

CHAPTER THIRTEEN

CRUEL AND UNUSUAL PUNISHMENT

THE 8TH AMENDMENT OF THE US CONSTITUTION PROHIBITS CRUEL AND UNUSUAL PUNISHMENT

AT CHINO INSTITUTE FOR MEN CRUEL AND UNUSUAL PUNISHMENT IS THE NORM

I arrived at Chino Institute For Men (CIM) on July 3rd 2014, I was put in a 4 X 4 foot cage with a wood bench, I remained locked in there for about 6 hours no room to walk around, they brought water twice during that time and I was there during dinner time but no food was offered, I did get two bathroom visits, it was like a porta potty and had no toilet paper. Next about a dozen or so of us were taken in a room told to strip naked, we were told to face the guards and lift our balls and penis to displayed to the guards, then we were told to turn around bend over and spread butt cheeks, I'm told this is done so they can search for contraband, I guess one has to except that.

However in the process the guards would make snide, lewd comments toward the prisoners, this type of human degradation may not reach the level of cruel and unusual punishment, it does however show the character and demeanor of the guards, and it was not limited to just intake, every day with almost ever guard this was the normal practice between guards and prisoners, I often wondered if this was a part of their rehabilitation program.

After issuing our prison clothing we were taken to our assigned housing unit, I went to building called "Butte" and found out that there were no in the electricity in the cells, no lighting no way to run a fan (I had a 8 inch fan but no way to run it), there was no ventilation only one window that opened about 8 to 12 inches, this condition lasted about 6 months with triple digit temperatures lasting well into the night it was like trying to live in a pizza oven. A few days before I arrived at CIM two prisoners tried to escape so the whole "C" yard was confined to our cells, our food was brought in so we never got to exercise, they took small groups of us to the showers every three days for a 5 minute showers, we had 28 days of extreme heat, no exercise, cold food. After the lock down was over we got to go outside twice a day, night yard was cancelled because of no lighting on the yard. You tell me is that cruel and unusual punishment??

All the above I guess would be hearsay, if you interviewed the other inmates you would get the same reports.

After some time I learned the ropes, how to file a complaint, I have keep notes from the very beginning, always with the idea I would eventually prove my innocents and file a civil rights law suit.

The 8th amendment of the US Constitution protects from cruel and unusual punishment,

In addition to physical injuries, there are also situations when inaction through the “deliberate indifference” of government official can violate the Eight Amendment, the failure to provide needed medical care to an individual in custody, for example, can constitute cruel and unusual punishment where it results in harm to that person, in these types of cases, usually brought by prisoners, a claim would need to show that;

The offender was aware of some danger or risk of harm,

The offender chose not to take any steps to remedy the problem,

This resulted in harm to the plaintiff.

As I move forward I will provide exhibits showing “Deliberate Indifference”.

- 1). Prison over crowding,
- 2). Inadequate medical care.

In the Plata and Coleman lawsuit, the Supreme Court has ruled that over 137.5% of designed capacity is in fact cruel and unusual punishment. CIM's designed capacity is approximately 400 beds, making population limit at 550 inmates, there are currently about 800 beds and at times they are all in use. In a report by the Plata Medical experts titled Health Care Evaluation (see attachment A), page 5 paragraph 3, highlighted in green, “current population is at 162.8% of designed capacity. In the report are a large number of medical deficiency, no doubt evidence of ‘CRUEL AND UNUSAL PUNISHMENT’, establishing “DELIBERATE INDIFFERENCE” (see exhibit A)

On 6/17, middle of June the temperatures at CIM become unbearable with no ventilation in the cells as I stated before made it like an oven, they have in the common areas large fans that cool the day rooms and for the most part give relief to the guards, with solid metal doors the cell's get NO relief from the fans, however if the guards leave the cell doors cracked open like 2 or 3 inches you get a cross Ventilation and a little relief from the heat. On 6/17 I asked the guard on duty would he crack the doors, his reply “ someone crapped in the shower and until someone confesses’ there would be no relief, using a form 22 to the facility captain the out come was no surprise, the health and welfare is not of any interest to the CIM staff. (see exhibit B)

ON 5/13/2016 I filed a 602 form (inmate/parolee appeal), reporting the actions of a guard, a female black officer, her actions include ADA violations, elder abuse, and racial discrimination among others, I personally experience a vicious verbal attack on me, a rule that you can't take food back to your cell, mostly over looked by the guards, especially among the older inmates, I was taking my piece of cake back to my cell and there was a black inmate in front of me that had a large bowl of food, Ms. Johnson, the black guard waved him to go and stopped me telling me I had to toss out the cake, when I asked why he did not through his food out her reply was "because you're a piece of SHIT and you will do as I say", she follow me out the door yelling at me. Every night that Johnson worked in the chow hall she harassed the older inmates, ordering them to eat faster, on one occasion a handicap inmate was not eating fast enough to please her and she picked up his tray of food and tossed it in the trash. The time allowed to eat is 20 minutes and she would start pushing the older inmates with-in 5 minutes to eat and get out, enclosed is copies of the 602 complaint forms, NOTE; after filling the 602 she was reassigned to other duties, no further actions was taken and my 602 was dismissed. (see exhibit C).

