

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CALHOUN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Case No. 2014- 002131

Mikal D. Mahdi, #5238

Petitioner,

v.

State of South Carolina,

Respondent.

APPENDIX

Vol. XXVII of XXVIII

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1 (Pause.)

2 THE COURT: Ms. Gladden, juror number 96, where
3 is Ms. Gladden? Ms. Gladden, if you'll come
4 forward, please.

5 All right. Ms. Gladden, if you'll raise your
6 right hand to be sworn.

7 Ms. Gladden was not here this morning.

8 AVIA S. GLADDEN,
9 having been duly sworn, testified as follows:

10 THE COURT: Ms. Gladden, did you get the notice
11 that you were supposed to report to jury duty at
12 10:00 a.m. here at the courthouse this morning?

13 JUROR: Yes, sir, I believe I did. Time
14 slipped by. I had to work.

15 THE COURT: Say it again.

16 JUROR: The time had slipped passed me. I had
17 to work.

18 THE COURT: The time had slipped by you and you
19 had to work?

20 JUROR: Yes, sir.

21 THE COURT: You had to work when?

22 JUROR: Today.

23 THE COURT: Where do you work?

24 JUROR: Hardee's in Saint Matthews.

25 THE COURT: Is that a name of a business, a

1 store, a town or what?

2 JUROR: Well, it's store number 17.

3 THE COURT: Pardon me?

4 JUROR: Hardee's, store number 17.

5 THE COURT: Hardee's, store number 17. What do
6 you do there?

7 JUROR: I work on back line, sir.

8 THE COURT: And are you now ready for jury
9 duty?

10 JUROR: Yes, sir.

11 THE COURT: And are you a citizen and resident
12 of this county?

13 JUROR: Yes, sir, I am.

14 THE COURT: How far did you go in school?

15 JUROR: To college for two years.

16 THE COURT: And are you a commissioned law
17 enforcement officer or a county officer?

18 JUROR: No, sir.

19 THE COURT: You're not employed within the
20 walls of any courthouse?

21 JUROR: No, sir.

22 THE COURT: Do you have any physical or mental
23 problems that would prevent you from serving on jury
24 duty?

25 JUROR: No, sir.

1 THE COURT: And do you live here in Calhoun
2 County?

3 JUROR: Yes, sir.

4 THE COURT: And what's your age?

5 JUROR: Twenty-four.

6 THE COURT: Have you been convicted of a crime
7 punishable by more than one year imprisonment?

8 JUROR: No, sir.

9 THE COURT: No criminal record?

10 JUROR: No, sir.

11 THE COURT: Have you served on jury duty
12 before, grand jury or petit jury?

13 JUROR: No, sir.

14 THE COURT: Do you have any children under the
15 age of seven?

16 JUROR: No, sir.

17 THE COURT: And do you have any reasons why you
18 could not serve on jury duty this week?

19 JUROR: No, sir, I don't.

20 THE COURT: Did you receive the questionnaire
21 in the mail to fill out and to send back?

22 JUROR: Yes, sir.

23 THE COURT: And did you do that?

24 JUROR: Yes, sir, I did.

25 THE COURT: And did you receive, when you came

1 in, a juror orientation letter that I wrote to all
2 of the jurors?

3 JUROR: No, sir, I didn't.

4 THE COURT: All right. We'll give you one of
5 these letters. If you'll have a seat and read that
6 over, then I'm going to ask you some more questions.
7 You can sit over there for me.

8 (Pause.)

9 SHERIFF: Judge, I think there's another juror
10 that just showed up for jury duty.

11 THE COURT: Whose that?

12 SHERIFF: I'm fixing to let you know.

13 THE COURT: Sir, if you'll come forward,
14 please.

15 Sir, if you'll raise your right hand to be
16 sworn. What's your name?

17 JUROR: Richie Rucker.

18 RICHIE R. RUCKER,
19 having been duly sworn, testified as follows:

20 THE COURT: Did you receive a summons to appear
21 for jury duty this morning?

22 JUROR: Yes, sir.

23 THE COURT: And why didn't you show up?

24 JUROR: I had some family problems. Me and my
25 wife lost our house.

1 THE COURT: You and your wife lost your house?

2 JUROR: And I forgot. It just slipped my mind.

3 I'm sorry.

4 THE COURT: You lost your house by what means?

5 JUROR: We just lost it by --

6 THE COURT: Fire, foreclosure?

7 JUROR: No. It was in bad shape and the

8 landlord had -- we had to leave.

9 THE COURT: You had to move. And you're ready
10 now to serve on jury duty?

11 JUROR: Yes, sir.

12 THE COURT: And are you a resident of this
13 county?

14 JUROR: No, sir.

15 THE COURT: Where do you live?

16 JUROR: In South Congaree in Lexington County.

17 THE COURT: You live in Lexington County. How
18 long have you been living there?

19 JUROR: About five months.

20 THE COURT: And do you plan to continue living
21 over there?

22 JUROR: Yes, sir.

23 THE COURT: Well, that would disqualify you
24 from serving in this county. So thank you for
25 coming and we'll let you go.

1 JUROR: Thank you, sir.

2 (Juror was excused.)

3 THE COURT: All right. Ma'am, are you through
4 reading?

5 JUROR: Yes, sir.

6 THE COURT: Do you have a clear understanding
7 of everything you read?

8 JUROR: Yes, sir.

9 THE COURT: Now, Ms. Gladden, the first phase
10 of what is done is juror qualifications in which we
11 determine whether or not you're qualified to serve
12 on jury duty in this courtroom. And do you know of
13 any reason why you're not qualified to serve as a
14 juror this week?

15 JUROR: No, sir.

16 THE COURT: Now, we will empanel a jury and
17 we're in the process of the preliminary stages of
18 that right now. And we will empanel a jury that is
19 capable of listening to the testimony and evidence
20 to be presented, capable of deciding what is
21 believable testimony and evidence, capable of
22 applying to that testimony and evidence the law that
23 I will tell you about during the trial and at the
24 end of the trial, and also a juror who's capable of
25 returning a fair verdict and if the defendant is

1 found guilty, then recommending a sentence. Do you
2 understand?

3 JUROR: Yes, sir.

4 THE COURT: And a qualified juror is one who
5 will conscientiously apply the law and find the
6 facts. A qualified juror is one who's capable of
7 returning a verdict and making a recommendation
8 concerning a sentence based on the law and the
9 evidence, a person who is capable of setting aside
10 his or her opinions and deciding the matter based
11 solely on the law and the evidence.

12 Now, a juror is not qualified if the juror's
13 views would prevent or substantially impair the
14 performance of his or her duties as a juror in
15 accordance with the oath of a juror and the
16 instructions of the Court. Do you believe that you
17 are a qualified juror?

18 JUROR: Yes, sir.

19 THE COURT: The case -- and you have been here
20 this afternoon. You've heard what this case is
21 about.

22 JUROR: Yes, sir.

23 THE COURT: And the defendant in this case is
24 Mr. Mikal Deen Mahdi, who is seated over here with
25 his lawyers. And the victims, alleged victims in

1 this case, in addition to the deceased, Mr. James E.
2 Myers, and Orangeburg County are Ms. Amy Tripp, the
3 full name is Amy Tripp Myers, and her father --
4 Mr. Myers' father was here earlier, do you know any
5 of the parties involved in this case?

6 JUROR: No, sir, I don't.

7 THE COURT: Have you heard anything about this
8 case?

9 JUROR: No, sir, I didn't.

10 THE COURT: The lawyers in this case are
11 Mr. Glenn Walters beside you and Mr. Josh Koger and
12 Solicitor David Pascoe and Mr. Don Sorenson. Have
13 you been represented by any of them?

14 JUROR: No, sir.

15 THE COURT: Are you related by blood or
16 marriage or have any other relationship with any of
17 them?

18 JUROR: No, sir.

19 THE COURT: Have you formed an opinion about
20 this case?

21 JUROR: No, sir.

22 THE COURT: Have you seen, heard or read any
23 accounts concerning this case?

24 JUROR: No, sir.

25 THE COURT: Do you know of any reason

1 whatsoever why you could not give a fair trial to
2 both the State and the defendant?

3 JUROR: No, sir.

4 THE COURT: Have you or any member of your
5 immediate family been the victim of a crime of
6 violence?

7 JUROR: No, sir.

8 THE COURT: Any additional voir dire questions
9 that the State or the defense would like for me to
10 pose to this witness?

11 MR. PASCOE: None, Your Honor.

12 MR. WALTERS: No, sir, Your Honor.

13 THE COURT: All right. Ms. -- your first name
14 is?

15 JUROR: Avia.

16 THE COURT: Avia, last name Gladden, number 96.
17 Please remember your number, number 96. If you'll
18 have a seat with the other jurors.

19 Is the Clerk about ready yet?

20 THE CLERK: Just about.

21 (Pause.)

22 THE CLERK: Ready, Your Honor.

23 THE COURT: Ladies and gentlemen, as your names
24 are called, if you'll come and take a seat in the
25 petit jury box.

1 **THE CLERK:** Judge, do you want to call the name
2 and number or just the number?

3 **THE COURT:** The name and number to confirm that
4 we have it in sync.

5 **THE CLERK:** Juror number 72, Patricia J. Favor;
6 juror number 294, Whittaker R. Williams; juror
7 number 307, Ms. Tiara D. Bochette; juror number 19,
8 Thomas R. Bowman; juror number 308, Vernica W.
9 Bonaparte; juror number 323, Brandon B. Dewitt,
10 juror number 106, Joseph L. Green.

11 **THE COURT:** Who was the last juror you called?

12 **THE CLERK:** Joseph L. Green, it's an error.
13 He's not here.

14 (Whereupon, a bench conference was held off
15 the record, in the presence of the jury panel, but
16 out of the hearing of the jury panel.)

17 **THE COURT:** All right. Mr. Green did not
18 report. Draw another juror in his place.

19 **THE CLERK:** Juror number 134, James J. Howell;
20 juror number 348, Tami M. Huggins; juror number 331,
21 Annie W. Fritz.

22 (Pause.)

23 **THE COURT:** Just have a seat back, ma'am, over
24 here for just a moment.

25 All right. Ladies and gentlemen, you all are

1 the first panel that will be drawn and you will be
2 brought back into the courtroom and questioned
3 individually concerning various matters. You'll be
4 given -- immediately before your coming into the
5 courtroom, you'll be given a sheet of paper to read
6 over to then come in and answer certain questions
7 concerning the type of juror that you are or would
8 be and you'll be asked questions based on some of
9 your responses.

10 And in addition to that, you will be questioned
11 further if you stood up earlier in responding
12 affirmatively to certain questions that were asked
13 of you. In addition to all of that, you'll be given
14 a list of prospective witnesses in this case and
15 you'll be asked -- and the purpose of giving you
16 that witness list is to look over the list to
17 determine whether or not you are a friend, relative
18 or associate of any of the people who may testify in
19 this case.

20 So our timing regarding this matter is this,
21 we're going to be getting the additional panels
22 called comprising of the other jurors. Each panel
23 will be given a time to come back for this
24 individual questioning. I am projecting that we're
25 going to begin questioning you all at 5:30.

1 You'll go to the -- now, you'll go with the
2 bailiff to the jury room and the bailiff will tell
3 you how we want you to come back. You will not
4 report back to the courtroom, but you'll report back
5 to the jury room up the back stairway to be there at
6 a 5:30. Any questions about that?

7 So you all, after you go in there and check out
8 where you're going to be, you'll have a break. You
9 don't have to sit in that room until 5:30. You're
10 going to just check it out to see where it is, how
11 to get there and all that. Do not come back into
12 the courtroom anymore. Do not discuss this matter
13 in any form or fashion with each other or allow
14 anyone to discuss it with you or in your presence.

15 And we will see you back hopefully beginning at
16 around 5:30, at which time, we'll talk with you
17 individually. So if you have to call someone to
18 tell them that you probably won't be home at the
19 normal hour, that's an indication because it may
20 take an hour and a half to talk to all of you. We
21 don't know the exact period of time. So if you'll
22 follow the bailiff at this time.

23 (Jury panel one leaves the courtroom.)

24 **THE CLERK:** Juror number 331, Ms. Annie W.
25 Fritz; juror number 398, Ms. Beatrice Whetstone;

1 juror number 379, Richard L. Rickenbaker; juror
2 number 346, William C. Hallman, the Third; juror
3 number 30, Pearlie G. Brunson, juror number 226,
4 Karen Pund Hutto; juror number 96, Avia S. Gladden;
5 juror number 49, Jack H. Crider.

6 THE COURT: Panel number two. And, Madame
7 Clerk, what time do you have for them to be here?

8 THE CLERK: They're to be here at 9:00 a.m.,
9 report back to the jury room and let the bailiff
10 know that you're here.

11 THE COURT: All right. Ladies and gentlemen,
12 your time to be back is 9:00 a.m. tomorrow morning.
13 You'll come -- you'll follow the bailiff and he'll
14 tell you how to come up the back way and you'll
15 report directly to the jury room. We'll need you
16 here. It's important that you're here on time even
17 though once you get here, you'll end up waiting,
18 but, you know, be here on time to wait until we're
19 ready to have you come in.

20 As I indicated to the other jurors, you're not
21 to allow anyone to expose you to any information
22 concerning this case. And it's of utmost importance
23 that the case be decided based on what is presented
24 in the courtroom and not based on what is heard or
25 read or received outside of the courtroom. And

1 you're not to allow anyone to talk with you about it
2 even though obviously family members will be
3 interested and curious as to matters that you're
4 involved in here at the courthouse this week. So we
5 will see you all tomorrow morning at 9:00 a.m.

6 And, Ms. Gladden, you're not going to Hardee's
7 tonight, are you?

8 JUROR: No.

9 THE COURT: We'll need you here at 9:00 a.m.
10 tomorrow morning each and every one of you. Thank
11 you very much and we'll see you then.

12 (Jury panel two was excused for the day.)

13 THE CLERK: Juror number 105, Joann Jackson;
14 juror number 368, Irvin J. Mintz; juror number 357,
15 Charles F. Kaiser; juror number 112, Mary B. Gunter;
16 juror number 139, Theresa N. Huggins; juror number
17 291, Marion B. Williams; juror number 20, Ronnie L.
18 Bozard; juror number 97, Nathaniel J. Gladden.

19 THE COURT: All right. Ladies and gentlemen,
20 we need you all here tomorrow morning at 10:30. We
21 need you here tomorrow morning at 10:30. The
22 bailiff will show you the jury room where you're all
23 to come to at 10:30. We need you to be here at
24 10:30 at the designated time, then we'll begin an
25 individual questioning of you concerning various

1 matters after having you look at a sheet of paper to
2 ponder the question of what type of juror you are
3 and also to look over the prospective witness list
4 in this case.

5 Please do not discuss the case or allow anyone
6 to discuss it with you and we look forward to seeing
7 you all tomorrow morning at 10:30. Have a good
8 evening.

9 (Jury panel three was excused for the day.)

10 THE CLERK: Panel number four, Your Honor.
11 Juror number 318, Catlin D. Craven; juror number
12 191, Teresa McKnight; juror number 236, Sheryl B.
13 Russell; juror number 44, James E. Cornelius; juror
14 number 351, Linda I. Inabinet; juror number 219,
15 John S. Pittard.

16 THE COURT: John S. Pittard 219, 81 years old,
17 exempted from service.

18 THE CLERK: Juror number 14, Maxine B.
19 Bonaparte; juror number 127, Bobby J. Hicks, juror
20 number 197, April A. Mills.

21 THE COURT: All right. Ladies and gentlemen,
22 you are panel number four and we need you to report
23 at 12:30 tomorrow, 12:30.

24 What's on that piece of paper you're giving
25 them, Mr. Bailiff?

1 **BAILIFF:** The report time.

2 **THE COURT:** You'll get a slip of paper
3 reminding you of the time. And you will come to
4 this jury room back here and be there at 12:30 each
5 and every one of you. And please do not discuss the
6 case or allow anyone to discuss it with you. And
7 we'll see you tomorrow at 12:30. Y'all have a good
8 evening.

9 (Jury panel four was excused for the day.)

10 **THE CLERK:** Juror number 51, Jacqueline
11 Culcleasure; juror number 42, Monty S. Cochran;
12 juror number 235, Lottie R. Rush; juror number 4,
13 Crystal L. Bell; juror number 250, Shirley E.
14 Simmons; juror number 95, Tammy W. Gerringer; juror
15 number 80, Pamela M. Fogle; juror number 28, Richard
16 A. Brown.

17 **THE COURT:** Mr. Brown was excused. He was the
18 trucker. Richard A. Brown, he was excused this
19 morning.

20 **THE CLERK:** Juror number 136, Carroll H.
21 Hudson, Junior.

22 **THE COURT:** Ladies and gentlemen, you are panel
23 number five and we need you all here tomorrow at
24 2:30. Panel number four is at -- what time is panel
25 number four?

1 **THE CLERK:** 12:30.

2 **THE COURT:** We're going to get some lunch and
3 begin talking to you all at 2:30. So we need you
4 all here at 2:30 tomorrow. Please abide by the
5 instructions that you have listened to me give to
6 other panels and please do not discuss the case or
7 allow anyone to discuss it in your presence. Report
8 to the jury room at 2:30 tomorrow.

9 (Jury panel five was excused for the day.)

10 **THE CLERK:** Juror number 118, Alisha M.
11 Hampton; juror number 237, Francee M. Sams; juror
12 number 40, Sheena Cheeseboro-Staley; juror number
13 174, Curtis L. Lake; juror number 45, James H.
14 Cornelius, Junior; juror number 255, Gwendolyn
15 Snider; juror number 35, Devin L. Caldwell; juror
16 number 47, Patricia A. Craig.

17 **THE COURT:** All right. Ladies and gentlemen,
18 you are to report at 4:00 p.m. tomorrow. I want to
19 be sure that we have a telephone number where we can
20 reach you. I know in your questionnaire, you were
21 asked to provide telephone numbers and all that and
22 that was a few months ago and if not on the
23 questionnaire, then on your juror summons. Some of
24 you may not have done that so we want to be sure
25 that we have accurate phone numbers where we can

1 reach you in the event we need to call you prior to
2 that time.

3 We're selecting panels and to get to a certain
4 number, we don't know at what point in time we will
5 get to that number, but we need you all here
6 tomorrow at 4:00 p.m. and we need you all to put
7 your phone numbers -- name and phone numbers on this
8 list when you go back there with the bailiff so that
9 we'll be sure to have access to you.

10 And we look forward to seeing you all tomorrow.
11 I hope you all have a good evening. Please do not
12 discuss the case or allow anyone to talk to you
13 about it.

14 (Jury panel six was excused for the day.)

15 **THE CLERK:** Juror number 248, Irene Shuler;
16 juror number 115, Thomas Haigler; juror number 289,
17 Jennifer L. Williams.

18 **THE COURT:** Juror number 289 did not appear.
19 We'll have the sheriff to find out about all of
20 those jurors that did not appear.

21 **THE CLERK:** Juror number 358, Ruby R. Keller;
22 juror number 195, Alcojon Michael; juror number 364,
23 Alfred Mack; juror number 192, Jessica A. McKoy;
24 juror number 342, Candace S. Haynes; juror number
25 159, Perry L. Jones.

1 **THE COURT:** Panel number seven. And we need
2 you all here at 5:30 tomorrow afternoon. You're
3 free until that time. We'll need you here at 5:30
4 p.m.

5 Please be certain to leave telephone numbers
6 where you can be reached, home and cell numbers,
7 business numbers if you go to work tomorrow, so that
8 we can reach you. We need you here at 5:30 tomorrow
9 back in the jury room. Please do not discuss the
10 case with anyone or allow anyone to discuss it with
11 you. We'll see y'all then.

12 (Jury panel seven was excused for the day.)

13 **THE CLERK:** Juror number 279, Michael P.
14 Walling; juror number 107, Robert L. Greenwaldt;
15 juror number 84, Bertha L. Fredrick; juror number
16 232, Charlie R. Rucker; juror number 73, Santana S.
17 Favor; juror number 299, Carolyn M. Wright; juror
18 number 369, Patricia A. Mitchell; juror number 302,
19 Jeremiah A. Backmon.

20 **THE COURT:** This is panel number eight. We
21 need you at 9:00 a.m. on Wednesday morning. You
22 won't have to worry about reporting at all tomorrow.
23 And we'll need you at 9:00 a.m. Wednesday morning to
24 report to the jury room.

25 Again, please be sure to leave phone numbers

1 where court can get in touch with you if we, for
2 some reason, have some change in plans, but change
3 of plans will not require you to come before
4 Wednesday morning.

5 Please do not allow anyone to discuss the case
6 with you in your presence. And we look forward to
7 seeing you 9:00 a.m. on Wednesday morning.

8 (Jury panel eight was excused for the day.)

9 **THE CLERK:** Juror number 26, Debra S. Brown;
10 juror number 119, Clevis D. Harrison.

11 **THE COURT:** Mr. Harrison is taking exams this
12 afternoon. He'll be available -- we have his phone
13 number to tell him -- number to tell him when to
14 report. We spoke with him early this morning.
15 He'll be here at the appointed time. We're going to
16 call him and tell him to be here at the time for
17 this panel. He's been partially qualified this
18 morning prior to leaving.

19 **BAILIFF:** Is this Tuesday at 9:00 a.m. or
20 Wednesday?

21 **THE COURT:** Number eight is Wednesday at 9:00.

22 **THE CLERK:** Juror number 208, Arthur L. Mosley;
23 juror number 16, Richard M. Boone; juror number 354,
24 Charles E. Jeffery; juror number 179, Kathleen A.
25 Link; juror number 144, Evelyn M. Jackson; juror

1 number 48, William W. Crawford.

2 **THE COURT:** Is this the one Mr. Harrison is on?

3 **THE CLERK:** Yes, Your Honor.

4 **THE COURT:** What time do you have for them? Is
5 there a question to -- a question to the number on
6 this panel?

7 (Pause.)

8 **THE COURT:** Let's call the names again.

9 **THE CLERK:** Number 26, Debra S. Brown; number
10 119, Clevis D. Harrison.

11 **THE COURT:** He's the one we're going to call.

12 **THE CLERK:** Number 208, Arthur L. Mosley;
13 number 16, Richard M. Boone; number 354, Charles E.
14 Jeffery; number 179, Kathleen A. Link; and number
15 144, Evelyn M. Jackson.

16 **MR. PASCOE:** And 48, William Crawford.

17 **THE COURT:** Mr. William W. Crawford is in the
18 back, number 48.

19 At 10:30 Wednesday?

20 **THE CLERK:** Yes, sir.

21 **THE COURT:** All right. Ladies and gentlemen,
22 we need you all here Wednesday morning at 10:30 and
23 be sure to put your names and phone numbers where we
24 can reach you on that yellow sheet there. Look
25 forward to seeing you all Wednesday morning. I hope

1 you all have a good evening. You'll get tomorrow
2 off. And early Wednesday morning you'll get off.
3 We need you here at 10:30. Thank you very much.
4 We'll see you then.

5 (Jury panel nine was excused for the day.)

6 **THE CLERK:** Number 371, Darius Murph; number
7 180, Mary G. Loftis; number 388, Gregory M. Smith;
8 number 316, Jacob Cheeseboro; number 395, Dann M.
9 Thomas; number 380, Rodney Robinson; number 188,
10 Gregory L. Matthews; number 181, Rex F. Long.

11 **THE COURT:** All right. Ladies and gentlemen,
12 you all are panel number ten. We need to have you
13 Wednesday at noon, to report to the jury room
14 Wednesday at noon. You do not have to worry about
15 coming here tomorrow. We need you back Wednesday at
16 noon.

17 Please do not discuss the case, do not read
18 about it, investigate it, do anything improper with
19 regard to exposing yourself to any information
20 concerning this case other than what you hear right
21 here in the courtroom. Please leave your phone
22 numbers in the event that we may need to call you
23 prior to that time to alert you as to a change in
24 plans. And we'll see you all Wednesday at noon.
25 Thank you very much.

1 (Jury panel ten was excused for the day.)

2 THE CLERK: Juror number 75, Michael S.
3 Flintom, Junior; juror number 156, Charles D. Jones;
4 juror number 209, Audrey K. Murph; juror number 223,
5 Joyce A. Poyar; juror number 345, Diana S. Hoke;
6 juror number 130, Ronald E. Holland; juror number
7 397, Stella L. Urban; juror number 394, Mims L.
8 Taylor.

9 THE COURT: All right. Ladies and gentlemen,
10 we need you here Wednesday at 2:00. You are panel
11 number 11. And we're going to skip lunch on
12 Wednesday if we're still searching for a jury by the
13 time we get to you all. So your time is Wednesday
14 at 2:00. We'll try to stay on schedule at that
15 point in time and, hopefully, we'll create some time
16 maybe before then.

17 Please leave your phone numbers on the sheet of
18 paper in the event we have some change of plans or
19 schedules. You need to report to the jury room
20 Wednesday at 2:00. Please do not discuss the case
21 or allow anyone to discuss it, read about it, be
22 exposed to it other than through information
23 received in the courtroom. Thank you very much.
24 We'll see you all Wednesday at 2:00.

25 (Jury panel 11 was excused for the day.)

1 **THE CLERK:** Juror number 142, Wanda S. Hutto;
2 juror number 164, Eddie J. Keller.

3 (Whereupon, a bench conference was held off
4 the record, in the presence of the jury panel, but
5 out of the hearing of the jury panel.)

6 **THE COURT:** All right. Ladies and gentlemen,
7 those of you who are still remaining out in the
8 audience, tell us who you are.

9 **JUROR:** 92, Linda Gary.

10 **THE CLERK:** I had put her down because she had
11 a medical excuse.

12 **THE COURT:** Ms. Gary, did you submit a medical
13 excuse?

14 **JUROR:** No, sir, I didn't. I called to ask for
15 information simply to protect myself because I am a
16 diabetic and my sugar fluctuates.

17 **THE COURT:** And are you available to serve and
18 have you been here all day answering all questions
19 posed to you?

20 **JUROR:** Uh-huh.

21 **THE COURT:** Was your name called earlier today?

22 **JUROR:** Uh-huh. And somebody, I think Ms.
23 Pauling said or someone had said excused, but I told
24 you I was here. I stood up.

25 **THE COURT:** All right. She will be the next on

1 this panel.

2 I recall that, ma'am. Thank you very much.

3 And the other two folks out there, ma'am.

4 JUROR: 125, Velma Herrington.

5 (Whereupon, a bench conference was held off
6 the record, in the presence of the jury panel, but
7 out of the hearing of the jury panel.)

8 THE COURT: Ma'am, where do you work?

9 JUROR: Houser and Company in Orangeburg.

10 THE COURT: And is Houser a magistrate in
11 Orangeburg?

12 JUROR: He's the city judge, yes, sir.

13 THE COURT: The city judge in Orangeburg. And
14 are you employed in his office?

15 JUROR: I handle his real estate and his
16 storage rental services.

17 THE COURT: Are you employed within the walls
18 of any courthouse?

19 JUROR: No, sir.

20 THE COURT: You don't handle the court business
21 at all?

22 JUROR: No, I don't deal with any of that.

23 THE COURT: And you've been here for the entire
24 jury qualifications this morning?

25 JUROR: Yes, sir.

1 **THE COURT:** And do you know of any reason why
2 you should not be qualified to serve as a juror in
3 this case?

4 **JUROR:** No, sir.

5 **THE COURT:** Any voir dire by the State or the
6 defense?

7 **MR. PASCOE:** No, Your Honor.

8 **MR. WALTERS:** No, Your Honor.

9 **THE COURT:** Any objection to this juror being
10 qualified to serve?

11 **MR. PASCOE:** None from the State.

12 **MR. WALTERS:** None from the defense.

13 **THE COURT:** Okay. She'll be the next on the
14 list, juror number...

15 **THE CLERK:** 125.

16 **THE COURT:** And, sir, are you on the jury
17 panel?

18 **MAN:** No, Judge, I'm not.

19 **THE COURT:** So this will be panel number 12 and
20 a half.

21 **THE CLERK:** Your Honor, we got a juror that
22 just showed up.

23 **THE COURT:** Mr. Juror, if you'll come forward
24 please. Sir, if you'll raise your right hand to be
25 sworn.

1 JOHN J. HAIR,
2 having been duly sworn, testified as follows:

3 THE COURT: You were summoned to appear for
4 jury duty here today?

5 JUROR: I got my notice a month ago or
6 something like that. And I was thinking -- I sent
7 it in. I was thinking that I was going to hear
8 something, but I found out that it was today.

9 THE COURT: And you forgot about today?

10 JUROR: I didn't know it was today.

11 THE COURT: And have you received the --

12 JUROR: Notice, yes, sir.

13 THE COURT: Have you received -- wait for the
14 questions before you give the answers. Have you
15 received a copy of the juror orientation letter that
16 I wrote to the jurors.

17 JUROR: No, not that I recall.

18 THE COURT: Have you received that today? They
19 were given out to jurors today.

20 JUROR: No, sir, I just got here.

21 THE COURT: You just got here. All right,
22 we'll give you an opportunity to sit and to look at
23 that orientation letter.

24 Ladies and gentlemen, the remainder of you, we
25 need you here at 3:30, at 3:30 on Wednesday,

1 Wednesday at 3:30. If you'll report to the jury
2 room at 3:30 on Wednesday and we will question you
3 individually at that time.

4 And we need to have your phone contact numbers
5 in the event that you need to be contacted prior to
6 that time regarding any change in plans. If you
7 hear nothing else, we'll need you here at the
8 designated time Wednesday at 3:30.

9 Please do not discuss the case or allow anyone
10 to discuss it with you and we'll see you at that
11 time. Thank y'all very much for your patience all
12 day and we'll look to see you later.

13 (Jury panel 12 was excused for the day.)

14 THE COURT: Sir, what is your juror number?
15 Say your name once again.

16 JUROR: John Jerry Hair.

17 THE COURT: Mr. Hair, we'll have you -- have a
18 seat over here and read that letter and then I want
19 to talk with you a little more when you get through
20 reading. Number 117.

21 JUROR: That's me, 117.

22 THE COURT: That's you, number 117.

23 Sheriff, regarding the jurors who did not
24 respond and the jurors who could not be found, do
25 you have an officer who could give us information

1 concerning each of those jurors?

2 SHERIFF: I have an officer who can give you
3 information on some of them concerning by mail. Is
4 that what you're talking about, Judge?

5 THE COURT: Yes, sir.

6 SHERIFF: I do.

7 THE COURT: All right. Very good. If you'll
8 come around here and be sworn and give us that
9 information.

10 CHRISTOPHER L. GOLDEN,
11 having been duly sworn, testified as follows:

12 THE COURT: What's your full name, sir?

13 OFFICER: Christopher L. Golden.

14 THE COURT: Officer Golden. And tell me what
15 information you have to provide concerning these
16 prospective jurors.

17 OFFICER: The only information I can provide,
18 Judge, is that we were handed envelopes concerning
19 people subpoenaed for jury duty. I personally went
20 out and did some, tracked them through 911 addresses
21 or went to the address that was on the envelope.
22 Some of them were not there, the houses were empty.

23 I tried looking at 911 to see if they moved and
24 got their 911 address. Some of them were not listed
25 at all and some of the addresses didn't even exist.

1 I cannot tell you right off the top of my head which
2 ones were the --

3 THE COURT: And would you take a look at this
4 list that I believe might have been prepared by the
5 clerk. Is that right, Mr. Clerk?

6 THE CLERK: The sheriff prepared that.

7 THE COURT: If you will take a look at that
8 list.

9 OFFICER: Yes, sir.

10 THE COURT: And tell me what that list
11 represents.

12 OFFICER: Judge, this is a list of some of the
13 people that we were supposed to go out personally
14 and serve when the post office returned them back.
15 I personally went out on some of these. I do recall
16 the names. Like I said, the house is either vacant,
17 no one lives there or they moved to another county
18 and we cannot find where they moved to. That's,
19 most of them, what happened to the ones that we went
20 out and served.

21 THE COURT: And, to your knowledge, is that an
22 accurate accounting of all of the jurors whose
23 summons were returned nondeliverable that you went
24 out and that the sheriff's department went out to
25 try to otherwise find?

1 OFFICER: Yes, sir.

2 THE COURT: Any questions by the State with
3 regard to the officer and his attempt to -- this
4 service report?

5 MR. PASCOE: No, Your Honor.

6 THE COURT: Any question by the defense
7 regarding this officer's testimony of his service
8 report regarding jurors who could not be served by
9 mail?

10 MR. KOGER: No, Your Honor.

11 THE COURT: All right. Thank you very much.
12 We'll make that report as part of the record in this
13 case.

14 So, basically, at this point, we have four
15 groups. We have one group that the Court excused as
16 a result of our conference last week, last Monday.
17 We have -- and that's part of the record in this
18 case. We have a second group, being the group who
19 appeared today, and they appeared and been summoned
20 and sworn and we've talked with them. We have the
21 third group that you attempted to serve that's on
22 that list and some of whom you may not have found.
23 And the fourth group were those jurors who did not
24 appear or who may not be on either of the three
25 lists. Is there a fifth group, Madame Clerk?

1 **THE CLERK:** This is also a list that the
2 sheriff just sent me at the end of this past week
3 with these five additional.

4 **THE COURT:** If you will take a look at that
5 additional list provided, tell me whether that's an
6 additional listing of those who you were unable to
7 locate.

8 **OFFICER:** Yes, sir, it is.

9 **THE COURT:** We will supplement that to the list
10 previously given. So the fourth group are any other
11 jurors who were not excused, who you did not attempt
12 service based on the list that's there and who did
13 not -- and who are not included in the list who
14 appeared today.

15 My clerk and I will review who those folks
16 might be and some of whom might be folks like Mr. --
17 of course, Mr. Hair was served and he showed up late
18 and there may be others who were served and simply
19 did not show and those people we will need to find
20 out why they did not show. We'll get generally the
21 list concerning those folks and give you an
22 opportunity to try to get us some information about
23 them. Thank you very much.

24 **OFFICER:** Thank you.

25 (Court's Exhibit Number 5, list of jurors

1 not served, was marked for identification purposes.)

