

[REDACTED]
AFFIDAVIT OF
(RE: INCIDENT OF LAZOR, JULY 2013)

I attest to the following facts and affirm that they are true and accurate:

1. My name is [REDACTED] and I am a prisoner of the State of California, CDCR number [REDACTED]. I am presently incarcerated at Salinas Valley State Prison (SVSP) in [REDACTED] cell block [REDACTED] another prisoner named Free Lazor (aka: PF Lazor, "Lazor" hereinafter), CDC number C73482.

2. I was Free Lazor's "cellie" (cell mate) in the year of 20 [REDACTED] at California State Prison - Corcoran (CSP-COR), in cell 3B01 [REDACTED]

3. In late December 2017, I approached Lazor just in quick passing to remind him of who I was and to inform him I wanted to speak to him as soon as we were to get off the current lockdown. especially to apologize to him for my violently attacking him without cause in [REDACTED] when we were cellies at CSP-COR.

4. On January 5, 2018, when the lockdown ended, I approached Lazor outdoors on the yard asking to speak to him. Lazor did not approach me. I initiated all of our contact because I felt terrible about assaulting Lazor the last time we were together at CSP-COR. I know from experience that most inmates in Lazor's situation would have physically struck me back with extreme violence, or worse, in payback for what I'd unjustly done to him, as that is the usual standard of conduct among inmates in the prison system. Lazor did not express any violence, nor even anger, but rather displayed only the peaceful and forgiving nature I've consistently observed in him. That conduct is also consistent with his well-known reputation as a man of mature and peaceful conduct, among prisoners and in general at CSP-COR and at SVSP.

5. I began my conversation with Lazor by explaining that since our 2013 incident, I've become a Christian and approached him to seek his forgiveness for what I did, and to make amends for it, if I could. Lazor is well known in prison to be a man of Christian principles and character, and of living that lifestyle, so I hoped he might be receptive. He was, completely.

6. The following specific statements of information are an explanation of the 2013 CSP-COR incident where I assaulted Lazor when we were cellies. My testimony in this affidavit is entirely my own, and made of my own free will. (Lazor did NOT approach me nor did he initiate a request for this affidavit; rather I offered it, in hopes it could vindicate him in some way.) My statements have not even been the least bit influenced by Lazor nor by anyone or anything else. I emphasize this fact in the strongest possible terms because Lazor expressed to me that in his recent parole hearing he was wrongfully accused of taking advantage of some other inmate(s)

by influencing their written statements in an affidavit concerning another matter. That certainly is not the case here, and that is totally out of character of Lazor's consistent honest behavior I've come to know.

7. I feel I know Lazor quite well in terms of his honesty. He meticulously "goes the extra mile" as a sort of personal trademark to be scrupulously honest, reliable in total integrity and forthright; someone who can be counted on in all situations for truthfulness and sound judgment. Lazor's exceptional honesty and integrity along with living consistently by Christian principles in his daily conduct is well known to stand out from the crowd among inmates in general. (I talk to many who confirm this absolutely as a general consensus). Additionally, every one of my many personal interactions I've had with Lazor and my many observations of him going about his business, confirm this opinion without exception. Lazor is known among the prison population in general as a very unusual prisoner who never breaks his word, who is patient and tolerant of others and who is helpful to them, while completely trustable to be honest, fair and above board in his dealings with everyone.

8. I did a prior affidavit in the past for Lazor, about a totally different subject from 2013, in which Lazor helped me to omit irrelevant, excess details, to refine my grammar and assist in legal-like formatting. In doing so, he was very careful at all stages to not influence my statements whatsoever, being careful to repeatedly double and triple check what I was meaning to state. He stressed the point most strongly that he would refuse to participate in anything that was less than totally accurate and truthful. He was very adamant about this, very insistent, both in the prior affidavit assistance and in regard to this present one. Both in the past and now, I had thoroughly read and agreed with the accuracy of every word of my affidavits, I myself insisting on 100% accuracy before I would sign them. (Then and now).

