

Appendix A

SUPREME COURT
FILED

MAR 17 2021

Jorge Navarrete Clerk

Deputy

Court of Appeal, Third Appellate District - No. C093125

S267010

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re WILLIAM ROUSER on Habeas Corpus.

The petition for review is denied on the merits. (See *Harrington v. Richter* (2011) 562 U.S. 86, 100, citing *Ylst v. Nunnemaker* (1991) 501 U.S. 797, 803.)

CANTIL-SAKAUYE

Chief Justice

APPENDIX 'B'

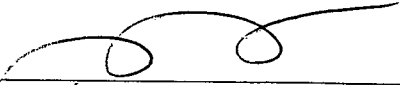
AMADOR COUNTY SUPERIOR COURT 500 ARGONAUT LANE JACKSON, CA 95642 (209) 257-2603	FOR COURT USE ONLY FILED AMADOR SUPERIOR COURT NOV 10 2020 CLERK OF THE SUPERIOR COURT By: <u>M. Sherman</u>
IN RE: WILLIAM ROUSER, PETITIONER,	
ON HABEAS CORPUS.	
ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS	
	CASE NUMBER: 20 HC 2159

The Court has read and considered the petition for writ of habeas corpus filed on May 18, 2020, by petitioner WILLIAM ROUSER, an inmate housed at the California Medical Facility, Vacaville (CMF). The petition is filed regarding prison discipline imposed while Petitioner was housed at Mule Creek State Prison. The Court has also read and considered Respondent's informal response, and Petitioner's reply thereto.

The petitioner bears the burden of stating a prima facie case entitling him to relief if the allegations are true. *In re Bower* (1985) 38 Cal.3d 865. When the petition fails to reveal facts sufficient to establish even a prima facie case for relief, summary denial is appropriate. *People v. Jackson* (1980) 28 Cal.3d 264. Petitioner has not established a prima facie case for relief. The petition is denied.

IT IS SO ORDERED.

DATED: 11/10/2020



 RENEE C. DAY
 JUDGE OF THE SUPERIOR COURT

AMADOR SUPERIOR COURT 500 ARGONAUT LANE JACKSON, CA 95642 (209)257-2600 www.amadorcourt.org	FOR COURT USE ONLY <div style="text-align: center;"> FILED AMADOR SUPERIOR COURT NOV 12 2020 CLERK OF THE SUPERIOR COURT By <u>M. SHERMAN</u> </div>
IN THE MATTER OF: WILLIAM ROUSER Petitioner, On Habeas Corpus	
<div style="text-align: center;">PROOF OF SERVICE BY MAIL</div>	CASE NUMBER: 20-HC-02159

DAWN HARMON, Clerk of the Superior Court, County of Amador, State of California, and not a party to the within entitled action, served the attached

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

on the parties in said action, by placing a true copy thereof enclosed in a sealed envelope addressed as shown, for collection and interoffice mailing, pursuant to the ordinary business practice of the office, which is that mail is collected and deposited with the United States Postal Service or distributed via interoffice mail on the same day in the ordinary course of business.

WILLIAM ROUSER C10659
 DMH L120
 PO BOX 2000
 VACAVILLE, CA 95696
 LEGAL MAIL

STATE OF CALIFORNIA
 OFFICE OF THE ATTORNEY GENERAL
 PO BOX 944255
 SACRAMENTO, CA 94244-2550

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Jackson, California on 11/12/2020.

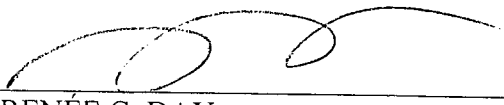
DAWN HARMON, CLERK
 By M. SHERMAN Deputy

AMADOR COUNTY SUPERIOR COURT 500 ARGONAUT LANE JACKSON, CA 95642 (209) 257-2603	FOR COURT USE ONLY FILED AMADOR SUPERIOR COURT MAY 21 2020 CLERK OF THE SUPERIOR COURT BY <u>A. Jones-Williams</u>
IN RE: WILLIAM ROUSER PETITIONER, ON HABEAS CORPUS.	
ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL	
	CASE NUMBER: 20 HC 2159

The Motion for Appointment of Counsel filed by Petitioner WILLIAM ROUSER on May 18, 2020, is hereby denied without prejudice. Petitioner's motion is premature. Counsel is appointed pursuant to California Rule of Court 4.551(c)(2) upon the court's issuance of an order to show cause, which has not occurred.

IT IS SO ORDERED.

DATED: 5/21/2020


 RENÉE C. DAY
 JUDGE OF THE SUPERIOR COURT

SHORT TITLE:

WILLIAM ROUSER WARDEN PATRICK COVELLO

CASE NUMBER:

20-HC-02159

PROOF OF SERVICE BY MAIL (ATTACHMENT)
CCP §§1013 & 1013a

DAWN HARMON, Clerk of the Superior Court County of Amador, State of California, and not a party to the within entitled action, served:

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

on the parties in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon addressed as shown, for collection and mailing pursuant to the ordinary business practice of the office which is that mail is collected and deposited with the United States Postal Service on the same day in the ordinary course of business:

WILLIAM ROUSER C10659

PETITIONER

DMH L 120

PO BOX 2000

VACAVILLE CA 95696

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Jackson, California on MAY 26, 2020

DAWN HARMON, CLERK

By: A. Jones-Williams Deputy

AMADOR COUNTY SUPERIOR COURT 500 ARGONAUT LANE JACKSON, CA 95642 (209) 257-2603	FOR COURT USE ONLY FILED AMADOR SUPERIOR COURT JUL 13 2020 CLERK OF THE SUPERIOR COURT By <u>M Sherman</u>
IN RE: WILLIAM ROUSER, PETITIONER, ON HABEAS CORPUS.	
ORDER REQUESTING AN INFORMAL RESPONSE	CASE NUMBER: 20 HC 2159

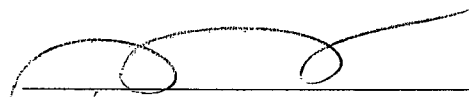
The Court has read and considered the petition for writ of habeas corpus filed on May 18, 2020, by petitioner WILLIAM ROUSER, an inmate housed at the California Medical Facility, Vacaville (CMF). The petition is filed regarding prison discipline imposed while Petitioner was housed at Mule Creek State Prison.

Respondent is ordered to file and serve an informal response to the petition. Due to certain limitations impacting the ability to meet and confer with inmates and CDCR staff in light of the COVID-19 pandemic, the Court finds good cause to extend the time for an informal response to forty-five (45) days from the date of service of this order. (Cal. Rules of Court 4.551(b)(2).) Respondent is requested to address Petitioner's allegations regarding an alleged violation of California Code of Regulations, title 15, section 3320, subdivision (h), due to the hearing officer's involvement in Petitioner's Administrative Segregation placement.

Petitioner may file a reply to the informal response within forty-five (45) days of the date of service of the response on Petitioner. The time for service of the response and the reply shall be extended by five (5) calendar days. (CCP § 1013(a).)

IT IS SO ORDERED.

DATED: 7/13/2020


 RENÉE C. DAY
 JUDGE OF THE SUPERIOR COURT

William Rouse C10659
P.O. Box 2000
Wacville, CA 95696

The Honorable Renee C. Day
Fresno County Superior Court
Main Court House
500 Main Street
Fresno, CA 95641-2379

Re: Rouse to Informal Rouse
In Re William Rouse, CCR # C10659
Case No: 20HC 2159

Dear Judge Day:

"Title 15, 3320 (3)(h) states staff who observed, reported, classified, supplied supplemental report to or investigated the alleged rule violations who assisted the inmate in performing for the hearing or for any other reason have a predetermined belief of the inmate's guilt or innocence shall not have the chance to be present during deliberations to determine guilt or innocence and the position of the charges."

Said at C. 2159 was on duty when incident happened. Said officer gave her his report and she told him to write it up. She came to talk to me while in the cell to get me back to work. She had a positive mind belief. Her dock of orders is the only one that states that we were in a riot at CSP-SAC so it is obvious she had a predetermined belief. And then not using another of to have the Plaintiff is just plain disregard of Plaintiff's rights

Sincerely,
William Rouse

§ 3320

DEPARTMENT OF CORRECTIONS AND REHABILITATION

TITLE

(2) Providing the inmate with a copy of the classified RVR may be delayed beyond 15 days, but no more than an additional 30 days for a total of 45 days, and shall not prohibit forfeiture of credits as a penalty for the misconduct when all of the following criteria are met:

(A) The misconduct could be prosecuted as murder, attempted murder, or battery on staff.

(B) An investigation is continuing to identify others involved in the misconduct.

(C) Within 15 days of discovering the misconduct, a written request to delay the inmate's notification, including the reasons for the delay, is approved by the chief disciplinary officer.

(3) Time limitations for a re-issued RVR shall commence on the date the chief disciplinary officer orders the re-hearing pursuant to Subsection 3320(a)(1) above.

(b) The charges shall be heard within 30 days from the date the inmate is provided a classified copy of the RVR unless the charges were referred for possible prosecution and the inmate has been granted a request for postponement of the disciplinary proceedings pending the outcome of the referral, if exceptional circumstances exist pursuant to section 3000, or the inmate is transferred out of the custody of the department.

(1) The Hearing for a RVR ordered re-issued/re-heard shall be conducted pursuant to Subsection 3320(b) above relative to the re-issued copy.

(c) A disciplinary hearing shall not be held until the inmate has been provided:

(1) A classified copy of the RVR and all non-confidential reports containing information relative to the charge, including the investigative employee's report.

(2) At least 24 hours to review the material and prepare for the hearing. The hearing may be held earlier if the inmate waives the 24-hour period.

(d) A hearing may be postponed up to 30 days upon receipt of the inmate's written request to the CDO showing a reasonable need for postponement. The CDO will evaluate the request and approve or deny it based on its credibility. Postponement shall not bar any credit forfeiture.