2 THE COURT: And, Mr. Hair, are you through
3 reading that letter?

4 JUROR: Yes, sir.

5 THE COURT: All right. Come on, let me talk
6 with you for a little more then.

7 All right. Mr. Hair, the purpose of my
8 questioning you at this time is to determine whether
9 or not you're qualified to serve on jury duty this
10 week. In order to serve on jury duty, you must be
11 qualified to serve. Are you a citizen and resident
12 of this county?

13 JUROR: Yes, sir.

14 THE COURT: And you're over 18 years old
15 obviously. And do you work within the walls of any
16 courthouse or as a law enforcement officer or a
17 commissioned officer?

18 JUROR: No, sir.

19 THE COURT: Do you have any physical or mental
20 problems that would prevent you from serving on jury
21 duty?

22 JUROR: No, sir.

23 THE COURT: And do you have a driver's license?

24 JUROR: Yes, sir.

25 THE COURT: Have you previously served on jury

1 duty?

2 JUROR: No, sir.

3 THE COURT: And did you go past the 6th grade
4 in school?

5 JUROR: Yes, sir.

6 THE COURT: Do you have a criminal record
7 involving any convictions for a crime that you could
8 have gotten more than a year in jail for?

9 JUROR: No, sir.

10 THE COURT: Are you the caretaker of any
11 incapacitated or elderly people?

12 JUROR: No, sir.

13 THE COURT: And where do you work?

14 JUROR: At the South Carolina Highway
15 Department of Transportation.

16 THE COURT: And are you available to serve on
17 jury duty this week?

18 JUROR: Yes, sir.

19 THE COURT: Do you know of anything that would
20 disqualify you from serving on jury duty this week?

21 JUROR: No, sir.

22 THE COURT: And you have read from that list
23 that this case that will be heard today is the case
24 of the State versus Mikal Deen Mahdi, a case wherein
25 the State is seeking the death penalty. And, of

1 course, he's presumed to be not guilty, but if he's
2 found guilty, the jury would then consider what
3 punishment he should receive, that is either life
4 imprisonment or death by electrocution or lethal
5 injection. Do you know of any reason why you cannot
6 give both the State and the defense a fair and
7 impartial trial?

8 JUROR: No, sir.

9 THE COURT: This case involved the alleged
10 murder of James E. Myers and burglary of a building
11 owned by James E. Myers and Amy Tripp Myers. Are
12 you a friend or relative or associate of any of the
13 victims or the defendant in this case?

14 JUROR: No, sir.

15 THE COURT: Have you heard about this case?

16 JUROR: I heard, but that's it.

17 THE COURT: Based on what you heard about this
18 case, have you formed an opinion concerning this
19 case?

20 JUROR: No, sir.

21 THE COURT: Any questions by the State or the
22 defense?

23 MR. PASCOE: None from the State, Your Honor.

24 MR. WALTERS: No questions, Your Honor.

25 THE COURT: Have you or any member of your

1 immediate family ever been the victim of a violent
2 crime?

3 JUROR: No, sir.

4 THE COURT: And you can see from reading that
5 letter that the jurors who are selected in this case
6 may be sequestered -- will be sequestered in this
7 case. Are you aware of that fact?

8 JUROR: Yes.

9 THE COURT: And do you know of any reason why
10 you're not qualified to serve as a juror in this
11 case?

12 JUROR: No, sir.

13 THE COURT: All right. We're going to put you
14 to that panel number 12 who are to come back
15 Wednesday at 3:30. And we want to add Mr. Hair's
16 phone number to that list.

17 We need you to come back directly to the jury
18 room Wednesday at 3:30. You're not supposed to talk
19 about the case or let anyone talk about it in your
20 presence or watch any news reports or anything -- or
21 read any newspapers concerning the case. And we
22 look forward to seeing you Wednesday at 3:30.

23 We need your phone number in the event that we
24 need to call you if there's a change of plans as to
25 when or whether you need to come. You don't have to

1 worry about jury duty tomorrow. You can go to work
2 tomorrow and Wednesday morning. We need you here at
3 3:30.

4 If you'll go with the -- after giving them your
5 phone number, if you'll go with the bailiff so he
6 can show you the jury room and tell you how you'll
7 be getting back there.

8 (The juror was excused for the day.)

9 THE COURT: We're going to take a five minute
10 break. We'll be in recess for about -- we'll say
11 ten minutes.

12 (Brief Recess.)

13 THE COURT: I want to be sure that the record
14 reflects the identity of all the parties who are
15 seated inside the rail. Solicitor Sorenson, tell
16 them who you have here other than the Sheriff.

17 MR. PASCOE: It's myself, Your Honor, David
18 Pascoe, Don Sorenson, Sheriff Thomas Summers, Ms.
19 Darlene Simmons from my office, Your Honor. And
20 that's inside the rail.

21 THE COURT: And Ms. Simmons is --

22 MR. PASCOE: She's a paralegal in my office,
23 Your Honor, in the Solicitor's office.

24 THE COURT: Mr. Walters.

25 MR. WALTERS: May it please the Court. Your

PATRICIA J. FAVOR - VOIR DIRE BY THE COURT

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1 Honor, I'm present, Glenn Walters, cocounsel Joshua
2 Koger, Junior, our jury consultant, Doctor Emerson
3 Smith, and, of course, the defendant, Mr. Mikal
4 Mahdi.

5 THE COURT: We are ready for the first juror?

6 MR. PASCOE: Yes, Your Honor.

7 MR. WALTERS: Yes, sir, Your Honor.

8 (Whereupon, Patricia J. Favor, a black
9 female, enters the courtroom.)

10 PATRICIA J. FAVOR,
11 having been previously duly sworn, testified as
12 follows:

13 VOIR DIRE

14 BY THE COURT:

15 Q Hello there. Are you Patricia Favor?

16 A Yes.

17 Q How are you doing, Ms. Favor?

18 A All right.

19 Q Are you sure?

20 A Yeah, I'm sure.

21 Q Have you ever been in court before?

22 A No.

23 Q Take a deep breath and relax. Where do you
24 work, Ms. Favor?

25 A Avis.

PATRICIA J. FAVOR - VOIR DIRE BY THE COURT

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- 1 Q Avis?
- 2 A Yeah, in Columbia.
- 3 Q How long have you been there?
- 4 A January the 3rd will be two years.
- 5 Q Avis in Columbia. Avis --
- 6 A Rental place.
- 7 Q At the airport?
- 8 A Yes.
- 9 Q And you live in what area of Calhoun?
- 10 A I live in the country part of Calhoun.
- 11 Q Well, all of it is country?
- 12 A Great Circle Drive, the country part like off
- 13 of 176.
- 14 Q Off of 176?
- 15 A Yeah.
- 16 Q Is that in the town limits of Saint Matthews or
- 17 out in the country part?
- 18 A In the country part.
- 19 Q Well, I don't want you to be anymore nervous
- 20 than you need to be. I want to let you know that
- 21 you're performing a service for your state and your
- 22 county by responding to your juror summons. And,
- 23 obviously, you didn't ask to come. You were
- 24 summoned to come, but as part of the process, it is
- 25 necessary that we get an opportunity to ask you some

1 questions?

2 Some of them may seem to be personal, but
3 they're not intended to be personal. It's just
4 necessary that we get certain information from you.
5 Do you understand that?

6 A Yes.

7 Q Has anyone attempted to communicate with you
8 about this case since you received the juror summons
9 in the mail?

10 A No.

11 Q And I hate to embarrass you by asking you about
12 criminal records and all, but have you ever been
13 convicted of a crime?

14 A No.

15 Q Otherwise you wouldn't be working at Avis.
16 What do you do there?

17 A Clean out cars, run them through the car wash.

18 Q You get them ready?

19 A Yeah.

20 Q Have you ever served on jury duty before?

21 A No.

22 Q Have you ever read about this case?

23 A No.

24 Q You never heard anything about it?

25 A Huh-huh.

PATRICIA J. FAVOR - VOIR DIRE BY THE COURT

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1 Q Yes or no?

2 A No.

3 Q You never read anything about it?

4 A No.

5 Q Have you formed or expressed an opinion as to
6 the guilt or the innocence of the defendant,
7 Mr. Mahdi?

8 A No, I don't...

9 Q I can't hear you?

10 A No.

11 Q You haven't made up any -- formed any opinion
12 about whether he's guilty or not guilty?

13 A No.

14 Q Pardon me?

15 A No.

16 Q You say no and it sounded like you were saying
17 some extra words after you say no?

18 A No.

19 Q Are you aware of any bias that you might have
20 toward the defendant or the State of South Carolina,
21 the prosecution, in this case?

22 A No.

23 Q Do you know of any reason why you could not
24 give the State and the defendant a fair trial?

25 A I guess if he killed somebody, he have to have

1 a fair trial.

2 Q Well, do you understand the purpose of a trial
3 is to listen to the evidence and to determine
4 whether or not the State has proven beyond a
5 reasonable doubt that the defendant is guilty?

6 A Yeah.

7 Q And do you know of any reason why you could not
8 listen to the evidence and decide that, whether or
9 not the State has proven beyond a reasonable doubt
10 the case?

11 A Yes, it's the case.

12 Q Now, the defendant is presumed to be innocent
13 and that's a presumption that not only this
14 defendant has, but any and every one accused of a
15 crime. A person comes into court presumed to be
16 innocent of the charges. Do you understand that?

17 A Yes.

18 Q And would you be able to follow that
19 presumption of innocence?

20 A Yes.

21 Q Do you understand that the defendant in this
22 case does not have to prove his innocence, he does
23 not have to testify in this case, that the burden of
24 proof in this case is on the State to prove the
25 defendant guilty; do you understand that?

PATRICIA J. FAVOR - VOIR DIRE BY THE COURT

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1 A Yes.

2 Q Now, do you know what is meant by a death
3 penalty?

4 A Yes.

5 Q And what is meant by the death penalty to you?

6 A Death mean that he won't be coming up for no
7 more trials, he'll be spending life in jail.

8 Q All right. Well, if the defendant is found
9 guilty, and the State must prove that, but if the
10 defendant is found guilty, the jury will then decide
11 whether the defendant should be sentenced to life
12 imprisonment without the possibility of parole or
13 sentenced to death by electrocution or lethal
14 injection; do you understand that?

15 A Yes.

16 Q So now do you understand that there is a
17 distinction between life imprisonment on the one
18 hand and the death penalty by lethal injection or
19 electrocution on the other hand; do you understand
20 that?

21 A Yes.

22 Q Now, the State in this case has filed notice of
23 its intent to seek the death penalty and is seeking
24 the death penalty in this case; do you understand
25 that?

1 A Yes.

2 Q Now, the purpose of your coming in and my
3 asking you some questions and the lawyers asking you
4 some questions is to find out your opinion
5 concerning the death penalty. First, I want to ask
6 you, though, did you get a chance to look over this
7 list of people who might testify in this case?

8 A I did look at it in the hallway, but I didn't
9 look at all of it.

10 Q You didn't have an opportunity to look at all
11 of it?

12 A No.

13 THE COURT: All right. With regard to the
14 list, we need to have the next juror sitting out
15 there looking over these two things.

16 BAILIFF: Yes, sir.

17 THE COURT: Is that what they're doing?

18 BAILIFF: Yes, sir.

19 THE COURT: And the next juror is outside of
20 the room looking at the list?

21 BY THE COURT:

22 Q We need you to look at the complete list of
23 possible witnesses in this case because I want to
24 ask you some questions. Do you need more time to
25 look at it?

PATRICIA J. FAVOR - VOIR DIRE BY THE COURT

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1 A Yeah.

2 Q All right. Take your time. You can look at it
3 now. Tell me when you are through looking at it.

4 A (Juror reviewing list.)

5 Q Have you had a chance to look at all of the
6 names on that list?

7 A Yeah.

8 Q Do you know any of the people on that list? .

9 A No.

10 Q All right. You can put that list down. I want
11 to ask you another question. Did you get an
12 opportunity to look at this list, this sheet of
13 paper which has type one, type two and type three of
14 jurors?

15 A Yes.

16 Q Now, the first type of juror, Ms. Favor, is a
17 juror who favors the death penalty in all cases of
18 murder. And once murder has been proven, they
19 believe that the death penalty should automatically
20 be given.

21 The second type of juror is a juror who is
22 against the death penalty in all cases. Regardless
23 of the facts and circumstances and the aggravation
24 of a particular case, that juror has made up his
25 mind and would never give the death penalty no

1 matter what.

2 And the third type of juror is a juror who
3 favors the death penalty in some cases and does not
4 favor the death penalty in others. That juror is
5 the type of juror who, although the guilt of the
6 defendant has been determined, would not have his or
7 her mind made up in advance concerning the
8 punishment. And this juror would need to hear all
9 of the aggravating circumstances, as well as the
10 mitigating circumstances and would listen to the law
11 and would then make a decision concerning punishment
12 and that juror could bring a verdict of life
13 imprisonment without the possibility of parole, or,
14 if the facts so warranted, the juror could bring in
15 a verdict for the death penalty. That's the third
16 type of juror.

17 Are you familiar with those three type of
18 jurors on that sheet of paper?

19 A Yeah, I would pick number three.

20 Q You would pick number three. And do you pick
21 number three because you might favor the death
22 penalty in some cases or would not favor it in some
23 cases depending on the facts and circumstances of a
24 particular case; is that right?

25 A Yeah.

PATRICIA J. FAVOR - VOIR DIRE BY THE COURT

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1 Q And, Ms. Favor, do you understand that if the
2 jury -- each and every juror decided that the death
3 penalty was an appropriate penalty, that each juror
4 then would be required to sign the verdict form
5 representing the death penalty as being the proper
6 verdict from the jury; do you understand that,
7 ma'am?

8 A Yes.

9 Q And would you be able to do that as well if
10 that's what the verdict of the jury was?

11 A Yes.

12 Q Pardon me?

13 A Yes.

14 Q Now, you have met the Solicitor before,
15 Mr. Pascoe and Mr. Sorenson. They've stood up and
16 introduced themselves to you. Do you remember that?

17 A Yes.

18 Q And, also, Mr. Walters and Mr. Koger, they
19 introduced themselves as well?

20 A Yes.

21 Q Now, they may want to ask you some questions
22 and I will give them an opportunity to do so at this
23 time if they would like to.

24 THE COURT: Mr. Pascoe.

25 MR. PASCOE: Thank you, Your Honor.

PATRICIA J. FAVOR - VOIR DIRE BY MR. PASCOE

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1 VOIR DIRE

2 BY MR. PASCOE:

3 Q Good evening, Ms. Favor.

4 A Good evening.

5 Q My name is David Pascoe. I want to thank you
6 for being here. It's been a long day. I don't have
7 too many question for you, ma'am. You said that you
8 would classify yourself as the number three juror?

9 A Yes.

10 Q Someone who could, after looking at the
11 evidence and the law, impose a death penalty
12 sentence on another person?

13 A Yes.

14 Q And just for clarification because of one of
15 your earlier answers, are you aware that if someone
16 is sentenced to the death penalty, that's not a life
17 sentence without parole, but that's sentencing that
18 person to be executed, to be put to death?

19 A Yes.

20 Q You're aware of that?

21 A Yes.

22 Q And you could -- if you felt that the law and
23 the facts were such, you could sentence somebody to
24 death, ma'am?

25 A If they did wrong and killed somebody, yes.

PATRICIA J. FAVOR - VOIR DIRE BY MR. PASCOE

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1 Q You could sentence somebody to the death
2 penalty, you could do it?

3 A Well, if they did wrong.

4 Q Yes, ma'am.

5 A Yes, sir.

6 Q And let me ask you this, and the Judge alluded
7 to this, but if you and the other 11 jurors decided
8 to sentence somebody to the death penalty, you would
9 have to actually sign your name to a verdict form
10 that imposes the death penalty of the execution on a
11 person. Could you do that, ma'am, if you felt that
12 the facts were such, could you do that?

13 A Yes.

14 Q And, Ms. Favor, would you be able to come into
15 open court, because even after that, after you
16 signed your name to the death verdict for them, if
17 you decided someone deserved the death penalty, you
18 would have to come in open court and announce your
19 verdict for the public, could you do that, ma'am?

20 A Yes.

21 Q Could you come into this courtroom and announce
22 to the people sitting right there in one of those
23 chairs that you have sentenced somebody to death,
24 that you personally had done that?

25 A Yes.

PATRICIA J. FAVOR - VOIR DIRE BY MR. WALTERS

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1 Q You could do that?

2 A Yes.

3 MR. PASCOE: Beg the Court's indulgence.

4 (Pause.)

5 MR. PASCOE: Thank you, Ms. Favor. Again, I
6 thank you for your time.

7 THE COURT: All right. Mr. Walters.

8 MR. WALTERS: May it please the Court.

9 VOIR DIRE

10 BY MR. WALTERS:

11 Q Good evening, Ms. Favor.

12 A Good evening.

13 Q Ms. Favor, when His Honor was inquiring about
14 what type of juror you would be in this particular
15 case, you indicated that you would go along with
16 number three or that was your position; is that
17 correct?

18 A Yes.

19 Q And you understand that when you say you're
20 type number three, what you're saying is, is that I
21 want to listen to all of the facts, all of the
22 evidence. And in this particular case, number three
23 alluded to the fact that there are aggravating
24 circumstances that the prosecution may present and
25 there are also mitigating circumstances that the

PATRICIA J. FAVOR - VOIR DIRE BY MR. WALTERS

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1 defense may present. You're aware of that?

2 A Yes.

3 Q All right. So what you're saying is a type
4 number three juror in this particular case is, is
5 that you want to hear the whole picture before you
6 make up your mind?

7 A Yes.

8 Q And after you hear all of the facts and the
9 evidence, you'll make up your mind individually and
10 you can make a decision?

11 A Yes.

12 Q And that decision that you make you understand
13 is an individual decision?

14 A Yes, sir.

15 Q All right. And in this particular case, when
16 you alluded to type number three, you understand in
17 this particular proceeding that we're sort of
18 putting the cart before the horse. You understand
19 that Mr. Mahdi sits here today an innocent man?

20 A Uh-huh.

21 Q We have to go through this process and inquire
22 about the death penalty. But you do understand that
23 Mr. Pascoe, the prosecution, they have to prove
24 their case beyond a reasonable doubt and actually
25 convict Mr. Mahdi. And they have to prove that he

1 had malice aforethought, that he engaged in an
2 unlawful killing. They must prove that first?

3 A Yes.

4 Q And in this particular case, Mr. Mahdi sits
5 before you an innocent man and they're required to
6 meet that burden. And you're saying, in this
7 particular case, that you want to hear all of the
8 facts?

9 A Yes.

10 Q All of the evidence?

11 A Yes.

12 Q And then you'll make up your own mind?

13 A Yes.

14 Q Now, the Solicitor alluded to the fact that,
15 well, could you sign your name along with the other
16 jurors to sentence someone to death and you
17 indicated, yes; is that correct?

18 A Yes.

19 Q Could you also take the position that, in this
20 particular case, I believe someone should spend life
21 in prison?

22 A Yes, sir, life in prison, but if -- I got to
23 hear all of the detail, what happened --

24 Q You've got to hear all of the evidence before
25 you make up your mind?

PATRICIA J. FAVOR - VOIR DIRE BY MR. WALTERS

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1 A Yes, sir.

2 Q In other words, what you're saying to this
3 Court is, what you're saying to me and Mr. Pascoe
4 is, is that I want to hear everything before I make
5 up my mind?

6 A Yes.

7 Q And I'm not going to conclude or polarize or
8 stay in one position or the other until I hear
9 everything?

10 A Yes.

11 Q And then based on the evidence that I hear, the
12 aggravating circumstances, the mitigating
13 circumstances and the totality of all the evidence,
14 I'll make a decision and it will be my individual
15 decision; is that correct?

16 A Yes.

17 MR. WALTERS: Your Honor, I have no further
18 questions.

19 THE COURT: Anything further, Mr. Pascoe?

20 MR. PASCOE: No, sir, Your Honor. Thank you.

21 THE COURT: All right. Ma'am, I want you to
22 stand right outside that door, but don't talk to the
23 person who's seated out there.

24 (Juror leaves the courtroom.)

25 THE COURT: Of course, I still have to question

PATRICIA J. FAVOR - RE-VOIR DIRE BY THE COURT

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1 the juror concerning the sequestration and the
2 meaning of all of that, but, at this point in time,
3 what says the State?

4 MR. PASCOE: Right now, Your Honor, I qualify
5 -- the State wishes to qualify.

6 THE COURT: What says the defense?

7 MR. WALTERS: She's qualified, Your Honor.

8 THE COURT: All right. Bring her back in,
9 please.

10 (Juror enters the courtroom.)

11 RE-VOIR DIRE

12 BY THE COURT:

13 Q Ms. Favor, you read from the letter that I gave
14 you earlier, ma'am, that the jury would be
15 sequestered in this case. Do you recall reading
16 that in the letter that -- the orientation letter
17 that I gave to you that the jury would be
18 sequestered in this case, which means that the jury
19 would have to stay together in a hotel at the
20 county's expense if you were selected to be a juror
21 in this case?

22 A Yes.

23 Q And now, obviously, if you would have to do
24 that, it will be inconvenient to you as it would be
25 inconvenient to all jurors, but aside from the

PATRICIA J. FAVOR - RE-VOIR DIRE BY THE COURT

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1 inconvenience of having to be sequestered or stay at
2 a hotel during the trial of this case, is there
3 anything else that would affect your health or pose
4 a danger to anyone else if you would have to do
5 that?

6 A No, sir.

7 Q So, in other words, you could be available to
8 be sequestered without posing any health risk to
9 yourself or any health or danger to anyone else?

10 A Yes.

11 THE COURT: Any further questions as to the
12 qualifications of this juror?

13 MR. PASCOE: No, Your Honor. Thank you.

14 MR. WALTERS: No, sir, Your Honor.

15 THE COURT: All right. Ms. Favor, you are
16 qualified to serve on this jury, but we will still
17 go through the jury selection process. This means
18 that you will be placed in a pool of qualified
19 jurors from whom the actual jury will be selected.

20 As you can see, we're going through the panels
21 of questioning jurors and we believe that we will
22 have enough jurors from which to select this jury
23 Wednesday morning, but what we need you to do is to
24 come to the courthouse on Wednesday morning at noon,
25 Wednesday at noon, packed and ready to serve, which

1 means that when you come, you need to come with
2 enough clothes to last you about ten days, a week or
3 ten days worth of clothes. You might wear the same
4 thing twice, I don't know, but you need to bring
5 enough clothes to be prepared to be gone for at
6 least, say, seven to ten days or so.

7 And I'm going to give you an information sheet
8 explaining that you may be selected. And this
9 information sheet says bring enough clothes for 14
10 days, along with your medication and all that, if
11 you're on any medicine.

12 Now, we're going to have you, when you come
13 here Wednesday morning, to go up to the annex --
14 what's the name of that room over there?

15 THE CLERK: It's the conference room.

16 THE COURT: There's a conference room right
17 across the street. You know that building you pay
18 your taxes in -- is that where you pay taxes?

19 THE CLERK: Where the county council meetings
20 are held, county council chambers.

21 THE COURT: It's right across the door that you
22 came in, that building behind you there. Have you
23 seen it before?

24 JUROR: Yeah, where you pay your taxes at.

25 THE COURT: Yes, where you pay your taxes,

1 that's the building you go to and be there at noon
2 packed up and whether it's for ten days or 14 days,
3 just have enough. And this is the information sheet
4 which will give you some basic information as to
5 what you need to do. And we look forward to seeing
6 you.

7 Now, please remember that you are not to read
8 anything or hear anything or if you should see
9 anything in the newspaper or on T.V. concerning this
10 matter, you're to immediately turn it off and go to
11 another room because you're not to be exposed to any
12 information other than what you hear in this
13 courtroom. And we look forward to seeing you on
14 Wednesday at noon.

15 You have tomorrow off. Are you going to work?

16 JUROR: I'm going to work tomorrow.

17 THE COURT: Wednesday we want you here at noon.

18 JUROR: Okay.

19 THE COURT: I was going say to you, though,
20 that because you might be selected, you might need
21 to have someone bring you or someone available to
22 pick up your car in case you are selected because
23 you won't immediately go back home. How do you
24 generally get around?

25 JUROR: In my own car. My husband works.

WHITTAKER R. WILLIAMS - VOIR DIRE BY THE COURT

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1 THE COURT: Well, he can probably arrange to
2 pick it up later on if you're on jury duty, so
3 whichever way you work that out. Thank you.

4 (Juror was excused for the day.)

5 THE COURT: To this juror, what says the State?

6 MR. PASCOE: Qualified, Your Honor.

7 THE COURT: What says the defense?

8 MR. WALTERS: Qualified, Your Honor.

9 THE COURT: Very good. She is qualified,
10 number one.

11 Let's have juror number two.

12 (Whereupon, Whittaker R. Williams, a black
13 male, enters the courtroom.)

14 WHITTAKER R. WILLIAMS,
15 having been previously duly sworn, testified as
16 follows:

17 VOIR DIRE

18 BY THE COURT:

19 Q You can have a seat, sir. Welcome back there,
20 Mr. Williams. Are you doing okay?

21 A Fine. Thank you.

22 Q Good. Mr. Williams, where do you work?

23 A Actually, I work two jobs. I work for Delta
24 Airlines and also Sodexal (ph).

25 Q Is that the car repossession storage?

WHITTAKER R. WILLIAMS - VOIR DIRE BY THE COURT

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1 A No. What I do is campus services. I'm a chef,
2 also.

3 Q It's a food services company. And where is --
4 your job at Delta would be at the airport in
5 Columbia?

6 A That's correct.

7 Q And the other job is?

8 A Claflin University.

9 Q And where do you live?

10 A Two blocks from here -- I'm sorry -- that's
11 where I was born. I'm about four miles out of town.

12 Q Well, I certainly want to commend on your
13 service responding to the juror summons and coming
14 in for jury duty and getting ready to serve your
15 county and your state if called upon to serve.
16 Obviously, you didn't volunteer, you were summoned,
17 but you responded. At this stage of things, we're
18 going through individual questioning of jurors and
19 some questions may be personal, they're not meant to
20 be, but it is necessary for it to happen in this
21 case. Has anyone attempted to communicate with you
22 since you received your summons in this case to come
23 to jury duty?

24 A No, sir.

25 Q Has anyone attempted to contact you or discuss

1 this case with you since coming here today?

2 A No.

3 Q Have you ever been convicted of a crime?

4 A No.

5 Q And have you ever served on jury duty before?

6 A No.

7 Q Have you heard about this case?

8 A Not until today.

9 Q And when you heard about it today, was it from
10 me in the courtroom or from someone else?

11 A Here in the courtroom from you.

12 Q Have you formed or expressed an opinion as to
13 the guilt or the innocence of the defendant?

14 A No, sir.

15 Q Have you heard anyone else talk about whether
16 he's guilty or not guilty?

17 A No, sir.

18 Q Or whether they think that he's guilty or not
19 guilty?

20 A No.

21 Q Are you aware of any prejudice or bias that you
22 may have toward the State or the defendant?

23 A No, no prejudice.

24 Q Do you know of any reason why you could not
25 give the State or the defendant a fair trial?

WHITTAKER R. WILLIAMS - VOIR DIRE BY THE COURT

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1 A No.

2 Q Now, Mr. Mahdi, the defendant, is presumed to
3 be innocent of these charges and he is not required
4 to prove his innocence, but the State is required,
5 under our law, to prove his guilt by presenting
6 evidence which convinces a jury of his guilt beyond
7 a reasonable doubt. Do you understand that legal
8 premise?

9 A Yes, sir.

10 Q And do you have any problem accepting and
11 following that?

12 A No, sir.

13 Q And in that same connection, since he has no
14 obligation or burden to prove his innocence, he has
15 a right not to testify and the jury will not and
16 cannot hold that against him in any form or fashion.
17 Do you understand that, sir?

18 A Yes, sir.

19 Q One of the main things that we wanted to have
20 you in to ask you some questions about -- two
21 things, one, this list of perspective witnesses, did
22 you get a chance to look it over?

23 A Yes, sir.

24 Q Do you know any of the people on this list?

25 A Yes, sir.

1 Q And who do you know on this list?

2 A Bill Cartwright and Wendell Davis I've had past
3 experiences with.

4 Q Bill Cartwright from Calhoun County Sheriff's
5 Office and Wendell Davis from --

6 A Orangeburg County.

7 Q And how do you know them?

8 A Bill Cartwright and I served together in the
9 guard back in the 80's. And Wendell Davis and I
10 served together on the YMCA board in Orangeburg.

11 Q And would the fact that you know them and they
12 may be witnesses in this case, would that fact
13 affect your ability to give either the State or the
14 defendant a fair and impartial trial?

15 A No, sir.

16 Q Are those the only folks you know from this
17 list?

18 A Yeah, those are the only two names I recognize.

19 Q And the second reason we want you to come in to
20 ask you some questions is concerning your opinion of
21 the death penalty. Now, from reading this list,
22 you'll notice that we -- that's on this, not this
23 list, but this sheet of paper, there are three types
24 of jurors. Type one is a juror who favors the death
25 penalty in all cases regardless of the

WHITTAKER R. WILLIAMS - VOIR DIRE BY THE COURT

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1 circumstances. Once the offense of murder has been
2 proven, that juror would always favor and vote for
3 the death penalty for one convicted of murder.

4 The second type of juror is a juror who is
5 against it in all cases of murder and that is that
6 that juror would and could never vote for the death
7 penalty regardless of the facts and circumstances.
8 That juror would have already had his or her mind
9 made up concerning punishment no matter what he or
10 she heard and could never vote for the death
11 penalty.

12 The third type of juror is a juror who favors
13 the death penalty in some instances and does not
14 favor the death penalty in some instances.

15 Now, there are no right or wrong answers as to
16 which type of juror a person might be, simply jurors
17 fall into one of the three categories. And the type
18 three juror is a juror who, although the guilt of
19 the defendant has been proven, would not have his or
20 her mind made up concerning punishment, but would
21 need to hear the facts and circumstances in
22 aggravation and in mitigation and would want to
23 listen to and follow the law as the Judge, I, will
24 instruct the jury before he or she could make up his
25 mind concerning a verdict of life imprisonment

1 without the possibility of parole or, if the facts
2 so warranted, that juror could bring in a verdict in
3 favor -- a verdict for the death penalty. Do you
4 understand those three types of jurors?

5 A Yes, sir.

6 Q And what type of juror are you?

7 A I'm a type two.

8 Q And by stating that you're a type two juror,
9 what do you mean?

10 A I cannot support the death penalty.

11 Q And then are you telling me that despite the
12 nature of the offense in regards to the facts and
13 circumstances, you could never vote for the death
14 penalty regardless to how bad the crime might be?

15 A That's correct, sir.

16 Q And so you are a juror who would go into the
17 jury room with your mind already made up. Without
18 hearing any of the facts and circumstances, your
19 mind would be made up that you would not vote for
20 the death penalty?

21 A Yes, sir.

22 THE COURT: Questions from the State?

23 VOIR DIRE

24 BY MR. PASCOE:

25 Q Good afternoon, Mr. Williams. I appreciate you

WHITTAKER R. WILLIAMS - VOIR DIRE BY MR. KOGER

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1 staying. It's been a long day. My name is David
2 Pascoe. I'm the prosecutor on the case, the
3 Solicitor. And I appreciate your honesty. Are
4 these deeply held beliefs that you have against the
5 death penalty, sir?

6 A Yes, sir.

7 Q And you could never sentence anybody to the
8 death penalty?

9 A No, sir.

10 MR. PASCOE: Thank you again for your time,
11 sir.

12 THE COURT: Mr. Walters -- Mr. Koger.

13 VOIR DIRE

14 BY MR. KOGER: .

15 Q Mr. Williams, how are you doing this afternoon
16 -- or this evening?

17 A Fine. Thank you.

18 Q And I just want to clarify what you have
19 already stated that even after hearing the evidence,
20 even after hearing testimony, that you could -- what
21 you're saying, that you could never vote for the
22 death penalty?

23 A That's correct, sir.

24 Q Doesn't matter what type of case, it doesn't
25 matter what may be submitted in mitigation and in

1 aggravation, you could never vote for the death
2 penalty?

3 A That's right, yes, sir.

4 MR. KOGER: Thank you, Mr. Williams.

5 THE COURT: All right. Mr. Williams, if you
6 will stand right outside that door, but do not talk
7 with the other juror who's seated there, just stand
8 like you're in punishment and face the door.

9 (Juror leaves the courtroom.)

10 THE COURT: What says the State?

11 MR. PASCOE: I ask that Mr. Williams be struck
12 for cause, Your Honor, as not being qualified.

13 THE COURT: What says the defense?

14 MR. KOGER: Your Honor, we'll leave it in the
15 Court's discretion.

16 THE COURT: This juror is unequivocal in the
17 juror's position. He is fair and emphatic, he,
18 without hesitation, stated that he could never vote
19 for the death penalty. And based on his responses,
20 he is not qualified to serve as a juror in this
21 case.

22 If you'll have him come back in for me, please.

23 (Juror returns to the courtroom.)

24 THE COURT: Mr. Williams, I want to thank you
25 for your candor and openness in responding to the

1 questions, as well as your services here today.
2 Certainly, no juror would be called upon to do any
3 violence to that juror's conscience concerning a
4 penalty or a punishment in a case.

5 In order to be qualified to serve as a juror in
6 the case, however, you cannot go into the case with
7 your mind already made up as to what type of
8 punishment you could or could not give, that means
9 that the State wouldn't have a chance with you as to
10 what the State is seeking based on the fact that you
11 would have already made up your mind as to not
12 agreeing with the punishment that the State is
13 seeking and what the law permits the State to seek.
14 So, therefore, you're not qualified to serve as a
15 juror in this case.

16 And I want to thank you for your valuable
17 services and your time. Hopefully, it's been a good
18 experience for you or something that hasn't been too
19 burdensome. I'm going to release you from further
20 jury duty this week. I ask that you do not talk
21 with anyone else on the jury panel concerning our
22 discussion. And you're released from the jury duty,
23 so you can read the papers and all that if you wish,
24 but do not talk with anyone else on the jury panel
25 and that's my only condition I'm imposing on you.

TIARA D. BOCHETTE - VOIR DIRE BY THE COURT

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1 So thank you very much and have a good evening.

2 JUROR: All right. Thank you.

3 (The juror was excused.)

