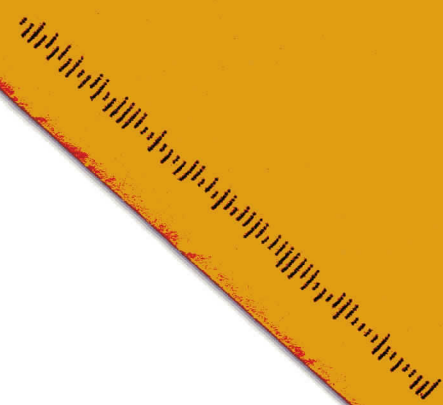


13842
A-4-103
CA-93960

STATE PRISON
GENERATED MAIL

To: RUBY DAVIS
Box 2088
Forney, TX 75126-6687

75126-208888



ZIP 93960
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ROBY DAVIS

Free Lazor C-73842
P.O. Box 1050 A4-103
Soledad, CA 93960-1050

Hi Rudy & Erin,

EVIL: RVR that for one of the RARE & maybe ONLY times in 35 years got a FAIR warden to not "play the game" of criminal conjoining w/ his lower level guards - where he did the HARVEST thing, read the details of the RVR, saw thru the corruption of his guards & reversed & expunged the false ~~RVR~~ RVR.

Yet 10 years after that, the BPH (parole bd) scafflaw scoundrels were still using it to deny me parole, pretending it was never reversed & obviously not expunged from false records BPH was using. The whole BPH & CAC/R system is just like this doubly-corrupt & quadruply corrupted to the core. Got to rush off - Thank You.
Love all this if you like.

Warden AVRES is to be commended for this & a lot of other good things he did as warden.

P.S.: This sucker-punch cowardly attack was a set-up "hit" by Pelican Bay (P.B.S.A) guards who actually solicited the guys to stab me to death, tho the guy was green & chickened out on going that far. Two of those guards later got convicted of ordering kill-hits on other prisoners - they did prison terms for manslaughter, on those.

PELICAN BAY STATE PRISON
SECOND LEVEL REVIEW

DATE: MAR 06 2000

MODIFICATION ORDER

Inmate LAZOR, C-73842
Centinela State Prison
Facility C General Population
Building 2, Cell 144

CSF-CENTINELA
INMATE APPEALS
DO MAY 31 PM 12:38

RE: WARDEN'S LEVEL DECISION
APPEAL LOG NO. O-00-00107
CENTINELA LOG C-99-01682

APPEAL: GRANTED

ISSUE: CDC 115 dated 7/4/99

This matter was reviewed, on behalf of ROBERT L. AYERS, JR., the Warden (A) at Pelican Bay State Prison (PBSP), by C. A. BOLLES, Appeals Coordinator, Correctional Counselor II (CCII). The appeal interview was waived per California Code of Regulations (CCR) 3084.5(f)(3)(A), as the inmate is currently housed at Centinela State Prison. Additionally, a thorough review has been conducted into the claim presented by the inmate and evaluated in accordance with PBSP's institutional procedures and California Department of Corrections (CDC) policies.

ISSUES

The inmate requests B-99-07-0011, CDC Form 115, Rules Violation Report (RVR), dated July 4, 1999, be dismissed based on Correctional Officer C/O Pressler's supplemental report.

FINDINGS

I

The inmate contends on July 4, 1999, he was the victim of an attack by Inmate Bergman, H-04857, in the dayroom of B6. The inmate contends C/O Pressler's report clearly shows Inmate Bergman was the aggressor in the fight. The inmate contends C/O Bustamante left the window to get his weapon and did not see the entire incident. However, C/O Pressler did witness the entire incident.

The inmate contends when he went to the hearing, he requested that the Senior Hearing Officer (SHO) review the reports. The SHO replied, "I don't need to review any reports. The RVR says you were involved in 'Mutual Combat'." The inmate contends he tried to request that C/O Pressler and C/O Bustamante be called as witnesses but the SHO would not allow either, or even read C/O Pressler's report during the hearing.

