided the same information. <input type="checkbox"/> The information provided by the confidential source is self-incriminating. <input type="checkbox"/> Part of the information provided by the confidential source is corroborated through investigation or by information provided by non-confidential sources. <input type="checkbox"/> The confidential source is the victim. <input type="checkbox"/> This source successfully completed a polygraph examination.
Confidential Additional Information:				

WITNESSES

Witnesses requested at Hearing

Reporting Employee Staff Assistant Investigative Employee
 Other Inmate None

Non-Inmate Witness(es)			
Name	Rank	Type	Granted?
Questions Asked			

Inmate Witness(es)			
CDC#	Name	Bed	Granted?
Questions Asked			

Witness Additional Information:

PLEA AND STATEMENT

PLEA/STATEMENT: The above circumstances were read aloud to subject and elected to plea: **Guilty**

Subject declined to make a statement
 Subject made a statement

Comments:
 Subject noted that he would like to submit a written statement in addition to his plea. (See attached document).
 Note: The original was given back to the subject and the copy retained with the RVR folder.

FINDINGS

Subject was found: **Guilty as Charged** based on a preponderance of evidence.

Lesser Included Charge:

Level: Offense Division:

Offense Occurrence:

Comments:
 Actual Possession: This is what most people associate with possession. The contraband/ item is physically on your person, such as in your pocket.
 Guilty of the Division D offense in that possession of a cellular telephonic device, is possession or control means the inmate was found with the cellular telephonic device hidden on his person, within his area of responsibility or someone else held it while the inmate retained control. Inmate should not be in possession of (Any cellular telephone or wireless communication device accessory and/or component including, but not limited to, a subscriber identity module (SIM card), memory storage device, cellular phone battery, wired or wireless headset, and cellular phone charger.) any Dangerous contraband means materials or substances that could be used to facilitate a crime or could be used to aid an escape or that have been altered from their original manufactured state or purpose and which could be fashioned into a weapon. Cellular telephones or wireless communication devices capable of making or receiving wireless communications.

MENTAL HEALTH ASSESSMENT CONSIDERATION

(Documentation of opinions to be used for consideration by the hearing official and the reasoning shall be documented in this section.)

Comments:

EVIDENCE

The following evidence was used to support the findings:

AVSS Available: No

AVSS Impact:

Comments:

In this case the RVR clearly documents the act of possession of a cellular telephone as the reporting employee noted that the subject was in possession of the cellular phone. Based on the reporting employee's written account of the alleged misconduct as documented in the circumstances portion of the CDC-115, which states in part. On Friday, March 15, 2024, at approximately 2030 hours, while assigned as Facility C Security Patrol #1 however, performing my duties as Richard J. Donovan Correctional Facility (RJDCF) Investigative Services Unit (ISU) #6, utilizing Body Worn Camera (BWC) #201307, I became aware of potential contraband on Facility E. Specifically, anonymous information was received stating Facility E; Housing Unit 25 - C Pod, Cell 202, has a cellphone in it. Due to the aforementioned, I reported to Facility E, Housing Unit 25 for the purpose of detecting contraband that may be in Cell 202. At approximately 2059 hours, I arrived to Housing Unit 25, C Pod, and approached Cell 202, which is jointly assigned to inmate(s): MENENDEZ, J. (CDCR #K13758, FE-25-C2-202/1L), ALFORD, R. (CDCR #T15750, FE-25-C2-202/2L), ABREU, J. (CDCR #T13691, FE-25-C2-202/2U), RUTHERFORD, S. (CDCR #AU5896, FE-25-C2-202/3L), BUSTAMANTE, R. (CDCR #AS1728, FE-25-C2-202/3U), and HARO, H. (CDCR #C97043, FE-25-C2-202/4L). Upon entering Cell 202, I observed Inmate Menendez standing by his assigned locker. I instructed Inmate Menendez to step out of the cell for the purpose of a cell search. I observed Inmate Menendez immediately display a suspicious, nervous behavior and quickly turned to his right and reach for an unknown object. Due to my vantage point and the lighting in the cell being turned off, I was unable to observe the object Inmate Menendez reached for. I gave Inmate Menendez loud verbal orders to not reach for anything or I would take it as a threat, to which he did not comply and continued to reach for an unknown object. I gave Inmate Menendez multiple loud verbal orders to place his hands behind his back, to which he did not comply. I gave Inmate Menendez an additional loud verbal order to place his hands behind his back and reached for his left wrist, with positive results as he complied and placed his hands behind his back. I instructed the facility custody staff to turn on the lights in the cell. I conducted a visual search of the immediate and surrounding area for any weapons or contraband in plain view, with negative results. I asked Inmate Menendez in part, inquiring what he dropped. I secured Inmate Menendez in handcuffs and discovered what appeared to be a cellphone in his back right pocket. I removed the item from Inmate Menendez back right pocket and discovered it to be one (1) Coolpad cellphone. I maintained custody of the one (1) Coolpad cellphone and proceeded to conduct a clothed body search, with negative results for any further contraband. I relinquished custody of Inmate Menendez to Officer N. Rodriguez where he secured him in a wet holding tank located within the Housing Unit. I proceeded to conduct a search of the cell, with negative results for any further contraband. I advised Inmate Menendez of my findings and proceeded to the ISU Office. I captured two (2) photographs of the contraband discovered on an Evidence Photograph Placard and labeled them IMG_1697 and IMG_1698. (Refer to Evidence Photograph Log, Authored by, B. Mercado for further description of the photographs.) At approximately 2135 hours, I processed one (1) cellphone and one (1) Compact Disk (CD) containing two (2) digital photographs, into B/C Sub Evidence Locker #9 (Evidence Log Number: 24-ISU SUB-167). If new information becomes available, a supplemental report will be submitted.