(e) If a hearing is postponed for any reason, such reason shall be documented in the findings section of the RVR.

(f) The following events shall preclude denial or forfeiture of credits:

(1) The inmate was not provided a copy of the RVR within 15 days after the discovery of information leading to the charges except as other provided in (a).

(2) The official conducting the hearing did not establish that the information or evidence was not reasonably discoverable within 30 days or sooner or when the inmate is not provided a copy of the RVR within 15 days of the misconduct, unless (a) is applicable.

(3) The disciplinary hearing was not held within 30 days of the date the inmate was provided a classified copy of the RVR, unless the inmate requested and was granted a postponement of the hearing pending outcome of the referral pursuant to section 3316, exceptional circumstances as defined in Section 3000 exist, or if the inmate is transferred out of the custody of the department.

(4) A disciplinary hearing was not held within 30 days after the chief disciplinary officer was notified of the outcome of a prosecution referral or within 30 days of the inmate's revoked request for postponement of the hearing, if an accusatory pleading was not filed against the inmate.

(5) The inmate was not provided a written explanation of the exceptional circumstances preventing a hearing within 30 days after the inmate was provided a copy of the RVR and the official

conducting the hearing did not establish in the findings of the hearing that the delay did not prejudice the inmate.

(g) The inmate shall normally be present at a disciplinary hearing. When a disciplinary hearing is held without the inmate present, the reason for the absence shall be documented during the hearing on the RVR. The inmate shall be present at a disciplinary hearing unless:

(1) A psychiatrist has determined that the inmate suffers from a serious mental disorder preventing the inmate's understanding of or participation in the hearing, and there is a compelling reason or need to proceed with the hearing.

(2) The inmate was convicted of escape in court and has not been returned to the facility or jurisdiction from which the escape occurred.

(3) The inmate has waived the right to be present in writing, or in the case of a refusal to sign a waiver, the refusal was witnessed by a custody officer, documented on a CDC Form 128-B (Rev. 4/74), and attached to the RVR for review by the Senior Hearing Officer at the disciplinary hearing and by the Chief Disciplinary Officer following adjudication of the rules violation report.

(h) Staff who observed, reported, classified, supplied supplemental reports to, or investigated the alleged rule violation; who assisted the inmate in preparing for the hearing; or for any other reason have a predetermined belief of the inmate's guilt or innocence shall not hear the charges or be present during deliberations to determine guilt or innocence and disposition of the charges.

(i) An inmate witness shall not be transferred between facilities to testify at a hearing unless the chief disciplinary officer of the facility hearing the charges determines a fair and impartial hearing cannot be conducted unless the witness is present. When a witness is not available, the chief disciplinary officer of the facility where the witness is located shall be notified of the need to appoint an investigative employee to discuss the case with the investigative employee of the facility conducting the disciplinary hearing; to interview the witness, prepare a written investigative report, and forward the report to the facility where the hearing will be conducted.

(j) When an inmate whose rule violation charges are being adjudicated is ordered to leave the hearing room, all witnesses, including staff witnesses, shall also leave the room. The inmate has a right to be present when any witness is present at the hearing.

(k) When a serious rule violation occurs during transportation of an inmate, transporting staff witnesses shall be present at the hearing if requested, or shall be available for questioning by telephone during the disciplinary hearing.

(l) The inmate may present documentary evidence in defense or mitigation of the charges. Any finding of guilt shall be based upon determination by the official(s) conducting the disciplinary hearing that a preponderance of evidence submitted at the hearing substantiates the charge. At the conclusion of the disciplinary hearing, the inmate shall be informed of the findings and disposition of the charge and of the right to and procedure for appeal of the action. Within five working days following review of the RVR by the chief disciplinary officer, the inmate shall be provided a copy of the completed Hearing Results containing the findings, disposition, and evidence relied upon in reaching the conclusions.

(m) When an inmate is charged with possession of unauthorized or dangerous items or substances, or when unauthorized or dangerous items or substances are associated with commission of the charged rule violation, the hearing official shall record the disposition of the item or substance in the disposition section of the RVR.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05, 2932 and 5054, Penal Code.

c) If the inmate commits a Serious Rules Violation pursuant to Section 3315 while participating in the behavior noted above, which constitutes a Division A-1 offense as defined in Section 3323, subsection (b), an assault or battery as defined in Section 3323, subsections (d)(1), (d)(2), and (d)(3), or an assault on a peace officer or non-prisoner as defined in Section 3323, subsections (f)(11) and (f)(12), a Rules Violation Report shall be completed and processed in accordance with this Article.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 11-17-2015 as an emergency; operative 11-17-2015 (Register 2015, No. 47). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-25-2016 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 11-17-2015 order transmitted to OAL 4-20-2016 and filed 5-24-2016 (Register 2016, No. 22).
3. Amendment of subsection (c) filed 6-2-2016 as an emergency; operative 6-2-2016 (Register 2016, No. 23). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-9-2016 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 6-2-2016 order transmitted to OAL 11-7-2016 and filed 12-22-2016 (Register 2016, No. 52).

3318. Assistance to Inmates for Serious Rule Violations.

(a) Investigative employee. The investigative employee is designated to gather information for the senior hearing officer or disciplinary hearing committee as described in section 3315(d)(1)(A).

(1) The investigative employee shall:

(A) Interview the charged inmate.

(B) Gather information.

(C) Question all staff and inmates who may have relevant information.

(D) Screen prospective witnesses.

(E) Submit a written report to the senior hearing officer or disciplinary committee chairperson to include witness statements and a summary of the information collected specific to the violation charged.

(2) A copy of the investigative employee's report shall be provided to the inmate no less than 24 hours before a disciplinary hearing is held.

(3) When an investigative employee provides assistance to an inmate, in lieu of or in addition to that provided by a staff assistant, the investigative employee shall do so as a representative of the official who will conduct the disciplinary hearing rather than as a representative of the inmate.

(4) An investigative employee is not subject to the confidentiality provisions of subsection (b)(2)(A) and shall not withhold any information received from the inmate.

(b) Staff Assistant.

(1) The assigned staff assistant shall:

(A) Inform inmates of their rights and of the disciplinary hearing procedures.

(B) Advise and assist in the inmate's preparation for a disciplinary hearing, represent the inmate's position at the hearing, ensure that the inmate's position is understood, and that the inmate understands the decisions reached.

(C) Refrain from giving legal counsel or specifying the position the inmate should take in any disciplinary, classification or criminal proceeding.

(2) The inmate shall be informed that:

(A) The staff assistant shall keep confidential any information the inmate may disclose concerning the charges for which the staff assistant was assigned.

(B) All evidence and information obtained and considered or developed in the disciplinary process may be used in court if the violation has been or is to be referred for criminal prosecution.

(3) If the staff assistant becomes aware that the inmate is contemplating future criminal conduct, the staff assistant shall disclose this information if necessary to protect potential victims and prevent the contemplated crime.

(4) The staff assistant shall inform the inmate that all evidence and information obtained and considered or developed in the disciplinary process may be used in court if the same charges have been or are to be referred to the district attorney for possible criminal prosecution.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932 and 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 8-17-79 as an emergency; effective upon filing (Register 79, No. 33). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 12-15-79.
3. New subsection (e) filed 11-1-79 as an emergency; effective upon filing (Register 79, No. 44). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 3-1-80.
4. Certificate of Compliance as to 8-17-79 order filed 12-14-79 (Register 79, No. 50).
5. Certificate of Compliance as to 11-1-79 order filed 2-15-80 (Register 80, No. 7).
6. Amendment filed 2-15-80; effective thirtieth day thereafter (Register 80, No. 7).
7. Amendment filed 5-4-83; designated effective 6-1-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 19).
8. Amendment of section heading and section filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
9. Amendment of subsections (a), (a)(1)(E) and (b)(2)(A)-(B) filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3319. Investigative Employees.

HISTORY:

1. Amendment of subsection (a) filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
3. Repealer filed 5-4-83; designated effective 6-1-83 pursuant to Government Code section 11346.2(d) (Register 83, No. 19).

3320. Hearing Procedures and Time Limitations.

(a) A classified copy of the RVR and any additional/supplemental information (formerly documented on the CDC Form 115-C) detailing any elements of the violation charged shall normally be provided to the inmate within 15 days from the date the information leading to the charges is discovered by staff or, in the case of an escapee, within 15 days after the escapee's return to the department's custody, or in the case of an ACP Participant's removal from the community, within 15 days of the participant's return to an institution.

(1) Any additional SOMS generated supplemental reports shall contain the standard auto populated information such as the inmate's name and number, housing, RVR log number, date of the RVR, violation rule number and title, and incident type. The purpose of the supplemental reports is to provide a continuation of the RVR circumstances, hearing, IE report, or other.

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



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August 28, 2020

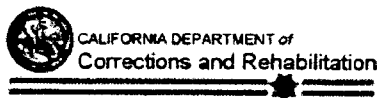
The Honorable Renee C. Day
Amador County Superior Court
Main Courthouse
500 Argonaut Lane
Jackson, CA 95642-2379

RE: INFORMAL RESPONSE
In re WILLIAM ROUSER, CDCR# C10659
Case No. 20HC2159

Dear Judge Day:

Petitioner William Rouser filed a petition for a writ of habeas corpus challenging the senior hearing officer's October 14, 2019 decision finding him guilty of a prison disciplinary offense for fighting with another inmate. (See Petn.) Rouser alleges that he was denied due process protections afforded him under CDCR regulations. Specifically, Rouser alleges that the senior hearing officer who presided over his disciplinary hearing, Lieutenant C. Elston, was barred from presiding over the hearing because she "did [Rouser's] initial lock up order." (Petn. at p. 3.) Rouser alleges this violates the California Code of Regulations, title 15, section 3320, subdivision (h). The petition should be denied because Lieutenant Elston had no involvement in the issuance of the rules violation report, thus, she properly presided over the disciplinary hearing.