4 THE COURT: All right. Ms. Bochette.

5 (Whereupon, Tiara D. Bochette, a white
6 female, enters the courtroom.)

7 TIARA D. BOCHETTE,
8 having been previously duly sworn, testified as
9 follows:

10 VOIR DIRE

11 BY THE COURT:

12 Q Hello. Come right in and have a seat. Ms.
13 Bochette, you're still under oath from a long time
14 ago today, wasn't it, when you were first placed
15 under oath. Are you doing okay?

16 A Yes, I'm fine, a little nervous.

17 Q Well, that's expected being on the witness
18 chair and having people looking at you as we talk to
19 you here, but don't worry, we just want to ask you a
20 few questions and, though, the questions may seem
21 personal, it's not intended to be that way, but it
22 is necessary for us to ask you some questions.

23 Where do you work?

24 A At Boland Pharmacy in Ellore.

25 Q The pharmacy in Ellore?

TIARA D. BOCHETTE - VOIR DIRE BY THE COURT

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- 1 A Yes, sir.
- 2 Q And what do you do there?
- 3 A I'm a pharmacy tech.
- 4 Q And where do you live?
- 5 A In Elloree.
- 6 Q How far is that from this town?
- 7 A It's about a 20 minute drive from where I live.
- 8 Q Well, I want to thank you for coming today and
- 9 for performing your civic duty of jury service up to
- 10 this point. You didn't ask to come, you were
- 11 summonsed to come. Has anyone attempted to
- 12 communicate with you since receiving your summons a
- 13 month or two ago?
- 14 A No, sir.
- 15 Q And has anyone attempted to talk with you about
- 16 this case today?
- 17 A No, sir.
- 18 Q Have you ever been convicted of a crime?
- 19 A No, sir.
- 20 Q Have you served on jury duty before?
- 21 A No, I haven't.
- 22 Q Have you heard or read about this case?
- 23 A I have not.
- 24 Q Have you formed or expressed an opinion as to
- 25 the guilt or the innocence of the defendant?

- 1 A No, sir.
- 2 Q Are you aware of any bias or prejudice that you
- 3 have toward the State or the defendant?
- 4 A No, sir.
- 5 Q Do you know of any reason you could not give
- 6 the State or the defendant a fair trial?
- 7 A No, sir.
- 8 Q The defendant is presumed to be not guilty of
- 9 the charges that he is on trial for. Do you
- 10 understand that?
- 11 A Yes, I do.
- 12 Q That means that he's not required to prove his
- 13 innocence, but he's presumed to be innocent and he
- 14 cannot be found guilty unless the State proves
- 15 beyond a reasonable doubt to each and every juror
- 16 that he is guilty. Do you understand that?
- 17 A Yes, sir.
- 18 Q He's not required to testify, not required to
- 19 prove anything, the burden is on the State and
- 20 remains with the State until the jury finds beyond a
- 21 reasonable doubt -- or unless the jury finds beyond
- 22 a reasonable doubt that he is guilty. Do you
- 23 understand that, ma'am?
- 24 A Yes, sir, I do.
- 25 Q Now, did you get a chance to look at this list

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1 called the witness list?

2 A Uh-huh.

3 Q Do you know any people on that list?

4 A Not personally.

5 Q Well, I won't ask you any further questions
6 about that since you don't know any of them
7 personally. Do you know what is meant by the death
8 penalty?

9 A Yes, sir, I do.

10 Q And what do you think is meant by the death
11 penalty?

12 A Well, as you stated earlier, it's by
13 electrocution or lethal injection in South Carolina.

14 Q And the State is seeking the death penalty in
15 this case and is permitted to seek the death penalty
16 in this case. Do you understand that?

17 A Yes, sir.

18 Q One of the main reasons we wanted to question
19 you individually is to ask you some opinions -- ask
20 you your opinion about the death penalty. Now, we
21 gave you a second paper to look at and on that
22 paper, three types of jurors are listed. The first
23 type is the juror who favors the death penalty in
24 all cases. The second type is a person who is
25 against it in all cases of murder. The first one

1 favors it in all cases of murder. The second type
2 is against it in all cases of murder and the third
3 favors it in some, but does not favor it in others.
4 Do you know which type of juror you are?

5 A I would say type three.

6 Q And why do you say that you're a type three?

7 A Because I would have to hear the story and see,
8 you know, hear both sides.

9 Q And under circumstances that you consider
10 appropriate, could you vote for the death penalty?

11 A I think I could if I felt like it, you know, it
12 was a reason for it.

13 Q And under circumstances that you consider
14 important, could you vote in favor of life
15 imprisonment without the possibility of parole,
16 assuming that the jury has found the defendant
17 guilty of murder?

18 A Yes, sir.

19 Q And is this the first time you've had to think
20 about what category you were in or have you thought
21 about it before?

22 A Well, I actually have been thinking about it
23 for some reason, just what do I believe, not because
24 I've been called or anything because I had no idea
25 what this was about, but I guess in the last year,

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1 I've thought about what do I believe, you know, as
2 far as that's concerned.

3 Q Now, if you were selected to be a juror in this
4 case, according to the letter that I gave you, the
5 jury would be sequestered in this case. Do you know
6 about that word, sequestered?

7 A I think I do.

8 Q Which is to be kept together.

9 A Right.

10 Q Apart from everyone else except the jury
11 itself. Aside from what would obviously be an
12 inconvenience to you and other jurors during this
13 holiday season, do you have any other problems with
14 being sequestered, meaning problems involving --
15 that would affect your health or the health or
16 safety of anyone else?

17 A No, sir.

18 THE COURT: You've met the Solicitor and
19 defense counsel before. I'll give them an
20 opportunity to ask you some questions if they would
21 like to. Let's start with Mr. Walters.

22 MR. WALTERS: May it please the Court.

23 THE COURT: Yes.

24 VOIR DIRE

25 BY MR. WALTERS:

1 Q Ms. Bochette, first of all, thank you for
2 exercising or honoring your civic duty in being
3 here. Good evening, it's after six o'clock. And
4 thank you for being here.

5 His Honor, when he was inquiring about your
6 opinion with regards to the death penalty, I want to
7 make sure, not to insult your intelligence, but I
8 need to make sure that we have some things on the
9 record and we're clear about some things. You
10 understand that the State, in this particular case,
11 must prove their case beyond a reasonable doubt?

12 A Right.

13 Q I think we're sort of putting the cart before
14 the horse because we're inquiring about the death
15 penalty, but in this particular case, they have to
16 prove that there was a murder that occurred and that
17 murder was committed by Mr. Mahdi, okay? And just
18 for you -- your own gratification here, and I want
19 to make sure that we're clear when we talk, you
20 understand that murder is the unlawful taking of
21 someone's life with malice aforethought. And malice
22 being a wicked heart, they planned it and there was
23 an unlawful killing that occurred. You're aware of
24 that, ma'am?

25 A Yes, sir.

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1 Q Now, you stated that you supported -- or you
2 believe your views were in line with number three;
3 is that correct?

4 A Yes, sir.

5 Q And you also stated that during the last year,
6 you sort of formulated some opinions about the death
7 penalty. What brought about that line of thinking
8 and why did you think about your position last year
9 with regards to the death penalty?

10 A Well, I just wasn't sure where I stood, if I
11 believed in that or not, but I have come to the
12 conclusion, depending on the crime, that I could
13 vote for that if I had to -- I mean, if I thought it
14 was necessary.

15 Q And in considering your decision and the
16 factors that you have to consider, you're also aware
17 of the fact that the State, in this particular case,
18 in order to seek the death penalty, they not only
19 have to prove beyond a reasonable doubt that a
20 murder occurred, they also have to show certain
21 aggravating circumstances. Are you aware of that?

22 A Concerning the death penalty you mean?

23 Q Well, let's explore that further. When I say
24 aggravating circumstances, what we're referring to
25 is, is that a murder has occurred and there are

1 other factors that occurred along with the murder,
2 for instance, if someone was kidnapped or if suppose
3 -- things of that nature that -- aggravating
4 circumstances, you know, what it means to aggravate,
5 to worsen?

6 A Right.

7 Q All right. And in this particular case, the
8 State would have to prove that a murder occurred
9 along with certain aggravating circumstances. In
10 addition to that, the defense is also allowed to
11 come forward and produce mitigating circumstances.
12 And do you understand what mitigating circumstances
13 are?

14 A I don't know that word.

15 Q All right. To mitigate means to lessen, to
16 lessen the severity of something. For instance, if
17 you heard something about someone's childhood, how
18 they grew up, or their psychological status at that
19 time or something of that nature, those are all
20 considered mitigating circumstances. Are you
21 willing to consider aggravating circumstances and
22 mitigating circumstances with regards to this
23 particular case?

24 A Sure. I would listen to everything.

25 Q All right. So what you're saying is, is that

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1 you want to look at the total picture?

2 A Uh-huh.

3 Q And you'd like to hear everything before you do
4 make a decision?

5 A Right.

6 Q How do you get most of your news? Do you read
7 a newspaper or do you watch television?

8 A Mostly the television.

9 Q What do you watch on television?

10 A Usually the news, Fox and CNN.

11 Q And you understand, in this particular case,
12 that the burden remains on the State of South
13 Carolina to prove their case beyond a reasonable
14 doubt?

15 A Right.

16 Q For instance, if Mr. Mahdi, he did not testify
17 in this case, he has no obligation to do so, just
18 like any citizen that was accused of any particular
19 crime. We have a right to simply come into this
20 courtroom and sit here and the burden is placed on
21 the State. Do you understand that?

22 A Yes, sir.

23 Q All right. And, in this particular case, if
24 you hear aggravating circumstances with regards to
25 this particular murder, would you automatically vote

1 for the death penalty?

2 A Automatically, no. I would weigh it out.

3 Q And if you heard mitigating circumstances,
4 would you automatically vote that someone stay in
5 jail for the rest of their life?

6 A No.

7 Q So what you're saying is, is that I want to
8 hear everything. I want to hear the mitigating
9 circumstances, the aggravating circumstances. I
10 want to look at the total picture of what we got
11 here and then I'll sit down and make a decision. Is
12 that correct?

13 A Right.

14 Q You understand that if you should return a
15 verdict when you decide that the death penalty
16 should be imposed, you would have to sign your name
17 to the document and appear in this courtroom in
18 public and say, that's my position, that's where I
19 stand behind?

20 A Yes, sir.

21 Q You also understand that if you should vote for
22 someone to receive life in jail, that's an
23 individual decision. And I want to make sure we're
24 clear on this. In a criminal case, His Honor will
25 instruct you that there must be a unanimous decision

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1 with regards to guilty or not guilty, but you do
2 understand as a juror, when you're in that jury
3 room, it is your individual decision as to what your
4 position should be?

5 A Right, I do.

6 Q And if 11 jurors were going one way and you
7 were going the other, you wouldn't change your
8 position just to satisfy the other 11, would you?

9 A Huh-huh.

10 Q And if you were part of the 11 going against
11 one particular person, you wouldn't attempt to
12 impose your beliefs on someone else to get them to
13 change their vote?

14 A No.

15 Q So what you're saying is, you would respect the
16 process?

17 A Yes.

18 Q And you would respect the individuals involved
19 in the process?

20 A Uh-huh.

21 Q And it's my understanding, just in sum, that
22 type number three, it's your position because you
23 want to see the total picture?

24 A Right.

25 MR. WALTERS: I have no further questions, Your

1 Honor.

2 THE COURT: Mr. Pascoe.

3 MR. PASCOE: May it please the Court.

4 VOIR DIRE

5 BY MR. PASCOE:

6 Q Good evening, Ms. Bochette. I want to thank
7 you also for staying here. It's been a long day. I
8 appreciate your sacrifice. I just wanted to make
9 you aware, you know there are no right or wrong
10 answers today, okay? The only wrong answers is if
11 you tell us things you think we want to hear.

12 A Right.

13 Q Just a few more questions for you. Can you
14 abide by the law that Judge Newman gives you in this
15 case in determining whether someone should be
16 sentenced to life in prison or the death penalty?

17 A Uh-huh.

18 Q You can do that. And if the evidence you hear
19 in the penalty phase is bad enough, could you
20 sentence someone to the death penalty?

21 A I would like to think that I could. I mean,
22 I've chosen that recently.

23 Q I mean, do you have any deeply held feelings
24 against the death penalty?

25 A No, because I weighed those out recently like I

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1 told you and if I had to do it, I would do it.

2 Q Is there any doubt in your mind whether you'd
3 be able to do that in this trial?

4 A No, sir.

5 Q And Mr. Walters alluded to this a little bit
6 earlier. I want to go over a little bit of the
7 process with you, okay. If you decided that someone
8 deserved the death penalty, to be sentenced to be
9 executed, are you aware now that you would actually
10 have to sign your name to the death verdict form?

11 A Uh-huh.

12 Q Could you do that in a case if you decide to
13 give someone the death penalty?

14 A Yes, sir.

15 Q And, Ms. Bochette, could you stand up in open
16 court and announce to the public that that was your
17 verdict to sentence someone to death if you felt,
18 under the law and the facts of the case, it was
19 warranted?

20 A Yes, sir.

21 Q No hesitation, do you think you could do that?

22 A I think I could.

23 MR. PASCOE: That's all I have for Ms. Bochette
24 right now.

25 THE COURT: Anything further, Mr. Walters?

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1 MR. WALTERS: Your Honor, just a couple OF
2 questions.

3 RE-VOIR DIRE

4 BY MR. WALTERS:

5 Q I noticed in your questionnaire, you work at a
6 pharmacy; is that correct, ma'am?

7 A Yes, sir.

8 Q And His Honor alluded to -- I believe he asked
9 the jurors when they were here, you haven't been the
10 victim of a violent crime or anything of that
11 nature, have you?

12 A No, sir.

13 Q And you hadn't had any problems at the
14 pharmacy, have you?

15 A No, sir.

16 MR. WALTERS: Your Honor, we have no further
17 questions.

18 THE COURT: Anything further, Mr. Pascoe?

19 MR. PASCOE: No, sir.

20 THE COURT: All right. Ma'am, if you will
21 stand right outside the door there. Don't talk to
22 anyone while you're standing right there.

23 (Juror left the courtroom.)

24 THE COURT: What says the defense?

25 MR. PASCOE: She's qualified, Your Honor.

1 **THE COURT:** The defense?

2 **MR. PASCOE:** Oh, I'm sorry.

3 **MR. WALTERS:** She's qualified, Your Honor.

4 **THE COURT:** All right. Well, I'll tell her to
5 come in and pack her bags and give her an
6 information sheet. Have her come back in, sir.

7 (Juror enters the courtroom.)

8 **THE COURT:** All right. Ms. Bochette, you've
9 been found to be qualified to serve as a juror in
10 this case. That does not mean that you have been
11 selected because we still have to go through the
12 jury selection process, but you are a potential
13 juror and you may be selected to serve in this case.

14 We are hoping that we will be able to select
15 the jury at noon on Wednesday. And this may be a
16 little ambitious, but, you know, we're here at ten
17 to 7:00 so we'll work all day tomorrow and,
18 hopefully, by noon on Wednesday, we can select a
19 jury.

20 And we need you to come in Wednesday at noon
21 packed, being prepared to be away for 14 days -- ten
22 days, 14 days. You may have to start wearing the
23 same thing twice, it will be all right, and bring
24 medication that you may need and notify the Court of
25 any special dietary needs that you may have. And

1 you may need to contact your employer to let them
2 know that you have to come here. And I have an
3 information sheet that Mr. Hasty has prepared
4 confirming this information.

5 Now, because you are still on jury duty and you
6 may be subject to being put on this jury, it's
7 extremely important that you not be exposed to any
8 outside information concerning this case by reading
9 the newspapers, Internet, television and the like
10 because that would be a violation of your oath as a
11 juror. You're to decide the case based solely on
12 the evidence presented in the courtroom and the law
13 as the Court will instruct it to you. If anyone
14 should attempt to contact you about this case,
15 please notify me at once by calling the number on
16 this paper. Any questions?

17 JUROR: No, sir.

18 THE COURT: Thank you very much. And we'll see
19 you Wednesday at noon. Now, let me tell you, when
20 you come in Wednesday at noon, I don't -- obviously,
21 if you are sequestered, it means that you won't be
22 able to drive your car back home, so your best
23 scenario is for you to have someone available to
24 take your car back either by coming and waiting to
25 see if you're on the jury or by being prepared to

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1 pick up your car later on. So I want to mention
2 that to you.

3 And the jurors who come in Wednesday at noon,
4 we'll need you to not come into the courtroom with
5 your luggage and all into the courtroom, but to come
6 to the annex directly across the street where you
7 pay your taxes. There's a conference room in the
8 council chambers that we will have the jurors meet
9 over there and to come over here when we're ready
10 for you, okay?

11 JUROR: Okay.

12 THE COURT: Thank you very much.

13 (Juror was excused for the day.)

14 THE COURT: Ms. Bochette is qualified. Our
15 second juror qualified. And now we need Mr. Thomas
16 R. Bowman.

17 (Whereupon, Thomas R. Bowman, a white male,
18 enters the courtroom.)

19 THOMAS R. BOWMAN,
20 having been previously duly sworn, testified as
21 follows:

22 VOIR DIRE

23 BY THE COURT:

24 Q Mr. Bowman, how are you doing?

25 A Fine.

1 Q Good. I want to thank you for your cooperation
2 and patience and all that. Have you gotten hungry
3 yet?

4 A I'm good to go.

5 Q Very good. Where do you work?

6 A I work at Koyo Bearings in Orangeburg.

7 Q And where do you live?

8 A I live right here in Saint Matthews.

9 Q And, certainly, you're performing a valuable
10 service to your state and your county by coming here
11 today and responding to your juror summons. And
12 summons means that you've been ordered to appear,
13 not that you volunteered. So we certainly
14 appreciate your cooperation.

15 We set aside the jurors in individual panels
16 and give you these times so that we can speak with
17 you individually. And some of these questions may
18 seem personal to you, but it's not intended to be
19 that way, but it is necessary. Have you ever -- has
20 anyone attempted to communicate with you since
21 receiving your juror summons?

22 A No, sir.

23 Q And has anyone attempted to come -- to discuss
24 this case with you since you got here today?

25 A No, sir.

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1 Q Have you been previously convicted of any
2 criminal offenses?

3 A No, sir.

4 Q Ever served on jury duty before?

5 A Yes, sir.

6 Q And when was that?

7 A If it was back in '89, I believe. It was in
8 Orangeburg County. It was over somebody was
9 stealing -- a gentleman stealing some money from a
10 gas station.

11 Q How long have you lived over here in Calhoun
12 County?

13 A I've been in Calhoun, I'd say, about five or
14 six years.

15 Q Have you heard or read about this case?

16 A No, sir.

17 Q Have you formed an opinion or expressed an
18 opinion as to the guilt or the innocence of the
19 defendant in this case?

20 A No, sir.

21 Q Have you heard anyone else talk about whether
22 they had formed an opinion about his guilt or
23 innocence?

24 A No, sir.

25 Q Are you aware of any bias or prejudice toward

1 the State or the defendant?

2 A No, sir.

3 Q Do you know of any reason why you could not
4 give the State or the defendant a fair trial?

5 A No, sir.

6 Q When you were back in the -- right outside
7 there waiting to come to talk with us, you were
8 given a list of potential witnesses. Have you had a
9 chance to review that list?

10 A Yes, sir.

11 Q And did you know anyone on that list?

12 A The only person that I -- his name was -- I
13 know him as Homer. There's one other juror and I
14 know him as Homer that we both work at Koyo Bearings
15 and that's the only person, but I don't know if his
16 name's Homer on that paper. I think it's juror 190.
17 I think that was his number.

18 Q No, I'm not referring to the jurors. I'm
19 referring to this list right here of potential
20 witnesses.

21 A No, sir.

22 Q You don't know anyone on this list?

23 A No, sir.

24 Q So as you sit here today, you cannot recall
25 having heard anything about this case or the

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1 allegations in this case?

2 A No, sir.

3 Q I want to ask you some questions concerning
4 your views concerning the death penalty. And
5 there's no right or wrong answer to any of these
6 questions. We're just trying to understand them and
7 see how they might impact on your jury service. And
8 because the death penalty may be an issue in this
9 case, we need to talk about it.

10 But you do understand that the mere fact that
11 we're talking about the penalty is really premature.
12 The trial hasn't even begun and Mr. Mahdi is
13 presumed to be innocent of the charges. But this is
14 the only time we can talk with you about the penalty
15 and that is before the trial gets under way.

16 Now, if you were a juror in any type of
17 criminal case, and I'm not asking you about this
18 particular case because you don't know anything
19 about the case, it would be unfair for me to ask you
20 what you might do in a case and you hadn't heard
21 anything and that's not what we're about, but just
22 in a general sense, if you are a juror in any
23 criminal case, would you be willing to listen to the
24 law as you were instructed by me, the Judge? -----

25 A Yes, sir.

1 Q And would you be willing to accept that law and
2 apply it to the facts as you find them to be?

3 A Yes, sir.

4 Q Even though you might not particularly like the
5 law, you might even disagree with the law, would you
6 still be willing to follow the law as you were
7 instructed to do so?

8 A Yes, sir.

9 Q Now, if you were asked to serve as a juror in
10 this case, could you decide this case solely upon
11 what you hear here in the courtroom and disregard
12 anything that you might hear about the case outside
13 the courtroom?

14 A Yes, I could.

15 Q As I had mentioned to you a little earlier and
16 to the entire panel, the State has the burden of
17 proving the defendant guilty beyond a reasonable
18 doubt. In other words, the defendant does not have
19 any burden of proving his innocence because he's
20 presumed to be innocent under the law. Do you
21 understand that?

22 A Yes, sir.

23 Q And so if you were a juror, would you be able
24 to listen to the facts and circumstances and the law
25 as you were instructed?

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1 A Yes, sir.

2 Q And would you be willing to find the defendant
3 not guilty of a criminal charge if the State failed
4 to prove beyond a reasonable doubt that he is
5 guilty?

6 A Yes, sir.

7 Q And would you be able to find the defendant
8 guilty of a charge if the State proved beyond a
9 reasonable doubt that he is guilty?

10 A Yes, sir.

11 Q Now, in most instances, jurors do not consider
12 themselves with punishment. It's generally left up
13 to the judge as to what the punishment would be.
14 But there is one type of case in our law where the
15 jury has to deal with the matter of punishment and
16 that's in a case like this one. It's a case where
17 an individual has been charged with the crime of
18 murder and where the State is seeking the death
19 penalty.

20 If an individual in a death penalty case is
21 convicted of murder, then the same jury that
22 convicted him of murder would come back in a
23 separate and different proceeding, decide what the
24 sentence should be. And in that instance, there
25 would only be two choices, of course, one is life

1 imprisonment without the possibility of parole and
2 one is the death penalty through electrocution or
3 lethal injection. Do you understand that?

4 A Yes, sir.

5 Q Did you have a chance to look at the second
6 sheet of paper back there that listed the three
7 types of jurors on that sheet?

8 A Yes, sir.

9 Q And which one of those three types of jurors
10 best describe you?

11 A The one that best describes me is, is the one
12 that -- I'm the type person I want to hear the whole
13 facts and all the facts from beginning to end before
14 I make any kind of judgment, you know, I want to
15 hear both sides. I'm not the type of person that's
16 going to pass judgment just from hearing one side.

17 Q And there are three types of jurors on that
18 sheet. Number one is a juror who favors the death
19 penalty in all cases of murder. The second one is
20 the one who's against the death penalty in all cases
21 of murder. And the third one is the juror who
22 favors it in some and does not favor it in others.

23 A That would be more me, number three.

24 Q You're number three?

25 A Yeah, it would depend.

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1 Q So you're telling me then that you would be
2 willing to listen to all of the evidence and if you
3 thought the appropriate sentence was to put someone
4 to death, you would be able to do that?

5 A Yes, sir.

6 Q And if you had to sign the verdict form stating
7 that that is your decision, you would do that?

8 A Yes, sir.

9 Q And if you thought that the death sentence was
10 not appropriate or for any other reason, a person
11 ought to receive a sentence of life without the
12 possibility of parole, you would be able to vote for
13 a sentence of life imprisonment without the
14 possibility of parole?

15 A Yes, sir.

16 Q And you would make that decision based upon
17 what you heard here in the courtroom?

18 A Yes, sir.

19 Q If you were chosen to serve as a juror in this
20 case, you and the other jurors would be housed
21 together, and the word is sequestered. You all
22 would be housed here in a local motel during the
23 course of the trial and that's where you would have
24 to stay until the trial is over except when you're
25 here in the courtroom. And this period could be

1 from a week and a half to two weeks. Obviously,
2 that would create an inconvenience for you as it
3 would for all who serve on the jury, but other than
4 the inconvenience that it would cause anybody who
5 would have to serve in this capacity, would that
6 pose a serious risk of danger to your health or
7 well-being or that of anybody who's dependent upon
8 you if you have to serve in that capacity?

9 A The only issue with that is in my household,
10 I'm the only one that's working. My wife's in
11 school. My daughter's in school. And I, basically,
12 would not have any paychecks coming in for two
13 weeks. So it would put me in, I guess, a little bit
14 of a bind. And other than that, you know --

15 Q Other than that?

16 A -- no.

17 Q But there is nothing that would pose a serious
18 risk of danger to your health or well-being?

19 A No, sir.

20 Q You would just be behind the eight ball for a
21 while?

22 A Yes, sir.

23 Q Would you be able to do that if you were
24 selected to be a juror in this case?

25 A Yes, sir.

THOMAS R. BOWMAN - VOIR DIRE BY MR. KOGER

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1 THE COURT: Questions by the defense,
2 Mr. Koger.

3 VOIR DIRE

4 BY MR. KOGER:

5 Q Mr. Bowman, Judge Newman has already gone over
6 this, but I just wanted this for clarification. Mr.
7 Mahdi sits here as an innocent person, correct?

8 A Yes.

9 Q And you realize this is a two stage trial?

10 A Yes, sir.

11 Q The first part deals with guilt or innocence?

12 A Yes, sir.

13 Q And if we get past the guilt stage, then we go
14 to the sentencing stage?

15 A Yes, sir.

16 Q But you do realize that the State has to prove
17 their case beyond a reasonable doubt, correct?

18 A Correct.

19 Q And you do realize that he's innocent right
20 now?

21 A Yes, sir.

22 Q And I think you stated that you are a type
23 three, that you'll listen to all of the evidence?

24 A Yes, sir.

25 Q And I think you stated you wanted to get the

1 entire picture?

2 A Yes, sir.

3 Q And then you'll make a decision from that?

4 A Yes, sir.

5 Q Okay. Now -- and, of course, I know you know
6 the definition of murder because it came out here,
7 but, you know, murder is an intentional killing with
8 malice?

9 A Yes, sir.

10 Q Malice is some type of evil design or evil
11 heart?

12 A Correct.

13 Q Would you automatically, again I may be
14 redundant, but would you automatically vote for the
15 death penalty of someone convicted of murder?

16 A No, sir, I don't think I would because I would
17 have to know the full -- everything, you know, the
18 whole picture. You know, I'd have to know in my
19 mind without a reasonable doubt that, you know, I
20 would have to have all of the information and all
21 the facts before I would even consider, you know,
22 signing -- saying guilty for the death sentence, you
23 know.

24 Q And in this type of case, Mr. Bowman, the
25 reason why it's a death penalty, the Solicitors are

THOMAS R. BOWMAN - VOIR DIRE BY MR. KOGER

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1 going to try to prove aggravating circumstances,
2 okay. And according to the statute, the aggravating
3 circumstance could be a murder committed during the
4 commission of a rape or some other crime, correct?

5 A (Witness nodded head.)

6 Q All right. And that's a point in which the
7 death penalty could be sought or given, okay?

8 A Right.

9 Q Do you know what they mean by mitigating
10 circumstances?

11 A You'd have to explain.

12 Q Okay. A person's background, how they was
13 brought up, could you give meaningful consideration
14 to a person's background and how they were brought
15 up and what -- being a juror, in determining whether
16 you would decide to give the death penalty or not or
17 in determining whether to give a person a life
18 sentence without parole?

19 A My opinion would be their background and their
20 history, how they were brought up would, you know,
21 I'd have to definitely consider it.

22 Q And you could give meaningful consideration to
23 it?

24 A Right.

25 Q Has your opinion on the death penalty changed

1 over the years or has it remained pretty constant?

2 A It has remained pretty constant.

3 Q And that opinion is that you have to look at
4 the total picture, correct?

5 A Yes, sir.

6 Q And, again, I think you also state that
7 depending upon how that total picture comes out,
8 that you could actually vote for a person for life
9 without parole -- a life sentence without parole?

10 A Yes, sir.

11 Q Now, Mr. Bowman, and I may have misplaced it,
12 but I didn't get the second sheet on your
13 questionnaire, so I need to ask you some questions
14 from that particular sheet, okay? You have been
15 employed with Koyo for how many years?

16 A I've been at Koyo going on three years.

17 Q What was your prior employment?

18 A Prior employment, I was working out of Columbia
19 at American Pasta in Columbia.

20 Q And how long did you work at American Pasta?

21 A I was at American Pasta, I would say, about two
22 years.

23 Q And have you ever worked with any type of law
24 enforcement agency, prison or jail or correctional
25 institution?

1 Q And do you attend church?

2 A I work about six, seven days a week.

3 Q All right. Do you -- are you involved or do
4 you belong to any type of social, civic or
5 organizational clubs?

6 A No, sir.

7 Q You just work all the time.

8 A I just work.

9 Q I have one more question from something that
10 you mentioned that you served on jury back in 1989?

11 A Yes, sir.

12 Q And it was in Orangeburg County?

13 A Yes, sir.

14 Q And you say it dealt with stealing from a store
15 or something?

16 A It was the Dodge's store in Orangeburg right
17 there on 301. It was a little petty -- he was
18 robbing the cashier and he was found guilty.

19 Q Okay. He was found guilty?

20 A Yes.

21 MR. KOGER: I have no further questions. Thank
22 you, Mr. Bowman.

23 THE COURT: Solicitor.

24 MR. PASCOE: May it please the Court.

25 THE COURT: Yes, sir.

THOMAS R. BOWMAN - VOIR DIRE BY MR. KOGER

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- 1 A No, sir.
- 2 Q Do you have any family members that have worked
3 in those type of facilities?
- 4 A Yes, sir. Years ago, my father was Chief of
5 Police in Norway.
- 6 Q What's your father's name?
- 7 A Leon Ray Bowman.
- 8 Q And how long ago was that?
- 9 A He retired, I'm going to say it's somewhere
10 around '85 -- '83 to '85 he retired. He's like 75
11 now.
- 12 Q All right. And I noticed from the first sheet
13 that you grew up in Norway, correct?
- 14 A Yes, sir.
- 15 Q And you went to Hunter Kinard Tyler?
- 16 A Yes, sir.
- 17 Q Okay. Are you married?
- 18 A Yes, sir.
- 19 Q How long have you been married?
- 20 A Been married to my wife going on about, say,
21 about eight years now.
- 22 Q Eight years, okay. Do you have any children?
- 23 A Yes, sir, I have one daughter.
- 24 Q And how old is she?
- 25 A She is 15.

THOMAS R. BOWMAN - VOIR DIRE BY MR. PASCOE

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VOIR DIRE

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BY MR. PASCOE:

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Q Good evening, Mr. Bowman. I just have a few questions for you. My name is David Pascoe. I'm the Solicitor for Calhoun County. Sir, you could abide by the law in this case that Judge Newman gives you in determining whether the person should be sentenced to the death penalty or a life sentence?

A Yes, sir.

Q In fact, you've testified repeatedly that you're a number three juror. You would want to weigh all of the facts in this case before you impose a sentence, correct?

A Correct.

Q Do you have any deeply held feelings against the death penalty one way or the other?

A Not one way or the other.

Q Okay. Is there anything that you could think of that would almost always prevent you from being able to impose the death penalty in a murder case?

A No, sir.

MR. PASCOE: That's all I have, Your Honor.

THE COURT: Anything further, Mr. Koger?

MR. KOGER: Nothing further.

1 THE COURT: Anything further?

2 MR. PASCOE: No, sir.

3 THE COURT: Okay. If you'll stand right
4 outside that door. Don't talk with anyone while
5 you're there.

6 (Juror leaves the courtroom.)

7 THE COURT: What says the defense?

8 MR. KOGER: We feel he's qualified, Your Honor.

9 THE COURT: The State?

10 MR. PASCOE: We agree, Your Honor, qualified.

11 THE COURT: Let's bring him back in.

12 (Juror returns to the courtroom.)

13 THE COURT: Mr. Bowman, you have been found to
14 be qualified to serve as a juror in this case. And
15 we need you to come here packed on Wednesday at
16 noon, that's when we're going to try to get the jury
17 picked, Wednesday at noon. And when you come -- I'm
18 giving you a list of information. The jurors will
19 be staying around here in town at the Sleep Inn, so
20 you're not too far from home. You'll be able to
21 call and check in, but you'll have to stay with the
22 jurors and there will be court officers there
23 supervising all of that.

24 Now, you should not do any checking or allow
25 anyone to talk with you or make any contact with you

1 about this case. And if anyone tries to do that,
2 please let me know immediately.

3 And we have here that you should bring enough
4 clothing for up to 14 days. I'll probably change
5 this on a few other sheets to say up to 10 days,
6 that doesn't sound as bad as 14 days, does it? We
7 look forward to seeing you then.

8 Now, when you come, you need to have someone
9 prepared to get your car in the event you are
10 selected. Thank you very much. We'll see you
11 Wednesday at noon.

12 Now, one other thing. When you come in
13 Wednesday at noon, we're going to have all of the
14 jurors go over to the annex building where you pay
15 your taxes and just go to the conference room over
16 there and someone will direct you to that room
17 rather than bringing your luggage in here. We might
18 be in here talking about some other things and
19 rather than having jurors coming here with luggage
20 and all of that, we'll just have you meet over
21 there. Okay. Thank you.

22 (Juror was excused for the day.)

23 THE COURT: Next one, Bonaparte.

24 (Whereupon, Vernica W. Bonaparte, a black
25 female, enters the courtroom.)

