

CDCR QUIETLY REPEALS GOOD CONDUCT CREDIT. ELIMINATES INCENTIVE CREDIT FOR EARLY RELEASE. PRISONERS TO SERVE FULL TERM OF SENTENCE?

Vacaville, CA. California Department of Corrections and Rehabilitation (CDCR) spokesperson, Gigi Matteson, Warden, California State Prison-Solano, Vacaville, CA (CSP Solano), in a November 18, 2022 Memorandum-- addressed to an Inmate protesting the taking of 30 days of vested Minimum Security Credit (MSC) by CSP Solano Case Records --declared the taking was justified by the repeal of California Code of Regulations (CCR), Title 15, Section 3043.2 Good Conduct Credit (3043.2): "CCR, Title 15, 3043.2 was repealed effective December 28, 2021".¹

The Inmate addressee of Warden Matteson's Memorandum responded November 29, 2022 by letter challenging the Warden's justification, pointing out that 3043.2 appears to be currently in vogue,² and requesting timely restoration of credit if said Section found to be unrepealed.

Credit eliminated by repeal of CCR, Title 15, Section 3043.2.

Good Conduct Credit - awarded to all inmates complying with Departmental regulations and local rules of the prison and performing duties assigned, except to an inmate sentenced to death or life without the possibility of parole; (2) One day of credit for every four days of incarceration (20%); (3) One day of credit for every two days of incarceration (33.3%); (4) One day of credit for every day of incarceration (50%); (5) Two days of credit for every one day of incarceration (66.6%), 3043.2(a),(b), (b1), (2)-(5); and,

CDCR Inmate incentive programs for advancement of an inmate's release date or initial parole hearing date requiring authority of Section 3043.2 for eligibility:

Milestone Completion Credit, 3043.3, (c);

Rehabilitative Achievement Credit, 3043.4, (b); and

Education Merit Credit, 3043.5, (b).³

ANALYSIS

Affected prisoners, family, friends, and CDCR employees, are faced with a decision: believe and support a CDCR Warden, or a prisoner who just wants to go home.

If the Warden is correct and 3043.2 has been repealed and affected persons are only now becoming aware of the 2021 taking of Good Conduct Credit and all other incentives for early release and, must now serve full term of sentence... Heaven help us!

If the prisoner is correct and 3043.2 has not been repealed, then he and all other CDCR prisoners who have had earned credit taken under false pretenses are entitled to restoration of such credit. And, CDCR case records of all inmates warrant close scrutiny to determine CDCR compliance with the law for the intake, detention and crediting of all persons committed to the custody of the Director of Corrections.⁴

Lonnie G. Schmidt December 12, 2022

¹ Warden Matteson's Memorandum on reverse side of this page and, published (see fn2);

² Inmate letter available at withoutoneplea.com (click on "state"; scroll to "CDCR Quietly Repeals Good Conduct Credit").

³ Authority cited for enactment of CCR, Title 15, Section 3043.2: Cal. Const., art 1, sec. 32(b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art 1 sec. 32(a)(2); and Sections 667, 667.5, 1170.2, 2930 and 3041, Penal Code. CCR, Title 15, Sections 3043.3, 3043.4 and 3043.5 reference Sections 2933.05, 3041; 3041; 2053.1, 3041 Penal Code respectively. **No authority for the repeal of CCR, Title 15, Section 3043.2 is cited by CDCR or found in CCR, Title 15 or Penal Code.**

⁴ Penal Code 1202a requires a judgment for CDCR Director custody; and is the authority for CCR, Title 15, Section 3075(e) "Inmates received by the Department..". The terms "inmate, prisoner, and parolee" are defined in Title 15, Section 2000(a)(3) as an individual "committed to the custody of the Director of Corrections". There is no judgment of conviction signed by a Judge and entered in the records of any Superior Court or, in CDCR case records, committing a defendant to the custody of the Director of Corrections for any individual. Absent a judgment, no Abstract is valid. Imprisonment is illegal. For points and authorities, see "UNSHACKLED" and "OATH BREAKERS" at withoutoneplea.com.

Memorandum

Date: November 18, 2022

To: Mr. Lonnie Schmidt (AZ3544)
Facility D Building 21-1-30 4L
California State Prison, Solano

SUBJECT: RESPONSE TO GA-22 INMATE REQUEST FOR INTERVIEW DATED NOVEMBER 9, 2022

This is in response to your GA-22 Inmate Request for Interview dated November 9, 2022, received at California State Prison, Solano Warden's Office. In your GA-22, you stated Case Records took 30 days of Minimum Security Credit (MSC) from you and changed your Earliest Possible Release Date (EPRD) to December 20, 2023. You stated your EPRD should be November 20, 2023 and Case Records cannot take the 30 days of MSC per Repealed California Code of Regulations (CCR), Title 15, Section 3043.2. You contend this action has precluded you from Alternative Custody Program (ACP) and the ability to spend Thanksgiving with your family this year.

Mr. Schmidt, per CCR, Title 15, Section 3043.2 an inmate must stay in Minimum M workgroup for 30 continuous days to receive 30 days of MSC. You received 30 days of MSC starting on June 1, 2021, again 30 days later on July 1, 2021 and again on July 31, 2021. On August 30, 2021, you received 30 days of MSC, again on September 29, 2021 and on October 29, 2021. On November 28, 2021, you receive another 30 days of MSC, however, 30 days of MSC for December were awarded in error and removed, as 30 days from November 28, 2021 was December 28, 2021 and CCR, Title 15, 3043.2 was repealed effective December 28, 2021. This means MSC were no longer applied effective December 28, 2021.