On September 20, 2019, Rouser engaged in a fight with another inmate. (Exh. 1, Disciplinary Hearing Results, at p. 4.) This fight was observed by Officer S. Vega. (Exh. 1, at p. 4; Exh. 2, Rules Violation Report, at p. 1.) The inmates were handcuffed by officers M. Basson and M. Contreras. (*Ibid* I.) Officer Vega completed a Rules Violation Report documenting the fight. (Exh. 1, at p. 4; Exh. 2 at p. 1.) The RVR was reviewed by Sergeant K. Mohr, and classified by Lieutenant B. Green. (Exh. 1 at p. 1; Exh. 2 at p. 1.) Following the fight, Rouser refused to sign a CDCR 128B, Peaceful Coexistence Chrono. As a result, Rouser was placed in administrative segregation. Lieutenant Elston signed Rouser's placement notice assigning Rouser to administrative segregation and informing him of the reason he was placed in administrative segregation. (See Petn., Administrative Segregation Unit Placement Notice.)



DISCIPLINARY HEARING RESULTS

Institution Name: Mule Creek State Prison	Facility: MCSP-Facility A	Log Number: 00000006910600
Inmate Name: ROUSER, WILLIAM E. JR	CDC #: C10659	Bed Number: MCSP-A - A 005 2 - 248001L
TABE Score: 12.9	MH LOC: EOP	DDP Status: NCF

DUE PROCESS

Rule Violation #: 3005(d)(1)
 Level: Serious
 Offense Occurrence: 1st Occurrence
 Violation Date: 09/20/2019
 Hearing Date: 10/14/2019
 Did a laboratory confirm the evidence tested positive for Controlled substances?: N/A

Specific Act: Fighting
 Offense Division: Division D
 Violation Time: 15:31:00
 Hearing Time: 20:09:39

Actions Taken

Date	Time	Type/Reason	Staff	Elapsed Days
09/20/2019	17:25:41	RVR Ready for Review by Supv.	S. Vega	0
09/26/2019	19:10:00	RVR Approved by Supervisor	K. Mohr	6
10/01/2019	16:58:08	RVR Classified	B. Green	11
10/01/2019	16:58:09	MH Assessment Requested	B. Green	11
10/04/2019	12:24:38	MH Assessment Received	U. UNKNOWN	14
10/05/2019	14:28:32	Notice of Pending Charges Sent to Rcds.	A. Tsushko	15
10/05/2019	16:42:21	Inmate Copy Served Initial Rules Violation Report; MH Assessment Report	A. Tsushko	15
10/05/2019	16:43:25	SA Assigned	A. Tsushko	15
10/05/2019	16:43:58	SA Assigned	A. Tsushko	15
10/05/2019	16:44:31	SA Inmate Interaction	A. Tsushko	15
10/08/2019	11:07:32	SA Inmate Interaction	J. Wong	18
10/08/2019	16:09:08	Inmate Copy Served Medical Evaluation Report	J. Gamez	18

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

128-C2 Reviewed? YesCurrent DDP Status Date: 07/09/2002Did the Reporting Employee document the use of Adaptation Support(s)? N/A

Confidentiality Notice: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

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Adaptive Support	Contribute	How

Victimization	Contribute	How

Disability Additional Information:

MENTAL HEALTH ASSESSMENT

Mental Health Assessment Requested: Yes

Reason for Mental Health Assessment Request: MH LOC EOP or higher

Clinical Staff Recommended Staff Assistance Assignment: N/A

Clinical Staff determined Mental Health Symptoms strongly influenced behavior and recommended alternate documentation: No

Clinical Staff determined Developmental Disability strongly influenced behavior and recommended alternate documentation: No

Clinical Staff determined Mental Health Symptoms contributed to behavior: No

Clinical Staff determined Developmental Disability contributed to behavior: No

Clinical Staff provided information when assessing the penalties: Yes

STAFF ASSISTANT

Staff Assistant Assigned: Yes

Reason for assignment of Staff Assistant: MH LOC EOP or higher; MH LOC EOP or higher

SA Name	Date Assigned	Certified?	Meet 24 hours prior to hearing?	Present?
J. Gamez	10/05/2019	Yes	Yes	Yes

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

Confidentiality Notice: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

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: Not Guilty☐ Subject declined to make a statement☒ Subject made a statement

Comments:

"I was wondering why my cell door was open, I stepped to the door and the dude came at me and said we have a problem and he started to swing at me. The first thing that hit my mind was going over the tier so I went to the ground and then rolled over on my back I realized I'm not as young as I use to be so I tried to kick him to keep him off of me and then the officers came up the tier. I was not trying to fight him I was trying to defend myself so I don't go over the tier." "I have not had a fist fight since I dropped out."

FINDINGS

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

Lesser Included Charge:

Level:

Offense Division:

Offense Occurrence:

Comments:

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:

The SHO Reviewed the Mental Health Assessment authored by Psychologist F. Martin which states in part, In your opinion, is there evidence to suggest that (a) mental illness and/or (b) developmental disability/cognitive or adaptive functioning deficits contributed to the behavior that led to the RVR? If Yes, establish a nexus between mental health symptoms or developmental disability/cognitive or adaptive functioning deficits and the behavior.

Interview, diagnosis, and review of documentation suggest mental health factors did not contribute significantly to this incident.

Developmental disability/cognitive or adaptive functioning deficits

No relevant developmental, cognitive, or functional impairment noted in this case.

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EVIDENCE

The following evidence was used to support the findings:

Comments:

The SHO reviewed the Reporting Employee's report which states in part, "On Friday September 20, 2019 at approximately 1531 hours, while performing my duties as facility 'A' building 5 Escort Officer I observed two inmates fighting on the C side second tier of building 5. The inmates were positively identified as Rouser (C10659,A5-248L) and Paredes (V08194,A5-247U) by their State Identification Cards. Specifically both inmates were punching each other in the face and chest area. I utilized my department issued radio to notify main control of a code 1 one on one in building 5."

The SHO reviewed the CDCR 7219's that were documented immediately after the incident of September 20, 2019.

The SHO also reviewed INMATE ROUSER's statement which he states, he had no other choice.

DISPOSITION

Sanction Type	Quantity	Mitigated	Interest of Justice	DDP	MH LOC	MH-A	Start Date	End Date
Credit Loss	61 Days	<input checked="" 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	90 Days	<input checked="" type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/14/2019	01/12/2020
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"/>		
Contact Visiting Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Contact Visiting (Permanent Loss)								
Trust Account Hold								
Mandatory Drug Testing								
IEX Control Suit								

Counseled Regarding Misconduct: with reprimand

☐ 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.)

If the inmate was found guilty of the offense, what mental health factors and/or developmental disability/cognitive or adaptive functioning deficits should the hearing officer consider when assessing the penalty, such as penalties that may have an adverse impact on the inmate's stability?

Examples of penalties include, but are not limited to, changes and reduction in, phone calls, visits (when permissible), day room, confined to quarters, loss of packages; loss of yard time, loss of appliances, etc.

There are no mental health factors that would require modification of consequences at this time.

Comments:

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Referred to Classification Committee N/A

For ☐ SHU 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:

	CDC#	Inmate Name
<input checked="" type="checkbox"/>	V08194	PAREDEZ, DANIEL J.

SECURITY THREAT GROUPSecurity Threat Group Nexus?: No**Security Threat Group Nexus Additional Information:****FINAL SECTION****Additional Information:****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**

C. Elston

TITLE:
Corr. Lt.DATE:
10/14/2019**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	61 Days	<u>No</u>	<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"/>		

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Sanction Type	Quantity	Mitigated	Interest of Justice	DDP	MH LOC	MH-A	Start Date	End Date
Loss of Pay								
Canteen Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Phone Privileges	90 Days	<input checked="" type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/14/2019	01/12/2020
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"/>		
Contact Visiting Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Contact Visiting (Permanent Loss)								
Trust Account Hold								
Mandatory Drug Testing								
IEX Control Suit								

☐ Impose Suspended Sanctions☐ Reinstate Suspended Sanctions

Comments:

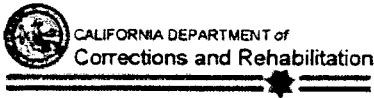
Chief Disciplinary Officer

Comments:

B. Stacy

TITLE:
CDODATE:
10/23/2019

Exhibit 2



RULES VIOLATION REPORT

CDC NUMBER C10659	INMATE'S NAME ROUSER, WILLIAM E. JR	MEPD 06/12/2029	FACILITY MCSP-Facility A	HOUSING LOCATION MCSP-A - A 005 2 - 248001L
VIOLATION DATE 09/20/2019	VIOLATION TIME 15:31:00	VIOLATION LOCATION MCSP-Facility A - RVR - DAYROOM		WITH STG NEXUS No
Did the reporting employee ensure the inmate understands (to the best of his/her ability) the consequences of the continued misconduct? N/A Did the reporting employee take into consideration the severity of the inmate's disability and the need for adaptive support services when determining the method of discipline? N/A				
CIRCUMSTANCES OF VIOLATION				
On Friday September 20, 2019 at approximately 1531 hours, while performing my duties as facility 'A' building 5 Escort Officer I observed two inmates fighting on the C side second tier of building 5. The inmates were positively identified as Rouser (C10659, A5-248L) and Paredes (V08194, A5-247U) by their State Identification Cards. Specifically both inmates were punching each other in the face and chest area. I utilized my department issued radio to notify main control of a code 1 one on one in building 5. I gave the inmates a direct order to stop fighting and separate and assume a prone position on the ground to which they complied. I gave coverage so Floor 2 Officer M. Besson could place mechanical restraints on Paredes and Floor 1 Officer M. Contreras could place mechanical restraints on inmate Rouser. Medical staff responded and evaluated both inmates. Once cleared by medical, both inmates were escorted out of building 5 to Program.				