The inmate contends had the SHO read C/O Pressler's report, he would have seen Inmate Bergman was clearly attacking the inmate.

The inmate contends the statement by the SHO that the inmate did not consider Inmate Bergman an enemy was totally false. The inmate contends Bergman should be listed on his 812 as an enemy.

The inmate contends he was not allowed a fair hearing because the SHO had made up his mind, prior to the hearing, that the inmate was guilty of "Mutual Combat," and no matter what the inmate said, the SHO would not listen or consider any other evidence.

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Lazor, C-73842
Appeal # O-00-00107

CSP--CENTINELA
INMATE APPEALS

00 MAY 31 PM 12:40

II

The inmate received his copy of the July 4, 1999, RVR, PBSP Log # B99-07-0011, for violation of the CCR, Title 15, Section 3005(c) Mutual Combat, a Division D Offense, on July 8, 1999, within 15 days of discovery. The inmate was present, found guilty, and assessed 90 days credit forfeiture, on July 11, 1999, over 24 hours after, and within thirty days of the date the inmate received his copy of the RVR. Due process was complied with and time constraints were met.

III

The CDC rules regarding orders, hearing procedures, and time limits are contained in CCR 3005, 3084, 3315, 3320, and 3375.

DETERMINATION OF ISSUE

CCR 3005 (c) clearly states: "Force and Violence. Inmates shall not willfully commit or assist another person in the commission of a violent injury to any person or persons, including self mutilation or attempted suicide, nor attempt or threaten the use of force and violence upon another person."

The inmate's request to have C/O Pressler called as a witness, or at the very least, to have the C/O's supplement report considered in the hearing was a valid request. Upon reviewing the RVR Part "C", the SHO does state all reports were reviewed with the inmate, prior to the hearing. The SHO also states the inmate did not request any witnesses. The SHO then based his decision on the written report of only C/O Bustamante, who as the inmate pointed-out, had left the scene to retrieve his weapon, while C/O Pressler continually observed the incident.

Upon reviewing C/O Pressler's written supplement report, C/O Pressler stated "that he observed inmate Bergman standing over and striking the head and face of Inmate Lazor, who was still in a seated position on the concrete seat. I stood up and ordered the dayroom down. All inmates moved away from the fight area and got down to the floor as ordered. The fight appeared to intensify, with Bergman on top of Lazor and striking him on the head and upper body torso. Lazor was still on the concrete seat but had been knocked to his back. I could not see if Lazor was defending himself or not because Bergman was still on top, obviously in control, and blocking my view."

This information should have been considered in the hearing. The information from C/O Pressler's report does support the inmate's contention he was the victim of an attack by inmate Bergman. C/O Pressler should have been called to the disciplinary hearing by the SHO to clarify the facts,

CCR 3084.6(h)(1) states: "The original disposition shall be vacated and the charges dismissed if the reviewer determines that the findings of the disciplinary hearing were not supported by the evidence presented at the hearing and any of the following circumstances are evident. (A) The charge was based on information later determined to be false or unsubstantiated."

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Lazor, C-73842
Appeal # O-00-00107

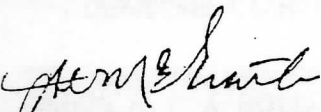
CSP--CENTINELA
INMATE APPEALS

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Based on the above review, the inmate's appeal is Granted; the RVR shall be ordered dismissed.

MODIFICATION ORDER

A modification order shall be issued to the Chief Disciplinary Officer, Associate Warden General Population; to have RVR B99-07-0011 ordered Dismissed. The inmate is currently housed at Centinela State Prison. The Appeals Office at Centinela State Prison shall receive a copy of the modification order so the RVR may be removed from the inmate's central file. The 90-day forfeiture of credit loss shall be deleted and the classification score shall be corrected. Each inmate shall be entered on the other inmate's CDC 812 as an enemy.


ROBERT L. AYERS, JR.,
Warden (A)

CB-001

STILL USED AGAINST ME IN PAROLE HEARINGS
10 YEARS LATER (2009), AS THOUGH I WERE STILL
"FOUND GUILTY."