1 VERNICA W. BONAPARTE,
2 having been previously duly sworn, testified as
3 follows:

4 THE COURT: Hey, Ms. Bonaparte.

5 JUROR: Can I say something?

6 THE COURT: You want to say something to me?

7 JUROR: Yes...

8 THE COURT: You'll have to say it to everybody.

9 JUROR: Okay, I'm sorry. I'm having surgery on
10 the 7th and I totally forgot about it.

11 THE COURT: You're having major surgery?

12 JUROR: No, it's not major. It's a
13 colonoscopy, but they consider it surgery.

14 THE COURT: That's not really surgery. I've
15 had one or two of those. That's not surgery. It
16 will make it -- you won't be able to come and sit on
17 a jury before you have it or after you have it, but
18 it's not really surgery. That's a test just to
19 determine whether or not you have any polyps or
20 anything within your insides.

21 JUROR: I know -- cancer.

22 THE COURT: Well, yeah, it's an important thing
23 that everyone should have, but it's the type of
24 thing also that can be rescheduled normally. Which
25 doctor is going to do that?

1 JUROR: Doctor Singleton is going to do it in
2 Columbia.

3 THE COURT: Most of the doctors who do
4 colonoscopies, they have this expensive equipment
5 and they try to do as many as they can do as often
6 as they can do them. So if you're not available at
7 that date, you can rest assured he'll get you in
8 there two or three days later. He's getting paid to
9 do it, right?

10 JUROR: Of course.

11 THE COURT: So don't worry, if you're not
12 available to go, they will give you another date and
13 we will assist you in getting another date if that's
14 your situation and if you're otherwise tied up
15 here, we'll get you few days afterwards, okay?

16 JUROR: Okay.

17 THE COURT: When is that?

18 JUROR: That's next week.

19 THE COURT: Well, thank you for bringing that
20 to our attention, but we'll proceed despite that
21 information. You're not feeling bad or anything,
22 are you?

23 JUROR: Not really.

24 THE COURT: You're feeling pretty good?

25 JUROR: Sort of.

VERNICA W. BONAPARTE - VOIR DIRE BY THE COURT

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1 THE COURT: Remember you're still under oath
2 from this morning, okay.

3 JUROR: Yes, sir.

4 VOIR DIRE

5 BY THE COURT:

6 Q Now, we have to ask you some questions. The
7 first one is where do you work?

8 A United Parcel Service, UPS.

9 Q And where is that located?

10 A Columbia.

11 Q You drive there everyday?

12 A Everyday.

13 Q How long does it take?

14 A Thirty-five to 40 minutes.

15 Q It's pretty convenient, isn't it, to live in
16 the country and go to the city that quickly, don't
17 you think so?

18 A Somewhat.

19 Q Well, what area of this county do you live in?

20 A Area?

21 Q Yeah.

22 A I live on Old Bellville Road.

23 Q That's off of 26?

24 A No, no, no. It's so many names. Well, I can
25 tell you my address.

VERNICA W. BONAPARTE - VOIR DIRE BY THE COURT

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1 Q Well, you know, in most towns, they have these
2 sections, every set of woods has a name for a
3 section, which one is yours?

4 A The first beginning of the section is Herlawn
5 Avenue.

6 Q How long have you lived out there?

7 A Twenty-eight years.

8 Q That's not really important. It's just a
9 question to help get you relaxed before I start
10 asking you some more questions. And these questions
11 may seem personal to you, but has anyone attempted
12 to communicate with you about this case since you
13 received the summons to come to jury duty?

14 A No.

15 Q Has anyone attempted to talk with you about it
16 today?

17 A No.

18 Q Do you have a criminal record?

19 A Not to my knowledge.

20 Q You've never been convicted of any crimes?

21 A No.

22 Q Have you ever served on jury duty before?

23 A Years and years and years ago.

24 Q Everybody needs to hear what you're saying. I
25 know you're talking to me, but you've got to talk

- 1 loud enough for everyone to hear you. You served on
2 jury duty years ago?
- 3 A A long -- real, real long time ago.
- 4 Q Was it here in this building?
- 5 A Uh-huh.
- 6 Q In this courtroom?
- 7 A No, it was on West Bridge Street, the
8 magistrate's office.
- 9 Q The magistrate's office?
- 10 A I don't know what office it was. It was on
11 West Bridge Street, one of those buildings over
12 there, had a little court thing.
- 13 Q Was that big court or little court?
- 14 A I guess it was small.
- 15 Q Have you heard about this case before?
- 16 A No, sir.
- 17 Q You never heard anything about it?
- 18 A I don't listen to the news. I don't like bad
19 news.
- 20 Q You don't listen to news and you don't like bad
21 news?
- 22 A I don't listen to the news.
- 23 Q Do you read the newspaper?
- 24 A Yeah.
- 25 Q Watch T.V.?

VERNICA W. BONAPARTE - VOIR DIRE BY THE COURT

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1 A Only dramas and action shows.

2 Q Do you ever watch the news?

3 A No.

4 Q Do you go on the Internet?

5 A No.

6 Q And have you formed an opinion as to the guilt
7 or the innocence of the defendant in this case?

8 A No.

9 Q Are you aware of any bias or prejudice that you
10 might have for or against the State of South
11 Carolina or the defendant?

12 A No.

13 Q Do you know of any reason why you could not
14 give the State or the defendant a fair trial?

15 A No.

16 Q Now, the defendant in this case is presumed to
17 be not guilty. He's presumed to be innocent. Do
18 you understand that?

19 A (No response.)

20 Q That he's presumed to be innocent?

21 A How can I explain this? Somewhat.

22 Q And what do you mean by that?

23 A It means that he isn't guilty until all of the
24 evidence is in and he's found guilty. Other than
25 that, it's just assuming.

VERNICA W. BONAPARTE - VOIR DIRE BY THE COURT

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1 Q Well, everyone who comes into court is presumed
2 to be not guilty and cannot be found guilty unless
3 the State proved beyond a reasonable doubt that he
4 is guilty. In other words, the defendant has no
5 burden of proving his innocence. He doesn't have to
6 testify or present any evidence. Do you understand
7 that the burden is on the State to prove him guilty
8 and unless the State does that, he must be found not
9 guilty?

10 A Yes.

11 Q Now, would you be willing to accept the law as
12 I apply it to the facts as you might find them to be
13 and to follow that law?

14 A Yes.

15 Q Even though you might not particularly agree
16 with the law or principle law that I might tell you,
17 would you follow it even though you might disagree
18 with it?

19 A (No response.)

20 Q If I instructed you that you must follow the
21 law as I give it to you?

22 A Yes.

23 Q In most cases, jurors are not concerned about
24 punishment. It's usually up to the judge. But in a
25 case where the State is seeking the death penalty,

VERNICA W. BONAPARTE - VOIR DIRE BY THE COURT

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1 the jury decides the punishment. And, in this case,
2 since the State is seeking the death penalty, as the
3 State has a right to do, if the jury were to find
4 the defendant guilty of murder, do you understand
5 that the jury would then -- we'd then have another
6 hearing, another proceeding, to determine what
7 punishment the defendant should receive?

8 A Yes.

9 Q Now, in that instance, the punishment would
10 either be life imprisonment without the possibility
11 of parole or the death penalty, which is death by
12 electrocution or lethal injection. Do you
13 understand that to be the case?

14 A Yes.

15 Q Have you had a chance to look at this paper
16 back there that listed the three type of jurors on
17 it?

18 A Uh-huh.

19 Q And did you understand what you looked at?

20 A Somewhat.

21 Q Well, there are three types of jurors. One
22 type of juror would never vote for the death
23 penalty, would always favor life imprisonment.
24 Another type of juror would always vote for the
25 death penalty in a case of murder. And a third type

1 of juror might vote for the death penalty or might
2 vote for life imprisonment based on the facts and
3 circumstances, having listened to the evidence and
4 the aggravating circumstances and the mitigating
5 circumstances. Which type of juror are you?

6 A I really don't know. Trust me, I don't know.

7 Q You don't know?

8 A I do not know.

9 Q Have you ever thought about it before?

10 A Never.

11 Q Now, the paper that you were given lists three
12 types of jurors. Type one being that -- says that
13 where the crime of murder has been proven, this
14 juror would feel that he or she is required to give
15 the death penalty in each and every case. This
16 juror feels that once a murder has been committed,
17 the death penalty is the only appropriate punishment
18 no matter what the circumstance of the case. That's
19 type one.

20 Type two is a juror who, although guilt of the
21 defendant has been determined, under no
22 circumstances, could ever give the death penalty.
23 This juror would not need to hear what the facts and
24 circumstances were in aggravation of this particular
25 case because the juror would have already made up

VERNICA W. BONAPARTE - VOIR DIRE BY THE COURT

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1 her mind concerning punishment no matter what she
2 heard and that juror would always vote for life
3 imprisonment.

4 The third type of juror is that although the
5 defendant has been determined and found to be
6 guilty, this juror would not have made up his or her
7 mind in advance concerning punishment. They would
8 need to hear the facts and circumstances in
9 aggravation and mitigation and would want to listen
10 to and follow the law as the judge charges the law
11 before he or she could make up her mind concerning
12 punishment. And if the facts so warranted, this
13 juror could bring in a verdict of life imprisonment
14 without the possibility of parole. And, also, if
15 the facts so warranted, this juror could bring in a
16 verdict for a death penalty.

17 Now, which type of juror are you?

18 A I don't know. Do I have to be a type?

19 Q Yes.

20 A Okay.

21 Q Look at this paper and tell me what type of
22 juror you are, type one, type two or type three?

23 A This is a serious matter, I would be a type
24 three because I would want to know all the facts
25 before I try to make a decision on somebody's life.

1 Q Well, in that connection, could you vote for
2 the death penalty if you thought that was the
3 appropriate punishment?

4 A I really don't know if I could or not.

5 Q Could you vote for life imprisonment without
6 the possibility of parole if you thought that was
7 the proper punishment?

8 A I could do that.

9 Q And you don't know -- well, if the State were
10 to prove circumstances that indicated a really bad
11 crime, a really bad murder, an aggravated murder,
12 could you vote for the death penalty if you felt
13 that the crime was so bad that the death penalty was
14 the only appropriate punishment?

15 A I don't think I could.

16 Q You don't think you could?

17 A No.

18 Q And have you ever thought about whether you
19 could or couldn't?

20 A No. Presenting it to me today, you know, and
21 me personally, that's bringing harm to another
22 person, I can't make that type of decision unless
23 I'm made to, that's a different story.

24 Q Well, of course, on a jury, you would never be
25 made to make any type of decision. You are in

VERNICA W. BONAPARTE - VOIR DIRE BY THE COURT

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1 charge of your own decision on the jury. No one can
2 make you make any particular decision. And so the
3 purpose of these questions are not an attempt to
4 make you make a decision, because you haven't heard
5 any of the evidence, and there are no right or wrong
6 answers to any of these questions, we simply want to
7 know what type juror you are.

8 And are you telling me that you think you are a
9 type three juror, as you said, who would favor the
10 death penalty in some instances or favor life
11 imprisonment, could vote for either one? Or, are
12 you shifting now and telling me that you are a type
13 two juror who could never give the death penalty
14 regardless of the circumstances?

15 A I told you I didn't know. I just don't know,
16 but I know that I would not want to sit on a panel
17 and give anybody the death penalty. I just
18 wouldn't. My heart would...

19 Q Well, we understand that you didn't volunteer
20 for jury duty and you would rather be at UPS or some
21 place else, but since you are here for jury duty and
22 if you were called to serve on a jury, could you
23 vote for the death penalty?

24 A If I were called, I would do whatever's
25 necessary.

1 Q Well, if you determined that the only
2 appropriate punishment was the death penalty, could
3 you vote for the death penalty and sign your name on
4 a verdict form sentencing the defendant to death?

5 A If, after hearing all of the evidence and I got
6 to that point, probably, but right now, no.

7 Q Well, obviously, you would not be asked to
8 decide any case in advance because you haven't heard
9 any of the evidence, but after hearing the evidence,
10 if you consider the circumstances are bad enough, if
11 you consider that the death penalty was the
12 appropriate sentence and the only appropriate
13 sentence, could you vote for the death penalty?

14 A I don't know that I could, seriously. I just
15 don't know that I could.

16 Q Well, we want you to be serious with us.

17 A Yeah. I just don't know if I could do that.

18 Q You don't know if you could?

19 A I don't know if I could do that.

20 Q Well, are you telling me that you could not do
21 that?

22 A No, I'm not going to say I could not, but, at
23 this point, I don't know whether I could do that or
24 not because, as you said, I haven't heard the
25 evidence and I can't decide, I just can't.

VERNICA W. BONAPARTE - VOIR DIRE BY MR. PASCOE

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1 THE COURT: All right. Well, let me turn you
2 over to the Solicitor for some questions and then
3 the defense attorney for some questions and then
4 you'll come back to me for some questions.

5 VOIR DIRE

6 BY MR. PASCOE:

7 Q Good evening, Ms. Bonaparte. My name is David
8 Pascoe. I'm the Solicitor. I want to thank you for
9 being here so late and thank you for your service.
10 I just want to make sure we heard your testimony
11 correct, okay? And before I get started, like the
12 Judge said, there are no right or wrong answers, all
13 right? The only wrong answers is if you say things
14 you think we want to hear, okay?

15 Did you testify that you don't know that in
16 fact -- as far as imposing a death sentence, did you
17 testify that you don't think that you could do that;
18 isn't that your testimony, ma'am?

19 A Yes.

20 Q And didn't you also testify, ma'am, that you
21 wouldn't want to sit on a panel or a jury to have to
22 make that decision?

23 A Yes.

24 Q And didn't you also testify, ma'am, and this is
25 a quote, I don't think I could give the death

1 penalty; is that your honest answer?

2 A Yes, it is.

3 Q And you have some deeply held beliefs against
4 the death penalty obviously?

5 A I've never thought about it. My only belief is
6 personal within me that I wouldn't want to be
7 responsible for another person's life.

8 Q Absolutely. And I see that you go to Saint
9 Martin's Baptist Church, a real good church.

10 A Yes, I do.

11 Q You have some religious belief that interfere
12 with maybe your ability to sentence somebody to
13 death?

14 A Well, yeah, you can say that.

15 Q And are you aware, ma'am, if you're on a death
16 penalty trial, if you're sitting as a juror on a
17 death penalty trial and you sentenced someone to
18 death, you would actually have to sign your name to
19 a death verdict form? I see you look pretty
20 shocked. Did you know that, ma'am?

21 A No, I did not.

22 Q Could you ever sign your name to a death
23 verdict form sentencing somebody to death? Could
24 you do that?

25 A No.

VERNICA W. BONAPARTE - VOIR DIRE BY MR. WALTERS

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1 Q You would never want to take somebody's life?

2 A I would never want to do that.

3 MR. PASCOE: Thank you, ma'am.

4 THE COURT: What says the defense, questions?

5 MR. WALTERS: May it please the Court.

6 VOIR DIRE

7 BY MR. WALTERS:

8 Q Ms. Bonaparte, before we started this process
9 of the exchange, and I want to back this all up
10 because I think it got turned on all four wheels,
11 got turned over upside down, His Honor, when he was
12 talking to you, when he talked to you about the
13 sheet with the three different type of jurors, you
14 were sort of boxed in because you were forced to
15 elect one of the three; is that correct?

16 A (Juror nodded head.)

17 Q You're not --

18 A I felt that way.

19 Q We need a verbal answer. You were sort of
20 forced into electing one of the three; is that
21 correct?

22 A Yes.

23 Q And when you're forced into that position,
24 you're forced into making a decision, you said, I'm
25 probably number three; is that correct?

- 1 A Say that again.
- 2 Q You said you were number three; is that right?
- 3 A I said I'm probably that, yeah.
- 4 Q And before you got into the discussion about
- 5 your election as to what your position was with
- 6 regards to the death penalty, you stated that you
- 7 don't watch a lot of news and you watch drama and
- 8 action shows; is that correct?
- 9 A Right.
- 10 Q So you sort of keep a positive disposition
- 11 about things and you don't like hearing negative
- 12 things; is that right?
- 13 A Right.
- 14 Q And as far as the death penalty is concerned,
- 15 to inquire about this, the message I'm getting from
- 16 you is, is that you haven't given that any deep
- 17 thought, you know, it's not a part of your life, is
- 18 it?
- 19 A No, it isn't.
- 20 Q Now, let's back up. The Solicitor quoted some
- 21 of the things that you'd said on the stand, but I'm
- 22 going to go back to some of the things you also said
- 23 on the stand. You said, If called, I'll do whatever
- 24 is necessary. You said that; is that correct?
- 25 A Yes.

VERNICA W. BONAPARTE - VOIR DIRE BY MR. WALTERS

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1 Q Now, let's carefully go through number three
2 and it looks like, as far as the election is
3 concerned, you sort of jumped into that one and you
4 said, Well, I've got to hear everything before I
5 make a decision; is that right?

6 A Yes.

7 Q Are you the type of person that needs to sit
8 down and hear from each party everything they have
9 to say and then you make a decision?

10 A Yes, because that's the way things are done,
11 you know.

12 Q That's fair and that's logical; isn't that
13 correct?

14 A Uh-huh.

15 Q And by hearing from both parties and all of the
16 facts, then you can make a decision; is that right?

17 A Yes, if I have to.

18 Q Right. And in serving your capacity as a
19 juror, your duty as a juror, you understand that in
20 listening to both sides, at the end of that process,
21 after you've heard everything, because I think your
22 apprehension here was, is that His Honor wanted an
23 answer and you said, I don't know anything and you
24 just want me to make a decision; is that correct?

25 A True.

1 Q And you don't like being put on the spot to
2 make a decision or take a position without having
3 some of the facts?

4 A Right.

5 Q All right. Now, let's go through type number
6 three. It simply says, A juror who, although the
7 guilt of the defendant has been determined, that
8 means that a man's before the court or a woman's
9 before the court and we've had a process where the
10 State has to prove their case beyond a reasonable
11 doubt and the defense is fighting the State and in
12 the process of litigating that issue, a jury has
13 determined that person to be guilty, that's the
14 first part, and it says here, The guilt of the
15 defendant has been determined would not have his or
16 her mind made up in advance concerning punishment.

17 In other words, the person could be found
18 guilty before you, there could be a decision made,
19 but as far as the punishment of that person, are you
20 saying that you want to hear something about the
21 circumstances of the case, maybe how the person grew
22 up, the life that he lived and things of that
23 nature, family and things of that nature before you
24 make a decision? Are you saying you want to know
25 all of the facts before you sit down and simply make

VERNICA W. BONAPARTE - VOIR DIRE BY MR. WALTERS

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1 a decision like you did with His Honor when he said,
2 Choose one of them?

3 And are you willing to listen to mitigating
4 factors? When I say mitigating factors, it lessens
5 the severity of the punishment itself if you talk
6 about a person's life, the breaks they had in life,
7 the ups and downs they had in life.

8 And the Solicitor comes forward and he talks
9 about the aggravating circumstances. And when we
10 refer to aggravating circumstances, we're referring
11 to things that have been done during the commission
12 of that crime that even make it more egregious, that
13 make it bad, for instance, if a small child was
14 sexually assaulted during a crime or something of
15 that nature or if someone was kidnapped during that
16 crime.

17 Are you willing to listen to all those factors,
18 the aggravating circumstances, the mitigating
19 circumstances about that person so you can get the
20 total package; is that correct?

21 A Yes.

22 Q Is that what you were saying by, I'm a type
23 number three juror?

24 A Yeah, I just have to know the entire thing. I
25 just can't make a decision.

1 Q And when His Honor said, you know, Can you give
2 someone the death sentence, your position was, I
3 haven't heard everything. And when the Solicitor
4 said, you know, You could never do this, your
5 position still is, I haven't heard everything. But
6 then it goes on to state in number three, This juror
7 would need to hear the facts; is that you?

8 A Yes.

9 Q And the circumstances in aggravation and in
10 mitigation, is that you, you would have to hear
11 everything; is that correct, ma'am?

12 A Yes, I would think so.

13 Q Right. And you would want to listen and follow
14 the law as the Judge charges the jury before he or
15 she could make the decision regarding punishment.
16 Are you that type of juror where you've got to hear
17 all the facts and then hear the law from the Judge;
18 is that correct?

19 A I'm that type of person, juror I don't know,
20 but I am that type of person.

21 Q And if the facts are warranted, you could bring
22 a verdict of life imprisonment without the
23 possibility of parole. Also, if the facts are
24 warranted, the juror could bring in a verdict for
25 the death penalty. Now, let's carefully talk about

VERNICA W. BONAPARTE - VOIR DIRE BY MR. WALTERS

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1 those two different options. Your testimony was, is
2 that, If called, I could do whatever is necessary.
3 Let's first talk about your apprehension. All
4 right, number one, I guarantee you everybody back
5 there in that room, that nobody wants to be here; is
6 that correct? Nobody wants to be bothered with us?

7 A Uh-huh.

8 Q But you understand it's our civic duty as
9 Americans that we serve on juries, or, maybe we have
10 a country like in Iraq, everyday you go home,
11 something's blown up, something's torn apart and
12 people --

13 MR. PASCOE: Objection, Your Honor. He's gone
14 well beyond the scope of whether Ms. Bonaparte is
15 qualified or not. I also ask for him to please ask
16 questions and not go into these narratives.

17 THE COURT: If you will not characterize other
18 countries in your questions.

19 MR. WALTERS: May it please the Court.

20 THE COURT: Yes, sir.

21 BY MR. WALTERS:

22 Q Now, Ms. Bonaparte, you understand that in
23 serving on your civic duty as a juror, it requires
24 you to come up here and you're sworn in and you
25 engage in this process of evaluating the evidence

VERNICA W. BONAPARTE - VOIR DIRE BY MR. WALTERS

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1 that's before the court, the prosecution puts
2 forward a case and the defense puts forward a case;
3 you understand that?

4 A Yes.

5 Q Now, you stated that if called, I could do what
6 is necessary. If you were called and you were
7 placed as a juror in this particular process, would
8 you stand by type number three that you alluded to,
9 that you want to hear all of the facts?

10 A Yes.

11 Q You want to hear all of the evidence?

12 A Yes. No matter what type I am, I still want to
13 hear all of the evidence and the facts.

14 Q Right. And then let's move to the crucial
15 point with type number three. After hearing all of
16 the evidence, the aggravating and mitigating
17 circumstances, having full knowledge, instead of
18 being in the position that you're in now where
19 everybody's looking at you and we're saying we want
20 an answer, after having all of the knowledge, the
21 aggravating and mitigating circumstances, the facts
22 of the case, after hearing from each and every
23 witness, at that time, could you believe that you
24 could make a sound decision?

25 And you only have two options. One option is

VERNICA W. BONAPARTE - VOIR DIRE BY MR. WALTERS

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1 to put this man in prison for life if he's found
2 guilty. Or, if he's found guilty based on the facts
3 and evidence, you could sign your name and put him
4 to death. But before you could either exercise any
5 option, you would want to hear all of the facts and
6 evidence that are before you?

7 A That's your question?

8 Q Yes, ma'am.

9 A Still back to, yes, been -- all the facts and
10 evidence before me?

11 Q Yes, ma'am.

12 A I would want to know, yes.

13 Q And after hearing all that information, could
14 you make a sound decision between the two options?

15 A Honestly, I would be very torn. Trust me, I
16 would be very, very torn.

17 Q I understand it's a draining process. I
18 understand it's a horrific process. This is going
19 to go for two weeks. They're saying this is going
20 into December, you know, it's a time we want to be
21 with our families right after Thanksgiving. And
22 you're torn away from your family. You're staying
23 in a hotel.

24 But after hearing all of the evidence, the
25 testimony, the witnesses, the arguments of counsel

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1 that are put before you and if you reach a point, if
2 they prove their case beyond a reasonable doubt and
3 if the defendant is found guilty, only if they prove
4 their case, at that time, could you listen to all of
5 the information and that sentencing process, in
6 addition to the trial which you've already listened
7 to and then make a decision with regards to option
8 number one or option number two?

9 Could you make a decision to exercise either of
10 those options after you've heard all of the
11 information, even though it tears your heart apart,
12 could you serve and exercise your duty as an
13 American citizen on a jury and make a decision
14 between those two options?

15 A At that time, I'll still be torn. I'm telling
16 you, I can't --

17 Q But could you make a decision, ma'am?

18 A Could I make a decision? After all the
19 evidence and everything, of course, I probably could
20 make a decision, but I would be torn between the two
21 decisions that I don't want to write my name or
22 anything.

23 Q Yes, ma'am. And that's what I wanted to hear.
24 You could make a decision, it would tear you apart,
25 but you could make a decision?

VERNICA W. BONAPARTE - RE-VOIR DIRE BY MR. PASCOE

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1 A I'll still be torn. I don't think I'll make a
2 good juror because I'll just be torn. It's just not
3 something that I want to ever have to decide on.

4 Q I'm going to ask you one question and leave you
5 alone.

6 A Thank you.

7 Q Could you make a decision, even though it would
8 tear your heart apart and you sit there and say, I
9 wonder, based on the information that I have, I'm
10 exercising a decision here, could you make a
11 decision as an American juror sitting on a jury,
12 could you make a decision between those two options?

13 A I really don't know that I could. I'm telling
14 you, I just don't know.

15 MR. WALTERS: I have no further questions, Your
16 Honor.

17 THE COURT: Mr. Solicitor.

18 MR. PASCOE: Very briefly, Your Honor.

19 RE-VOIR DIRE

20 BY MR. PASCOE:

21 Q Again, I want to thank you for your honesty,
22 ma'am, Ms. Bonaparte. And just make sure we clarify
23 your answers, you were honest with us and told us
24 before you came into court today, you really hadn't
25 thought much about the death penalty?

1 A Have not.

2 Q But after being put under the microscope today,
3 you've had to think about it. And you've testified
4 that you could never sign your name to a death
5 verdict form, could you?

6 A I would not want to do that.

7 Q You couldn't do it?

8 A No, no, no. I just don't want to make that
9 decision.

10 Q That's a decision you couldn't make, right, to
11 take somebody's life?

12 A I just would be torn between it. I just can't
13 make that type of decision.

14 Q Okay. You also testified earlier that you had
15 some religious beliefs against the death penalty and
16 that's one reason why you couldn't make that
17 decision; isn't that right?

18 A Yeah, because I believe in Christ.

19 Q And one thing I forgot to tell you -- yes,
20 ma'am, you believe in Jesus?

21 A Yes, I do.

22 MR. PASCOE: Beg the Court's indulgence one
23 minute, Your Honor.

24 (Pause.)

25 MR. PASCOE: That's all I have right now, Your

VERNICA W. BONAPARTE - RE-VOIR DIRE BY THE COURT

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1 Honor.

2 RE-VOIR DIRE

3 BY THE COURT:

4 Q Ms. Bonaparte, are you opposed to the death
5 penalty?

6 A I don't know. I never had to think about it.

7 Q Well, having the benefit of being questioned
8 about it here today and having come to this jury
9 service today and having been given an orientation
10 sheet and having been here all day with -- and
11 having been explained to you that you might be
12 considered to serve on jury duty on a death penalty
13 case, have you decided whether or not you are
14 opposed to the death penalty?

15 A No.

16 Q You don't know whether you are opposed to it or
17 not?

18 A No, I mean, really, if you're talking about
19 personally, I just can't wrap my mind around that.
20 I'm sorry, I can't wrap my mind around it. I can't
21 say yea or nay. I know that I would not want to be
22 responsible for that and I would not want to sign my
23 name as a bill on that saying put somebody to death,
24 that's just the way I felt.

25 Q Well, if it was necessary for you to sign your

1 name in order for the jury to reach a verdict of
2 death, death penalty, and the jury could not reach a
3 unanimous verdict for the death penalty unless you
4 signed your name, could you sign your name on the
5 verdict form for death?

6 A I don't know that I could do that.

7 Q Well, I think the problem that's perhaps
8 prolonging your questioning, not that it's anything
9 wrong with prolonging it, but when you say that you
10 do not know whether or not you could do that or that
11 you're torn, I need to know whether you can or
12 whether you can't sign a verdict form for death?

13 A If it's left up to me, I would not.

14 Q Well, it obviously would be left up to you
15 because no one on the jury can make you do anything;
16 do you understand that?

17 A Uh-huh.

18 Q When you sit on a jury, you have to make up
19 your own mind as to whether or not the defendant is
20 guilty of the crime and, also, if he's found guilty
21 of the crime, you must make up your own mind as to
22 what the penalty should be; do you understand that?

23 A Uh-huh.

24 Q And even though the process of jury
25 deliberations would involve jurors attempting to

VERNICA W. BONAPARTE - RE-VOIR DIRE BY THE COURT

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1 convince you as to their position, ultimately you
2 must make up your own mind and no one can make you
3 do anything and no one can make you sign a verdict
4 form for death; do you understand that?

5 A I understand.

6 Q Well, considering the fact that no one can make
7 you do it and it's up to you, could you do it?

8 A No. I just wouldn't want to do it. I just
9 would not want to do it, I just wouldn't.

10 Q Well, in Mr. Walters' questioning of you,
11 obviously he alluded to the fact that it would be
12 painful and difficult on you as it is on anyone else
13 and the question is not whether or not you would
14 want to do it, because no one would want to do it,
15 but could you do it?

16 A I could not make that decision until that time
17 comes. I know the answers are not what y'all are
18 looking for, but that's just me. I cannot make that
19 decision on what would I or could I do until the
20 time has come, that's just me. I can't do that.

21 THE COURT: Anything further by the defense?

22 MR. WALTERS: I have no further questions for
23 Ms. Bonaparte.

24 THE COURT: Anything further by the State?

25 MR. PASCOE: No, Your Honor.

VERNICA W. BONAPARTE - RE-VOIR DIRE BY THE COURT

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1 BY THE COURT:

2 Q And, ma'am, have you had a chance to look over
3 this witness list?

4 A Yes, sir.

5 Q And do you know anyone on the witness list?

6 A No.

7 Q Have you formed an opinion as to the guilt or
8 innocence of the defendant?

9 A No.

10 THE COURT: All right. Ms. Bonaparte, I ask
11 you to step outside the door there and do not talk
12 with anyone while you're there.

13 (Juror leaves the courtroom.)

14 THE COURT: What says the State?

15 MR. PASCOE: We'd ask that she be disqualified
16 without question from her answers, Your Honor.

17 THE COURT: What says the defense?

18 MR. WALTERS: May it please the Court. Your
19 Honor, if we look at the case law in regards to
20 qualifying witnesses, and on the record the cases
21 that I'm referring to, if we go through Morgan
22 versus Illinois, Wynn versus Virginia, Gray versus
23 Mississippi, Lockhart versus McCree, and Wainwright
24 versus Witt and we go to the Witherspoon case, each
25 one of those cases deals with a juror taking a

1 position with regards to the death penalty.

2 What's happened in this particular case is that
3 there was an inquiry and then she was told, you have
4 to make a decision. And this is what I disagree
5 with about this process, we're bringing people in
6 and we're simply saying, look, you've got to tell us
7 your position. And the position that she's taking
8 is, is that, I have to listen to everything that is
9 said by everyone.

10 And, of course, we inquired, but could you sign
11 your name, you know, sentencing someone to death or
12 could you put someone in jail for life. And her
13 position has been, and Mr. Pascoe is correct when he
14 cited those instances where she simply stated, I
15 couldn't sign under those circumstances, but I also
16 ask the Court to take into consideration what she
17 said during my testimony -- my direct examination,
18 she simply said, if called, I'll do whatever is
19 necessary.

20 The problem with this process is, is that these
21 cases are all based on people taking positions and
22 simply saying, I can't do it, I'm not going to do
23 it. In this particular case, we've got a lady
24 that's come before the Court, she's cognitive, she
25 understands, but her position is simply, what? I

1 don't know what I'll do. I'm willing to listen to
2 everyone, but I can't say exactly what I'll do at
3 this time.

4 And, of course, what the Court is inquiring of
5 is that, well, we're not asking what you'll do with
6 regards to this case, we're asking do you have the
7 ability to exercise the first decision or the second
8 decision. And in this particular case, she's been
9 ambivalent about it, is ambivalent to all of her
10 testimony. She said she could do it, and I'll
11 repeat her words, If called, I'll do whatever is
12 necessary. And, of course, the prosecution in this
13 particular case said, Can you sign your name? And
14 all along she stated one thing, I need to listen to
15 everyone.

16 I think that the case law that we have before
17 us and the cases that we use for the exchange in
18 this process is for someone that's taken a position
19 with regards to the death penalty. And we go
20 through this process of rehabilitating the witness
21 and bringing the witness back, we find more cases
22 where people unequivocally say, you know, if I find
23 aggravating circumstances, the person has to be put
24 away.

25 What's happened here is, is we've got a person

1 that walked in and simply said what? I'm not making
2 up my mind and I'm not doing anything until I hear
3 from everyone. And when the Court says, You've got
4 to take a position, that's when she went on the run
5 and that's when she simply danced around the issue
6 and said, well, whatever. But the point is, is that
7 she came back in the end to her original position, I
8 don't have a position. And that's been her
9 testimony all along, I don't have a position.

10 THE COURT: If she doesn't have a position,
11 then she's not qualified under the law of this state
12 and this Country.

13 MR. WALTERS: Your Honor, I believe she is
14 qualified if she says, If called, I will do what is
15 necessary.

16 Now, what the prosecution has made some gains
17 with is when she says, I'm torn by making this
18 decision, but each and every juror that comes before
19 us is torn by making the decision with regards to
20 death and life. That has nothing to do with the
21 issue of making a decision. Her position has always
22 been, I want to listen to everything everybody has
23 to say and then I'm willing to make a decision.

24 She indicated to the Court, and I'll repeat
25 what she said, she said, I am a type three. The

1 ambivalence began when we inquired into type three
2 and said, Well, can you sign your name, can you send
3 someone to jail for life? And her position has
4 always been, I need to listen to everyone. I need
5 all of the facts.

6 Moreover, she stated, and she had a positive
7 disposition about life, I don't read the newspapers
8 and I don't watch any news. I watch drama and
9 action shows.

10 All right, you know, maybe there's something
11 special about living a life where you sit down and
12 you watch people wreck cars and run around and shoot
13 at each other and in the end it all comes out
14 positive and you move on with your life, you don't
15 read the newspaper everyday and you hear these
16 stories of death and destruction.