Mr. Schmidt, your EPRD has been correctly calculated at December 20, 2023 and all appropriate rules and regulations have been applied

Thank you,



Gigi Matteson
Warden

November 29, 2022

Lonnie G. Schmidt AZ3544
Facility D Building 21-3-4L
CSP Solano

Gigi Matteson, Warden
CSP Solano
Via inter-facility mail

Re: False representation: Good Conduct Credit repealed.

Dear Warden Matteson:

In your response November 18, 2022-- to my Inmate Request For Interview dated November 9, 2022 requesting your intervention with CSP Solano Records to restore 30 days of credit taken without cause or authority-- you stated California Code of Regulations (CCR) Title 15, Section 3043.2 (Good Conduct Credit) "was repealed effective December 28, 2021. This means MSC [Minimum Security Credit] were no longer available effective December 28, 2021", implying the taking of MSC was justified by repeal of the Good Conduct Credit regulation.

However, a quick peek at the California Regulatory Law Bulletin-- available on every inmate's CDCR supplied electronic tablet under the Law Library app, see CA- Barclays Official California Code of Regulations, Title 15-- will confirm that CCR 15 Section 3043.2 has not been repealed at any time and "This document current through Register 2022, No. 42 October 21, 2022".

Further: (1) MSC is not contemplated, mentioned, nor authorized by CCR 15, Section 3043.2, and therefore, any repeal of said Section 3043.2 has no relevance or impact on MSC; and
(2) Exhibit of CDCR Memo attached to my above referenced request for intervention states clearly that any MSC awarded through December 27, 2021 would not be rescinded. Therefore, the taking of 30 days credit appears to be unjustified and must be restored.

Remedy requested: (1) Restore 30 days MSC to result in EPRD of November 20, 2023; and
(2) inasmuch as November 20, 2022 is past and Thanksgiving with my family cannot be recovered, authorize my ACP release, forthwith.

In the event CDCR (you acting on behalf thereof) continues to insist that CCR Title 15 Section 3043.2 has been repealed and thus justifies the taking of vested MSC; and, remedy as set forth above is not effected within 5 days of the date of this letter, then you cannot object, and agree not to object to the publication of your November 18, 2022 letter declaring the repeal of Title 15, Section 3043.2 Good Conduct Credit.

Thank you.



Lonnie G. Schmidt

Memorandum

Date: December 9, 2022

To: Mr. Lonnie Schmidt (AZ3544)
Facility D Building 21-1-30 4L
California State Prison, Solano

SUBJECT: RESPONSE TO LETTER DATED NOVEMBER 29, 2022

This is in response to your letter dated November 29, 2022, received at California State Prison, Solano Warden's Office. In your letter, you reference the response letter from the Wardens Office dated November 1, 2022 regarding the 30 days of Minimum Security Credit (MSC), which was repealed on December 28, 2021. You go on to state California Code of Regulations, Title 15, Section 3043.2 does not authorize, have relevance, nor affect MSC. You request the 30 days of MSC be restored and your Earliest Possible Release Date be recalculated.

Mr. Schmidt, MSC were repealed under CCR, Title 15, Section 3043.2 and Case Records was directed not to award any MSC in which the 30th day of continuous credit was after December 27, 2021. Case Records did remove the 30 days of MSC from your EPRD due to this direction. However, on November 22, 2022 new direction was given concerning inmates who did not receive MSC in December of 2021 due to the repealed CCR, Title 15, Section 3043.2. Per the new direction, inmates who did not receive the 30 days of MSC in December 2022 or received it and then subsequently voided shall have it reapplied to their EPRD.

Mr. Schmidt, 30 days of MSC were applied to your EPRD on November 22, 2022 and your new calculated EPRD is November 20, 2023.

If you should have any questions regarding MSC or your sentence, please contact Case Records.

Thank you,



Gigi Matteson
Warden

December 15, 2022

Lonnie G. Schmidt AZ3544
CSP Solano D-21-3-4L
P.O. Box 4000
Vacaville, CA 95696

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Re: False Allegation of Regulation Repeal Impacting Budget-Taxpayers

The Warden here at California State Prison-Solano and/or subordinate staff has suddenly and falsely declared C.C.R. Title 15, § 3043.2, the Good Conduct Credit completion regulation, to have been repealed. Thus, denying all legislated prison-sentence reductions and has taken Inmate earned credit pursuant thereto. See attached Memo signed by Gigi Matteson, Warden. However, no repeal action can be found on record.

This attached Warden's memo informs me and untold thousands of others that after participating in and successfully completing legislated/regulated in-prison rehabilitative programs, that I and similarly situated prisoners will not receive the sentence reductions promised under the regulation due to its alleged repeal. See Analysis on reverse of attached Warden's Memo.

Eroding good conduct and rehabilitative incentive and trust in government, this means that our overall CDCR budgets, calculated in anticipation of prison population decreases via positive participation (for alternative custody programs, custody release or parole), will not be realized, and may serve as disingenuous calls by government officials for the unnecessary supplement of budgets to maintain a static or increased prison population as a result.

Please investigate on behalf of public trust, California taxpayers and CDCR inmates, prisoners and parolees to determine whether this false repeal claim is a mere misunderstanding or of malicious and costly intent.

Respectfully,



Lonnie G. Schmidt, Captain, USAR

Attachments: Warden G. Matteson's Memo;
Analysis of Warden's Memo

Cc: Assemblymember Sawyer-Jones, Public Safety Chair
Senator N. Skinner, Budget & Fiscal Review Chair
K. Allison, Secretary CDCR
G. Newsom, Governor
California Taxpayers Association
D. Patterson, Pastor, The Father's House
C. Specht, Chaplain, Chapel of the Good Shepherd