REPORTING EMPLOYEE S. Vega	TITLE C/O	ASSIGNMENT 5 Escort	RDO Tuesday/Wednesday	DATE: 09/20/2019
-------------------------------	--------------	------------------------	--------------------------	---------------------

RVR LOG NUMBER: 000000006910600	VIOLATED RULE NUMBER: 3005(d)(1)
SPECIFIC ACT: Fighting	

CLASSIFICATION	
LEVEL: Serious	OFFENSE DIVISION: Division D
REFERRED TO: Senior Hearing Officer	FELONY PROSECUTION LIKELY: No

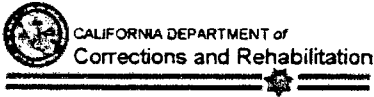
REVIEWING SUPERVISOR K. Mohr	TITLE Sergeant	DATE 09/26/2019
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CLASSIFIED BY B. Green	TITLE Lt.	DATE 10/01/2019
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CDCR SOMS ISST120 - RULES VIOLATION REPORT

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RULES VIOLATION REPORT

CDC NUMBER C10659	INMATE'S NAME ROUSER, WILLIAM E. JR	MEPD 06/12/2029	FACILITY MCSP-Facility A	HOUSING LOCATION MCSP-A - A 005 2 - 248001L
VIOLATION DATE 09/20/2019	VIOLATION TIME 15:31:00	VIOLATION LOCATION MCSP-Facility A - RVR - DAYROOM		

INMATE NOTIFICATION		
POSTPONEMENT OF DISCIPLINARY HEARING		
<input checked="" type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE SIGNATURE	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE SIGNATURE	DATE
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE SIGNATURE	DATE
STAFF ASSISTANT		
<input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE SIGNATURE	DATE
INVESTIGATIVE EMPLOYEE		
<input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE SIGNATURE	DATE

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SUMMARY OF DISCIPLINARY PROCEDURES AND INMATE RIGHTS

See California Code of Regulations, Title 15 (CCR) for details

A. TIME CONSTRAINTS -

1. A classified copy of the Rules Violation Report and any additional/supplemental information containing any elements of the violation charged shall normally be provided to the inmate within 15 days from the date the information leading to the charges is discovered by staff.
2. The charges shall be heard within 30 days from the date the inmate is provided a classified copy of the Rules Violation Report unless the charges were referred for possible prosecution and the inmate has been granted a request for postponement of the disciplinary proceedings pending the outcome of the referral, if exceptional circumstances exist pursuant to CCR Section 3000, or the inmate is transferred out of the custody of the department. Postponement shall not bar any credit forfeiture.
3. **REFERRAL FOR PROSECUTION - (Serious Rules Violations Only)** - Referrals for prosecution will not delay a disciplinary hearing unless you submit a request in writing for postponement of the hearing pending the outcome of such referral. You may revoke such request in writing at any time prior to the filing of accusatory pleadings by the prosecuting authority. A disciplinary hearing will be held within 30 days of staff receiving your written revocation of your request to postpone the hearing or within 30 days of receiving a response from the prosecuting authority. (CCR Section 3316-3320)
4. Failure to meet the time constraints outlined in CCR Section 3320 shall preclude forfeiture of credits.

B. INVESTIGATIVE EMPLOYEE/STAFF ASSISTANCE -

1. **General Information** - You may request to have an Investigative Employee to assist in the investigation and/or a Staff Assistant assigned, to assist in the preparation, or presentation of your defense at the disciplinary hearing. Staff shall evaluate your request along with the criteria outlined in CCR Section 3315 (d)(1) and CCR Section 3315(d)(2) and determine if an Investigative Employee and/or Staff Assistant shall be assigned.
2. **Staff Assistant** - If assigned, the Staff Assistant will inform inmates of their rights and of the disciplinary hearing procedures, advise and assist in the inmate's preparation for a disciplinary hearing, represent the inmate's position at the hearing, ensure that the inmate's position is understood, and that the inmate understands the decisions reached. (CCR Section 3318)
3. **Investigative Employee - (Serious Rules Violations Only)** - If assigned, will gather information, question staff and inmates, screen witnesses, and complete and submit a written, non-confidential report to the disciplinary hearing officer. You have the right to receive a copy of the investigative employee's report 24 hours before a hearing is held. (CCR Section 3318)
4. **Witnesses - (Serious Rules Violations Only)** - You may request the presence of witnesses at the hearing who can present facts related to the charges against you. You may also request the presence of the reporting employee and the investigative employee. You may, under the direction of the hearing officer, question any witness present at the hearing. The hearing officer may deny the presence of witnesses when specific reasons exist. (CCR Section 3315)
5. **Personal Appearance** - A hearing of the charges will not normally be held without your presence, unless you refuse to attend. (CCR Section 3320)

C. DISPOSITION - At the end of the hearing, you will be advised of the findings and disposition of the charge. Within five working days, following review of the Rules Violation Report by the Chief Disciplinary Officer, you will be given a copy of the completed rule violation report, which will contain a statement of the findings and disposition and the evidence relied upon to support the conclusions reached. (CCR Section 3320)**D. APPEAL** - If you are dissatisfied with the process, findings or disposition, you may submit an inmate appeal within 30 days following receipt of the finalized copy of the Rules Violation Report and any other pertinent documentation (CCR Section 3084)

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **In re William Rouser**
No.: **20HC2159**

I declare:

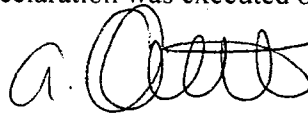
I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On August 28, 2020, I served the attached **INFORMAL RESPONSE** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

William Rouser - C-10659
California Medical Facility
P.O. Box 2000
Vacaville, CA 95696

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on August 28, 2020, at Sacramento, California.

A. Quitoriano
Declarant



Signature

SA2020302406
34359051.docx

EXHIBIT A

EXHIBIT A



ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE

INSTITUTION NAME MCSP-Facility C	INMATE'S NAME ROUSER, WILLIAM E. JR	CDC NUMBER C10659
-------------------------------------	--	----------------------

REASON(S) FOR PLACEMENT (PART A)

- ☒ PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
- ☐ JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
- ☒ ENDANGERS INSTITUTION SECURITY ☐ RETAINED IN ASU AS NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:

On Friday, September 20, 2019, you, Inmate ROUSER, CDCR# C10659 are being remanded to Administrative Segregation (ASU) at Mule Creek State Prison (MCSP) due to having enemy concerns on Facility 22A.22 Specifically on 09/20/2019 at approximately 1531 hours you were involved in a Fight with inmate PAREDEZ, CDCR # V08194. Following the incident you were presented with a Peaceful Co-Existence agreement, which you refused to sign. When queried, you refused to provide any additional rationale or justification as to why you refused to sign the Peaceful Co-Existence agreement. As a result of your refusal to sign, a Non-Confidential Offender Separation Alert has been generated and you are now precluded from safely housing on Facility-A. Based on the aforementioned, you are deemed a threat to the safety and security of this institution, its staff and inmates. You will remain in ASU pending an Administrative Review (A/R) for appropriate program and housing placement. If retained at the A/R you will be seen by the Institutional Classification Committee (ICC) within 10 days of this order to determine your current and future program and housing needs, to include possible transfer to an appropriate facility. This placement may affect your classification, custody level, privilege group, and visiting status.

ASSISTIVE DEVICE: NONE. MHSOS: EOP; DOUBLE CELL; IHC: RE; DDP: NCF; DPP: NONE; TABE: 12.9

☐ IF CONFIDENTIAL INFORMATION USED, DATE INFORMATION DISCLOSED:

DATE OF ASU PLACEMENT 09/20/2019	SEGREGATION AUTHORITY'S PRINTED NAME P. Farnsworth	SIGNATURE P. Farnsworth	TITLE CCII- SUP
--	--	----------------------------	-----------------------

DATE NOTICE SERVED 9/23/19	TIME SERVED 0700	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE J - VEGA	SIGNATURE	STAFF'S TITLE SGT
----------------------------------	------------------------	---	-----------	-------------------------

<input checked="" type="checkbox"/> INMATE REFUSED TO SIGN	INMATE SIGNATURE <i>William E. Rouser</i>	CDC NUMBER C10659
--	--	----------------------

You were identified with a disability of:

- ☐ Hearing ☐ Vision ☐ Speech ☐ Learning Disability ☐ TABE under 4.0 / no TABE ☐ Developmental Disability ☐ CCCMS ☒ EOP
- ☐ Foreign Language Speaking

Method

☒ ROUSER, WILLIAM EDWARD JR reiterated in his own words, what was explained

-10

- ☐ ROUSER, WILLIAM EDWARD JR provided appropriate, substantive responses to questions asked
- ☐ ROUSER, WILLIAM EDWARD JR asked appropriate questions regarding the information provided
- ☐ ROUSER, WILLIAM EDWARD JR did not appear to understand the communication, even though the primary method of communication was used
- ☐ Other

Assistance Provided

- ☐ Use of Full Page Magnifier
- ☐ Read aloud Documents to ROUSER, WILLIAM EDWARD JR
- ☐ Sign Language Interpreter
- ☐ Lip Reading (spoke facing the inmate)
- ☐ Written Notes
- ☐ Language Interpreter
- ☒ Simple English spoken slowly and clearly
- ☐ ROUSER, WILLIAM EDWARD JR was wearing his/her hearing aid(s)
- ☐ ROUSER, WILLIAM EDWARD JR stated he did not need any assistance for Effective Communication
- ☐ Gave additional time
- ☐ Rephrased sentence
- ☐ Other

Provider

Name: Title:

SGT. J. VEGA

ADMINISTRATIVE REVIEW (PART B)

The following to be completed during the administrative review by Captain or higher on the first working day following placement