17 But the point is, is that this is a lady who
18 said, I haven't taken a position on the issue. If
19 called, I'll do what is necessary, but I'm torn by
20 what's going on here. And when we put in these
21 scenarios and say, can you sign, can you sign or can
22 you send him to jail for life, her position has
23 always been, I don't know, I don't know. And in the
24 end she comes back to that original position, I
25 don't know, I need to hear everything.

1 **THE COURT:** So do we know any more about her
2 position now than we did when she came in?

3 **MR. WALTERS:** Sure. We do understand her. Her
4 position is simply this, I need to hear everything.
5 She said, I'm type three. I need to hear everything
6 and then I can make a decision. And she said she
7 was a type three.

8 The problem here is, is that -- and let's
9 carefully review the process. Your Honor instructed
10 her, You've got to make a decision --

11 **THE COURT:** She must tell us whether she's a
12 type one, type two or type three.

13 **MR. WALTERS:** Right. Then she catapults into a
14 position. What did she say? She says, I'm type
15 three. Then we inquired into type three, and then
16 what does she say? She says, I've got to listen to
17 the facts. She tells Mr. Pascoe, I can't sign. She
18 tells me, If called, I'll serve if necessary.

19 This lady all along has taken the position that
20 I want to hear all of the facts and all of the
21 evidence and then I'll make a decision. I'll be
22 torn when I do it, but I'll make a decision.

23 **THE COURT:** All right. Mr. Pascoe.

24 **MR. PASCOE:** Briefly, Your Honor. I'll serve
25 if necessary does not make you death penalty

1 qualified. And I'm looking at the case law, State
2 versus Elmore, Opposition to the death penalty does
3 not have to be demonstrated with unmistakable
4 clarity. She was unmistakable. She will not vote
5 for the death penalty.

6 For about the fifth time, and this came when
7 Your Honor asked her the question, Would you sign
8 your name to a death penalty verdict form, her
9 answer was unequivocal, No, no.

10 Now, with Mr. Walters, again, he kept, Would
11 you serve, yes, she would serve. And then she would
12 say, No matter what type of juror I am, I'll still
13 want to listen to all of the facts. But she's been
14 unequivocal, she will not sign a death verdict form
15 and give a death penalty verdict. She won't do it.

16 There's no way this juror should be qualified
17 under the case law. She was very honest and very
18 open, she will never vote for the death penalty.
19 She's unequivocal on that.

20 THE COURT: Anything else on this juror?

21 MR. PASCOE: Nothing from the State, Your
22 Honor.

23 THE COURT: I'm going to have her come back at
24 9:00 tomorrow morning and announce my decision
25 regarding whether she's qualified or not qualified

1 at that time. I'll have her come back at that time.

2 If you'll have her step back in.

3 (Juror returns to the courtroom.)

4 THE COURT: Ma'am, I need you to come back at
5 9:00 tomorrow morning. At which time, I'll have you
6 come back and clarify your status as a juror at that
7 time. I need you back at 9:00 a.m. tomorrow morning
8 at the same place. You will not go in with all of
9 the jurors, but you will be outside of the jury room
10 at nine o'clock tomorrow morning. You understand,
11 ma'am?

12 JUROR: (Witness nodded head.)

13 THE COURT: All right. We'll see you then.
14 Please do not discuss the case or allow anyone to
15 discuss it with you between now and then.

16 JUROR: All right.

17 (Juror was excused for the day.)

18 THE COURT: And with regard to any legal
19 authority one way or the other, you all have quoted
20 some cases and Mr. Pascoe has cited one, State
21 versus Elmore, Mr. Walters has quoted about five or
22 six U.S. Supreme Court cases and I would like to
23 have y'all provide me that authority from those
24 cases because looking at the cases, I don't know
25 that they speak for the specific -- they speak for

BRANDON B. DEWITT - VOIR DIRE BY THE COURT

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1 the principle that's enunciated by counsel, so I
2 need to see what from those cases say what you all
3 have said that they cite.

4 MR. PASCOE: Yes, Your Honor.

5 THE COURT: And we'll need to have those before
6 leaving here today if you have some of those cases
7 with you.

8 All right. Let's bring the next one in.

9 (Whereupon, Brandon B. Dewitt, a white male,
10 enters the courtroom.)

11 BRANDON B. DEWITT,
12 having been previously duly sworn, testified as
13 follows:

14 VOIR DIRE

15 BY THE COURT:

16 Q Yes, sir, Mr. Dewitt?

17 A Yes, sir.

18 Q Mr. Dewitt, you have appeared as a juror here
19 to talk with us. Has anyone spoken with you
20 concerning this case since you received your juror
21 summons?

22 A No, sir.

23 Q And have you heard anything about this case?

24 A I heard about it.

25 Q And based on what you heard about this case,

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WITNESSES

CPT. STEVE WEST, CCSO

Arresting Agency:
Calhoun Co. Sheriff Office

ARREST WARRANT NUMBER

H529888

Arrested: Jul 23, 2004

**ACTION OF GRAND JURY
TRUE BILL**

Tony V. Taylor

Date 8-30-04

Foreperson of Grand Jury

Date: August 23, 2004

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2004GS09-0243

The State of South Carolina

County of

CALHOUN

COURT OF GENERAL SESSIONS

August 23, 2004 TERM

**THE STATE
vs.**

Mikal Deen Mahdi

Indictment for

MURDER

SC Code: 16-03-10

CDR Code: 0116

Class: FEL-EXM

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and
plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

ATTEST: TRUE COPY

Kenneth Hasty
**KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY**

**EDWARD S. GRIFFITH
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWES, SC**

2004 AUG 30 P 1:06

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)

INDICTMENT
2004GS09-0243

At a Court of General Sessions, convened on August 23, 2004 the Grand Jurors
of Calhoun County present upon their oath:

MURDER

That Mikal Deen Mahdi, did in Calhoun County, on or about July 18, 2004, willfully and
unlawfully, with malice aforethought, kill James E. Myers by shooting him with a .22
caliber firearm, and the said victim did die as a proximate result thereof. This offense
being in violation of the Common Law of South Carolina, and Section 16-3-10 of the
Code of Laws of South Carolina, as amended.

Against the peace and dignity of the State, and contrary to the statute in such
case made and provided.



Robert D. Robbins SOLICITOR

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WITNESSES

DEPUTY RYAN BENNETT, CCSO

Arresting Agency:
Calhoun Co. Sheriff Office

ARREST WARRANT NUMBER

H529893

Arrested: Jul 23, 2004

ACTION OF GRAND JURY
TRUE BILL

Tony V. Taylor

Date 8-30-04

Foreperson of Grand Jury

Date: August 23, 2004

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2004GS09-0244

The State of South Carolina

County of

CALHOUN

COURT OF GENERAL SESSIONS

August 23, 2004 TERM

**THE STATE
vs.**

Mikal Deen Mahdi

Indictment for

BURGLARY - 2ND DEGREE (BUILDING)

SC Code: 16-11-312(B)

CDR Code: 0086

Class: FEL-D(V)

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant:

I
hereby appear in my own proper person and
plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

ATTEST: TRUE COPY

Kenneth Hasty
**KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY**

**EDWARD S. GRIFFITH
CLERK OF COURT
CALHOUN COUNTY
S.F. MATTHEWS, SC**

2004 AUG 30 PM 4:05

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)

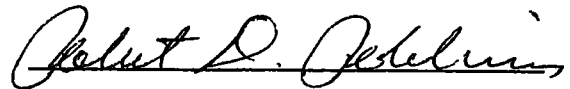
INDICTMENT
2004GS09-0244

At a Court of General Sessions, convened on August 23, 2004 the Grand Jurors of Calhoun County present upon their oath:

BURGLARY - 2ND DEGREE (BUILDING)

That Mikal Deen Mahdi, did in Calhoun County, on or about July 18, 2004, willfully and unlawfully enter a building belonging to James E. Myers and Amy Tripp, without consent and with intent to commit a crime therein, and either when effecting entry, or while in the building, or in immediate flight therefrom, the defendant was armed with a deadly weapon, or caused physical injury to a person not a participant in the crime, or used or threatened the use of a dangerous instrument, or displayed what was or what appeared to be a knife, pistol, revolver, rifle, shotgun, or other firearm, and/or the entering or remaining occurred in the nighttime. This offense being a violation of Section §16-11-312(b) of the South Carolina Code of laws, (1976 as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Robert D. Robbins SOLICITOR

1833
WITNESSES

DEPUTY RYAN BENNETT, CCSO

Arresting Agency:
Calhoun Co. Sheriff Office

ARREST WARRANT NUMBER

H529894

Arrested: Jul 23, 2004

ACTION OF GRAND JURY

TRUE BILL

Tony V. Taylor

Date: 8-30-04

Foreperson of Grand Jury

Date: August 23, 2004

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2004GS09-0242

The State of South Carolina

County of

CALHOUN

COURT OF GENERAL SESSIONS

August 23, 2004 TERM

THE STATE

vs.

Mikal Deen Mahdi

Indictment for

GRAND LARCENY >\$5000

SC Code: 16-13-30

CDR Code: 0479

Class: FEL-E

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and
plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

ATTEST: TRUE COPY

Kenneth Hasty
KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY

EDWARD S. GRIFFITH
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

2004 AUG 30 P 1:05

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)

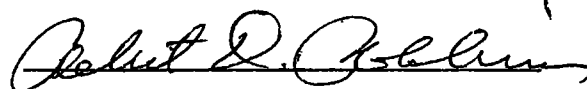
INDICTMENT
2004GS09-0242

At a Court of General Sessions, convened on August 23, 2004 the Grand Jurors of Calhoun County present upon their oath:

GRAND LARCENY >\$5000

That Mikal Deen Mahdi, did in Calhoun County, on or about July 18, 2004, feloniously take and carry away, with the intent to permanently deprive the owner of such property, ... a 2003 Dodge Ram truck owned by The City of Orangeburg and valued at more than five thousand dollars, (\$5000.00) and as a result violated Section 16-13-30, Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Robert D. Robbins SOLICITOR

STATE OF SOUTH CAROLINA

)

IN THE COURT OF GENERAL SESSIONS

)

COUNTY OF CALHOUN

)

INDICTMENT # 2004-GS-09-0242 - 0244

STATE OF SOUTH CAROLINA,

)

-versus-

)

NOTICE OF INTENT TO SEEK

)

DEATH PENALTY

)

MIKAL DEEN MAHDI,

)

Defendant.

)

)

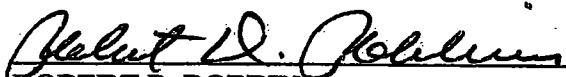
)

EDWARD S. GRIFFITH
CLERK OF COURT
CALHOUN COUNTY
SOUTH CAROLINA

2004 SEP -2 A 4 32

TO: THE DEFENDANT, MIKAL DEEN MAHDI:

YOU WILL PLEASE TAKE NOTICE, that, pursuant to Section 16-3-26, SC Code Ann., 2001 Cum. Supp., upon trial of the above entitled action at least thirty (30) days from the date of service hereof and of which you will be timely notified, the imposition of a sentence of death upon the defendant, Mikal Deen Mahdi, will be sought by the State.


ROBERT D. ROBBINS
SOLICITOR, THE FIRST JUDICIAL CIRCUIT
140 North Main Street, Suite 102
Summerville, South Carolina 29483
(843) 871-2640

9-2, 2004

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF CALHOUN) INDICTMENT # 2004-GS-09-0242 - 0244

STATE OF SOUTH CAROLINA,)

-versus-)

MIKAL DEEN MAHDI,)

Defendant.)

**NOTICE OF EVIDENCE
AGGRAVATION**

EDWARD S. GRIFFITH
CLERK OF COURT
CALHOUN COUNTY
SOUTH CAROLINA

2004 SEP - 2 A 9 32

TO: THE DEFENDANT, MIKAL DEEN MAHDI:

YOU WILL PLEASE TAKE NOTICE, that, pursuant to **Section 16-3-20**, **SC Code Ann., 2001 Cum. Supp.**, upon trial of the above entitled action at least thirty (30) days from the date of service hereof and of which you will be timely notified, the State will seek to introduce into evidence aggravating circumstances in the above matter as follows, to wit:

- (1) The murder of James E. Myers was committed while in the commission of burglary.
- (2) The murder of James E. Myers was committed while in the commission of robbery while armed with a deadly weapon.
- (3) The murder of James E. Myers was committed while in the commission of larceny with use of a deadly weapon.


ROBERT D. ROBBINS
SOLICITOR, THE FIRST JUDICIAL CIRCUIT
140 North Main Street, Suite 102
Summerville, South Carolina 29483
(843) 871-2640

9-2, 2004

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CALHOUN) IN THE COURT OF GENERAL SESSIONS
)
) INDICTMENT # 2004-GS-09-0242 - 0244

STATE OF SOUTH CAROLINA,)

-versus-)

MIKAL DEEN MAHDI,)

Defendant.)

NOTICE OF EVIDENCE IN
 AGGRAVATION OF THE PUNISHMENT

EDWARD S. GRIFFITH
 CLERK OF COURT
 CALHOUN COUNTY
 ST. GEORGE, SC

2004 SEP 2 A 9:33

TO: THE DEFENDANT, MIKAL DEEN MAHDI:

YOU WILL PLEASE TAKE NOTICE, that during the sentencing phase of the above entitled capital murder case to determine whether the defendant, **Mikal Deen Mahdi**, should be sentenced to death or life imprisonment, the State will seek to introduce into as evidence in aggravation of the punishment to be imposed upon the defendant the evidence as set forth herein below.

The State alleges that the murder of **James E. Myers**, was committed while in the commission or progress of, and/or accompanied by, the following crimes or acts: (1) burglary in any degree; (2) robbery while armed with a deadly weapon; and (3) larceny with use of a deadly weapon.

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CALHOUN)

INDICTMENT # 2004-GS-09-0242 - 0244

2006 JUN 29 A 10: 29

KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

STATE OF SOUTH CAROLINA)

-versus-

AMENDED NOTICE OF EVIDENCE IN
AGGRAVATION OF THE PUNISHMENT

MIKAL DEEN MAHDI,

Defendant.

TO: MIKAL DEEN MAHDI, DEFENDANT:
GLENN WALTERS, ATTORNEY FOR THE DEFENDANT:
CARL B. GRANT, ATTORNEY FOR THE DEFENDANT:

YOU WILL PLEASE TAKE NOTICE, that during the sentencing phase of the above entitled capital murder case to determine whether the defendant, **Mikal Deen Mahdi**, should be sentenced to death or life imprisonment, the State will seek to introduce into as evidence in aggravation of the punishment to be imposed upon the defendant the evidence as set forth herein below.

The State alleges that the murder of **James E. Myers**, was committed while in the commission or progress of, and/or accompanied by, the following crimes or acts: (1) burglary in any degree; (2) robbery while armed with a deadly weapon; (3) larceny with use of a deadly weapon; and/or (4) because of the performance of Mr. Myers' official duties as a law enforcement officer.

The State will present evidence as to the defendant's character, mentality, background, prior adult and juvenile acts of violence, adult and juvenile crimes and other unlawful conduct, prior adult and juvenile violations of laws, rules, regulations and/or ordinances, prior criminal adult and juvenile records and the nature of said crimes, propensity to commit or attempt to commit acts of violence or bodily harm as an adult and a juvenile, propensity for violence and unlawful conduct as an adult and a juvenile, disregard for peace and good order as an adult and a juvenile, and other similar characteristics of the defendant, as an adult and a juvenile, by the testimony of victims, witnesses, police officers, statements by the defendant and other relevant testimony, photographs and exhibits. Lockett v. Ohio; State v. Shaw. The State will further present as evidence in the sentencing trial all items of evidence, testimony and exhibits that were admitted during the first or guilt phase. The State will also present evidence of other crimes and bad acts committed by the defendant in the states of Virginia, North Carolina, Florida and South Carolina, both prior to and subsequent to the murder of James E. Myers.

The State will further present evidence of circumstances surrounding the crime herein and the characteristics of the defendant who committed the crime. Evidence will also be presented to show the cause and/or manner in which the murder and crime were committed including, but not limited to, photographs, video tapes, other tapes and diagrams of the crime scenes and victims and testimony related thereto, including statements by the defendant. State v. Goolsby; State v. Shaw.

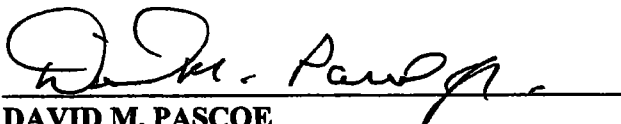
The State will further present evidence, testimony, and exhibits as to the defendant's character and conduct while incarcerated in jails and/or prisons; disregard and violations of rules, regulations, laws and/or ordinances; disrespectful, disruptive and uncooperative actions and conduct; and all other such acts and conduct while incarcerated.

The State will further present evidence and testimony and exhibits as to the defendant's character, statements and conduct relating to his release or parole from jails and/or prisons; mental or physical evaluations of the defendant; opinions as to the defendant's character, propensity for violence and unlawful conduct, disregard for peace and good order and to commit such acts in the future.

The State will further present evidence of circumstances surrounding the murder of **James E. Myers**, in Calhoun County and the characteristics of **Mikal Deen Mahdi**, who committed the murder. Evidence will be presented to show the cause and/or manner in which the murder was committed including, but not limited to, the murder weapons, photographs, video tapes, other tape recordings and diagrams of the crime scene and victim and testimony related thereto, including statements by the defendant.

The State will further present detailed evidence of circumstances surrounding the arrest and apprehension of **Mikal Deen Mahdi**, including, but not limited to, weapons, photographs, recordings, diagrams, exhibits, statements by the defendant and testimony related thereto.

The State will further present evidence as to victim impact evidence, evidence of the emotional impact of the crimes on the family and friends of the victim, the consequences of the crimes on the family and friends of the victim and arguments relating thereto pursuant to Payne v. Tennessee, 111 S.Ct. 2597 (1991).


DAVID M. PASCOE
SOLICITOR, THE FIRST JUDICIAL CIRCUIT
140 North Main Street, Suite 102
Summerville, South Carolina 29483
(843) 871-2640

June 27th, 2006

The Supreme Court of South Carolina

The State of South Carolina,

Prosecutor,

v.

Mikal Deen Mahdi,

Defendant.

Calhoun County

2004-GS-09-0242, 0243, 0244

ORDER

The Honorable Clifton Newman is vested with exclusive jurisdiction to hear and dispose of the above case. Judge Newman shall decide all matters pertaining to the referenced case, including motions to appoint or relieve counsel and, pursuant to this assignment, shall exercise all powers and duties of a presiding circuit court judge of the First Judicial Circuit.

IT IS SO ORDERED.

S/Jean Hoefer Toal

Jean Hoefer Toal
Chief Justice

September 24, 2004
Columbia, South Carolina

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL
SESSIONS

COUNTY OF CALHOUN)

The State of South Carolina)

Indictment Nos.: 2004-GS-09-242
2004-GS-09-243
2004-GS-09-244

v.)

Mikal Deen Mahdi,)

Defendant.)
_____)

SENTENCING ORDER

Thank you. Please be seated.

Good Afternoon.

First, I commend Solicitor Pascoe, Deputy Solicitor Sorenson, and Defense Counsel Mr. Walters and Mr. Koger for your professional advocacy and efficient manner in which you have handled this case. I also thank the Clerk, Mr. Hasty, and the Courthouse staff, law enforcement and all of the witnesses for the courtesies and respect shown the Court during this arduous proceeding. I especially thank the approximately 400 citizens of Calhoun County who were summoned to jury duty and responded by appearing for this extremely important and essential civic responsibility.

I advise all present against any outbursts of expression. Some will agree. Some will disagree. The decorum of the Court, however, must be maintained at all times.

The Defendant, Mikal Deen Mahdi, was indicted by the Grand Jury of Calhoun County for murder, burglary second degree and grand larceny of a motor vehicle valued in excess of five thousand dollars (\$5000.00).

ATTEST: TRUE COPY
Kenneth Hasty
KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY

Pursuant to South Carolina Code § 16-3-26, the Solicitor timely notified the Defendant that he intended to seek the death penalty as punishment for the murder of James E. Myers. On November 30, 2006, the Defendant waived his right to a jury trial and pled guilty to all charges after the jury was seated but not yet sworn. Mr. Mahdi acknowledged that he understood that as a consequence of his guilty plea to murder while in the commission of a burglary and grand larceny that the Court would conduct a separate sentencing proceeding and determine whether he should be sentenced to life imprisonment without the possibility of parole or death.

From December 4 - 6, 2006, the Court heard additional evidence in extenuation, mitigation, or aggravation of the punishment. The Court also heard the arguments of counsel for or against the sentence to be imposed. Mr. Mahdi waived his right to testify and to have the final closing argument regarding the sentence to be imposed.

On December 6, 2006, the Court requested and subsequently received memoranda from both counsel for the State and counsel for the Defendant listing all statutory and non-statutory aggravating and mitigating factors believed to have been established by the evidence.

This Order is as a result of the guilty plea and the separate sentencing proceeding to determine whether the sentence of the Defendant, Mikal Deen Mahdi, for the murder of James E. Myers should be life imprisonment without the possibility of parole or death.

FACTS

In the early morning of July 18, 2004, after carjacking a vehicle in Columbia, South Carolina, the defendant pulled into the Wilco Travel Plaza off Interstate 26 in

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Calhoun County and attempted to use stolen credit and/or check cards. Employees at the Travel Plaza called the Calhoun County Sheriff's Office reporting that the defendant was acting in a suspicious manner. When the Sheriff's deputy arrived at the Travel Plaza, the defendant fled into the woods and eventually entered upon land owned by James E. Myers and Amy Tripp Myers. Mr. Myers was an Orangeburg Department of Public Safety Captain, who was off duty, but on call at the time. Mr. Mahdi forcefully entered a shed located on the land. When Captain Myers arrived at his property, Mr. Mahdi was lying in wait.

Earlier that afternoon, Captain Myers and his wife Amy returned to their home in Orangeburg County from Edisto Beach after celebrating the birthdays of Amy, his sister and his daughter. After returning home, he visited his father who lived a short distance away. Captain Myers left his father's home and stopped by his farm in Calhoun County. He went to the shed located on the farm as he had done many times before. This shed was where he and his wife were married; this shed was their place of peace and serenity; and this shed held treasured memories and dreams of Captain Myers and his wife. On the premises was Mikal Deen Mahdi who shot Captain Myers nine times, with a .22 caliber semiautomatic rifle that was stored in the shed. Three of the bullets were to the head. The defendant poured diesel fuel over Captain Myers's body and lit him on fire. The defendant then stole Captain Myers's city issued truck and rifles and fled to Florida. On July 21, 2004, the police department in Satellite Beach, Florida apprehended the defendant after a chase. He was driving Captain Myers's truck.

Based upon the defendant's guilty plea, testimony presented, and other evidence in the case, the court finds and concludes as follows:

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AGGRAVATING CIRCUMSTANCES

The State alleges the following statutory aggravating circumstances:

1. **The murder of Captain James E. Myers was committed while in the commission of burglary in the 2nd degree.**
2. **The murder of Captain James E. Myers was committed while in the commission of larceny with use of a deadly weapon.**

Mikal Mahdi pled guilty to Murder, Burglary in the 2nd degree and Grand Larceny. The State presented additional evidence during the sentencing proceedings concerning the manner in which the murder of James E. Myers occurred while the Defendant was committing these crimes. Further evidence was presented indicating that the Defendant stole from the victim his police issued vehicle and two rifles – one of which was used to kill the victim. I find that these two aggravating circumstances were proven beyond a reasonable doubt.

The State alleges the following as additional statutory aggravating circumstances:

3. **The murder of Captain James E. Myers was committed while in the commission of robbery while armed with a deadly weapon.**
4. **The murder of a Captain James E. Myers occurred during or because of the performance of his official duties.**

There is strong evidence to suggest that items were taken from the person of Captain Myers, particularly his police badge that was never recovered. The evidence also suggests that a South Carolina Law Enforcement Division (SLED) investigative file on the premises being worked on by Amy Tripp-Myers, then a SLED agent, had been disturbed during the time the Defendant was alone in the shed. This is evidence that the Defendant knew or should have known that he was on the premises of a person or

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persons involved in law enforcement. I conclude, however, that the State has failed to prove these two aggravating circumstances beyond a reasonable doubt. Therefore, I have neither considered nor given any weight to these two allegations as aggravating circumstances.

The State also alleges the following non-statutory aggravating circumstances:

Characteristics of the Defendant

The State presented compelling evidence of prior and subsequent bad acts of the Defendant which are relevant to show his bad character, evil nature and malignant heart. These incidents covered a period over eight years showing the Defendant committing a series of crimes, including housebreaking, stealing guns, robbing people, selling crack cocaine, vandalism and malicious wounding. These bad acts are summarized as follows:

On January 7, 1998, while in the Virginia Department of Juvenile Justice for grand larceny and breaking and entering, Mr. Mahdi, then 14 years of age, conveyed to a counselor during an evaluation profile, that his only strength was robbing people. On June 30, 1998, Mr. Mahdi, then 15 years old, was involved in an over 9 (nine) hour standoff with the Brunswick County Virginia Sheriff's Department who was attempting to execute an Order to return the Defendant to a juvenile detention facility, when Mr. Mahdi made the comment according to Brunswick County Sheriff James Woodley that "I'm gonna kill a cop before I die." On November 23, 2000, the Defendant then 17 years of age, attempted to grab the gun of a Richmond, Virginia, police officer who was attempting to arrest Mr. Mahdi on a vandalism charge for slashing his mothers automobile tires. During this arrest, Mr. Mahdi commented, according to Officer Mike

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Koehler that he "should have killed that crazy bitch," referring to his mother. On April 17, 2001, then 18 years old, while attempting to break into an apartment in Richmond, Virginia, Mr. Mahdi stabbed Moises Rivera, a maintenance supervisor, five (5) times, resulting in a felony conviction for malicious wounding. Mr. Mahdi received a fifteen (15) year prison sentence suspended to the service of thirty-nine (39) months to be followed by fifteen (15) years of probation.

During each of these periods of incarceration, Mr. Mahdi's behavior was maladaptive, assaultive, and demonstrated an utter disrespect for authority, including threatening the life of a Detention officer.

Following Mr. Mahdi's release on probation on May 12, 2004, his criminal activities escalated during a crime spree that resulted in his killing Christopher Jason Boggs during a robbery of an Exxon Station in Winston Salem, North Carolina on July 15, 2004. Mr. Mahdi shot Mr. Boggs twice in the face at point blank range with a weapon that had been stolen from his grandmother's neighbor's house in Lawrenceville, Virginia. On July 18, 2004, three days later at approximately 3:30 a.m., Mr. Mahdi carjacked Corey Pitts in Columbia, South Carolina using a chrome plated handgun. Following his murder of Captain Myers, Mr. Mahdi was apprehended on July 21, 2004 in Satellite Beach, Florida after jumping out of Captain Myers city-issued truck armed with a Ruger .223 assault rifle belonging to the Orangeburg Department of Public Safety. Following his arrest, Mr. Mahdi stated according Sergeant Darren Frost of the Satellite Beach Police Department that he did not shoot Sergeant Frost only because the gun was stuck in a three shot burst and he did not think he could shoot him, the other cop, referring to the other police officer, and the f'ing dog. While in safekeeping in the South

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Carolina Department of Corrections awaiting this trial, Mr. Mahdi made numerous threats to kill various Department employees.

I find that The State has established by clear and convincing evidence the Defendant's bad character and propensities. This evidence is an important consideration to the Court in assessing the Defendant's characteristics, but not as proof of any alleged statutory aggravating circumstance.

MITIGATING CIRCUMSTANCES

I have considered all statutory mitigating circumstances and non-statutory mitigating circumstances argued by the Defense as well as other mitigating circumstances supported by the evidence.

Statutory Mitigating Circumstance

Defense counsel argues that the Defendant's youth should be considered by the court in determining the appropriate sentence to be imposed. Mikal Deen Mahdi was twenty-one (21) years old at the time of the murder of Captain Myers. When last tested at age 14, the Defendant's IQ was 108 – slightly above average. While this is a young age for such a serious crime, Mikal Deen Mahdi began his criminal career at an early age, having entered the Virginia Department of Juvenile Justice at age 14. He is experienced in the world of crime. By the time he committed these crimes, Mr. Mahdi was well aware of the severity of his crimes and the possible consequences.

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7 of 12

I have considered the defendant's young age, but I have not afforded it great weight in reaching my decision. There is nothing about Mr. Mahdi's age or mentality that in any way mitigates, excuses, or lessens his culpability and neither should it be given any significant weight in the Court's ultimate decision as to his sentence.

Non-Statutory Mitigating Circumstances

I have also given consideration to what the defense contends to be the Defendant's turbulent and transient childhood and upbringing. In reviewing the testimony of Margie Hammock, the Defense's clinical social worker expert, there is no reference to physical or sexual abuse suffered by the Defendant. In addition, records of the Virginia Department of Juvenile Justice indicate that the Defendant's father, brother, and grandmother continually expressed great care and concern for his well-being. While Mr. Mahdi's family life may have been less than ideal particularly without the presence of a loving and caring mother, I do not believe that his difficult childhood and family life contributed in any significant way to his senseless criminal activities. Therefore while I have considered this non-statutory mitigating circumstance, I do not believe that it should be given any significant weight in the Court's ultimate decision as to the sentence to be imposed.

The Defense presented testimony from Mr. James Aiken, a prison adaptability expert. Mr. Aiken, a highly credentialed expert, testified concerning Mr. Mahdi's potential adaptability to prison life.

I have reviewed and considered Mr. Mahdi's records regarding his prior behavior in various correctional institutions. He has consistently been disruptive and

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uncooperative and has threatened to kill prison employees. Officers have repeatedly found homemade weapons, ropes and other contraband in the Defendant's cell. During this trial, the Defendant brought a homemade handcuff key into the courthouse with the intent to use it, if possible to escape, thus posing a serious threat to courtroom security. The Sheriff of Calhoun County testified that Mr. Mahdi stated to him that he made the key while being housed and monitored at the State's highest security level facility.

While Mr. Aiken gave impressive testimony, based on Mr. Mahdi's behavior in correctional institutions throughout his adolescence and adult years, I do not believe that he is sufficiently adaptable to prison life for this non-mitigating circumstance to be given any significant weight in the Court's ultimate decision as to the sentence to be imposed.

The defense further argues as a non-statutory mitigating circumstance that the Court should consider the Defendant's guilty plea in determining the appropriate sentence to be imposed. The Defendant's guilty plea occurred during the fourth day of his trial, following jury selection but prior to the jury being sworn. This was one day following his attempted escape through the use of the homemade key. In addition, Mr. Mahdi has failed to demonstrate any remorse for his actions at any point in time known to the Court. Therefore, I conclude that no significant weight should be given to this non-statutory mitigating circumstance in the Court's ultimate decision as to the sentence to be imposed.

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VICTIM IMPACT

Mikal Deen Mahdi murdered a husband, father, grandfather, son, and friend to many. Captain Myers was a well-respected police officer, an outdoorsman, a mentor and a treasured jewel of humanity. Mikal Deen Mahdi burglarized Captain Myers's farm shed and stole his family's sense of security and serenity. He robbed the Myers family and their many colleagues and friends of their right to peaceful enjoyment of life.

SENTENCING RATIONALE

In considering the appropriate sentence to be imposed, I am acutely aware that I am being called upon to determine what few of my brethren and sisters on the bench have been called upon to do. It is being the sole judge of whether Mr. Mahdi should be sentenced to life in prison without the possibility of parole or death by electrocution or lethal injection. It is an awesome task -- which I do not take lightly.

United States Supreme Court Justice Potter Stewart referred to the penalty of death in the case of Furman v. Georgia as being different from all other forms of criminal punishment, not in degrees but in kind. It is unique in its total irrevocability; it is unique in its rejection of rehabilitation as a basic purpose of criminal justice; and it is unique, finally, in its absolute renunciation of all that is embodied in our concept of humanity.

My challenge and commitment throughout my judicial career has been to temper justice with mercy and to seek to find the humanity in every defendant that I sentence. That sense of humanity seems not exist in Mikal Deen Mahdi.

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The State pleads for justice- Mr. Mahdi's plea is for mercy.

In evaluating these two ideals, I am reminded of my duly sworn oath to preserve, protect, and defend the Constitution of this State and the United States of America. This obligation that I have applies not only to Mikal Dean Mahdi but as importantly it is an obligation that I have to all the citizens of the Sate of South Carolina.

The State and the Defendant are entitled to justice. Today, the Defendant also seeks mercy- the same mercy that perhaps Captain James E. Myers sought for an instant before Mikal Deen Mahdi fired nine bullets into Captain Myers' body from one of Captain Myers's prized weapons, before setting his body on fire with matches and diesel fuel belonging to Captain Myers.

In extinguishing the life, hope, and dreams of Captain Myers in such a wicked, depraved and conscienceless manner, the Defendant Mikal Deen Mahdi also extinguished any justifiable claim to receive the mercy he seeks from this Court.

In considering all of the evidence in this case, I have concluded that the only appropriate punishment for the murder of Captain James E. Myers is death. As to Burglary 2nd degree and Grand Larceny, the sentence is fifteen years and ten years, respectively, consecutive to the sentence for murder and consecutive to each other.

AFFIRMATIVE FINDING

I find as an affirmative fact that the evidence in this case warrants the imposition of the death penalty and that its imposition is not a result of prejudice, passion, or any other arbitrary factor.

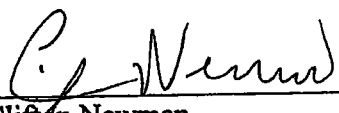
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It is therefore the judgment of the law and the sentence of the Court that you the Defendant Mikal Deen Mahdi be taken to the South Carolina Department of Corrections, henceforth to be kept in close and safe confinement, until the 8th day of February 2007, upon which day, between the hours of 6:00 a.m. and 6:00 p.m., that you the Defendant Mikal Deen Mahdi shall suffer death in the manner provided by law. May God have mercy on your soul.

The execution of the sentence will be stayed pending the automatic appeals and reviews as required by law.

THIS COURT IS ADJOURNED.

December 8, 2006



Clifton Newman
Presiding Judge

The Supreme Court of South Carolina

The State,

Respondent,

v.

Mikal D. Mahdi,

Appellant.