9. Lazor has shown me from his meticulously-kept records that it was from [redacted] at CSP-COR that we were cellies up until my assault on him on that [redacted] date; and I believe those dates to be accurate.

10. At the time of my physical attack on Lazor, I was going through some very exceptionally stressful events in my life. I was on heavy psych medications which were adversely affecting my behavior, but, and I stress this most forcefully, my perception and recollection of the events I've detailed here, were and remain very clear. Details that were foggy to me, I've omitted from this affidavit. At the time I assaulted Lazor I was in a blind rage from repeatedly being denied a cellie I kept telling the C/Os (Correctional Officers) I wanted to be with, besides some

other very unusual added stressors. Officer Holguin and others confirmed to me that they knew I was in prison for a violent murder of someone close to me, and I kept telling them it might happen again if they were to make me go back in the cell with Lazor. They nonetheless kept refusing my requests acting as if to prod me to carry out that threat on Lazor. My assault on Lazor didn't have anything to do with anything he did to me; he had not provoked me in any way. He had not contributed in any way to incite or affect my conduct against him. It wasn't about him; he just happened to be an available target, and a completely innocent victim of my violent behavior. I was very agitated for things that had nothing to do with him. Lazor ALWAYS treated me very well at all times, with kindness and respect, including on that day of the assault. He also had the opportunity to strike me back but he didn't, nor did he attempt to retaliate in any manner, even to this day.

11. On the day of the assault, 7-9- [redacted] C/O Holguin, our main building floor officer, kept refusing to make my requested cell move, which I'd asked for many times previously, and about six times on this date. In that course, I asked him to let me see my psych clinician repeatedly, and he kept refusing me. I told him I was suicidal and therefore he must move me. He kept refusing this as well, telling me to "get the hell out of here" and similar rebuffs, as I persisted, about six times going back to the medication line where he was standing. He eventually said I don't get to choose cellies on an "SNY" yard, that my only choice was to go back to the cell with Lazor and to "go handle" whatever problems that would cause with me and Lazor. That phrase in that context is well known in prison jargon to mean to duke it out in a fight. As I finally gave up arguing and turned to go back to the cell, I said to Holguin, "I'm going to fuck Lazor up," meaning to violently attack him. Holguin did not intervene to stop me or even to dissuade me.

12. I impulsively felt I had no choice: I made a bee-line back to my cell where Lazor was standing about two feet inside the door with his right side and back to me, apparently using the sink or urinating in the toilet. I just hauled off and sucker punched him in the face and head very hard before he knew what hit him. At that time I outweighed Lazor by over 100 pounds and am about three inches taller than him. I immediately swung again, two or three more times; I think I hit a cup full of liquid which went flying. As Lazor was falling down, he knocked something to the floor with his fall; which I later learned was his TV that hit the floor.

13. I immediately turned and laid on the floor on my stomach just outside the cell and surrendered my hands behind my back, expecting to be handcuffed up. But I never was; not at this time. Holguin and one or more other C/Os were standing right

in the middle of the day room facing toward our cell (# [redacted]), talking to each other and to a medical tech man (who we refer to as "MTAs"), when I committed the assault on Lazor. I cannot imagine that they could possibly have not seen and heard the event revealing that I was the perpetrator without cause, and that Lazor didn't respond with violence or even self-defensiveness, given their proximity to our cell. None of the staff pushed their alarm buttons at that time, as they are required to do for all such incidents, and I've never seen a case where they didn't do so except here. They may have done so later, but they didn't press their alarms at this time.