STAFF ASSISTANT (SA)		INVESTIGATIVE EMPLOYEE (IE)	
IS THIS INMATE:			
LITERATE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	ASU IS FOR DISCIPLINARY REASONS	<input type="checkbox"/> YES <input type="checkbox"/> NO
FLUENT IN ENGLISH?	<input type="checkbox"/> YES <input type="checkbox"/> NO	EVIDENCE COLLECTION BY IE IS UNNECESSARY	<input type="checkbox"/> YES <input type="checkbox"/> NO
ABLE TO COMPREHEND ISSUES?	<input type="checkbox"/> YES <input type="checkbox"/> NO	INMATE DECLINED ANY IE	<input type="checkbox"/> YES <input type="checkbox"/> NO
FREE OF MHSDS NEEDS?	<input type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED FIRST IE ASSIGNED	<input type="checkbox"/> YES
DECLINED FIRST STAFF ASSISTANT ASSIGNED?	<input type="checkbox"/> YES		
Any "NO" requires SA assignment	<input type="checkbox"/> NOT ASSIGNED	Any "NO" may require IE assignment	<input type="checkbox"/> NOT ASSIGNED

STAFF ASSISTANT'S NAME	TITLE	INVESTIGATIVE EMPLOYEE'S NAME	TITLE
------------------------	-------	-------------------------------	-------

INMATE WAIVERS			
<input type="checkbox"/> INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME <input type="checkbox"/> INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER <input type="checkbox"/> NO WITNESSES REQUESTED BY INMATE			
INMATE SIGNATURE		CDC NUMBER C10659	DATE

WITNESS REQUESTED FOR ICC HEARING			
WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER
WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER

DECISION				
<input type="checkbox"/> RELEASE TO UNIT/FACILITY <input type="checkbox"/> RETAIN PENDING ICC REVIEW <input type="checkbox"/> DOUBLE CELL <input type="checkbox"/> SINGLE CELL PENDING ICC REASON FOR DECISION:				
ADMINISTRATIVE REVIEWER'S PRINTED NAME	TITLE	ADMINISTRATIVE REVIEWER'S SIGNATURE	REVIEW DATE	TIME

You were identified with a disability of: <input type="checkbox"/> Hearing <input type="checkbox"/> Vision <input type="checkbox"/> Speech <input type="checkbox"/> Learning Disability <input type="checkbox"/> TABE under 4.0 / no TABE <input type="checkbox"/> Developmental Disability <input type="checkbox"/> CCCMS <input type="checkbox"/> EOP <input type="checkbox"/> Foreign Language Speaking Method <input type="checkbox"/> ROUSER, WILLIAM EDWARD JR reiterated in his own words, what was explained <input type="checkbox"/> ROUSER, WILLIAM EDWARD JR provided appropriate, substantive responses to questions asked <input type="checkbox"/> ROUSER, WILLIAM EDWARD JR asked appropriate questions regarding the information provided <input type="checkbox"/> ROUSER, WILLIAM EDWARD JR did not appear to understand the communication, even though the primary method of communication was used <input type="checkbox"/> Other	
Assistance Provided <input type="checkbox"/> Use of Full Page Magnifier <input type="checkbox"/> Read aloud Documents to ROUSER, WILLIAM EDWARD JR <input type="checkbox"/> Sign Language Interpreter <input type="checkbox"/> Lip Reading (spoke facing the inmate)	

☐ Written Notes

☐ Language Interpreter

☐ Simple English spoken slowly and clearly

☐ ROUSER, WILLIAM EDWARD JR was wearing his/her hearing aid(s)

☐ ROUSER, WILLIAM EDWARD JR stated he did not need any assistance for Effective Communication

☐ Gave additional time

☐ Rephrased sentence

☐ Other:

Provider

Name: Title:

CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (If necessary - same date of review)	CO-SIGNATURE <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	DATE OF REVIEW
--	---	----------------

CDCR SOMS ISST180 - Administrative Segregation Unit Placement Notice

Name: William Rouser
 Address: P.O. Box 2000
VACAVILLE, CA
95696

CDC or ID Number: C10659

THIRD DISTRICT COURT OF APPEAL

(Court)

PETITION FOR WRIT OF HABEAS CORPUS

No. _____
 (To be supplied by the Clerk of the Court)

<u>William Rouser</u>	
Petitioner	
vs.	
Respondent	<u>PATRICK COVELLO WARDEN</u>

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original of the petition and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2018). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- ☐ A conviction ☐ Parole
☐ A sentence ☐ Credits
☐ Jail or prison conditions ☒ Prison discipline
☐ Other (specify): _____

1. Your name: William Roussell
 2. Where are you incarcerated? CMF YACAPALLE
 3. Why are you in custody? ☒ Criminal conviction ☐ Civil commitment

Answer items a through i to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

3 STRIKE 25 TO 116 for possession
of crystal meth in prison

- b. Penal or other code sections: _____

- c. Name and location of sentencing or committing court:

SACRAMENTO County

- d. Case number: _____

- e. Date convicted or committed: '96"

- f. Date sentenced: '96"

- g. Length of sentence: 25 TO 116

- h. When do you expect to be released? NEVER

- i. Were you represented by counsel in the trial court? ☒ Yes ☐ No If yes, state the attorney's name and address:

4. What was the LAST plea you entered? (Check one):

☒ Not guilty ☐ Guilty ☐ Nolo contendere ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

☒ Jury ☐ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial

6. GROUNDS FOR RELIEF

MC-275

Ground 1: State briefly the ground on which you base your claim for relief. For example, "The trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page 4. For additional grounds, make copies of page 4 and number the additional grounds in order.)

Denial of Due Process

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

Petitioner was Denied Due Process
By then not following their own Rules
Title 15 3320 (h) States "Staff who observed,
reported, classified, supplied supplemental reports
or investigated the alleged rule violation, or
for any reason have a predetermined belief of re-
turner's guilt shall not hear the charges. Lt.
C. Elston heard the hearing, and it was
Lt C. Elston who did the initial lock
up order / See Attached?

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)


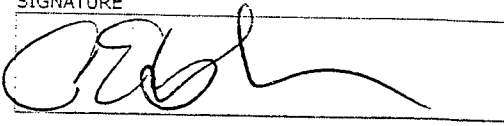
Title 15 3320 (h), Doe v. Juv 1329 F3d 1135
(4th Cir 2020) Ad administration must follow its own Rules

Exhibit 1

4/27



ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE

INSTITUTION NAME MCSP-Facility A	INMATE'S NAME ROUSER, WILLIAM E. JR	CDC NUMBER C10659	
REASON(S) FOR PLACEMENT (PART A)			
<input checked="" type="checkbox"/> PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS			
<input type="checkbox"/> JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY			
<input checked="" type="checkbox"/> ENDANGERS INSTITUTION SECURITY <input type="checkbox"/> RETAINED IN ASU AS NO BED AVAILABLE IN GENERAL POPULATION			
DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT: On Friday, September 20, 2019, you are being remanded to Administrative Segregation for non-confidential safety concerns. Specifically, on the aforementioned date you were involved in an altercation with INMATE PAREDEZ V08194 (A5 247U) in Building 5 on A Facility and refused to sign a CDCR 128B Peaceful Coexistence Chrono. After further investigations it was noted that you were both involved in an incident that occurred on June 13, 2019 at California State Prison-Sacramento in which you were found guilty for Inciting for a Riot. For this reason your presents at Mule Creek State Prison presents a threat to the safety and security of the institution. You will be seen by the Institutional Classification Committee (ICC) within ten (10) days for appropriate program considerations. TABE: 12.9 Mental Health: EOP (Enhanced Outpatient Program) DDP: NCF Ethnicity: Black (RE/)			
<input type="checkbox"/> IF CONFIDENTIAL INFORMATION USED, DATE INFORMATION DISCLOSED:			
DATE OF ASU PLACEMENT 09/20/2019	SEGREGATION AUTHORITY'S PRINTED NAME C. Elston	SIGNATURE C. Elston  TITLE Corr. Lt.	
DATE NOTICE SERVED 09/20/2019	TIME SERVED 16:53:00	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE C. Elston	SIGNATURE  STAFF'S TITLE Corr. Lt.
<input checked="" type="checkbox"/> INMATE REFUSED TO SIGN		INMATE SIGNATURE	CDC NUMBER C10659
You were identified with a disability of: <input type="checkbox"/> Hearing <input type="checkbox"/> Vision <input type="checkbox"/> Speech <input type="checkbox"/> Learning Disability <input type="checkbox"/> TABE under 4.0 / no TABE <input type="checkbox"/> Developmental Disability <input type="checkbox"/> CCCMS <input type="checkbox"/> EOP <input type="checkbox"/> Foreign Language Speaking Method <input checked="" type="checkbox"/> ROUSER, WILLIAM EDWARD JR reiterated in his own words, what was explained			

(2) Providing the inmate with a copy of the classified RVR may be delayed beyond 15 days, but no more than an additional 30 days for a total of 45 days, and shall not prohibit forfeiture of credits as a penalty for the misconduct when all of the following criteria are met:

(A) The misconduct could be prosecuted as murder, attempted murder, or battery on staff.

(B) An investigation is continuing to identify others involved in the misconduct.

(C) Within 15 days of discovering the misconduct, a written request to delay the inmate's notification, including the reasons for the delay, is approved by the chief disciplinary officer.

(3) Time limitations for a re-issued RVR shall commence on the date the chief disciplinary officer orders the re-hearing pursuant to Subsection 3320(a)(1) above.

(b) The charges shall be heard within 30 days from the date the inmate is provided a classified copy of the RVR unless the charges were referred for possible prosecution and the inmate has been granted a request for postponement of the disciplinary proceedings pending the outcome of the referral, if exceptional circumstances exist pursuant to section 3000, or the inmate is transferred out of the custody of the department.

(1) The Hearing for a RVR ordered re-issued/re-heard shall be conducted pursuant to Subsection 3320(b) above relative to the re-issued copy.

(c) A disciplinary hearing shall not be held until the inmate has been provided:

(1) A classified copy of the RVR and all non-confidential reports containing information relative to the charge, including the investigative employee's report.

(2) At least 24 hours to review the material and prepare for the hearing. The hearing may be held earlier if the inmate waives the 24-hour period.