ORDER

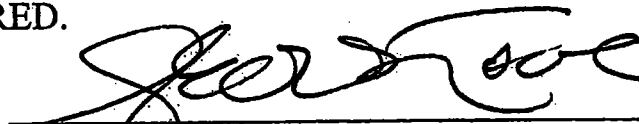
On December 8, 2006, appellant pled guilty to murder and was sentenced to death. Appellant's counsel failed to timely serve and file a notice of appeal. Counsel asks the Court for an extension of time to do so.

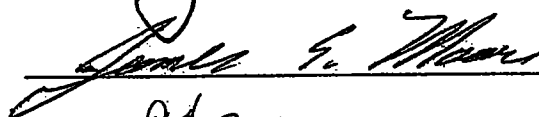
We cannot extend the time for serving the notice of appeal, which is a jurisdictional requirement. Rule 234(b), SCACR; State v. Hinson, 303 S.C. 92, 399 S.E.2d 422 (1990). However, appellant is entitled to a review of his sentence. S.C. Code Ann. § 16-3-25 (2003). Accordingly, we construe the motion as a petition for a writ of certiorari. We grant the petition. The briefs and record shall be prepared, served and filed in accordance with the rules governing direct appeals. The matter shall be styled "Mikal D. Mahdi, Petitioner, v. State of South Carolina, Respondent."

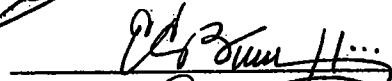
This Court's order of February 14, 2007 in this matter is hereby

vacated.

IT IS SO ORDERED.


C.J.


J.


J.


J.

John H. Waller, Jr., J., not participating

Columbia, South Carolina

March 7, 2007

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CALHOUN)

Indictment # 2004-GS-09-242, 243, 244

The State of South Carolina)

-vs-

**MEMORANDUM IN SUPPORT OF
STATUTORY AND NON-STATUTORY
AGGRAVATING CIRCUMSTANCES**

Mikal Deen Mahdi,
Defendant.

This memorandum of law is respectfully submitted to this Court in support of the State's submission of both statutory and non-statutory aggravating circumstances in the above-captioned defendant's capital trial. Additionally, the State will address any relevant statutory and non-statutory mitigating circumstances and the weight to which they should be given.

A. Statutory Aggravating Circumstances

On June 29, 2006 the State filed an Amended Notice of Statutory Aggravating Circumstances which was timely served on both the defense counsel and the defendant. Through this notice the State has alleged four aggravating circumstances pursuant to Section 16-3-20, SC Code Ann., 2001 Cum. Supp. as follows:

- (1) The murder of James E. Myers was committed while in the commission of a burglary.
- (2) The murder of James E. Myers was committed while in the commission of larceny with use of a deadly weapon.
- (3) The murder of James E. Myers was committed while in the commission of robbery while armed with a deadly weapon.
- (4) The murder of a federal, state, or local law enforcement officer, peace officer or former peace officer, corrections employee or former corrections employee, or fireman or former fireman during or because of the performance of his official duties.

The proof of just one of these four makes the defendant eligible for the death penalty.

The State alleges that the first three of these statutory aggravating circumstances were proven beyond any doubt when the defendant pled guilty on November 30, 2006. The facts and circumstances surrounding this plea were all incorporated into the record of defendant's sentencing hearing on Monday, December 4, 2006. Furthermore, the State presented evidence that there was forced entry into the shed owned by James and Amy Tripp Myers, that items including a Dodge truck and various weapons were stolen from James Myers at gunpoint and that the truck and weapons were found in the defendant's possession when he was arrested three days later in Satellite Beach, Florida.

The fourth statutory aggravating circumstance was proven beyond a reasonable doubt by evidence presented to the Court during the sentencing proceeding. The State called Sheriff James Woodley who testified that the defendant stated back on June 30, 1998 that he would "kill a cop before he dies". It was also shown that there was SLED paperwork at the crime scene which had been disturbed during the time that the defendant was alone in the shed lying in wait for the victim. This paperwork would have made it obvious that the shed was owned by someone in law enforcement. Additionally, Amy Tripp Myers testified that the victim usually carried his badge in his pocket. There is evidence at the scene that the victim was made to empty his pockets in the back room prior to being shot. His badge has never been recovered. Moreover, the victim's city issued police vehicle was among the items taken from him by the defendant. The defendant's prior statement coupled with his knowledge that James Myers was a law enforcement officer support a finding by the Court that the defendant killed him because of the performance of Captain Myers' official duties.

B. Non-Statutory Aggravating Circumstances

In addition to the statutory aggravating circumstances, the State has also presented evidence of non-statutory aggravating circumstances as they relate to (1) characteristics of the defendant, (2) circumstances surrounding the crime, and (3) future dangerousness of the defendant.

1. Characteristics of the Defendant

The State presented evidence of numerous prior and subsequent bad acts of the defendant which are relevant to show his bad character and malicious spirit. These incidents are as follows:

- (a) On January 7, 1998 the defendant was evaluated by Linda Coulson for an admission to the Department of Juvenile Justice in Virginia. He had been adjudicated for breaking into a house and stealing a few guns. The defendant tells Ms. Coulson that his only strength is robbing people and that he has been selling crack cocaine since the past spring.
- (b) On June 30, 1998 the defendant was involved in an over 9 hour standoff with the Brunswick County Sheriff's Office where he made the comment "I'm gonna kill a cop before I die". They were attempting to execute a detention order on the defendant arising out of Breaking and Entering where a .44 caliber handgun was stolen. The defendant was committed to DJJ as a result of this standoff. The Court heard testimony from and received the notes of counselor Barbara Amos from Virginia DJJ. She was the defendant's counselor

from August 1999 until his discharge in May 2000. Her overall findings regarding the defendant suggest that his overall progress was plagued by maladaptive behavior. Her records also document numerous assaults while incarcerated at DJJ.

- (c) On November 23, 2000 the defendant resisted Officer Mike Koehler with the Richmond Police Department. Officer Koehler was attempting to serve a vandalism petition on the defendant. The defendant resisted arrest by grabbing another officer's gun. He later made a comment about his mother (the victim of the vandalism charge) that he "should have killed that crazy bitch".
- (d) On April 17, 2001 the defendant was interrupted by Moises Rivera as he attempted to break into an apartment in Richmond, Virginia. The defendant then stabbed Mr. Rivera five times, puncturing a lung and causing him to flat-line in the ambulance enroute to the hospital. The defendant was convicted of Malicious Wounding and received a 15 year sentence suspended to 39 months and 15 years of probation.
- (e) The defendant pled guilty and was transported from jail to the Virginia Department of Corrections where he was housed from October 11, 2001 until his release on May 12, 2004. During this period of time the defendant had numerous disciplinary infractions to include threatening an officer on November 25, 2002. A chart of the defendant's disciplinary offenses is attached as Attachment A.

- (f) The defendant was released on probation on May 12, 2004. The terms of his probation were introduced into evidence through Agent Joseph Owen. During the 2 months that he was on probation prior to the crime spree ending with the homicide of Captain Myers the Court has heard testimony from Amanda Weaver that he was not only in possession of a 9mm handgun but was also selling marijuana. He additionally tested positive for marijuana on July 14, 2004.
- (g) On July 15, 2004 the defendant shot and killed Christopher Jason Boggs while he was working at an Exxon in Winston Salem, North Carolina. The weapon used was a .380 semi-automatic handgun which had been stolen from Amanda Weaver, the defendant's grandmother's neighbor in Lawrenceville, Virginia. After shooting Mr. Boggs point blank in the face and then again as he was laying on the floor the defendant proceeded to steal a bottle of beer from the store.
- (h) On July 18, 2004 at approximately 3:30 a.m. the defendant carjacked a Ford Expedition from Corey Pitts in Columbia, South Carolina, using a chrome handgun.
- (i) On July 21, 2004 the defendant was arrested in Satellite Beach, Florida. He jumped out of Captain Myers' city issued Dodge truck armed with a Ruger .223 assault rifle. After his arrest the defendant commented to Sgt. Darren Frost that he didn't shoot because "it was

Lastly, the State presented evidence in aggravation in the way of testimony and records from the defendant's various incarcerations. This evidence was offered to show that the defendant will never adapt to prison life and will forever be a threat to the lives of the correctional officers, staff and inmates that he will come into contact with. The defendant was first incarcerated in a juvenile facility just shy of his 15th birthday. In the last nine years, he has most of those years incarcerated. The State introduced records from his stay in the Virginia Department of Juvenile Justice, the Virginia Department of Corrections and the South Carolina Department of Corrections. The Virginia records show that in the past the defendant has been a constant disciplinary problem who has no respect for the rights of others, no respect for authority and little empathy for the impact of his behavior on others.

The State also called witnesses from SCDC to testify about the safety issues that they have had regarding the defendant in the last 2 ½ years. On February 9, 2005 the defendant destroyed a phone jack and was found to have several pieces of metal and a screw on him during a subsequent search. His cell was then searched and 15 feet of homemade rope was found. On March 10, 2005 during a routine cell search several pieces of metal and 13 feet of homemade rope were found in his cell. On May 6, 2005 a 2 inch long piece of metal was found in his cell. These incidents all occurred at Lee Correctional Institution. After the threats towards Ms. Driggers, the defendant was moved to supermax at Kirkland Correctional Institution a little over a year ago. On March 29, 2006 while housed in supermax the defendant was found to have a homemade "hatchet" type weapon in his cell. He was then moved to the "High D" wing, six cells that are monitored 24 hours a day with the lights never going out. Capt. Lane testified these six cells were for the "worst of the worst". They are the most secure cells in the entire SCDC.

On May 19, 2006, while in "High D" the defendant was found to be in possession of two pieces of metal and over 2 feet of homemade rope.

Lastly, as to the defendant's future dangerousness, on November 29, 2006, during jury selection in this case the defendant was found in possession of a homemade handcuff key. He further made statements to Sheriff Thomas Summers that he had made this key while housed in supermax and had been bringing this key to court in his mouth the last two days. The defendant had manipulated security to get them to remove the leg braces and put him into leg shackles in order to attempt to use the handcuff key. Sheriff Summers testified that he tested the homemade key and was able to open two sets of handcuffs with it.

C. Mitigating Circumstances

The State has reviewed the statutory mitigating circumstances as enumerated in Section 16-3-20(C)(b), SC Code Ann., 2001 Comm. Supp. The only statutory mitigating circumstance that may apply in this matter is number 7, the age or mentality of the defendant at the time of the crime. The only evidence before this Court shows the defendant to have an IQ of 108. The defendant was twenty-one (21) years of age at the time he killed Captain Myers. He is clearly an adult who made some very horrendous but nonetheless voluntary decisions. The defendant has been incarcerated before as an adult, serving over three years for the Malicious Wounding charge in Virginia. There is nothing about his age or mentality that in any way mitigates, excuses or lessens his culpability and neither should it be given any weight in the Court's ultimate decision as to his sentence.

The defense further argued before this Court that the defendant's lack of a family structure should be considered as a mitigating factor. In reviewing Ms. Hambrick's testimony,

what is absent is any reference to physical abuse or sexual abuse suffered by the defendant. There is absolutely no evidence of such abuse, nor is there any evidence the defendant suffers from any mental defect. He grew up in essentially the same environment that his brother did yet his brother was able to finish high school and join the army. The State also feels that this evidence in no way mitigates, excuses or lessens his culpability and neither should it be given any weight in the Court's ultimate decision as to his sentence.

Lastly, the defense argued that the Court should look at the defendant's adaptability to prison. As addressed earlier, the State believes that the defendant will always be a danger, especially now that he has nothing else to lose. Having to house him in the most secure cell in the Department of Corrections, classifying him as one of the worst six out of over 23,000 inmates does not show adaptability to a prison setting.

Conclusion

The State submits in conclusion that we have proven beyond a reasonable doubt the existence of at least one of the following statutory aggravating circumstances thereby making the defendant eligible for the death penalty:

- (1) The murder of James E. Myers was committed while in the commission of a burglary.
- (2) The murder of James E. Myers was committed while in the commission of larceny with use of a deadly weapon.
- (3) The murder of James E. Myers was committed while in the commission of robbery while armed with a deadly weapon.
- (4) The murder of a federal, state, or local law enforcement officer, peace officer or former peace officer, corrections employee or former corrections employee, or fireman or former fireman during or because of the performance of his official duties.

Furthermore, the State submits this Court should take into consideration the above discussed non-statutory aggravating circumstances including evidence of the (1) characteristics

of the defendant, (2) circumstances surrounding the crime, and (3) future dangerousness of the defendant.

Respectfully Submitted,



David M. Pascoe
Solicitor
First Judicial Circuit

December 7, 2006

Virginia DOC Records

(for stabbing Moises Rivera)

November 5, 2001	Being in an unauthorized area
November 6, 2001	Failure to follow institutional count procedures
November 12, 2001	Disobeying an order
November 14, 2001	Vulgar or insolent language or gestures towards an employee - "Mother fucking hoe, broke as bitch" on request form.
November 27, 2001	Possession of contraband (walkman)
November 28, 2001	Failure to follow institutional count procedures
December 6, 2001	Disobeying an order
December 7, 2001	Using vulgar language directed towards an employee - "Sugar mamma, all it takes is fifty dollars, I'll suck the juice out that pussy"
December 15, 2001	Being in an unauthorized area
January 2001 to January 2002	Transferred to Nottoway Correctional Center (NCC)
June 4, 2002	Disobeying a direct order
September 24, 2002	Disobeying an order
October 24, 2002	Disobeying an order
October 24, 2002	Setting a fire - no damage or injury
November 25, 2002	Threatening bodily harm to any person in writing - "Read this bitch, the day you die, thuged kills 187, fuck all ya'll and suck some musty balls" - we have this sheet. CIRC S. McMillion, Nottoway Correctional Institution.
January 22, 2003	Transferred to Wallens Ridge State Prison (WRSP) from Nottoway (NCC) due to "subject's continued poor institutional adjustment and increase in security level"
February 27, 2003	Disobeying an order
April 28, 2003	Disobeying a direct order.
April 29, 2003	Disobeying a direct order
May 1, 2003	Intentionally throwing food or other substances
August 5, 2003	Disobeying a director order (x2)
October 5, 2003	Throwing food tray
October 22, 2003	Possession of contraband (altered adapter and Sony radio)
October 23, 2003	Lying or giving false info to an employee, Possession of a sharpened instrument
November 22, 2003	Disobeying a direct order
November 26, 2003	Destroying state property, Assault on non-inmate

A008578

A008579

DEPARTMENT OF JUVENILE JUSTICE
C.R. MINOR RECEPTION AND DIAGNOSTIC CENTER
RUNNING CASE RECORD

Name: Mikhael Mendi DOB: Redacted SC#: Redacted
Facility: RD Counselor: Carleen

DATE, INITIALS	ENTRIES
12-2-97	Received at FDC
12-10-97	Quoted for
12-31-97	Groups to address problem - salary communication quite, no participation
1/16/58 KMN	Having plan delivered and explained. Youth to be transported to Hannover 1/20/58 2:00-5:00 6-9 no

DEPARTMENT OF JUVENILE JUSTICE
RECEPTION AND DIAGNOSTIC CENTER FOR CHILDREN
1601 BON AIR ROAD
BON AIR, VIRGINIA 23235
804-323-2600

I. Demographic Information

Name: Mikal Mahdi DOB: Redacted Age: 14 yr. 9 months
State File #: Redacted Race: Black Sex: Male
Social Security #: Redacted
Committing Court: Brunswick
Date of Commitment: 12/2/97 # of This Commitment: 1
Committing Charge: 2 Counts Breaking and Entering, 2 Counts Grand larceny

Local Contact Person:

(Name): John H. Weigel, III
(Title): Director
(Phone): Redacted
Date Received RDC: 2/2/97 E.S.R. Staffing Date: 1/14/97
Initial Evaluation (X) Reevaluation () Update ()

RDC Evaluation and Staffing Team

Counselor: Linda L. Coulson
Cottage Supervisor: Lance Burton Cottage: A-3
Educational Evaluator: Steve Holdren
Psychologist: Michael Shumate
Chairperson: Michael Shumate
Section I of VIII Page 1 of 1

EVALUATION PROFILE

Youth: Mikal Mahdi DOB: Redacted File #: Redacted R/S: BM

E.S.R. Staffing Date: 1/14/98 Section II of VIII Page 1 of 3

II. Socialization Information

Mikal Mahdi is a 14.9 year old black male. Physically, he is 5'7" tall, weighs 138 pounds, with black hair and brown eyes. In reference to his medical condition, he appears to be a healthy adolescent with normal hearing and visual acuity. At the time of his commitment, he was living with his father.

Records indicate that Mikal's father, Sherif Mahdi, and mother, Vera Mahdi, were married in 1980, and separated in 1990. Two children were born of this union.

In reference to his father, reports indicate that he is 43 years old and is unemployed. Mikal advised this counselor that his father is self-employed doing brick work. He is reported to have a criminal record for vandalism and escape. There is no indication of a substance abuse problem on his part, and Mikal denied that his father abuses alcohol or drugs. Mikal claimed that he has a good relationship with his father, and stated "We talk a lot and have good communication." Mikal advised that he keeps his father informed as to his whereabouts, and indicated that his father is "real understanding." Mikal reported that his father rarely has to discipline him because "I didn't mess up around the house that much."

Reports indicate that his mother is 34 years old and her employment status is not reported. Mikal advised that his mother is employed as a nurse in Richmond. There is no indication of a criminal record on her part, and no indication of a substance abuse problem. Mikal reported that he lived with both parents until he was approximately 10 years old. He stated that when his parents separated he lived alternately with his mother and his father. He admitted that he has lived with his father the past few years, but claims that he has had regular contact with his mother. However, later in the interview, he indicated that their contact has been less frequent. For example, he reported that he has not seen his mother since this past summer. When discussing his mother, he stated, "She's okay. She's nice and she didn't give me much hassle." When asked about his infrequent contact with his mother, Mikal denied that this is a source of anxiety for him and stated, "I don't really worry about it now. I feel like I got things to do."

Mikal has one sibling, a brother, Saleem Mahdi, age 16. Mikal advised that his brother joined Job Corps and is pursuing .

ALL INFORMATION
CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/14/98 BY 60322

EVALUATION PROFILE

Youth: Mikal Mahdi DOB: Redacted File #: Redacted R/S: BM

E.S.R. Staffing Date: 1/14/98 Section II of VIII Page 2 of 3

vocational training. He advised that he is closer to his brother than to any other family member. He stated, "He knows everything about me."

Regarding family dynamics, Mikal is the product of a dysfunctional single parent family characterized by a lack of involvement with his mother, an absence of a positive adult role model, instability, unemployment, and a lack of structure and supervision. While Mikal advised that he and his father have a positive relationship, it appears that his father has placed little emphasis on supervision of Mikal, and has even provided a poor adult role model for his son. Information provided by the court and by Mikal would indicate that his father has made little attempt to reinforce Mikal's receiving an education, and his father refused to comply with court requests during Mikal's court involvement. Reports note that court workers were required to have a show cause issued in order to compel his father's cooperation. While Mikal claimed that he views his family as nurturing and supportive, it appears that Mikal has not been closely involved with either parent and has not been held accountable for his behavior. Mikal advised this counselor that his father showed minimal reaction when he learned that Mikal was involved with larceny of firearms. Mikal stated, "He didn't really do nothing. He told me to sell it or something." Mikal remained very guarded when discussing his family or his relationships with family members and shared very little in the way of personal information.

When asked to describe himself, Mikal advised that he is a quiet person who "is always up to something." He denied that he has any strengths except for "robbing people." Regarding weaknesses, he stated "I just need to find something else to do and quit joking all the time." He denied that he has a low frustration tolerance, and claims that he has few confrontations with others.

In discussing his home situation, Mikal denied that he has ever run away before. He reported that he has no routine chores to complete around the home, but that he assists when asked. He also denied that he has ever had a curfew set by his father. Mikal was very vague when discussing his comings and goings from his home. He denied having any prior work experience.

Regarding future goals, Mikal advised that he hopes to obtain carpentry skills. He further reported that he would like to have

EVALUATION PROFILE

Youth: Mikal Mahdi DOB: Redacted File #: Redacted R/S: BM

E.S.R. Staffing Date: 1/14/98 Section II of VIII Page 3 of 3

his own business "so I wouldn't have to go to work everyday and have more freedom."



Linda L. Coulson, Counselor
Reception and Diagnostic Center
January 7, 1998

:vms

5/2/98
Coulson

EVALUATION PROFILE

Youth: Mikal Mahdi DOB: Redacted File #: Redacted R/S: BM

E.S.R. Staffing Date: 1/14/98 Section III of VIII Page 1 of 3

III. Community Information

Prior to his commitment, Mikal resided with his father and brother in Western Brunswick County. They are reported to live in a double-wide trailer, and this area is not thought to have had a negative impact upon his behavior.

Regarding his peers, he stated that they come from his neighborhood and range in age from 14 to 15 years. Mikal was very reluctant to describe his peer activities, and kept stating that he was fearful that this counselor would report his comments to the court. He remained very guarded throughout any discussion of his friends, and provided little information regarding their use of alcohol or drugs. He did describe himself as a leader among his peers because "I'm my own person." He denied any history of gang activity.

Regarding sex, Mikal indicated that he became sexually active at age 13 and has had four to five sexual partners. He reported consistent use of protection, and denied having any children. He denied ever having a sexually transmitted disease, and stated that he learned most information about sex education from older girlfriends. He reported to be a heterosexual, and denied any history of being sexually abused.

Regarding his substance abuse, Mikal admitted to regular use of marijuana. He denied having other than minimal experimentation with alcohol. He reported that he began smoking marijuana at age 12, and admitted that he has been smoking heavily on a daily basis, since that time. Despite his heavy use of marijuana, Mikal denied that this use is a problem for him. Initially, he was unwilling to comment regarding any involvement in drug trafficking. He later admitted that he has been involved in selling crack cocaine since this past spring. Mikal was administered the Substance Abuse Subtle Screening Inventory (SASSI) and the results appear to indicate that there is no dependent or abusive behavior. In this counselor's opinion, he could benefit from further education and treatment in this area.

Regarding previous charges, Mikal was ordered to complete community service work for a petit larceny, escape from custody, and curfew violation on 9/30/97. He advised that he received these charges based upon one incident. He stated that the police observed him walking on the street after curfew. He claimed that he was not aware there was a curfew, and that he was returning from a friend's

EVALUATION PROFILE

Youth: Mikal Mahdi DOB: Redacted File #: Redacted R/S: BM

E.S.R. Staffing Date: 1/14/97 Section III of VIII Page 2 of 3

house. He stated that the police stopped him and required that he sit in the police vehicle while handcuffed. Mikal advised that he opened the seat belt and left the car and began running. When asked why he attempted to escape, he stated, "I didn't feel so good about going to jail. No one's just going to say I'm gonna go." Mikal appeared to consider that attempting to escape was to be expected. He advised that the petit larceny charge resulted from his taking several items out of an unlocked car including cigarettes, a cell phone, and a radio. Regarding this larceny charge, Mikal stated, "I wasn't looking for trouble. I just saw it and it was free." I don't feel all that bad about stealing." Additional criminal charges led to Mikal's subsequent commitment.

Mikal is currently serving his first commitment for two counts of breaking and entering, and two counts of grand larceny. Mikal advised that "I stole a few guns from a guy." He admitted that he broke into two houses. He stated that the houses were selected because it appeared that the owners had "money because of their pretty yards and nice houses." He claimed that he committed these offenses because of "just boredom." He also advised that he thought it would be easy to sell the items and make a "few hundred dollars." Mikal also noted that "I kept thinking the cops can't catch me. I can do what I want." He advised that he views his commitment as unfair because "I really didn't get into past trouble." During interviews with this counselor, while Mikal admitted to his participation in delinquent acts, he failed to accept complete responsibility for his behavior. From his comments, this counselor feels that he has no respect for the rights and property of others, and is without remorse. It also appears that he has little empathy for the impact of his behavior upon others. Mikal appears to have a very pessimistic outlook on life, and made the comment that "Nothing in life is fair. You are nobody special." In addition, Mikal had a tendency to minimize the seriousness of his criminal acts and their impact upon others. He appears to have little goals for the future and stated, "I just want a short time so I can go home and relax." He did not appear to be motivated to avoid future court involvement.

If Mikal is to return home after his discharge from state care, supportive services will be needed to provide more adequate structure and supervision in his home. While in state care, he could benefit from a highly structured environment where he could address the following issues: substance abuse services, values

12-16
DISC-12-16

EVALUATION PROFILE

Youth: Mikal Mahdi DOB: Redacted File #: Redacted R/S: BM

E.S.R. Staffing Date: 1/14/98 Section III of VIII Page 3 of 3

clarification, assertiveness training, self-esteem, family services, and problem solving skills.



Linda L. Coulson, Counselor
Reception and Diagnostic Center
January 7, 1998

:vms

1/14/98
15
15

EVALUATION PROFILE

Youth: Mikal Mahdi DOB: Redacted File #: Redacted R/S: BM

E.S.R. Staffing Date: 1/14/98 Section VIII of VIII Page 1 of 1

VIII. Supervision Information

Mikal Mahdi was committed by the Brunswick County court on the charges of two counts breaking and entering and two counts grand larceny. His adjustment while at the Reception and Diagnostic Center has been poor. He was described by staff as quiet, oppositional, and compliant but resentful. His interaction with peers has been poor. According to staff, he remained self-focused, brags about the past, and exhibited aggressive behavior toward his peers. Mikal was recently charged with assaulting another youth in his cottage, which resulted in bodily injury. He appears to have some difficulty adjusting to a structured environment. He is not considered to be a security risk, but he is considered to be a potential control problem. He is not currently on Suicide Alert.

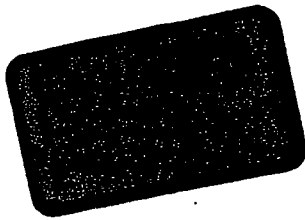
In the casework setting, Mikal's relationship with this counselor has been resistant and guarded. He remained superficially polite during his interviews, and verbalized an unwillingness to share information with this counselor. Information that he did share would indicate that he does not accept responsibility for his behavior, does not feel remorse for his offensive behavior, and has little empathy for the impact of his behavior upon others. Mikal's actions appear to be generally the result of impulsivity and a lack of insight in decision making.

The staffing team felt Hanover Juvenile Correctional Center would be the most appropriate placement for Mikal due to his present needs and prevailing circumstances. He could benefit from being in a highly structured environment with constant and intense supervision.


Linda L. Coulson, Counselor
Reception and Diagnostic Center
January 12, 1998

:vms

KGINIA 23261



ATTEST: TRUE COPY

KENNETH HASTY
CLERK OF COURT
GALHOUN COUNTY

POOR REPRODUCTION QUALITY

Some documents within this file may be of
Poor Reproduction Quality.

Redacted

Inmate Number

Inmate's Last Name

Inmate's First Name/Initial

MAHDI

MIKAL

D

CENTRAL CRIMINAL RECORD

SECTION 1

DEPARTMENT OF CORRECTIONS
INMATE PROFILE

PAGE: 01

TIME: 12:52:12
DATE: 01/23/2003

NOTE TO USER: SECURITY, MEDICAL, AND WORK CLASSIFICATION STATUS CHANGES WILL
NOT BE REFLECTED UNTIL A NEW PROFILE IS ISSUED.

INMATE NO: Redacte INMATE NAME: MAHDI MIKAL DEEN
CURRENT LOCATION: NOTTOWAY CORRECTIONAL CENTER
STATUS: ACTIVE DATE RECEIVED: 11OCT 2001

ANTICIPATED:
DISCRETIONARY PAROLE ELIGIBILITY DATE: INELIGBL
MANDATORY PAROLE RELEASE DATE INCLUDES 30 ADJUSTED DISCHARGE DAYS: INELIGBL

DATE	JUR.	OFFENSE	CNT	SENTENCE(YMD)	STATUS
16JUL2001	RICHMOND CITY	MALICIOUS WOUND	01	003 03 000	PARTIALLY SUSP

TOTAL SENTENCE: 003 YRS 003 MOS 000 DAYS FIRST TERM: FELON

JAIL CREDIT DAYS: 177 SEN START DATE: 17APR 2001
GCA LEVEL: 4 EFFECTIVE DATE: 04DEC 2002

CURRENT SECURITY DATE WRK CLASS: NIC SCORE 00 MENTAL
MEDICAL:

ADJUSTMENT COMMITTEE ACTIONS (LAST 18 MONTHS):
DATE OFFENSE PENALTY
TOTAL CONVICTIONS: 3

RELEASE/ESCAPE EVENTS: LOCATION

FILING INSTRUCTIONS: INSERT NEW PROFILE IN SECTION ONE OF THE INMATE RECORD
OVER THE FACE SHEET AND BENEATH ANY ALERT CARDS AND ENEMY LISTS. REMOVE AND
DESTROY THE OLD PROFILE.

**DEPARTMENT OF CORRECTIONS
DIVISION OF OPERATIONS
IN SENTENCE SUMMARY**

PAGE: 0..
DATE: 10/16/2005

INITIAL NAME: MAFEL
SOUTHAMPTON RECEPTION CENTER

MTKAL DEEN

000,000

OFFENSE:	CNLS OF 1820 MALICIOUS WOUNDING			FILE#
(CIRCUIT)	(CIRCUIT)			TYPE: ESX FTX DISE: PARTIALLY SUSP
SENTENCE:	UNCALCULATED SENTENCE			NET SENTENCE
001 YRS 00 MOS 000 DAYS	001 YRS 00 MOS 000 DAYS	003 YRS	03 MOS	000 DAYS

EXPIR. DATE: 17 APR 2001

MEMO: 01 900-F/180M/141M SUSPENDED

NOV 1960 OFFENSE: CTS-01 2208-BREAKING AND ENTERING FTI X
RICHMOND CITY (CIRCUIT) TYPE: PSN-FIX DISP: NOLLE PROSE
SENTENCE UNCALCULATED SENTENCE NET SENTENCE
000 YRS 00 MOS 000 DAYS 000 YRS 00 MOS 000 DAYS

DATE: 1 APR 70

MEMO: 01 901 -T

TOTAL SENTENCE: 963 YRS 03 MOS 000 DAYS

DEPARTMENT OF CORRECTIONS
 DIVISION OF OPERATIONS
 ORDER, LOGS, AND RESTITUTION **

PAGE: 01
 DATE: 10-18-2001

INMATE: [REDACTED] NOT REQUESTED NOT FOUND ON TIPS DB **
 NAME: [REDACTED]

DATE: 10-18-2001

DOES NOT BELIEVE THE ABOVE NAME INMATE OF THE RESPONSIBILITY
 OF THE ABOVE'S ORDER TO THE CLERK OF THE SENTENCING COURT.

DEPARTMENT OF CORRECTIONS
DIVISION OF OPERATIONS
INFORM COMMITMENT REPORT

11410.0

* LEGAL * * * * *

CURRENT DATE: 10/16/2001

CLERK ID: CAG

VERIFICATION CLERK ID:

INMATE NO: 199449 NAME: VANDI

MIKAL DEEN

INMATE NO: 199449 NAME: VANDI

DATE RECEIVED: 11OCT2001

INMATE NO: 199449 NAME: VANDI

SEN START DATE: 17APR2001

CLASS LEVEL: 2 TOTAL SENTENCE: 003 YEARS 03 MONTHS 000 DAYS

INMATE NO: 199449 NAME: VANDI

ESTIMATED GOOD TIME RELEASE DATE WITH 30 ADM DISCHG DAYS: 05MAR2004

ALL ANTICIPATED DATES ARE BASED ON THE ASSUMPTION THAT YOU WILL CON-
TINUE TO WORK EACH DAY AT YOUR PRESENT EARNING LEVEL AND THAT YOU WILL NOT
HAVE EARNED GOOD TIME TAKEN FROM YOU BY AN ADJUSTMENT COMMITTEE ACTION AS A
RESULT OF A REVIATION. LOSS OF EARNED GOOD TIME OR A CHANGE IN YOUR GOOD
TIME EARNING LEVEL MAY CAUSE YOUR ANTICIPATED DATES TO CHANGE.

EVENTS LISTED BELOW IN DATE ORDER REFLECT TRANSACTIONS AFFECTING ANTICIPATED
DATE OF ELIGIBILITY AND RELEASE FROM THE SENTENCE START DATE OF
10/16/2001.

INMATE NO: 199449 NAME: VANDI
RELEASED ON GOODTIME RELEASE MUST RECEIVE AN AUTHORI-
ZATION OF RELEASE FROM PROBATION SERVICE. GOODTIME DATE ON LEGAL UPDATE
IS 05/17/2001 WITH RELEASE DATE ON AUTHORIZATION OF RELEASE FORM. *****

INMATE NO: 199449 NAME: VANDI
00177 DAIL CREDIT DATE FROM RICHMOND CITY JAIL
DAIL CREDIT DAYS INCLUDED IN TOTAL JOD.