14. The C/Os had me get up off the floor and walked with me away from the assault scene without handcuffing me up. That's generally unheard of in such incidences. Holguin kept repeating comments and questions to me, such as, "What did Lazor do to you?" "Has Lazor been molesting you...has he been sexually touching you?" At some point I volunteered the information that I had assaulted Lazor, but all the C/Os ignored that, indicating it wasn't in the script they wanted to hear. I asked what happened to Lazor as a result of my bludgeoning, and Holguin said in essence, "Don't worry about Lazor, we're taking care of him." "We've cuffed him up and put him in the shower to roll him and his property up to go to the hole where he belongs..." and similar comments. Holguin said Lazor should be fucked up because he was a child molester who did awful crimes to little children, and similar statements. (However, I have verified that Lazor has never had any kind of history of molesting children nor of sexual crimes). Holguin said this right in front of other officers so they could hear it, appearing to want to influence them to treat Lazor with special abuses that they had usually reserved for child molesters. Some of these comments were made by Holguin before I was taken to the program office, and others after I returned from there, which transpired as follows:

15. After this banter with the C/Os, I was taken to the program office and there they put me in handcuffs very briefly to speak with the sergeant. I was suddenly being treated with great respect and compassion as someone deserving of a medal. The custody staff there were joking in a big way, referring to me as "Holeyfield," the world champion boxer, because of how I had decked Lazor and knocked him to the floor. It was like they were having a party over it, in boisterous laughter, calling me "Holeyfield" over and over. They made comments to me and asked me questions that seemed to be coaxing me to badmouth Lazor with made up accusations and false derogatory comments, and to get me to lie and say Lazor had assaulted me so they could send him to the hole and trash and take his property. But I didn't give in to it. The sergeant asked me where I wanted to move to. I

told them where I wanted to move to, and they moved me there immediately; as soon as I was walked back to the cell block, without being cuffed up. I felt that I was being rewarded for busting up a good person for no reason, and that he was being punished for doing nothing wrong; for starters, being locked in the shower as a disciplinary measure, for hours, while Holguin and the other staff there tried to get him sent to the hole. Although Lazor hadn't done anything wrong, nothing at all, when I kept asking Holguin what was going to happen to him, he just kept telling me, "Don't worry, we're going to take care of Lazor," with disciplinary writeups, going to the hole, having his property looted, and many other punishments implied, which normally accompany such "special project" targeting. I've never seen another prisoner treated this way, and Lazor always behaved as a mature, model prisoner who just wanted to be left alone to do his legal work, his songwriting, his Christian ministry work, and other very constructive activities most prisoner's don't do. Back at the cell block C/O Holguin kept badmouthing Lazor, to me, which I believed to be against CDCR policy for a C/O to be privately sharing the private information about one inmate with other inmates. Mr. Holguin went on and on saying things like "Lazor makes shit up" to constantly file CDC-602 complaints and lawsuits, that Lazor was a child molester who terribly abused a bunch of little children, that he (Holguin) didn't want an inmate around him or in his building who causes so much trouble as Lazor does (though I'd never seen Lazor do any such things). Holguin informed me that he and other custody staff had been talking to Lazor's psych clinical staff and his counselor to join in Holguin's activities to bring adverse consequences to Lazor.

16. Right after my assault on Lazor, the C/Os who were present in the cell block, most aggressively Mr. Holguin, drew the "MTA" into their circle of hostility and accusations against Lazor; he seemed to be very eager to join in what the C/Os wanted him to do against Lazor. This MTA, Mr. Alvarado, was present near the middle of the day room, but slightly closer, our cell and facing toward our cell, when I committed the assault. I don't see how he could not have seen and heard my actual battering on Lazor and his fall to the floor from where he stood. After I returned from the program office to the cell block, Alvarado had already left the cell block.

