

AFFIDAVIT OF

First, being duly deposed, I affirm the following is true:

1. My name is _____ and I am a prisoner of the State of California, CDCR number _____, and was a California prisoner at all times pertaining to this affidavit.

2. During July, 2013, I was incarcerated at California State Prison-Corcoran (CSP-COR), on 3-B yard in building 1, in cell 3B01-110. For about fifteen days I was celled together with a prisoner named Lazor, CDC number C73842.¹ The circumstances under which I was moved into Lazor's cell were as follows:

3. I had just transferred to CSP-COR and was immediately placed in the cell with Lazor over his strongly-expressed objections to the involved officers, the primary officers being Mr. M. Holguin and, secondarily, Mr. Daluz. Both officers were specifically aware of the details of my incoming transfer paperwork, which alerted them particularly to an allegation that I had been transferred because I had been physically assaultive at the other prison, and was prone to violence; although I do not concede to that being true. (I assert my innocence in the matter). Holguin and Deluz indicated to me that they were well aware of these assaultive and violence allegations and believed them to be true.

4. Lazor is of the white race, was a professed Christian by religion, was very adverse to having television going on in the cell on a regular basis, and he was about five feet ten inches tall with a thin stature of about 145 pounds, and nearly 60 years of age. In contrast, I am an African American, was definitely NOT of the Christian religious orientation, am a TV addict needing my TV playing about all day (and then some), and was much larger in stature than Lazor. I outweigh him by about 80 pounds, was in excellent physical fitness shape, very strong, and in my mid-20s age. And I had arrived with the aforesaid official paperwork stating I was particularly violent, had just come from a situation of violently attacking someone (an allegation I dispute as being untrue). Officer Holguin, Officer Daluz, and all other officers involved were aware of these specifically conflicting causes for vexation between me and Lazor.

5. Lazor had arranged to be moved to another cell with a cellmate he had chosen and had a mutual agreement with to cell together, prior to my moving in with him, and there were other cells open in the building and yard where I could have been alternatively housed. Lazor made repeated requests for a cell move with that other prisoner, but his requests were constantly denied by all involved staff while such moves were made at other prisoners' requests routinely and for obviously less compelling reasons than Lazor and I had.

¹ The exact dates that Sutton and Lazor were celled together in 3B01-110 were July 11-25, 2013.

6. Once I was situated in the cell with Lazor, Officer Holguin came to the cell door and without veiling his motives at all, openly insisted that I should physically attack Lazor in an act of violence and brutalize him viciously because he had it coming. Among his reasons were that he proclaimed that Lazor "hated all blacks" and liked to incite violence against black inmates; and suggested that Lazor would no doubt physically attack me if I didn't get him first. Over the ensuing days, Holguin also went about spreading rumors throughout our building to other inmates (overheard repeatedly) that Lazor was a child molester and should be beaten or worse, due to that. (But Lazor showed documentary proof that he had never had any kind of molester nor sex crime history, contrary to what Holguin was spreading; and numerous black prisoners attested that they were friends with Lazor, which was proven true by my personal observation).

7. During the 2+ weeks that I was celled with Lazor, he was not allowed to leave the cell to go to the yard or other typical recreation as such, and I was on new arrival "orientation" status until the day before I moved out of Lazor's cell, causing Lazor to have to be cell-fed with me. These factors, enforced with particular fervor by the building staff, assured that we were constantly forced to be in unusually close proximity with no safety outlet, should trouble have erupted between us. We were forced together much more than all other prisoners in general, while the regular building staff were aware of the major contrasts between us.

8. Despite recent court rulings that allow forcing black and white prisoners together, that practice was never enforced at CSP-COR and some other California prisons when there were other options available, and particularly when the prisoners had selected and requested another desired cellmate of the same race. Those requests have been regularly and routinely honored at CSP-COR, *except in this case*.

9. In the 2+ weeks I was celled with Lazor, Officer Holguin repeatedly came to the cell door overtly inciting me to brutalize Lazor, and assuring me I'd not be written up or punished for doing so, but that Lazor would, even as solely a victim. Holguin repeatedly stated to both Lazor and me that he was intent on doing whatever it would take to make sure Lazor would be "locked in the hole" with fabricated rule violation charges so severe that he'd "never get out of the hole," and would "stay there forever," and similar statements. It became somewhat routine for Holguin to come to our cell door and make such comments.

10. Officer Daluz was similarly mean-spirited and abusive to Lazor in various ways, frequently going to great lengths in apparent effort to incite and provoke Lazor into an extreme responsive reaction. But Lazor never did so. One evening, Daluz refused to pick up Lazor's legal mail, as was required, preventing the mail from going out. Lazor patiently waited, then got another officer to seal, sign off and take the mail. Daluz found out and with another officer came storming to our cell door as if in a war zone in the military, screaming at the top of his lungs for almost a full minute, spewing curses, swear words, vulgar epithets, threats and accusations against Lazor, for him patiently getting his legal mail sent out according to prison procedures. Daluz's behavior toward Lazor was

similar to this the entire time I was there and able to observe their interactions. I never saw Daluz treat anyone else that way.²

11. During this episode and at all times surrounding it, and likewise with all the other episodes with Daluz, Holguin and all the other staff I saw Lazor interact with, I observed Lazor without exception, consistently respond with politeness, total respect and calmness, as I've very rarely seen, and never seen to this degree from a prisoner, even when not treated anywhere near this badly.

12. I cannot attest for certain, by memory, to the *exact* dates of July 11-25 and July 23, as footnoted on this page and page one, but they do fit the timeframe that I am aware of, and having observed Lazor's accurate and careful record-keeping, I believe these dates to be the correct dates involved.

I attest under affirmation and subject to penalties for perjury, that all of the statements made above are true and are based on my own personal knowledge. This affidavit made this ~~5th~~ day of ~~May, 2015~~, in the County of Monterey, at Monterey, California.

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JUNE, 2017