INMATE NO: 199449 NAME: VANDI
SENTENCE (ESX FTI X PTX) FROM RICHMOND CITY
ON 01 COUNTIES OF MALICIOUS WOUNDING
THE SENTENCE OF 003 000 DAYS : 011 YRS 03 MOS 000 DAYS UNCALC
COURT DISPOSITION: PARTIAL SUSPENDED SENTENCE

INMATE NO: 199449 NAME: VANDI
CLASS 2

INMATE NO: 199449 NAME: VANDI
SHE HAS A SUPERVISED PROBATION OBLIGATION UPON RELEASE FROM
INMATE NO: 199449 NAME: VANDI

* CONTINUED ON NEXT PAGE *

SECRET - L F D A T E - 2 2 2

2016/10/20:02

DATE: 1-24-73 NAME: MARY

MIKAL

DEEN

SENATE: YES; FBI X FBI: FROM RICHMOND CITY
 (4) COUNTS OF BREAKING AND ENTERING
 FOR 10 AND 20 MOS 600 DAYS
 THIS INFORMATION: NOLE PROSSE DISPOSITION

CENTRAL CLASSIFICATION SERVICES SURVEY

GENERAL INFORMATION

G1. OFFENDER # ☒ VACCIS # ☐ VSP # ☐

[REDACTED]

G2. SOCIAL SECURITY NUMBER
Redacted

G4. DATE OF DRC/RIP

[REDACTED]

G5. DATE OF INTERVIEW

[REDACTED]

G6. TIME BEGUN: (HOUR:MINUTES:AM/PM)

[REDACTED]

G7. TIME ENDED: (HOUR:MINUTES:AM/PM)

[REDACTED]

RECOMMENDED PROGRAM NEEDS

- ☐ SUBSTANCE ABUSE ☐ WORK HABITS
- ☐ TC ☐ PARENTING/FAMILY
- ☐ PSYCHO ED ☐ VICTIMIZATION
- ☐ GROUP COUNSELING
- ☐ SELF-HELP/SUPPORT
- ☐ MENTAL HEALTH ☐ LIP ELIGIBLE
- ☐ MENTAL ILLNESS ☐ LIP EXEMPT
- ☐ DEVELOPMENTAL ☐ GED
- ☒ ANGER MANAGEMENT ☐ SPECIAL ED
- ☐ SEX OFFENDER ☐ LIFE SKILLS
- ☐ GERIATRIC ☐ COGNITIVE SKILLS
- ☐ PROPERTY OFFENDERS ☒ VOCATIONAL TRNG

FADE SCORES

READ [REDACTED] MATH [REDACTED] LANG [REDACTED] SPELL [REDACTED] STANDARD SCORE [REDACTED] BATTERY AVG [REDACTED]

SEVERITY PROFILE Place "X" in box to indicate rating

G10. OFFENDER'S GENDER: 1. MALE 2. FEMALE ☒

G11. INSTITUTION CODE NUMBER [REDACTED]

G12. OFFENDER NAME [REDACTED]

G13. ADDRESS PRIOR TO INCARCERATION

CITY [REDACTED] STATE [REDACTED] ZIP [REDACTED]

G14. HOW LONG DID YOU LIVE AT THIS ADDRESS? YRS MOS [REDACTED]

G15. IS THIS RESIDENCE OWNED BY YOU

OR YOUR FAMILY? 0-NO 1-YES ☒

G16. DATE OF BIRTH (MM/DD/YY)

Redacted

G18. DO YOU HAVE A RELIGIOUS PREFERENCE? ☒

1. PROT. 2. CATH. 3. JEWISH 4. ISLAMIC 5. OTHER 6. NONE

PROBLEMS	0	1	2	3	4	5	6	7	8	9
MEDICAL										
EMOTIONAL										
ALCOHOL										
DRUGS										
LEGAL										
FAMILY										
EMOTIONAL										

G17. WHAT RACE DO YOU CONSIDER YOURSELF? ☒

1. WHITE (NOT HISP) 5. ASIAN/PACIFIC 9. OTHER HISPANIC
2. BLACK (NOT HISP) 6. HISPANIC MEXICAN
3. AMERICAN INDIAN 7. HISPANIC PUERTO RICAN
4. ALASKAN NATIVE 8. HISPANIC CUBAN

G19. WERE YOU IN A CONTROLLED ENVIRONMENT IN THE 30 DAYS PRIOR TO THIS PRESENT PERIOD OF

INCARCERATION? 0-NO 1-YES ☒

G20. IF YES, HOW MANY DAYS? [REDACTED]

FEBRUARY 2001

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CENTRAL CLASSIFICATION SERVICES SURVEY

MEDICAL STATUS

- M1. How many times in your life have you been hospitalized for medical problems? ☒ 0 ☒ 1
- Include O.D.'s and D.T.'s. Exclude detox, alcohol/drug, psychiatric treatment, and childbirth (if no complications). Enter the number of *overnight* hospitalizations for medical problems.
- M2. How long ago was your last hospitalization for a physical problem? ☒ 0 ☒ 1
- If no hospitalizations in Question M1, then this is coded "NN". Yrs Mos
- M3. Do you have any chronic medical problems which continue to interfere with your life? 0=No 1=Yes ☒
- If yes specify. A chronic medical condition is a serious physical condition that requires regular care (i.e., medication, dietary restriction) preventing full advantage of their abilities.
-
- M4. Are you taking any prescribed medication on a regular basis for a physical problem? 0=No 1=Yes ☒
- If yes specify. **DO NOT INCLUDE PSYCHIATRIC MEDICATIONS.** The intent is to verify chronic medical problems. Include meds even if the OFFENDER is not taking them, but was prescribed the medication.
-
- M5. Do you receive a pension for a physical disability? 0=No 1=Yes ☒
- M6. How many days have you experienced medical problems in the past 30 days? ☒ 0 ☒ 1
- Include colds, flu, etc. as well as chronic medical problems that may be alcohol or drug related.
- FOR QUESTIONS M7 AND M8 USE THE OFFENDER RATING SCALE.
- M7. How troubled or bothered have you been by these medical problems in the past 30 days? ☒
- Restrict response to problem days of Question M6.
- M8. How important to you now is medical treatment for these medical problems? ☒

INTERVIEWER THREE NUMBER RANGE ☒ 0 ☒ 1FINAL SEVERITY INDEX RATING: M9. How would you rate the OFFENDER's need for medical treatment? ☒

CONFIDENCE RATING

Is the above information significantly distorted by:

M10. OFFENDER's misrepresentation? 0=No 1=Yes ☒ M11. OFFENDER's inability to understand? 0=No 1=Yes ☒

FEBRUARY 2001

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CENTRAL CLASSIFICATION SERVICES SURVEY

EMPLOYMENT/SUPPORT STATUS

E1. Education completed:

- GED = 12 years, none below Yrs Mos
 • Include formal education only

E2. Training or technical education completed:

- Formal/organized training only. For Mos.
 military training only include training that can be used in civilian life (i.e., electronics, computers).

E3. Do you have a profession, trade, or skill? 0=No 1=Yes

E25. If yes, specify

E6. How long was your longest full time job?

- Full time = 35+ hours weekly Yrs Mos
 Does not necessarily mean most recent job.

E7. Usual (or last) occupation? (specify)

Maintenance = Richmond, VA

E8. Did someone contribute to your support in any way the 30 days prior to incarceration? 0=No 1=Yes

- Was the OFFENDER receiving regular support from any source prior to incarceration?

E9. Did this constitute the majority of your support? 0=No 1=Yes

E10. Usual employment pattern the past three years?

1. Full time (35+ hours)	5. Military Service	9. Irregular Employment
2. Part time (regular hours)	6. Retired/disability	
3. Part time (irregular hours)	7. Unemployed	
4. Student	8. In a controlled environment	
- Answer should represent the majority of the last 3 years not just the most recent selection.

E11. How many days were you paid for working in the 30 days prior to incarceration?

- Include under the table work and paid sick leave and vacations.

FOR QUESTIONS E12 - E17: How much money did you receive from the following sources 30 days prior to incarceration?

E12. Employment? (net or "take home")

E13. Unemployment Compensation?

E14. Welfare?

E15. Pensions or Social Security?

Specify

E16. Mate, Family, or Friends?

E17. Illegal?

E18. How many people depended on you for the majority of their food, shelter, etc. the 30 days prior to incarceration?

FEBRUARY 2001

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CENTRAL CLASSIFICATION SERVICE SURVEY

E19. How many days have you experienced employment problems in the 30 days prior to incarceration? ☒ 17

FOR QUESTIONS E20 AND E21 USE THE OFFENDER RATING SCALE:

E20. How troubled or bothered were you by employment problems the 30 days prior to incarceration? ☒ 2E21. How important to you now is counseling for these employment problems? ☒ 2INTERVIEWER THREE NUMBER RANGE ☒ 1700FINAL SEVERITY INDEX RATING: E22. How would you rate the OFFENDER's need for employment counseling? ☒ 2

CONFIDENCE RATING

Is the above information significantly distorted by:

E23. OFFENDER's misrepresentation? 0-No 1-Yes ☒ 1E24. OFFENDER's inability to understand? 0-No 1-Yes ☒ 1

ALCOHOL AND DRUGS

This section collects information for the 30 days prior to incarceration and lifetime use.

Route of Administration Types: 1-Oral 2-Nasal 3-Smoking 4-Intravenous Injection 5-IV

(Usual or most recent route. For more than one route choose the most severe. Routes are listed from least severe to most severe.)

30 days prior to incarceration Lifetime Route of Admin 30 days prior to incarceration Lifetime Route of Admin
(days) (years) (days) (years)D1. Alcohol (any use at all) ☒ 17 ☒ 17D2. Alcohol (to intoxication) ☒ 17 ☒ 17D3. Heroin ☐ ☐ ☒ 1D4. Methamphetamine ☐ ☐ ☒ 1D5. Other Opiates/Analgesics ☐ ☐ ☒ 1D6. Barbiturates ☐ ☐ ☒ 1D7. Sedatives/hypnotics/
Tranquilizers ☐ ☐ ☒ 1D8. Cocaine ☐ ☐ ☒ 1D9. Amphetamines ☐ ☐ ☒ 1D10. Cannabis ☐ ☐ ☒ 1D11. Hallucinogens ☐ ☐ ☒ 1D12. Inhalants ☐ ☐ ☒ 1D13. More than 1 substance
per day (including alcohol) ☐ ☐ ☒ 1

NOTE QUANTITY OF SUBSTANCES:

D14. According to the interviewer which substance(s) is/are the major problem? ☒ 17 Interviewer should determine the major drug or drugs of abuse. Code the # next to the drug in questions D1-D12, or "00" = No 1 prob. "15" = Alcohol & one or more drugs. "16" = More than one drug, but no alcohol. Ask OFFENDER when not clear.

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CENTRA CLASSIFICATION SERVICE SURVEY

D15. How long was your last voluntary abstinence from this major substance? ☒ ☒Last attempt of one month not necessarily the longest. Periods of incarceration or hospitalization *do not count*. Periods of methadone, antabuse, or naltrexone use during abstinence *do count*.

Mos.

D16. How many months ago did this abstinence end? ☒ ☒ If D15="00" then D16="NN", "00"=still abstinent.D17. How many times have you had alcohol DT's? ☒ ☒ (DT's occur 24 to 72 hours after last alcohol intake.)D18. How many times have you overdosed on drugs? ☒ ☒ (OD requires intervention by someone to recover, include OD suicide attempts)D19. How many times in your life have you been treated for alcohol abuse? ☒ ☒D21. How many of these were for alcohol detox only? ☒ ☒D23. How much would you say you spent on alcohol during the 30 days prior to incarceration? ☒ ☒ ☒ ☒ ☒D20. How many times in your life have you been treated for drug abuse? ☒ ☒ Include detox, halfway houses, in/outpatient counseling, and AA/NA if 3+ meetings within a one-month period.D22. How many of these were for drug detox only? ☒ ☒ If D19="00" then Ques D21 is "NN", If D20="00" then Ques D22 is "NN"D24. How much money would you say you spent on drugs in the 30 days prior to incarceration? ☒ ☒ ☒ ☒ ☒D25. How many days have you been treated in an outpatient setting for alcohol or drugs in the 30 days prior to incarceration? ☒ ☒D26. How many days in the 30 days prior to incarceration have you experienced alcohol problems? ☒ ☒

FOR QUESTIONS D28, D29, D30, AND D31 USE THE OFFENDER RATING SCALE:

D28. How troubled or bothered were you by alcohol problems in the 30 days prior to incarceration? ☒D30. How important to you now is treatment for these alcohol problems? ☒D27. How many days in the 30 days prior to incarceration did you experience drug problems? ☒ ☒D29. How troubled or bothered were you by drug problems in the 30 days prior to incarceration? ☒D31. How important to you now is treatment for these drug problems? ☒INTERVIEWER THREE NUMBER RANGES - ALCOHOL ☒ ☒ ☒ DRUG ☒ ☒ ☒
FINAL SEVERITY INDEX RATING: How would you rate the OFFENDER's need for treatment for:D32. Alcohol problems ☒D33. Drug problems ☒

CONFIDENCE RATING

Is the above information significantly distorted by:

D34. OFFENDER's misrepresentation? 0=No 1=Yes ☒D35. OFFENDER's inability to understand? 0=No 1=Yes ☒

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CENTRAL CLASSIFICATION SERVICES SURVEY

LEGAL STATUS

L2. Were you a parole or probation violator? 0=No 1=Yes ☒ Note parole or probation and where _____

How many times in your life have you been charged with the following (score "attempts" as the offense and do not include juvenile offenses unless charged as an adult):

L3. Shoplift/Vandal ☒ L4. Parole/Probation Violations ☒ L5. Drug Charges ☒ L6. Forgery ☒

L7. Weapons Offense ☒ L8. Burglary/Larceny/B&E ☒ L9. Robbery ☒ L10. Assault ☒

L11. Arson ☒ L12. Rape/Sex Offense ☒ L13. Homicide/Manslaughter ☒ L14. Prostitution ☒

L15. Contempt of Court ☒ L13. Escapes ☒ L16. Other ☒ Include total # of crimes not just convictions.

L17. How many of these charges resulted in convictions? ☒ If L3 - L16 = 00 then L17 = NN. Do not include misdemeanor offenses from L18 - L20 below.

How many times in your life have you been charged with the following:

L18. Disorderly Conduct, Vagrancy, Public Intox? ☒ L19. Driving while intoxicated? ☒ L20. Major traffic violations? ☒

L21. How many months have you been incarcerated in your life? ☒ (Round 2 weeks up to a month.)
Mos

L22. How long was your LAST/PREVIOUS incarceration? ☒ L23. What was it for? ☒ Use code L3-L16, L18-L20. Choose most severe.
Mos

L24. Are you presently awaiting charges, trial, or sentence? 0=No 1=Yes ☒ L25. For what? ☒ Use L3-L16, L18-L20.

L26. How many days in the 30 days prior to coming to prison were you detained or incarcerated? ☒

L27. How many days in the 30 days prior to being incarcerated did you engage in illegal activities for profit? ☒

L33. Are there any other pending investigations or civil actions? 0=No 1=Yes ☒ L34. For what? ☒ Use L3-L16, L18-L20.

L35. Do you have fines or restitution to pay? 0=No 1=Yes ☒

FOR QUESTIONS L28 AND L29 USE THE OFFENDER RATING SCALE.

L28. How serious do you feel your present legal problems are? ☒ L29. How important now is counseling for these legal problems? ☒
Legal Problems are not the current offense for which the OFFENDER is incarcerated. A pending delinquent, divorce, child custody case, etc. would be a current problem.

INTERVIEWER THREE NUMBER RANGE ☒

FINAL SEVERITY INDEX RATING: L30. How would you rate the OFFENDER's need for legal services or counseling? ☒

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CENTRA[®] CLASSIFICATION SERVICE[®] SURVEY

CONFIDENCE RATING

Is the above information significantly distorted by:

L31. OFFENDER's misrepresentation? 0=No 1=Yes ☒ L32. OFFENDER's inability to understand? 0=No 1=Yes ☒

FAMILY HISTORY

0=Clearly No for any relatives in that category X=Uncertain or Don't Know

1=Clearly Yes for any relative in that category N=Never was a relative

In cases where there is more than one person for a category record the occurrence of problems for any in that group. Accept the OFFENDER's judgment on these questions. Note important data.

Have any of your blood-related relatives had what you would call a significant drinking, drug use, or psychiatric problem? Specifically, was there a problem that did or should have led to treatment?

Mother's Side	Alcohol	Drug	Psych	Father's Side	Alcohol	Drug	Psych	Siblings	Alcohol	Drug	Psych
H1. Grandmother	☒	☒	☒	H6. Grandmother	☒	☒	☒	H11. Brother	☒	☒	☒
H2. Grandfather	☐	☐	☐	H7. Grandfather	☐	☐	☐	H12. Sister	☐	☐	☐
H3. Mother	☐	☐	☐	H8. Father	☐	☐	☐				
H4. Aunt	☐	☐	☐	H9. Aunt	☐	☐	☐				
H5. Uncle	☐	☐	☐	H10. Uncle	☐	☐	☐				

FAMILY HISTORY COMMENTS:

FAMILY/SOCIAL STATUS

P1. Marital Status 1=Married, 2=Remarried, 3=Widowed, 4=Separated, 5=Divorced, 6=Never Married (Common Law) ☒P2. How long have you been in this status? ☒ Yrs ☒ Mos P3. Are you satisfied with this situation? 0=No 1=Indifferent 2=Yes ☒

P4. Usual living arrangements (3 yrs prior to incarceration): 1=With sexual partner & children, 2=With sexual partner alone, 3=With children alone, 4=With parents, 5=With family, 6=With friends, 7=Alone, 8=Controlled environment, 9=No stable arrangement.

P5. How long did you live in those arrangements prior to incarceration? ☒ Yrs ☒ MosP6. Were you satisfied with the arrangements? 0=No 1=Indifferent 2=Yes ☒P7. 30 days prior to incarceration, did you live with anyone who had a current alcohol problem? ☒ 0=No 1=YesP8. 30 days prior to incarceration, did you live with anyone who used non-prescribed drugs or abused prescribed drugs? ☒ 0=No 1=Yes

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CENTRAL CLASSIFICATION SERVICES SURVEY

F9. With whom did you spend most of your free time? ☒ 1=Family 2=Friends 3=AloneF10. Were you satisfied with spending your free time this way? ☒ 0=No 1=Indifferent 2=YesF11. How many close friends do you have? ☒ F39. Are you or have you ever been a gang member? 0=No 1=Yes ☒

Would you say you had a close reciprocal relationship with any of the following people?

F12. Mother ☒ F13. Father ☒ F14. Brothers/Sisters ☒ F15. Sexual Partner/Spouse ☒ F16. Children ☒ F17. Friends ☒
0 = Clearly no for all in class, 1 = Clearly Yes for any in class, X = Uncertain or "I don't know", N = Never was a relativeHave you had significant periods in which you have experienced serious problems getting along with the following?
Serious problems mean those that endangered the relationship. A "problem" requires contact of some sort, (phone or in person).
0=No 1=Yes

30 DAYS PRIOR TO INCARCERATION

IN YOUR LIFE

F18. Mother ☒F19. Father ☐F20. Brother/Sister ☐F21. Sexual Partner/Spouse ☐F22. Children ☒F23. Other Sig. Family
Specify ☐F24. Close Friends ☐F25. Neighbors ☐F26. Co-Workers ☐

Has anyone ever abused you? (Questions F27, F28, F29)

0=No 1=Yes

F27. Emotionally? ☒ (specify) _____F28. Physically? ☐ (specify) _____F29. Sexually? ☐ (specify) _____F30. How many days in the 30 days prior to incarceration did you have serious conflicts with your family? ☒

FEBRUARY 2001

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CENTRAL CLASSIFICATION SERVICES SURVEY

FOR QUESTIONS F32 AND F34 USE THE OFFENDER RATING SCALE.

F32. How troubled or bothered were you in the 30 days prior to incarceration by family problems? ☒ 4F34. How important to you now is treatment or counseling for these family problems? ☒ 4F31. How many days in the 30 days prior to incarceration did you have serious conflicts with other people (excluding family)? ☒ 10

FOR QUESTIONS F33 AND F35 USE OFFENDER RATING SCALE.

F33. How troubled or bothered were you by social problems in the 30 days prior to incarceration? ☒ 4F35. How important to you now is treatment or counseling for these social problems? ☒ 4INTERVIEWER THREE NUMBER RANGE ☒ 5 ☒ 6 ☒ 7FINAL SEVERITY INDEX RATING: F36. How would you rate the OFFENDER's need for family and/or social counseling? ☒ 4

CONFIDENCE RATING

Is the above information significantly distorted by:

F37. OFFENDER's misrepresentation? 0=No 1=Yes ☒ 1F38. OFFENDER's inability to understand? 0=No 1=Yes ☒ 1

EMOTIONAL STATUS

P1. How many times have you been treated for any psychological or emotional problems in a hospital or an inpatient setting? ☒ 2P2. How many times have you been treated for any psychological or emotional problems in an outpatient setting? ☒ 2

• For P1 and/or P2 specify where and when:

P3. Do you receive a pension for a psychiatric disability? 0=No 1=Yes ☒ 1

Have you had a significant period of time (that was not the result of alcohol/drug use or your current incarceration) in which you have:

0=No 1=Yes

Past 30 days

Lifetime

P4. Experienced serious depression, sadness, hopelessness, loss of interest, difficulty with daily function? ☒ 1 ☒ 1P5. Experienced serious anxiety/tension-upright, unreasonably worried, inability to feel relaxed? ☐ 0 ☐ 0P6. Experienced hallucinations-saw things/heard voices that others didn't see/hear? ☐ 0 ☐ 0

When and Where

FEBRUARY 2001

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CENTRAL CLASSIFICATION SERVICES SURVEY

P7. Experienced trouble concentrating, understanding, or remembering?

Have you ever had a significant period of time (despite your alcohol or drug use) in which you have:

P8. Experienced trouble controlling violent behavior including episodes of rage or violence?

P9. Experienced serious thoughts of suicide?

P10. Attempted suicide?

P11. Been prescribed medication for psychological or emotional problems?

List medications and dosages if offender knows them

*Drugs*P12. How many days in the 30 days prior to incarceration did you experience these psychological or emotional problems? ☒ 21-30

FOR QUESTIONS P13 AND P14 USE THE OFFENDER RATING SCALE.

P13. How much were you bothered by these psychological or emotional problems in the 30 days prior to incarceration? ☒ 4P14. How important to you now is treatment for these psychological or emotional problems? ☒ 4

The following items are to be completed by the interviewer:

At the time of the interview the offender appeared to be:

0=No 1=Yes

P15. Obviously depressed/withdrawn ☒P16. Obviously hostile ☒P17. Obviously anxious/nervous ☒P18. Having obvious trouble with his/her perception of the environment, thoughts, or ideas of what others thought of him/her ☒P19. Having trouble concentrating, comprehending, remembering ☒P20. Having suicidal thoughts ☒INTERVIEWER THREE NUMBER RANGE ☒ 20-29FINAL SEVERITY INDEX RATING: P21. How would you rate the OFFENDER's need for mental health treatment/evaluation? ☒ 6

CONFIDENCE RATING

Is the above information significantly distorted by:

P22. OFFENDER's misrepresentation? 0=No 1=Yes ☒P23. OFFENDER's inability to understand? 0=No 1=Yes ☒

(PLEASE REMEMBER TO PLACE COMMENTS/NARRATIVES ON THE NEXT PAGE)

INTERVIEWER'S NAME PETRIKA GILLIS-LANIER SIGNATURE [Signature]

PLEASE RETURN TO PAGE 1 TO COMPLETE PROGRAM NEEDS SECTION AND SEVERITY PROFILE FOR PROBLEM AREAS

FEBRUARY 2001

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CENTRAL CLASSIFICATION SERVICES SURVEY

NARRATIVE: Please cite corresponding section and question number (i.e., F

Lined area for narrative response, currently blank.

FEBRUARY 2001

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**VIRGINIA DEPARTMENT OF CORRECTIONS
SOUTHAMPTON RECEPTION & CLASSIFICATION CENTER
CENTRAL CLASSIFICATION SERVICES SURVEY ATTACHMENT FORM**

Inmate Name: Mandil, Nikal Inmate Number: Redacted

(Information is filled within each section only if it is considered to be significant or of importance.)

Medical Code: A

Mental Health Status: 0

Infractions: SRCC -

Overall Behavior Adjustment:

Socio-Cultural Hx:

Criminal Hx:

Inmate Comments:

Interviewer Comments:

Additional Comments:

Recommended - Level (1 2 3 4 5 6)

Assignment

Tx

Please do not hesitate to contact, if any questions or concerns.

PETRINA GILLUS-LANIER,
INTERVIEWER
E-mail Acc1@LANIERP
Tel: 804/638-4174, Ext. 14338

DEPARTMENT OF CORRECTIONS
INSTITUTIONAL SERVICES - MEDICAL RECORD
SOC. SEC. NO. _____

C&R 7 REVISED
7/15/98
Redacted

Exam Center	SR&CC	Name	MANDI, Mikal Deen	Inmate No.	Redacted
Date Rec'd	10-11-01	Race	Black	DOB	Redacted
Date Exam'd	10-12-01	Nativity	Virginia	Age	18
☒ Initial Exam		Re-Exam	Occupation	Maintain	
Family History: (Person Affected)		1) Mental Illness ----		2) Epilepsy ----	
3) Cancer (Type) ----		4) Diabetes ----		5) Tuberculosis ----	
6) Heart Disease ----		7) Hypertension ----		8) Arthritis ----	
PERSONAL HISTORY:		YES	NO	YES	NO
9) Hematology				19) Auto-Immune/	
10) Cardiovascular	X			20) Connective Tissue	
11) Hypertension				21) Arthritis	
12) Diabetes				22) Malignancy	
13) Neurology				23) Hepatitis	
14) Epilepsy				24) Urology	
15) Respiratory				25) Vascular Dis	
16) Tuberculosis				26) HIV/AIDS	
17) Gastrointestinal				27) Prostate	
18) Endocrine				28) Allergies	
PERSONAL HISTORY REMARKS: (Chest pain, Back disorder, Skin disorder)					
10) Heart Murmur age 9. 26) Ocd		29) Hit in back with a pipe 2001.			

PHYSICAL FINDINGS:				PHYSICAL FINDING REMARKS			
A. Height (w/o shoes) 5'6". 8in. E. Vision R20/20L20/20				Temp: 98			
B. Weight 148 lbs. F. Glasses R L							
C. Pulse 62/min. G. Prosthesis							
D. B/F 116/56 Recheck Date H. Hearing R3' L3'							
DEFECTS		YES	NO	DEFECTS		YES	NO
I. Eyes				Q. Hernia			
J. Ears				R. Genital/Prostate			
K. Nose, Throat				S. Rectal			
L. Neck/Thyroid				T. Spine			
M. Heart				U. Extremities			
N. Lungs				V. Lymph Nodes			
O. Breast				W. Dermatology Disfigure			
P. Abdomen				X. Other			
IMMUNIZATIONS: 0.5CC TET. TOX. N/A				MEDICAL CODE: A			
OTHER:				LOCATION CODE: A			
DIAGNOSTIC PROCEDURES: (WNL/ABNORMAL/ N/A RESULT)				MENTAL HEALTH CODE: 0			
FPD (mm) 10-11-01 0mm CBC				FINAL REMARK:			
Chest X-Ray				ALVIN HARRIS M.D.			
Urinalysis				EXAMINING PHYSICIAN			
GC Smear							
PAP Smear							
Chem. 24							

NOTIFICATION: NAME: Mr. Sameer Mahdi
ADDRESS: 7805 Forest Hill Ave., Richmond, VA. 23223
TELEPHONE: 804-848-9022 RELATION: Father

MEDICAL CLASSIFICATION CHANGES															
DATE	CLASS	LOG	INT	DATE	CLASS	LOG	INT	DATE	CLASS	LOG	INT	DATE	CLASS	LOG	INT

MEDICAL

C&R 7

Virginia Department of Corrections
Mental Health Services Screening

Name: MAH DI, MIKAL DOC #: Redacted
 Ant Offense: MALICIOUS WOUNDING Date of Birth: Redacted
 Sentence: 15 YRS, SWP 11.5, 3.5 YRS Race: BLACK
 Source of information: X Inmate Other (Specify): _____

I. PERSONAL HISTORY

SEPARATED AT 8 YRS. OLD.
 Family history: RAISED BY FATHER. SELF-EMPLOYED SKILLED LABOR. BOGS NOT AROUND. FRIENDLY NOT CLOSE. TOLD BY BROTHER.
 Educational level/reason for leaving school: 10TH GRAD. QUIT SCHOOL. "MAD. TOO MUCH MESSY." NO BROTHER. DAVE DEALING.
 Vocational history (inc. military): MAINTENANCE 1 YR. "SOMETHING I COULD DO"

Reported medical problems: DOX 105

Prior adult/juvenile incarcerations: NO BROTHER. MALICIOUS WOUNDING. DROPPED. 14 YR OLD. 2 YRS. JUVENILE INST.

II. CLINICAL HISTORY

Previous mental health treatment: DOX 105

Is inmate currently prescribed psychotropic medication? YES ☐ NO ☒

If Yes, specify: DOX 105

Substance abuse history: DOX 105

History of assaultive behavior: YES

History of suicidal/self injurious behavior: DOX 105

III. CURRENT MENTAL STATUS

General appearance, interview behavior, interaction: TALL, LANKY BUILD. HYGIENE WAS WITHIN NORMAL LIMITS & MAINTAINED. COOPERATIVE. POLITE. DISTANT. APPEARED UNCONTAINED & ANNOYED.

Sensorium (orientation, attention/memory, speech flow): DOX 3 COULD RECALL 3 OBJECTS. COULD RECALL WORDS & COULD NOT ASSOCIATE SIMILARITIES. KNEW DIFFERENCE BETWEEN ASSURATIONS.

Thought content: (symptoms of disorder, appropriateness, judgment, insight): DEWID. HALLUCINATIONS OF RACING THOUGHTS. CLEAR, LONG-TERM ABILITY TO SUSPECT AT HAND. OFFERED SELF-SAVING SOLUTIONS TO JUDGMENT SCENARIOS. NIL INSIGHT TO CAUSE & EFFECT.

Mood/affect (sympathy, appropriateness): FLAT. 200. NO MORE PRESENCE OF HUMOR. DISCUSSING CRIMES.

Current suicidal or self-injurious ideation/intent: DEWID. "HAPPY WITH MY LIFE"

DOC MH.17
(Revised 7/97)Additional observations: _____

_____IV. DIAGNOSTIC IMPRESSIONAxis I: 312.34 INTERMITTENT EXPLOSIVE DISORDER.Axis II: 410 301.7 ANTISOCIAL PERSONALITY DISORDER.V. MENTAL HEALTH CLASSIFICATION CODE

☐ MH-1	Severe impairment (Must have Axis I diagnosis)
☐ MH-2	Moderate impairment (Must have Axis I diagnosis)
☐ MH-3	Mild impairment
☐ MH-4	Minimal impairment
☐ MH-5	No documented/reported history of mental health services needs/treatment within last five years

VI. COMMENTS: LIMITS OF CONFIDENTIALITY DISCUSSED.

* INMATE STATED THAT ROBERT WAS A "SEASONAL" JOB
 REFERRED TO CHIEF AS BUSINNESS. OCCUPATION STATED HE
 HAD TO DOING THE SAME THING EVERY DAY. MADE HIM
 ANGRY & FELT "LOSS OF A MAN."

VII. RECOMMENDATIONS: C.E.D., AUTO BODY REPAIR. AMBER MONT.

BRADON L.L. NO REASON NOT TO CONFIDENTIALITY
 10-24-01 O.K. FOR WORK

Signature

STAFF PSYCHOLOGIST

Position

10-24-01

Name

S. R. G. C.

Facility

ATTACHMENT F
DOC 501 12
(01 92)
(02 94)
(03 96)

Virginia Department of Corrections
Mental Health Services

MENTAL HEALTH CODING CLASSIFICATION REVIEW/UPDATE FORM

Inmate Name: MAHDL, MIKAL
Date of Review: _____

Inmate Number: Redacted

I. Purpose of Review:

____ Change in Mental Health Status/Services Needs
____ Annual Progress Review
☒ Other Inmate Transfer

II. The inmate's current assigned Mental Health Classification Code is (check one):

____ MH-4 Severe Impairment
____ MH-3 Moderate Impairment
____ MH-2 Mild Impairment
____ MH-1 Minimal Impairment
☒ MH-0 No documented/reported history of mental health services needs/treatment within the last five years

as documented on:

____ Psychological Evaluation dated _____
☒ Mental Health Screening Form (MH-14) dated 7-24-01
____ Mental Health Screening Form (MH-17) dated _____
☒ Mental Health Coding Form (MH-18) dated 7-24-01
____ Other _____

III. DISPOSITION (to be completed by a Qualified Mental Health Professional)

The inmate's current assigned Mental Health Classification Code is: ☒

☒ Still appropriate
____ Requires revision and is updated to MH _____

Donald B. Evans, MSW, CW
Signature

Donald B. Evans
Name (Print)

Psychologist
Position

1/24/03
Date

cc: Central Criminal Record
Institution Criminal Record
Health Record (Section 4)

Detention Facility: Southampton R.C. Center

122 Old Bedford Rd.

122 23529

256-4124/114326

SUBMISSION FORM

DNA DATA BANK SAMPLES



COMMONWEALTH OF
Department of Criminal Justice
DIVISION OF FORENSIC
700 N. 5th Street
Richmond, VA 232
(804) 786-3789

Data Entered
11-6-01
W. Parkman

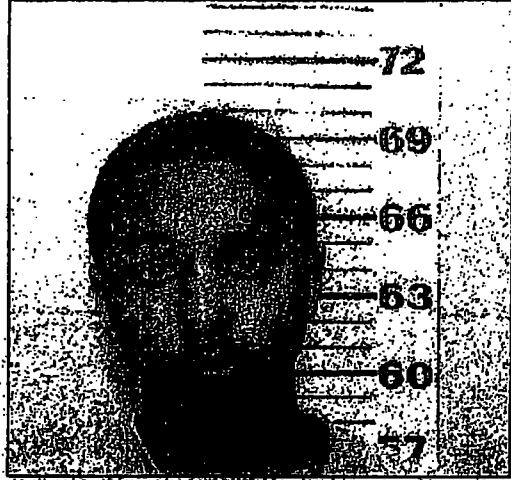
Please PRINT or TYPE and fill out COMPLETELY

#	Inmate Last Name	Inmate First Name, M.I.	Inmate #	D.O.B.	Sex	Race	Date Blood Drawn	Pers Drawing
1	Wickham	Wickham D.	Redacted	Redacted	M	B	10-19-01	U. C. H.
2	Hunt	Alamian S.			M	B	10-19-01	U. C. H.
3	Booth	Marshall T.			M	W	10-19-01	U. C. H.
4	Fontana	Frank M.			M	B	10-19-01	U. C. H.
5	Cover	Karl C.			M	B	10-19-01	U. C. H.
6	Kaplan	Teddy J.			M	B	10-24-01	U. C. H.
7	Milcott	Jonathan B.			M	W	10-24-01	U. C. H.
8	Blakes	Anthony D.			M	B	10-24-01	U. C. H.
9	Sperry	Tyson C.			M	B	10-24-01	U. C. H.
10	Turner	William E.			M	W	10-24-01	U. C. H.
11	Carvillan	Nolan			M	W	10-24-01	U. C. H.