17. At no time ever, related to this incident, was any kind of medical examination performed on me. To my knowledge, this is unheard of in CDCR, in contrast to standard CDCR protocol in all other cases I've ever heard of regarding any such assault or battery, even of a much lesser magnitude than this one. Whether an

inmate is the victim or perpetrator, CDCR protocol has always required a medical examination of all involved inmates and even all thought to maybe be involved in any such incidences that I've ever heard of. (And I know of many). I had a significant cut on my knuckle from striking Lazor's head very hard. No one ever asked to examine or even look at my hands nor any other part of my body, so the cut was never recorded in any CDCR records. Several days after the assault incident, a C/O saw the fresh gash on my knuckle and asked about it. But the matter was brushed off and never followed up on further by anyone. Nothing more was said of it to me.

18. I was never issued a CDC-115 Rule Violation Report ("RVR") for my assault or battery on Lazor. That was never even suggested by any C/O or the sergeant. The idea of it was never brought up in my presence. I was not even cited with nor threatened with a lesser "128-B" mild misconduct chrono. The very notion of writing me up for misconduct was never brought into the conversation by any staff involved in this matter. Essentially, staff instead rewarded me for my assaultive action, giving me the cell move and cellie I wanted; all the involved staff treated me very nice after I committed the assault.

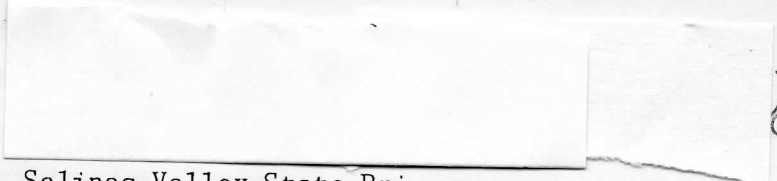
19. Prior to this [redacted] incident, I observed many times that a few different C/Os in our cell block, especially C/O Holguin, had been relentless in constantly abusing Lazor as an almost daily event, sometimes many times a day, unlike I've ever seen of any other inmate's treatment. I witnessed dozens of specially abusive incidents by them against Lazor when they weren't treating any other inmate that way, and I never saw Lazor respond similarly back to them. It wasn't unusual for other inmates to act abusively to these C/Os, who still didn't treat them badly like they constantly did to Lazor. They tore Lazor's cell up so many times, I lost count. When Lazor and I were cellies and they trashed the cell, they never bothered any of my property; they clearly targeted only Lazor's property. They would wreck things, destroy things, tear apart Lazor's property and take items that belonged to him. During all of this, I'd never seen Lazor do anything wrong; he was strict and consistent to not violate any rules or laws, and to obey all staff's orders made to him, however oppressive and selective they were. I couldn't see how he could put up with it without going off. Many other inmates witnessed the shocking behavior by the guards unique to Lazor, and commented on it.

20. As for me, I have mental health problems and needs. During the period when I assaulted Lazor in [redacted] was diagnosed as bi-polar and manic depressive, and was taking medications for those conditions. Both then and now, despite mental and behavioral problems, I've been of completely sound mind in terms of my clarity

and recollection of all facts stated in this affidavit. As to any details that I remember only vaguely or am not sure of, I've omitted them from this affidavit. Mr. Lazor assisted me with getting this written out because my writing is shaky; and he helped me word it more coherently than I'm able to do on my own. He helped me cut down my ramblings and some of my excessive details and correct some spelling errors. But he and I both have been very careful and adamant to make sure that he did not influence nor taint the facts I had to say, which are the truthful depiction of all events addressed herein, accurately and honestly. Lazor met with me several times to assure that everything in this affidavit was what I said and meant according to my personal knowledge of the facts as I've conveyed them to him. I am also adamant as to total accuracy and have insisted from the start of this that I will not sign it unless it is totally truthful and accurate as to what I know and clearly remember to be true, the way it happened.

I affirm, subject to penalties for perjury, that all of the foregoing statements of fact are true and totally accurate based on my own personal knowledge and executed of my own free will, uninfluenced by anyone or anything else. This affidavit made this 15th day of January, 2018, in the County of Monterey, California.

Dated: January 15, 2018


Salinas Valley State Prison
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