(d) A hearing may be postponed up to 30 days upon receipt of the inmate's written request to the CDO showing a reasonable need for postponement. The CDO will evaluate the request and approve or deny it based on its credibility. Postponement shall not bar any credit forfeiture.

(e) If a hearing is postponed for any reason, such reason shall be documented in the findings section of the RVR.

(f) The following events shall preclude denial or forfeiture of credits:

(1) The inmate was not provided a copy of the RVR within 15 days after the discovery of information leading to the charges except as other provided in (a).

(2) The official conducting the hearing did not establish that the information or evidence was not reasonably discoverable within 30 days or sooner or when the inmate is not provided a copy of the RVR within 15 days of the misconduct, unless (a) is applicable.

(3) The disciplinary hearing was not held within 30 days of the date the inmate was provided a classified copy of the RVR, unless the inmate requested and was granted a postponement of the hearing pending outcome of the referral pursuant to section 3316, exceptional circumstances as defined in Section 3000 exist, or if the inmate is transferred out of the custody of the department.

(4) A disciplinary hearing was not held within 30 days after the chief disciplinary officer was notified of the outcome of a prosecution referral or within 30 days of the inmate's revoked request for postponement of the hearing, if an accusatory pleading was not filed against the inmate.

(5) The inmate was not provided a written explanation of the exceptional circumstances preventing a hearing within 30 days after the inmate was provided a copy of the RVR and the official

conducting the hearing did not establish in the findings of the hearing that the delay did not prejudice the inmate.

(g) The inmate shall normally be present at a disciplinary hearing. When a disciplinary hearing is held without the inmate present, the reason for the absence shall be documented during the hearing on the RVR. The inmate shall be present at a disciplinary hearing unless:

(1) A psychiatrist has determined that the inmate suffers from a serious mental disorder preventing the inmate's understanding of or participation in the hearing, and there is a compelling reason or need to proceed with the hearing.

(2) The inmate was convicted of escape in court and has not been returned to the facility or jurisdiction from which the escape occurred.

(3) The inmate has waived the right to be present in writing, or in the case of a refusal to sign a waiver, the refusal was witnessed by a custody officer, documented on a CDC Form 128-B (Rev. 4/74), and attached to the RVR for review by the Senior Hearing Officer at the disciplinary hearing and by the Chief Disciplinary Officer following adjudication of the rules violation report.

(h) Staff who observed, reported, classified, supplied supplemental reports to, or investigated the alleged rule violation; who assisted the inmate in preparing for the hearing; or for any other reason have a predetermined belief of the inmate's guilt or innocence shall not hear the charges or be present during deliberations to determine guilt or innocence and disposition of the charges.

(i) An inmate witness shall not be transferred between facilities to testify at a hearing unless the chief disciplinary officer of the facility hearing the charges determines a fair and impartial hearing cannot be conducted unless the witness is present. When a witness is not available, the chief disciplinary officer of the facility where the witness is located shall be notified of the need to appoint an investigative employee to discuss the case with the investigative employee of the facility conducting the disciplinary hearing; to interview the witness, prepare a written investigative report, and forward the report to the facility where the hearing will be conducted.

(j) When an inmate whose rule violation charges are being adjudicated is ordered to leave the hearing room, all witnesses, including staff witnesses, shall also leave the room. The inmate has a right to be present when any witness is present at the hearing.

(k) When a serious rule violation occurs during transportation of an inmate, transporting staff witnesses shall be present at the hearing if requested, or shall be available for questioning by telephone during the disciplinary hearing.

(l) The inmate may present documentary evidence in defense or mitigation of the charges. Any finding of guilt shall be based upon determination by the official(s) conducting the disciplinary hearing that a preponderance of evidence submitted at the hearing substantiates the charge. At the conclusion of the disciplinary hearing, the inmate shall be informed of the findings and disposition of the charge and of the right to and procedure for appeal of the action. Within five working days following review of the RVR by the chief disciplinary officer, the inmate shall be provided a copy of the completed Hearing Results containing the findings, disposition, and evidence relied upon in reaching the conclusions.

(m) When an inmate is charged with possession of unauthorized or dangerous items or substances, or when unauthorized or dangerous items or substances are associated with commission of the charged rule violation, the hearing official shall record the disposition of the item or substance in the disposition section of the RVR.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05, 2932 and 5054, Penal Code.

) If the inmate commits a Serious Rules Violation pursuant Section 3315 while participating in the behavior noted above, which constitutes a Division A-1 offense as defined in Section 3323, subsection (b), an assault or battery as defined in Section 3323, subsections (d)(1), (d)(2), and (d)(3), or an assault on a peace officer or non-prisoner as defined in Section 3323, subsections (f)(11) and (f)(12), a Rules Violation Report shall be completed and processed in accordance in accordance with this Article.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 11-17-2015 as an emergency; operative 11-17-2015 (Register 2015, No. 47). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-25-2016 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 11-17-2015 order transmitted to OAL 4-20-2016 and filed 5-24-2016 (Register 2016, No. 22).
3. Amendment of subsection (c) filed 6-2-2016 as an emergency; operative 6-2-2016 (Register 2016, No. 23). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-9-2016 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 6-2-2016 order transmitted to OAL 11-7-2016 and filed 12-22-2016 (Register 2016, No. 52).

3318. Assistance to Inmates for Serious Rule Violations.

(a) Investigative employee. The investigative employee is designated to gather information for the senior hearing officer or disciplinary hearing committee as described in section 3315(d)(1)(A).

(1) The investigative employee shall:

(A) Interview the charged inmate.

(B) Gather information.

(C) Question all staff and inmates who may have relevant information.

(D) Screen prospective witnesses.

(E) Submit a written report to the senior hearing officer or disciplinary committee chairperson to include witness statements and a summary of the information collected specific to the violation charged.

(2) A copy of the investigative employee's report shall be provided to the inmate no less than 24 hours before a disciplinary hearing is held.

(3) When an investigative employee provides assistance to an inmate, in lieu of or in addition to that provided by a staff assistant, the investigative employee shall do so as a representative of the official who will conduct the disciplinary hearing rather than as a representative of the inmate.

(4) An investigative employee is not subject to the confidentiality provisions of subsection (b)(2)(A) and shall not withhold any information received from the inmate.

(b) Staff Assistant.

(1) The assigned staff assistant shall:

(A) Inform inmates of their rights and of the disciplinary hearing procedures.

(B) Advise and assist in the inmate's preparation for a disciplinary hearing, represent the inmate's position at the hearing, ensure that the inmate's position is understood, and that the inmate understands the decisions reached.

(C) Refrain from giving legal counsel or specifying the position the inmate should take in any disciplinary, classification or criminal proceeding.

(2) The inmate shall be informed that:

(A) The staff assistant shall keep confidential any information the inmate may disclose concerning the charges for which the staff assistant was assigned.

(B) All evidence and information obtained and considered or developed in the disciplinary process may be used in court if the violation has been or is to be referred for criminal prosecution.

(3) If the staff assistant becomes aware that the inmate is contemplating future criminal conduct, the staff assistant shall disclose this information if necessary to protect potential victims and prevent the contemplated crime.

(4) The staff assistant shall inform the inmate that all evidence and information obtained and considered or developed in the disciplinary process may be used in court if the same charges have been or are to be referred to the district attorney for possible criminal prosecution.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932 and 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 8-17-79 as an emergency; effective upon filing (Register 79, No. 33). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 12-15-79.
3. New subsection (e) filed 11-1-79 as an emergency; effective upon filing (Register 79, No. 44). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 3-1-80.
4. Certificate of Compliance as to 8-17-79 order filed 12-14-79 (Register 79, No. 50).
5. Certificate of Compliance as to 11-1-79 order filed 2-15-80 (Register 80, No. 7).
6. Amendment filed 2-15-80; effective thirtieth day thereafter (Register 80, No. 7).
7. Amendment filed 5-4-83; designated effective 6-1-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 19).
8. Amendment of section heading and section filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
9. Amendment of subsections (a), (a)(1)(E) and (b)(2)(A)-(B) filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3319. Investigative Employees.

HISTORY:

1. Amendment of subsection (a) filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
3. Repealer filed 5-4-83; designated effective 6-1-83 pursuant to Government Code section 11346.2(d) (Register 83, No. 19).

3320. Hearing Procedures and Time Limitations.

(a) A classified copy of the RVR and any additional/supplemental information (formerly documented on the CDC Form 115-C) detailing any elements of the violation charged shall normally be provided to the inmate within 15 days from the date the information leading to the charges is discovered by staff or, in the case of an escapee, within 15 days after the escapee's return to the department's custody, or in the case of an ACP Participant's removal from the community, within 15 days of the participant's return to an institution.

(1) Any additional SOMS generated supplemental reports shall contain the standard auto populated information such as the inmate's name and number, housing, RVR log number, date of the RVR, violation rule number and title, and incident type. The purpose of the supplemental reports is to provide a continuation of the RVR circumstances, hearing, IE report, or other.

D. If you are dissatisfied with the First Level response, explain the reason below, attach supporting documents and submit to the Appeals Coordinator for processing within 30 calendar days of receipt of response. If you need more space, use Section D of the CDCR 602-A.

BYPASS

Inmate/Parolee Signature: _____

Date Submitted: _____

E. Second Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? ☒ Yes ☐ No

This appeal has been:

☐ By-passed at Second Level of Review. Go to Section G.
☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____

☐ Cancelled (See attached letter) Date: _____

☒ Accepted at the Second Level of Review

Assigned to: AW/CS FACA Title: AW Date Assigned: 11-14-19 Date Due: 12-26-19

Second Level Responder: Complete a Second Level response. If an interview at the Second Level is necessary, include interviewer's name and title, interview date and location, and complete the section below.

Date of Interview: 11/25/19 Interview Location: A-PROGRAM VIA PHONE

Your appeal issue is: ☐ Granted ☐ Granted in Part ☒ Denied ☐ Other: _____

See attached letter. If dissatisfied with Second Level response, complete Section F below.