Written declaration admitting guilt.

Verbal statement guilty plea.

BWC was reviewed prior to the adjudication of the RVR and the BWC footage reveled the possession of a cellular telephone.

The SHO took into consideration the guilty plea. Therefore, this SHO determined a finding of "Guilty" based on the preponderance of evidence was justified, these facts, when taken together, meet and exceed the preponderance of evidence threshold required in upholding a guilty verdict.

DISPOSITION

Sanction Type	Quantity	Mitigated	Interest of Justice	DDP	MH LOC	MH-A	Start Date	End Date
Credit Loss	90 Days	<input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Confined to Quarters Days			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Confined to Quarters Weekends			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Disciplinary Detention			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Privilege Group C			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Loss of Pay								
Canteen Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Phone Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Extra Duty			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Sanction Type	Quantity	Mitigated	Interest of Justice	DDP	MH LOC	MH-A	Start Date	End Date
Yard Recreation Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Day Room Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Packages Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Property Restrictions			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Visiting Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Contact Visiting Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Contact Visiting (Permanent Loss)								
Loss of Family Visits	1 Years	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/03/2024	04/03/2025
Permanent Loss of Family Visits								
Trust Account Hold								
Mandatory Drug Testing								
IEX Control Suit								

Counseled Regarding Misconduct:

Impose Suspended Sanctions

Reinstate Suspended Sanctions

Sanction Mitigation Additional Information:

(Hearing officials are required to document whether a mitigation, based on a MH-A, is appropriate and the reasoning used to arrive at their decision.)

Comments:

Referred to Classification Committee N/A

For **RHU Term Assessment** **Program Review** **Un-Assignment** **Substance Abuse Treatment**

Disposition Additional Information:

ENEMY CONCERNS

Not Applicable

Subject states he/she does not have Enemy or Safety Concerns.

One or more of the inmates involved has stated there is lingering animosity towards one another. Therefore, the SHO has entered non-confidential separation alerts for the following inmates:

Based on the totality of circumstances and/or information garnered by staff, the Hearing Official has determined an enemy situation exists and ensured the below non-confidential separation alerts were entered:

SECURITY THREAT GROUP

Security Threat Group Nexus?: **No**

Security Threat Group Nexus Additional Information:

FINAL SECTION

Contraband Type	Disposition	Disposition Comments

Contraband Type	Disposition	Disposition Comments

Additional Information:
 Contraband was disposed of per DOM 52021.1 and 52051.15

CREDIT RESTORATION

- Subject was advised of his/her right to restoration of credits under CCR 3327, 3328, and 3329.
- Subject was advised Credit Forfeiture for a Division 'A', 'B' or 'C' offense will not be restored.
- At the conclusion of the hearing Subject was advised of the findings, disposition, and his/her right to appeal per CCR 3084.1.

Hearing Official

A. Aguirre  TITLE: Lieutenant DATE: 04/03/2024

FINDINGS (BY CDO)

Subject was found: **Guilty as Charged** based on a preponderance of evidence.
 Lesser Included Charge:
 Level: Offense Division:
 Offense Occurrence: CDO Summary: **Affirming The Hearing Results**

Comments:

DISPOSITION (BY CDO)

Sanction Type	Quantity	Mitigated	Interest of Justice	DDP	MH LOC	MH-A	Start Date	End Date
Credit Loss	90 Days	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Confined to Quarters Days			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Confined to Quarters Weekends			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Disciplinary Detention			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Privilege Group C			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Loss of Pay								
Canteen Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Phone Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Extra Duty			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Yard Recreation Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Day Room Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Packages Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Property Restrictions			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Visiting Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

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Sanction Type	Quantity	Mitigated	Interest of Justice	DDP	MH LOC	MH-A	Start Date	End Date
Contact Visiting Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Contact Visiting (Permanent Loss)								
Loss of Family Visits	1 Years	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/03/2024	04/03/2025
Permanent Loss of Family Visits								
Trust Account Hold								
Mandatory Drug Testing								
IEX Control Suit								

Impose Suspended Sanctions

Reinstate Suspended Sanctions

Comments:

Chief Disciplinary Officer

Comments:

A. May 

TITLE:
AW

DATE:
04/03/2024

CDCR SOMS ISS126 - DISCIPLINARY HEARING RESULTS