I am including a copy of the Plata/Coleman action against CIM, it shows that the court has ordered a maximum population of 137.5%, and the resistance by Governor Gerry Brown, one would think that if over population was cruel and unusual punishment it would be resolved and not set aside at the expense of the prison inmates. (see exhibit D).

Throughout this statement I pointed out the various substandard living conditions, here are just some of the conditions, black mold in the showers so thick you can write your name in it, lead based paint a lot of it flaking, exposed asbestos in almost in every area but in the dining hall the roof leaks when it rains and water pours over the tables, it's in the day rooms, in other buildings such as the library. I wrote a 602 about the lack of heat in the cell's and the truth is the duct ventilation is so polluted that when the air is turned on black dust covers everything in the cell, when I wrote the attached 602 form, I was interviewed by the yard engineer, he told me that it was being fixed and would work when it got below 50 degrees, I was there for one more year and it never came on, he also told me there would be funding for the air conditioner the next year, it never came on and I still speak with inmates there at CIM it's been 3 years since I was released and they report it's still not working. Other conditions such as drinking water on the yard only works sometimes, shade for the most part is off limits, and if your outside and it starts to rain there is no place to get out of the rain and the guards will not let you back in your cell until yard is over. Read my 602 on heat and air, (exhibit E).

There were so many other issues I would have liked to address, removal of all religious symbols from the chapel, limited access to the law library, I was working on a 400 page habeas corpus and the librarian would not show up on a regular bases, standing out in the rain for hours just to see the doctors, many, many more issues but I was told that if I keep writing 602's I could get transferred from CIM to another prison and I was nearing my parole date so I stopped.

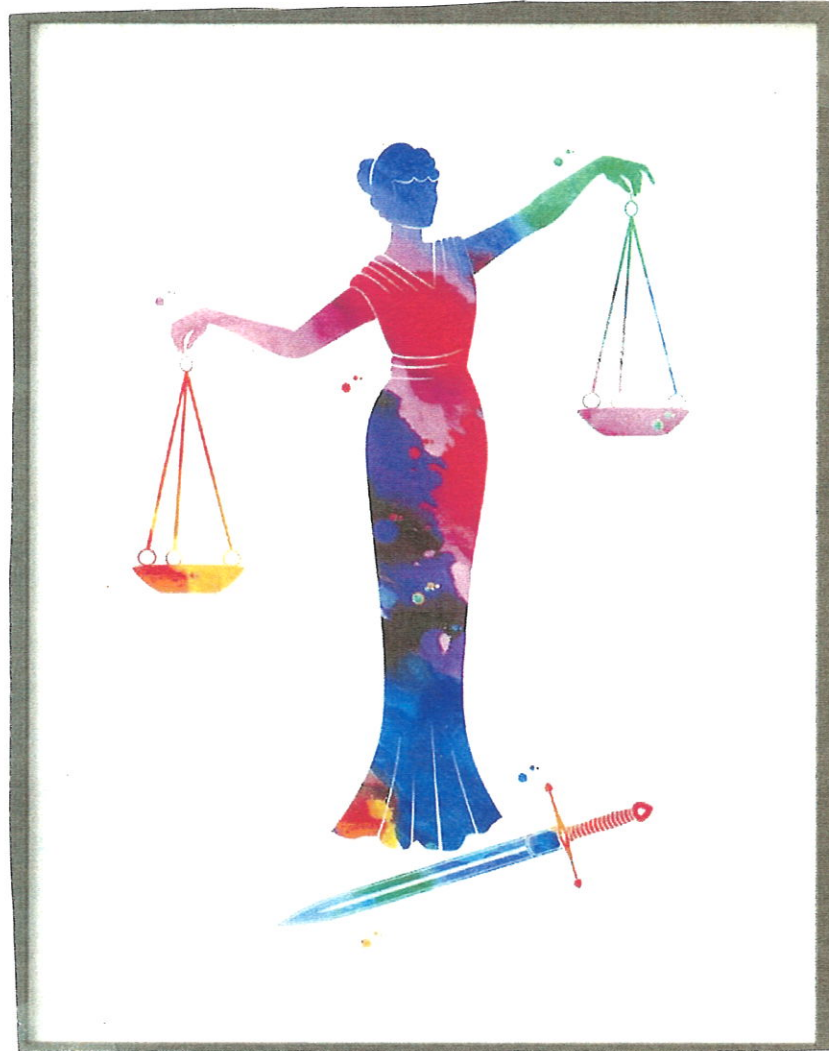
My hope is that I have shown that cruel and unusual punishment is the NORM at CIM..

I would like to give credit to Keith Higgins who wrote my Habeas Corpus and the 602's

Ron

They say that justice is blind

**I say that justice is not blind
its only colored blind
and only see's the color
\$\$ GREEN \$\$**



**Up to this time I have represented myself as pro-se (without an attorney).
To continue to seek justice I will need help with legal fee's to take my case all
the way to the US Supreme court if needed,**

**With Your Help
I will Stand up for the Constitution
Prove My Innocents
Expose California's Corrupt Justice System
Giving Hope to other Wrongfully Convicted Californian's**