Interviewer: J Quien Title: LT Signature: [Signature] Date completed: 11/26/19
(Print Name)

Reviewer: Helmer Title: CAC Signature: [Signature]
(Print Name)

Date received by AC: _____

AC Use Only

Date mailed/delivered to appellant 12/17/19

F. If you are dissatisfied with the Second Level response, explain reason below; attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

They attempt to change the one/5 and delete that it said 1/32
Reporting officer told us to get down and we did. That's
because it would not explain the injury to my left knee,
on the fact I was on the ground when he was pounding my
head (see the initial 115) He said he told us to get down

Inmate/Parolee Signature: [Signature] Date Submitted: 1-1-20

G. Third Level - Staff Use Only

This appeal has been:

☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____

☐ Cancelled (See attached letter) Date: _____

☒ Accepted at the Third Level of Review. Your appeal issue is ☐ Granted ☐ Granted in Part ☐ Denied ☒ Other: _____

See attached Third Level response.

Third Level Use Only

Date mailed/delivered to appellant APR 30 2020

H. Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because; State reason. (If withdrawal is conditional, list conditions.)

Inmate/Parolee Signature: _____ Date: _____

Print Staff Name: _____ Title: _____ Signature: _____ Date: _____

Side 1

IAB USE ONLY

Institution/Parole Region:

Log #:

Category:



C10659

MCSF-A 19-04719

FOR STAFF USE ONLY

adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations (CCR), Title 15, Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that led to the filing of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):

ROUSER William

CDC Number:

C10659

Unit/Cell Number:

A1A-101

Assignment:

State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):

Disciplinary and Criminal Conspiracy

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A): On 10-14-19 I was found guilty of RVR 06910600 which was a fraudulently 115. Officer filed a false report stating we swung at each other striking in head and

B. Action requested (If you need more space, use Section B of the CDCR 602-A): That a criminal investigation is done for the false report and cover up. That RVR is reversed, that I receive damages from all parties involved

Supporting Documents: Refer to CCR 3084.3.

☒ Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

The final copy
all other evidence is in property at multi-risk
I am in cross attach going to RP

☐ No, I have not attached any supporting documents. Reason:

Inmate/Parolee Signature:

William Rouser

Date Submitted:

11-1-19

☐ By placing my initials in this box, I waive my right to receive an interview.

No element of
Staff complaint
exists. Disciplinary
processes routine
Appel to 11/2/19

REFUSE

REC BY OOA

JAN 09 2020

C. First Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? ☒ Yes ☐ No

This appeal has been:

☒ Bypassed at the First Level of Review. Go to Section E.

☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____

☐ Cancelled (See attached letter) Date: _____

☐ Accepted at the First Level of Review.

Assigned to:

Title:

Date Assigned:

Date Due:

First Level Responder: Complete a First Level response. Include interviewer's name, title, interview date, location, and complete the section below.

Date of Interview:

Interview Location:

Your appeal issue is: ☐ Granted ☐ Granted in Part ☐ Denied ☐ Other: _____

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer: _____ Title: _____ Signature: _____ Date completed: _____

(Print Name)

Reviewer: _____ Title: _____ Signature: _____

(Print Name)

Date received by AC: _____

AC Use Only

Date mailed/delivered to appellant ____/____/____

IAB USE ONLY	Institution/Parole Region:	Log #:	Category:
2000601	MCSP-A	19-04719	
FOR STAFF USE ONLY			

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):	CDC Number:	Unit/Cell Number:	Assignment:
Rousser William	C10659	A1A-101	

A. Continuation of CDCR 602, Section A only (Explain your issue):
Hurt and when
told to get down we did. Medical Report
showed my left knee was crushed up from
the ground. I had a mild concussion. Went to
Hospital next day and 3 weeks later given dis-
cretion for the negligence so we did not
just get down. His only marks is where
I grabbed him by the waist to stop him
hitting me. When officers came to investigate
were on the ground him on top striking me
in the head. Lt. Elston said the original
look up order where she put down we were
knew wrongs from the riot at CSP-SX which I
had told the officer who escorted us to cage MCSP-A-19-
03989 said officer told me he saw prisoner
attack me. She could not hear the hearing
for what I was in the cage I heard her hear
the officer who wrote the 11510 tell her
what he saw and statement him.

Inmate/Parolee Signature: William Rousser Date Submitted: 11-1-19

STAFF USE ONLY
REC'D BY OOA
JAN 09 2020

B. Continuation of CDCR 602, Section B only (Action requested):
SEE MCSP-A-19-03989 602
for copy of original look up order

Inmate/Parolee Signature: William Rousser

Date Submitted: 11-1-19

D. Continuation of CDCR 602, Section D only (Dissatisfied with First Level response):

Inmate/Parolee Signature:

Date Submitted:

F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response):

And we did I Am
Owe my Property by MCSA (which I have 602nd) so I do not
have my report for the inmate 115. 2nd Lt C. Elston
Could not by Title 15. Hear for 115 because
she was the one who did my 114 lock up order. (which
is evidence in 602 H MCSA-A-19-03989) to allow her
is a violation of due process and equal protection
under Lockman v San Francisco and Doe v. Twest A
administration must follow its own rules. I could
not get a Title 15 for City number. (see attach 27)
Also I did not receive 602 back until 12-30-19
4 days after due date ||

Inmate/Parolee Signature:

William Thomas

Date Submitted:

1-1-20

OFFICE OF APPEALS

P.O. Box 942883

Sacramento, CA 94283-0001

**OFFICE OF APPEALS
THIRD LEVEL DECISION**

April 30, 2020

Rouser, William, C10659

CMF

Dear Mr./Ms. Rouser,

The California Department of Corrections and Rehabilitation (CDCR) Office of Appeals (OOA) received your CDCR Inmate 602 Appeal log number MCSP-19-04719, TLR number 2000601 for the purposes of providing a Third Level Response.

Due to time constraints, OOA will not be issuing a Third Level Response to your inmate appeal. The Second Level Response to your appeal, previously issued to you, serves as the Department's decision.

This response by the Office of Appeals will be the only response and is not appealable to CDCR.

This action by OOA does not excuse you from exhausting any other administrative remedies that may be required or available to you in relation to your particular claim, including, but not limited to, the Department of General Services Government Claims Program, the Department of Fair Employment and Housing, and the Equal Employment Opportunity Commission.

Office of Appeals
California Department of Corrections & Rehabilitation

cc: Appeals Coordinator

Memorandum

Date : November 25, 2019

To : ROUSER, C10659
Mule Creek State Prison

CMF

Subject: **SECOND LEVEL APPEAL RESPONSE LOG #: MCSP-A-19-04719**

ISSUE: The appellant is submitting this appeal relative to a CDCR 115 Rules Violation Report (RVR), Log 6910600, dated September 20, 2019, for the specific act of Fighting. It is the appellant's position that Officer S. Vega wrote a fraudulent report. Appellant continues to state he grabbed PAREDEZ V08194 by the waist to stop him from striking appellant and this is what the 7219 reflects.

REQUESTED ACTION: The appellant is requesting RVR Log # 6910600 be reversed, criminal investigation completed, and to receive damages from all parties.

INTERVIEWED BY: J. Quiring
Facility "A" Correctional Lieutenant
Mule Creek State Prison

REGULATIONS: The rules governing this issue are:

CCR 3084.1	Right to Appeal
CCR 3084.7	Levels of Appeal Review and Disposition
CCR 3270	General Policy
CCR 3312	Disciplinary Methods
CCR 3315	Serious Rule Violations

On November 25, 2019, a phone interview was conducted with the appellant at the Second Level of Review (SLR) by J. Quiring, Facility 'A' Lieutenant, pursuant to California Code of Regulations (CCR) 3084.7(e). A review of the Strategic Offender Management System on November 25, 2019, indicated the appellant has a Test of Adult Basic Education score of 12.9. The reviewer notes the appellant is a participant in the Mental Health Services Delivery System at the Mental Health Acute Care Facility level of care. Lieutenant Quiring ensured effective communication was established by speaking loudly and slowly, using simple language, and having the appellant explain the appeal process. The appellant stated he understood and was fully aware of how the disciplinary and appeal process worked. The appellant was able to provide appropriate answers to questions asked and asked appropriate questions during the interview. The appellant was given the opportunity to provide additional information and/or to clarify the issues under review. The appellant confirmed he submitted the appeal and reiterated his appeal issues.

A review of all relevant information indicated the due process time constraints were met. A classified copy of the CDC 115, CDC 115-A, and supplemental information documented via a CDC

SS

115-C were provided to the appellant on October 5, 2019 (within 15 days of discovery). The RVR was adjudicated on October 14, 2019 (within 30 days of date of issuance of DA outcome). The appellant was afforded a fair hearing by an impartial, certified, Senior Hearing Officer (SHO). The appellant had the opportunity to request witnesses to the hearing and to present a defense. The Chief Disciplinary Officer approved the RVR on October 23, 2019.

The SHO acts as a trier of fact and must establish his/her findings based upon a preponderance of evidence and must act upon "some evidence" to establish guilt by preponderance. The SHO relied upon the following evidence to establish a preponderance of evidence:

The SHO reviewed the Reporting Employee's report which states in part, *"On Friday September 20, 2019 at approximately 1531 hours, while performing my duties as facility 'A' building 5 Escort Officer I observed two inmates fighting on the C side second tier of building 5. The inmates were positively identified as Rouser (C10659,A5-248L) and Paredes (V08194,A5-247U) by their State Identification Cards. Specifically both inmates were punching each other in the face and chest area. I utilized my department issued radio to notify main control of a code 1 one on one in building 5."*

The SHO reviewed the CDCR 7219's that were documented immediately after the incident of September 20, 2019.

The SHO also reviewed INMATE ROUSER's statement which he states, he had no other choice.

The appellant has not provided any new information that shows the SHO violated his due process.


DECISION: The appeal is **DENIED**.

The appellant's request for RVR Log # 6910600 to be reversed is **denied**.

The appellant's request to have a criminal investigation completed is **denied**. A criminal investigation is outside the scope of the appeal process.

The appellant's request to be compensated for damages from all parties is **denied**. Compensation for personal damages is outside the scope of the appeal process.

The appellant is advised this issue may be submitted to the Third Level of Review if desired.


PATRICK COVELLO
Warden (A)
Mule Creek State Prison

cc: ERMS File
Appeals Office



DISCIPLINARY HEARING RESULTS

Institution Name: Mule Creek State Prison Facility: MCSP-Facility A Log Number: 000000006910600
Inmate Name: ROUSER, WILLIAM E. JR CDC #: C10659 Bed Number: MCSP-A - A 005 2 - 248001L
TABE Score: 12.9 MH LOC: EOP DDP Status: NCF

DUE PROCESS

Rule Violation #: 3005(d)(1) Specific Act: Fighting
Level: Serious Offense Division: Division D
Offense Occurrence: 1st Occurrence
Violation Date: 09/20/2019 Violation Time: 15:31:00
Hearing Date: 10/14/2019 Hearing Time: 20:09:39
Did a laboratory confirm the evidence tested positive for Controlled substances?: N/A

Actions Taken				
Date	Time	Type/Reason	Staff	Elapsed Days
09/20/2019	17:25:41	RVR Ready for Review by Supv.	S. Vega	0
09/26/2019	19:10:00	RVR Approved by Supervisor	K. Mohr	6
10/01/2019	16:58:08	RVR Classified	B. Green	11
10/01/2019	16:58:09	MH Assessment Requested	B. Green	11
10/04/2019	12:24:38	MH Assessment Received	U. UNKNOWN	14
10/05/2019	14:28:32	Notice of Pending Charges Sent to Rcds.	A. Tsushko	15
10/05/2019	16:42:21	Inmate Copy Served Initial Rules Violation Report; MH Assessment Report	A. Tsushko	15
10/05/2019	16:43:25	SA Assigned	A. Tsushko	15
10/05/2019	16:43:58	SA Assigned	A. Tsushko	15
10/05/2019	16:44:31	SA Inmate Interaction	A. Tsushko	15
10/08/2019	11:07:32	SA Inmate Interaction	J. Wong	18

Clinical Staff determined Mental Health Symptoms contributed to behavior: No
 Clinical Staff determined Developmental Disability contributed to behavior: No
 Clinical Staff provided information when assessing the penalties: Yes

STAFF ASSISTANT

Staff Assistant Assigned: Yes

Reason for assignment of Staff Assistant: MH LOC EOP or higher; MH LOC EOP or higher

SA Name	Date Assigned	Certified?	Meet 24 hours prior to hearing?	Present?	
J. Gamez	10/05/2019	Yes	Yes	Yes	

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: Not Guilty

- ☐ Subject declined to make a statement
☒ Subject made a statement

Comments:

"I was wondering why my cell door was open, I stepped to the door and the dude came at me and said we have a problem and he started to swing at me. The first thing that hit my mind was going over the tier so I went to the ground and then rolled over on my back I realized I'm not as young as I use to be so I tried to kick him to keep him off of me and then the officers came up the tier. I was not trying to fight him I was trying to defend myself so I don't go over the tier." "I have not had a fist fight since I dropped out."

FINDINGS

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

Lesser Included Charge:

Level:

Offense Division:

Offense Occurrence:

Comments:

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:

The SHO Reviewed the Mental Health Assessment authored by Psychologist F. Martin which states in part, In your opinion, is there evidence to suggest that (a) mental illness and/or (b) developmental disability/cognitive or adaptive functioning deficits contributed to the behavior that led to the RVR? If Yes, establish a nexus between mental health symptoms or developmental disability/cognitive or adaptive functioning deficits and the behavior.

Interview, diagnosis, and review of documentation suggest mental health factors did not contribute significantly to this incident.

Developmental disability/cognitive or adaptive functioning deficits

No relevant developmental, cognitive, or functional impairment noted in this case.

EVIDENCE

The following evidence was used to support the findings:

Comments:

The SHO reviewed the Reporting Employee's report which states in part, "On Friday September 20,2019 at approximately 1531 hours, while performing my duties as facility 'A' building 5 Escort Officer I observed two inmates fighting on the C side second tier of building 5. The inmates were positively identified as Rouser (C10659,A5-248L) and Paredes (V08194,A5-247U) by their State Identification Cards. Specifically both inmates were punching each other in he face and chest area. I utilized my department issued radio to notify main control of a code 1 one on one in building 5."

The SHO reviewed the CDCR 7219's that were documented immediately after the incident of September 20, 2019.

The SHO also reviewed INMATE ROUSER's statement which he states, he had no other choice

DISPOSITION

Sanction Type	Quantity	Mitigated	Interest of Justice	DDP	MH LOC	MH-A	Start Date	End Date
Credit Loss	61 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	90 Days	<input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/14/2019	01/12/2020
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	0		<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)								
Trust Account Hold								
Mandatory Drug Testing								
IEX Control Suit								

Counseled Regarding Misconduct: with reprimand

☐ 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.)

If the inmate was found guilty of the offense, what mental health factors and/or developmental disability/cognitive or adaptive functioning deficits should the hearing officer consider when assessing the penalty, such as penalties that may have an adverse impact on the inmate's stability?

Examples of penalties include, but are not limited to, changes and reduction in, phone calls, visits (when permissible), day room, confined to quarters, loss of packages; loss of yard time, loss of appliances, etc.

There are no mental health factors that would require modification of consequences at this time.

Comments:

Referred to Classification Committee N/A

For ☐ SHU 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:

	CDC#	Inmate Name
<input checked="" type="checkbox"/>	V08194	PAREDEZ, DANIEL J.

SECURITY THREAT GROUP

Security Threat Group Nexus?: ☐ No

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Security Threat Group Nexus Additional Information:**FINAL SECTION****Additional Information:****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

C. Elston

TITLE:
Corr. Lt.DATE:
10/14/2019**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	61 Days	<u>No</u>	<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"/>		

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Loss of Pay								
Canteen Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Phone Privileges	90 Days	<input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/14/2019	01/12/2020
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"/>		
Contact Visiting Privileges			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Contact Visiting (Permanent Loss)								
Trust Account Hold								
Mandatory Drug Testing								
IEX Control Suit								

☐ Impose Suspended Sanctions

☐ Reinstate Suspended Sanctions

Comments:

Chief Disciplinary Officer

Comments:

B. Stacy



TITLE:
CDO

DATE:
10/23/2019

CDCR SOMS ISST126 - DISCIPLINARY HEARING RESULTS

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) ROUSTIE	(FIRST NAME) William	CDC NUMBER: C10659	SIGNATURE: <i>William Roustie</i>
HOUSING/VEED NUMBER: Q210	ASSIGNMENT:	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): TITLE 15

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I need a Title 15 to do a GOI for the Third Level with out it I AM DENIED OUR PROCESS

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

- ☐ SENT THROUGH MAIL: ADDRESSED TO: **Q2-OFFICER**
- ☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

DATE MAILED: **12/31/19**

RECEIVED BY: PRINT STAFF NAME: T. Nyo	DATE: 12/31/19	SIGNATURE: <i>T. Nyo</i>	FORWARDED TO ANOTHER STAFF: (CIRCLE ONE) YES <input type="radio"/> NO <input checked="" type="radio"/>
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON <input type="radio"/> BY US MAIL <input type="radio"/>

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: T. Nyo	DATE: 12/31/19	SIGNATURE: <i>T. Nyo</i>	DATE RETURNED: 12/31/19
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I spoke to Sgt. Heath regarding the title 15. He said we should get some title 15 back today or sometime this week.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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b. Supporting documents:

c. Supporting cases, rules, or other authority:

8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes ☐ No If yes, give the following information:
- a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"): NA
- b. Result: _____ c. Date of decision: _____
- d. Case number or citation of opinion, if known: NA
- e. Issues raised: (1) NA
(2) _____
(3) _____
- f. Were you represented by counsel on appeal? ☐ Yes ☐ No If yes, state the attorney's name and address, if known:
NA
NA
9. Did you seek review in the California Supreme Court? ☐ Yes ☐ No If yes, give the following information:
- a. Result: _____ b. Date of decision: _____
- c. Case number or citation of opinion, if known: _____
- d. Issues raised: (1) _____
(2) _____
(3) _____
10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal (see *In re Dixon* (1953) 41 Cal.2d 756, 759):
NA

11. Administrative review:
- a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Dexter* (1979) 25 Cal.3d 921, 925.) Explain what administrative review you sought or explain why you did not seek such review:
All the way to 3rd level of appeal

- b. Did you seek the highest level of administrative review available? ☒ Yes ☐ No
Attach documents that show you have exhausted your administrative remedies. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court, including this court? (See *In re Clark* (1993) 5 Cal.4th 750, 767-769 and *In re Miller* (1941) 17 Cal.2d 734, 735.)
☐ Yes If yes, continue with number 13. ☒ No If no, skip to number 15.

13 a. (1) Name of court: Alameda County Superior Court
 (2) Nature of proceeding (for example, "habeas corpus petition"): HABEAS CORPUS PETITION
 (3) Issues raised: (a) Denial Due Process
 (b) NA
 (4) Result (attach order or explain why unavailable): Denied
 (5) Date of decision: 11-10-20

b. (1) Name of court: _____
 (2) Nature of proceeding: _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (attach order or explain why unavailable): NA
 (5) Date of decision: NA

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:
In formal Response - Denied
NA

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
NA

16. Are you presently represented by counsel? ☐ Yes ☒ No If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court? ☒ Yes ☐ No If yes, explain:
Roussell V. White USDC CN ROUSSER V. CAMERON USDC SN
ROUSSER V. CROUCE USDC SN, ROUSSER V. LOZANO CA11A
Supreme Court

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 11-19-20
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William Rousser
 (SIGNATURE OF PETITIONER)