Printed: <u>M. E. Evans</u>	Refiniquished by (Print): <u>William Evans</u>	Refiniquished by (Print): <u>M. E. Evans</u>	Refiniquished by (Print): <u>M. E. Evans</u>
Date: <u>10/31/01</u>	(Sign): <u>[Signature]</u> Date: <u>10-31-01</u>	(Sign): <u>[Signature]</u> Date: <u>10/31/01</u>	(Sign): <u>[Signature]</u> Date: <u>10/31/01</u>
Received by (Sign): <u>[Signature]</u> Date: <u>10/31/01</u>	Received by (Sign): <u>[Signature]</u> Date: <u>10/31/01</u>	Received by (Sign): <u>[Signature]</u> Date: <u>10/31/01</u>	Received by (Sign): <u>[Signature]</u> Date: <u>10/31/01</u>



A008614

View Inmate		Richmond City Jail Inmate		Records Room II (REC15)	
Jail#: 75626					
Name:		MIKAL	D	MAHDI	
Location:		F1			
Race:		B	Sex:	M	
HT:		509	WT:	170	
D.O.B.:		Redacted	Age:	18	
Detail Location:					
					
D:\OWA\IMAGES\INMATE\20010419\10331000.JPG					

7449

Jail#: 75626 Name: MAHDI, MIKAL D
Aka:

Location: F1
Dressed In: BR
Commit Date: 04/17/2001

Address: Redacted
SSN: Redacted

DOB: Redacted Eyes: BR Ht: 5'09"
Age: 18 Hair: BK Wt: 170
Race: B Sex: M

D.O.C Inmate 0/39/0

Card Created on 10/10/2001 at 12:44 By VARADY, K. C.

Court	Court Date	VCC Off Code	Type	Description of Charge	Offense Disposition	DD	MM	YY	Bond Amount
CC2	07/16/2001	1334	F	MAL WOUNDING 01-500F 180 MOS W/ 141 MOS SUSP FOR 15 YRS	Guilty	000	39	00	0
CC2	07/16/2001	2213	F	BREAK & ENTER 01-901	Nolle Pross	000	00	00	0
CC2	07/16/2001	0000	M	COURT REQUEST C/R	Null Code	000	00	00	0

*** KEEP SEPARATE FROM;

ALSO USES SSN: Redacted
DNA TEST

VIRGINIA DEPARTMENT OF CORRECTIONS
THERAPEUTIC COMMUNITY APPROPRIATENESS SCREENING FORM

Redacted

Inmate Name: Harold, Michael

Inmate Number: _____

Location: SRCCCounselor Initials: P. Gillis-LanierDate: 11/5/01

_____ This inmate has been screened and should be coded as "TC" appropriate.

~~_____~~ This inmate has been screened and should not be coded for "TC".

Comments: (For Counselors' use when necessary)

No evidence of SA use/abuse

CENTRAL CRIMINAL RECORD

SECTION 2

Inmate Discipline : DOP 361
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Reda Institution: WRSP Dorm: C-301
Offense Code: 111 Offense Title: Destroying state property
Offense Date: 11-26-03 Approximate Time: 7:00 ☐ a.m. ☒ p.m. Location: C-301
Investigation: ☐ yes ☒ no Date Completed: _____

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: Who, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any immediate action taken, including use of force):

On the above date and approximate time, I Officer S. Shepard was serving a notice of hearing on inmate M. Mahdi #209449 when I laid it on the opened tray slot Mahdi took it and ripped up in front of me and stated "there I signed it"

Charged per DOP 801.

☐ Description continued on attached page.

Witnesses: _____ Reporting Officer's Signature: S. Shepard
Print Name: Officer S. Shepard
Date: 11-26-03 Time: 9:00pm
Pre-Hearing Detention: ☐ Yes ☒ No If yes, attach authorization form.
Officer-in-Charge investigating this report: Signature: LL Combs Date: 11-26-03 Time: 9:15pm
Print Name: LL Combs

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated: Failure to respond or indicate a preference does not constitute a waiver of any right.

- ☐ Yes ☐ No Request Inmate or Staff Advisor. Name: _____
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☒ REFUSED TO RESPOND
- ☐ Yes ☐ No Request Witnesses. ☐ Request the services of an Advisor.
☒ Inmate received Witness Request Form(s) during the service of the charge. ☒ REFUSED TO RESPOND
- Right to present documentary evidence: ☐ Request the services of an Advisor. ☒ REFUSED TO RESPOND
- I DO ☐ DO NOT ☐ wish to waive my right to 24-hour preparation time prior to the hearing. ☒ REFUSED TO RESPOND
- I DO ☐ DO NOT ☐ wish to appear at the Disciplinary Hearing.
Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☒ REFUSED TO RESPOND
- Reporting Officer will be present at the Hearing for Category I Offenses.
☒ Inmate received Reporting Officer Response Form during service of the charge for Category II Offenses.
- I have the right to enter into a penalty offer. ☒ Inmate Received Penalty Offer Form.
☐ Request the services of an Advisor. I understand that I have 24 hours to consider this offer.
- I may remain silent.
- The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.
- I may be found guilty of the lesser-included offense code, in accordance with Section 861.29.

I have been informed of the charges against me, and advised of my rights in the Disciplinary Hearing.

Served and Witnessed by: S. Shepard Inmate's Signature: Refused to sign
I certify that this charge was served and he/she refused to sign in the space above:
Inmate provided copy of report: Date: 11-27-03 Time: 10:00 a.m. (M)
Date Set for Hearing: 12-16-03 Revised Date: _____ Revised Date: _____

Inmate Discipline: DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: WRSP Date: 12-10-03 Time: 7:22 PM a.m./p.m.

Tape No(s): WRSP 2-154

Plea: ☒ Guilty ☐ Not Guilty ☐ No Plea Inmate's Signature: M. MAHDI Redac

Reason for Absence/Exclusion of the Accused Inmate: M. MAHDI REFUSED TO BE PRESENT AT THE HEARING

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: _____

REPORTING OFFICER WAS PRESENT

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: INMATE MAHDI WAS CHARGED FOR DESTRUCTION OF STATE PROPERTY

WHEN HE WAS SERVED A NOTICE OF HEARING AND TOLD IT UP INMATE MAHDI REFUSED TO APPEAR AT HIS HEARING.

Penalty: 5 DAYS ISOLATION

Name of Interpreter/Translator (if applicable): _____

Inmate Hearings Officer's Signature: [Signature] Print Name: ROBERT L. BURTON

Admitted to Pre-Hearing Detention: _____ Date In: _____ Date Out: _____

Admitted to Isolation:

☒ Yes
☐ No

Date In: 1-20-04 Weight In: 125
Date Out: 1-24-04 Weight Out: 125

INSTITUTIONAL REVIEW:

☒ Approved ☐ Dismissed ☐ Suspended Penalty
☐ Reduced Penalty ☐ Rehear
☐ Reduced to Lesser-Included Offense

Comments: _____

Signature: [Signature] Date: 12/10/03

Print Name: BETTY DAVIS Title: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☒ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copy of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____ Date: _____

Witnessed by: _____ Print Name: _____ Date: _____

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

C-301

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Redac

Offense Code: 111 Offense Title: INTENTIONALLY DESTROYING OR ALTERING STATE PROPERTY

Offense Date: 11/26/03 Reporting Officer: S. SHEPHERD

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 12/10/03 Time: _____ a.m./p.m.

PART II - NOTICE OF POSTPONEMENT: (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized timeframe.)

Date: _____ Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

- ___ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.
- ___ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- ___ Awaiting the results of blood tests or other laboratory tests.
- ___ Unavailability of staff due to escape, disturbance, or natural disaster.
- ___ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.
- ___ In the case of the escape of the accused inmate.
- ___ Awaiting the outcome of criminal charges as a result of this offense.
- ___ To obtain an appropriate interpreter/translator/advisor to assist the inmate.
- ___ Per written authorization of the Deputy Director.

Inmate's Signature: [Signature] Date: 12-2-03
Noticed Served By: [Signature] Date: 12/02/03 Time: 5:00 p.m.

Original to Inmate Hearings Officer - Copy to Inmate

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

C-301

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Redac

Offense Code: 111 Offense Title: INTENTIONALLY DESTROYING OR ALTERING STATE PROPERTY

Offense Date: 11/26/03 Reporting Officer: S. SHEPERD

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 12/10/03 Time: _____ a.m./p.m.

PART II - NOTICE OF POSTPONEMENT (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized timeframe.)

Date: _____ Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

- ☐ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.
- ☐ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- ☐ Awaiting the results of blood tests or other laboratory tests.
- ☐ Unavailability of staff due to escape, disturbance, or natural disaster.
- ☐ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.
- ☐ In the case of the escape of the accused inmate.
- ☐ Awaiting the outcome of criminal charges as a result of this offense.
- ☐ To obtain an appropriate interpreter/translator/advisor to assist the inmate.
- ☐ Per written authorization of the Deputy Director.

Inmate's Signature: _____ Date: 12-2-03

Noticed Served By: [Signature] Date: 12/02/03 Time: 5:20 PM

Original to Inmate Hearings Officer - Copy to Inmate

Inmate Discipline: DOP 861
November 1, 2002

Attachment 10
Page 1 of 1

REFUSAL TO APPEAR

Inmate Name: MR. MAHDI Number: Redacted
Building: C-2LD Bed/ Cell: 301
Offense Code: 111 Offense Title: DESTROYED OR DAMAGED PROPERTY
Offense Date: 11-26-07 Hearing Date: 12-10-07

On 12-18-07 at 7:22 a.m./p.m. the above named
inmate was asked by Sgt. CIVIL/CLAUDE if he/she wished to attend the
(Print Name and Title)
hearing; however, he/she refused to report to the hearing.

As witnessed by

[Signature]
(Signed)

Note: The completion of this form is not required when the inmate waived his right to appear at the disciplinary hearing during the service of the charge.

WALLENS RIDGE STATE PRISON

C-301

I, Mr. Mordeli, # Redacted CERTIFY
 THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
 OFFENSE REPORT AND APPEAL FORMS WITH
 INSTITUTIONAL REVIEW SECTION COMPLETED FOR
 MY CHARGE OF 111

REPORTING OFFICER: S. Shepard

DATE OF CHARGE: 11-20-63

DATE OF HEARING: 12-10-63

INMATE SIGNATURE: [Signature]

DATE SERVED: 12-23-63

SERVED BY: [Signature]

WITNESSED BY: _____

NOTE: TWO SIGNATURES REQUIRED IF
 INMATE REFUSES TO SIGN. RETURN THIS FORM TO
 THE HEARINGS OFFICER AFTER SERVED ON INMATE
 WITH ALL SIGNATURES AND DATE SERVED.

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Redac Institution: WRSP Dorm: C-301
Offense Code: 239(7) Offense Title: Simple assault upon a non-inmate
Offense Date: 11-26-03 Approximate Time: 8:30 ☐ a.m. ☒ p.m. Location: C-301
Investigation: ☐ yes ☒ no Date Completed: _____

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: What, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any immediate action taken, including use of force):

On the above date and approximate time, I Officer S. Shepard was having inmate M. Mahdi #207449 to sign a isolation inventory sheet

and he reached out and grabbed my left arm.

Charged per DOP 861.

☐ Description continued on attached page.

Witnesses: _____

Reporting Officer's Signature: C/A S1

Print Name: Officer S. Shepard

Date: 11-26-03 Time: 9:00pm

If yes, attach authorization form.

Pre-Hearing Detention: ☐ Yes ☒ No

Officer-in-Charge Investigating this report:

Signature: _____

Print Name: Lt. Combs

Date: 11-26-03 Time: 9:13pm

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

1. ☐ Yes ☐ No Request Inmate of Staff Advisor. Name: _____
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☒ REFUSED TO RESPOND
2. ☐ Yes ☐ No Request Witnesses. ☐ Request the services of an Advisor.
☒ Inmate received Witness Request Form(s) during the service of the charge. ☐ REFUSED TO RESPOND
3. Right to present documentary evidence. ☐ Request the services of an Advisor. ☒ REFUSED TO RESPOND
4. I DO ☐ DO NOT ☐ wish to waive my right to 24-hour preparation time prior to the hearing. ☒ REFUSED TO RESPOND
5. I DO ☐ DO NOT ☐ wish to appear at the Disciplinary Hearing.
Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☒ REFUSED TO RESPOND
6. Reporting Officer will be present at the Hearing for Category I Offenses.
☒ Inmate received Reporting Officer Response Form during service of the charge for Category II Offenses.
7. I have the right to enter into a penalty offer. ☒ Inmate Received Penalty Offer Form.
☐ Request the services of an Advisor. I understand that I have 24-hours to consider this offer.
8. I may remain silent.
9. The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.
10. I may be found guilty of the lesser-included offense code, in accordance with Section 861.20.

I have been informed of the charges against me and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: C/A S1

Inmate's Signature: Refused to sign

I certify that this charge was served and he/she refused to sign in the space above:

Inmate provided copy of report: Date: 11-27-03 Time: 6:40 a.m./p.m.

Date Set for Hearing: 12-8-03 Revised Date: _____

Inmate Discipline : DOP 86
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: WRSP Date: 12/8/03 Time: 9:06 AM a.m./p.m.

Tape No(s): WRSP 1-642 SIDE A

Plea: ☐ Guilty ☒ Not Guilty ☐ No Plea Inmate's Signature: RESTRAINED M.MAHDI

Reason for Absence/Exclusion of the Accused Inmate: INMATE M.MAHDI: Reda WAS PRESENT AT THE HEARING.

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: NONE REQUESTED

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: OFFICER SHEPERD STATED THAT HE WAS ATTEMPTING TO HAVE INMATE M.MAHDI # Reda SIGN A ISOLATION INVENTORY SHEET WHEN HE REACHED OUT THROUGH THE TRAY SLOT AND GRABBED HIM BY THE LEFT ARM. INMATE MAHDI STATED THAT OFFICER SHEPERD WAS EATING HIS COMMISSARY FOOD AND HE GOT MAD WHEN HE WOULD NOT SIGN THE FORM. HE THEN SPRAYED HIM WITH PEPPER SPRAY. HE STATED THAT HE WAS SITTING ON HIS BED AND OFFICER SHEPERD SPRAYED HIM WITH PEPPER SPRAY. INMATE MAHDI'S STATEMENTS MADE NO SENSE. HOWEVER IT DOES MAKE SENSE TO SPRAY SOMEONE IF THEY GRAB YOU BY THE ARM. BASED ON THIS EVIDENCE AND OFFICER SHEPERD'S TESTIMONY THAT HE WAS GRABBED BY INMATE MAHDI, I FIND HIM GUILTY OF SIMPLE ASSAULT.

Penalty: 15 DAYS ISOLATION

Name of Interpreter/Translator (if applicable): N/A

Inmate Hearings Officer's Signature: W.R. Hensley Print Name: W. R. HENSLEY IHO

Admitted to Pre-Hearing Detention: Date In: _____ Date Out: _____

Admitted to Isolation:

☒ Yes
☐ No

Date In: 1-5-04
Date Out: 1-19-04

Weight In: 185
Weight Out: 185

INSTITUTIONAL REVIEW:

☒ Approved ☐ Dismissed ☐ Suspended Penalty
☐ Reduced Penalty ☐ Rehear
☐ Reduced to Lesser-Included Offense

Comments: _____

Signature: B. J. Davis

Date: 12/12/03

Print Name: B. DAVIS

Title: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☐ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copies of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____

Date: _____

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

C-301

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Redac

Offense Code: 239/A Offense Title: SIMPLE ASSAULT UPON A NON INMATE

Offense Date: 11/26/03 Reporting Officer: S. SHEPHERD

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 12/8/03 Time: _____ a.m./p.m.

PART II - NOTICE OF POSTPONEMENT: (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized timeframe.)

Date: _____ Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

- ___ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.
- ___ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- ___ Awaiting the results of blood tests or other laboratory tests.
- ___ Unavailability of staff due to escape, disturbance, or natural disaster.
- ___ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.
- ___ In the case of the escape of the accused inmate.
- ___ Awaiting the outcome of criminal charges as a result of this offense.
- ___ To obtain an appropriate interpreter/translator/advisor to assist the inmate.
- ___ Per written authorization of the Deputy Director.

Inmate's Signature: [Signature] Date: 12-1-03

Noticed Served By: [Signature] Date: 12/02/03 Time: 5:30 PM

Original to Inmate Hearings Officer - Copy to Inmate

WALLENS RIDGE STATE PRISON

C-321

I, M. M. M. M. M. # Redacted CERTIFY
 THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
 OFFENSE REPORT AND APPEAL FORMS WITH
 INSTITUTIONAL REVIEW SECTION COMPLETED FOR
 MY CHARGE OF 2357

REPORTING OFFICER: S. Shepard
 DATE OF CHARGE: 11-26-83
 DATE OF HEARING: 12-8-83
 INMATE SIGNATURE: [Signature]
 DATE SERVED: 12-23-83
 SERVED BY: [Signature]
 WITNESSED BY: _____

NOTE: TWO SIGNATURES REQUIRED IF
 INMATE REFUSES TO SIGN. RETURN THIS FORM TO
 THE HEARINGS OFFICER AFTER SERVED ON INMATE
 WITH ALL SIGNATURES AND DATE SERVED.

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Reda Institution: WRSP Dorm: C-301
Offense Code: 201 Offense Title: Disobeying a direct order
Offense Date: 11-22-03 Approximate Time: 1:54 ☒ a.m. ☐ p.m. Location: C-301
Investigation: ☐ yes ☒ no Date Completed: _____

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: Who, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any immediate action taken, including use of force):

(On the above date and approximate time: 1 Officer S. Franklin was conducting a security check in C-3 and 1 Officer Franklin gave

inmate M. Mahdi a Red a direct order remove several items out of his window, he refused.

Charged per DOP 861.

☐ Description continued on attached page.

Witnesses: _____ Reporting Officer's Signature: [Signature]
Prior Name: Officer S. Franklin
Date: 11-22-03 Time: 2:15am
Pre-Hearing Detention: ☐ Yes ☒ No If yes, attach authorization form.
Officer-in-Charge investigating this report: Signature: [Signature] Date: 11-22-03 Time: 2:30am
Prior Name: Lt. Combs

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

1. ☐ Yes ☒ No Request Inmate or Staff Advisor. Name: _____
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☐ REFUSED TO RESPOND
2. ☐ Yes ☒ No Request Witnesses. ☐ Request the services of an Advisor.
☒ Inmate received Witness Request Form(s) during the service of the charge. ☐ REFUSED TO RESPOND
3. Right to present documentary evidence. ☐ Request the services of an Advisor. ☐ REFUSED TO RESPOND
4. I DO ☐ NOT ☒ wish to waive my right to 24-hour preparation time prior to the hearing. ☐ REFUSED TO RESPOND
5. I DO ☒ DO NOT ☐ wish to appear at the Disciplinary Hearing.
Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☐ REFUSED TO RESPOND
6. Reporting Officer will be present at the Hearing for Category 1 Offenses.
☒ Inmate received Reporting Officer Response Form during service of the charge for Category 1 Offenses.
7. I have the right to enter into a penalty offer. ☒ Inmate Received Penalty Offer Form.
☐ Request the services of an Advisor. I understand that I have 24-hours to consider this offer.
8. I may remain silent.
9. The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.
10. I may be found guilty of the lesser-included offense code, in accordance with Section 861.29.

I have been informed of the charges against me, and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: C/O Carson Inmate's Signature: [Signature]

I certify that this charge was served and he/she refused to sign in the space above.

Inmate provided copy of report: Date: 11-23-02 Time: 4:30

Date Set for Hearing: 12-4-03 Revised Date: _____ Revised Date: _____

Inmate Discipline: DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING:

Institution where heard: WRSP Date: 12/4/03 Time: 9:39 AM a.m./p.m.

Tape No(s): WRSP 1-640 SIDE A

Plea: ☐ Guilty ☒ Not Guilty ☐ No Plea Inmate's Signature: RESTRAINED M. MAHDI

Reason for Absence/Exclusion of the Accused Inmate: INMATE M. MAHDI # : Reda WAS PRESENT AT THE HEARING.

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: NONE REQUESTED

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: OFFICER FRANKLIN STATED THAT HE INSTRUCTED INMATE M. MAHDI

399449 TO REMOVE SEVERAL ITEMS FROM HIS CELL WINDOW. INMATE MAHDI REFUSED TO

COMPLY WITH THE ORDER. INMATE MAHDI CLAIMED THAT HE WAS ASLEEP DURING THE TIME

THAT OFFICER FRANKLIN CLAIMED THAT HE TOLD HIM TO REMOVE THE ITEMS FROM HIS CELL

WINDOW. HE ALSO STATED THAT THE ONLY ITEM THAT WAS IN THE WINDOW WAS A SHIRT AND
OFFICER FRANKLIN HAD SEVEN HOURS TO TELL HIM TO REMOVE THE SHIRT. THE ORIENTATION
PACKAGE STATES THAT NOTHING IS TO BE IN THE CELL WINDOWS AND OFFICER FRANKLIN
STATED THAT HE INSTRUCTED THE INMATE TO REMOVE THE ITEMS AND HE REFUSED AND THUS
HE IS THUS GUILTY OF DISOBEYING AN ORDER.

Penalty: \$2.00 FINE

Name of Interpreter/Translator (if applicable): N/A

Inmate Hearings Officer's Signature: W. R. Hensley Print Name: W. R. HENSELEY IHO

Admitted to Pre-Hearing Detention: _____ Date In: _____ Date Out: _____

Admitted to Isolation: ☐ Yes ☐ No Date In: _____ Weight In: _____
Date Out: _____ Weight Out: _____

INSTITUTIONAL REVIEW: ☒ Approved ☐ Dismissed ☐ Suspended Penalty

☐ Reduced Penalty ☐ Rehear

☐ Reduced to Lesser-Included Offense

Comments: _____

Signature: B. J. Davis Date: 12/8/03

Print Name: B. J. DAVIS Title: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☐ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copy of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____ Date: _____

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

C-301

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Reda

Offense Code: 201 Offense Title: DISOBEYING AN ORDER

Offense Date: 11/22/03 Reporting Officer: S. FRANKLIN

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 12/4/03 Time: _____ a.m./p.m.

PART II - NOTICE OF POSTPONEMENT (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized time frame.)

Date: _____ Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

- ___ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.
- ___ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- ___ Awaiting the results of blood tests or other laboratory tests.
- ___ Unavailability of staff due to escape, disturbance, or natural disaster.
- ___ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.
- ___ In the case of the escape of the accused inmate.
- ___ Awaiting the outcome of criminal charges as a result of this offense.
- ___ To obtain an appropriate interpreter/translator/advisor to assist the inmate.
- ___ Per written authorization of the Deputy Director.

Inmate's Signature: [Signature] Date: 12-3-03
Noticed Served By: [Signature] Date: 12-3-03 Time: 8:04 a.m.

Original to Inmate Hearings Officer - Copy to Inmate

WALLENS RIDGE STATE PRISON

C-301

I, M. Mithali, # Redacted CERTIFY
 THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
 OFFENSE REPORT AND APPEAL FORMS WITH
 INSTITUTIONAL REVIEW SECTION COMPLETED FOR
 MY CHARGE OF 201

REPORTING OFFICER: S. Eln-Elm
 DATE OF CHARGE: 11-22-83
 DATE OF HEARING: 12-4-83
 INMATE SIGNATURE: [Signature]
 DATE SERVED: 12-17-83
 SERVED BY: [Signature]
 WITNESSED BY: _____

NOTE: TWO SIGNATURES REQUIRED IF
 INMATE REFUSES TO SIGN. RETURN THIS FORM TO
 THE HEARINGS OFFICER AFTER SERVED ON INMATE
 WITH ALL SIGNATURES AND DATE SERVED.

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

R. Redacted

Inmate Name: M. Mahdi Inmate Number: Institution: WRSP Dorm: C-301
Offense Code: 206 Offense Title: Lying or giving false information to an employee
Offense Date: 10-23-03 Approximate Time: 12:00 ☐ a.m. ☒ p.m. Location: C-301
Investigation: ☐ yes ☒ no Date Completed: N/A

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: Who, what, when, where, and how, and any unusual behavior, any physical evidence, and its disposition, and any immediate action taken, including use of force):

On the above date and approximate time, inmate M. Mahdi wrote an emergency grievance alleging that Sgt. T. Fields assaulted and threatened him on 10-22-03 at 8:00 p.m. I Sgt. Younce interviewed the inmate and the inmate willingly admitted that he had lied about being assaulted and threatened as a means of retaliation for Sgt. Fields confiscating an altered walkman adapter during the cell search. See attachments.

Charged in accordance with DOP 861.

☐ Description continued on attached page.

Witnesses: _____ Reporting Officer's Signature: [Signature]
 _____ Print Name: Sgt. R. Younce
 _____ Date: 10-23-03 Time: 4:30 pm
 Pre-Hearing Detention: ☐ Yes ☒ No If yes, attach authorization form.
 Officer-in-Charge investigating this report: _____ Signature: [Signature] Date: 10-23-03 Time: 4:48
 _____ Print Name: Lt. Gallmar

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

1. ☐ Yes ☒ No Request Inmate or Staff Advisor. Name: _____
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☐ REFUSED TO RESPOND
2. ☒ Yes ☐ No Request Witnesses. ☐ Request the services of an Advisor.
☒ Inmate received Witness Request Form(s) during the service of the charge. ☐ REFUSED TO RESPOND
3. ☒ Right to present documentary evidence. ☒ Request the services of an Advisor. ☐ REFUSED TO RESPOND
4. I DO ☒ DO NOT ☐ wish to waive my right to 24-hour preparation time prior to the hearing. ☐ REFUSED TO RESPOND
5. I DO ☒ DO NOT ☐ wish to appear at the Disciplinary Hearing.
Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☐ REFUSED TO RESPOND
6. Reporting Officer will be present at the Hearing for Category I Offenses;
☒ Inmate received Reporting Officer Response Form during service of the charge for Category II Offenses.
7. I have the right to enter into a penalty offer. ☒ Inmate Received Penalty Offer Form.
☐ Request the services of an Advisor. I understand that I have 24-hours to consider this offer.
8. I may remain silent.
9. The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.
10. I may be found guilty of the lesser-included offense code, in accordance with Section 861.29.

I have been informed of the charges against me; and advised of my rights at the Disciplinary Hearing.
Served and Witnessed by: C/O L. SCALF Inmate's Signature: Refused To Sign
I certify that this charge was served and he/she refused to sign in the space above: C/O L. SCALF
Inmate provided copy of report: Date: 10/23/03 Time: 8:55 a.m./p.m.
Date Set for Hearing: 10-30-03 Revised Date: _____ Revised Date: _____

Inmate Discipline : DOP 801
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: WRSP Date: 10-30-03 Time: 12:02 PM a.m./p.m.

Tape No(s): WRSP 2-132

Plea: ☒ Guilty ☐ Not Guilty ☐ No Plea Inmate's Signature: M. MAHDI Reda

Reason for Absence/Exclusion of the Accused Inmate: INMATE MAHDI REFUSED TO BE PRESENT AT THE HEARING

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: _____

REPORTING OFFICER RESPONSE FORM, WITNESS STATEMENTS WERE NOT SUBMITTED

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: INMATE MAHDI WAS CHARGED FOR LYING OR GIVING FALSE

INFORMATION TO AN EMPLOYEE. INMATE MAHDI CLAIMED THAT SGT. FIELDS HAD ASSAULTED

HIM ON 10-22-03 AND AFTER AN INTERVIEW WITH SGT. YOUNCE HE DENIED THAT HE WAS ASSAULTED AND SUBMITTED A REQUEST AND COMPLAINT FORM TO VERIFY THE SAME.

INMATE MAHDI HAS REFUSED TO APPEAR AT THE HEARING.

Penalty: \$5.00 FINE

Name of Interpreter/Translator (if applicable): _____

Inmate Hearings Officer's Signature: [Signature] Print Name: ROBERT J. BURTON

Admitted to Pre-Hearing Detention: _____ Date In: _____ Date Out: _____

Admitted to Isolation:

☐ Yes
☐ No

Date In: _____

Weight In: _____

Date Out: _____

Weight Out: _____

INSTITUTIONAL REVIEW:

☒ Approved ☐ Dismissed ☐ Suspended Penalty
☐ Reduced Penalty ☐ Rehear
☐ Reduced to Lesser-included Offense

Comments: _____

Signature: B. J. Davis

Date: 10/31/03

Print Name: BETTY DAVIS

Title: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☒ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copy of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____

Date: _____

Witnessed by: _____

Print Name: _____

Date: _____

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

C-301

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Reda

Offense Code: 206 Offense Title: LYING OR GIVING FALSE INFORMATION TO AN EMPLOYEE

Offense Date: 10/23/03 Reporting Officer: SGT YOUNCE

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 10/30/03 Time: _____ a.m./p.m.

PART II - NOTICE OF POSTPONEMENT: (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized timeframe.)

Date: _____ Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

- _____ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.
- _____ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- _____ Awaiting the results of blood tests or other laboratory tests.
- _____ Unavailability of staff due to escape, disturbance, or natural disaster.
- _____ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training, or military leave.
- _____ In the case of the escape of the accused inmate.
- _____ Awaiting the outcome of criminal charges as a result of this offense.
- _____ To obtain an appropriate interpreter/translator/advisor to assist the inmate.
- _____ Per written authorization of the Deputy Director.

Inmate's Signature: [Signature] Date: 10-27-03

Noticed Served By: [Signature] Date: 10-27-03 Time: 4:00 p.m.

Original to Inmate Hearings Officer - Copy to Inmate

WALLENS RIDGE STATE PRISON REQUEST FOR SERVICES/COMPLAINT FORM

- ☒ Request for Services/Information
☐ Complaint

Place a check (✓) next to the individual or department to whom you wish to respond to your request/complaint. Forward the form through the institutional mail. Please print your name, number, and housing unit clearly.

Inmate Name Mikal Mahdi Number Redacted Housing Unit/Cell C-501

This request/complaint is directed to:

☐ Warden	☐ A Building Supervisor	☐ Medical
☐ Assistant Warden	☐ B Building Supervisor	☐ Dentist
☐ Chief of Security	☐ C Building Supervisor	☐ Psychologist
☐ Operations Officer	☐ D Building Supervisor	☐ Laundry Manager
☐ Counselor Senior	☐ Segregation Lieutenant	☐ Food Services
☐ Institutional Investigator	☐ Segregation Sergeant	☐ Records Manager
☐ Disciplinary Hearings Officer	☐ Regional Party	☐ Business Manager
☐ Mailroom	☐ Mail Room	☐ Safety Officer
☐ Institutional Ombudsman		
☐ Counselor (name)		
☐ Other (name)		

Explain the reason for your request/complaint in the space provided.

Do not add attachments. Please print clearly. Only one concern per request/complaint. Be specific.

On 10-22-03 MI and Det. Files had some words. The Cbs took
MI, ADAMPTV and WALKERS for det. not assault me.
I am very angry. * 10-29-03 is for 12.

Inmate Signature Mikal Mahdi Date 10-23-03

Staff Response

Inmate Interviewed ☐ Yes ☐ No

Action Taken:

Staff Signature _____ Date _____

Inmate Discipline: DOP 861
November 1, 2002

Attachment 10
Page 1 of 1

REFUSAL TO APPEAR

Inmate Name: M. TRANDI Number: Redacted
Building: C-310 Bed/ Cell: 301
Offense Code: 206 Offense Title: LYING/BIASING FALSE EVIDENCE
Offense Date: 10-27-03 Hearing Date: 10-27-03

On 10-30-03 at 12:01 a.m./p.m. the above named
inmate was asked by G. J. Smith if he/she wished to attend the
(Print Name and Title)
hearing; however, he/she refused to report to the hearing.

As witnessed by G. J. Smith
(Signature)

Note: The completion of this form is not required when the inmate waived his right to appear at the disciplinary hearing during the service of the charge.

C-364

WALLENS RIDGE STATE PRISON

I, L. M. Mahdi, # Redacted CERTIFY & Appear

Fidm

THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
 OFFENSE REPORT WITH THE INSTITUTIONAL REVIEW
 SECTION COMPLETED FOR MY CHARGE OF 2ch

REPORTING OFFICER: Sgt. YoungDATE OF CHARGE: 10-22-63DATE OF HEARING: 10-30-63INMATE'S SIGNATURE: [Signature]DATE SERVED: 11-7-63SERVED BY: [Signature]WITNESSED BY: [Signature]

NOTE: TWO SIGNATURES REQUIRED IF INMATE REFUSES
 TO SIGN PLEASE RETURN THIS COMPLETED
 RECEIPT TO THE HEARINGS OFFICER.

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Reda Institution: WRSP Dorm: C-301
Offense Code: 224 Offense Title: possession of contraband
Offense Date: 10/22/03 Approximate Time: 730pm ☐ a.m. ☒ p.m. Location: C-301
Investigation: ☐ yes ☒ no Date Completed: _____

Description of Offense (provide a summary of how the inmate violated this offense by using the formula: Who, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any immediate action taken, including use of force):

On the above date and time while doing shakedown in C-3 pod 1 Officer Fleener removed 1 altered adapter and 1 altered Sony radio from inmate Mahdi's cell. Charged per DOP 861

☐ Description continued on attached page.

Witnesses: Sgt. T. Fields

Reporting Officer's Signature: [Signature]

Print Name: C/O Fleener

Date: 10-22-03 Time: 9:00pm

Pre-Hearing Detention: ☐ Yes ☒ No

If yes, attach authorization form.

Officer-in-Charge investigating this report:

Signature: [Signature] Date: 10-22-03 Time: 9:10pm
Print Name: L. Gallhofer

ADVISEMENT OF RIGHTS

By signing below, you indicate your preferences regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

- ☐ Yes ☒ No Request Inmate or Staff Advisor. Name: did not want advisor
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☐ REFUSED TO RESPOND
- ☒ Yes ☐ No Request Witnesses. ☐ Request the services of an Advisor.
☒ Inmate received Witness Request Form(s) during the service of the charge. ☐ REFUSED TO RESPOND
- Right to present documentary evidence. ☐ Request the services of an Advisor. ☒ REFUSED TO RESPOND
- ☐ DO NOT ☒ DO NOT wish to waive my right to 24-hour preparation time prior to the hearing. ☐ REFUSED TO RESPOND
- ☐ DO NOT ☒ DO NOT wish to appear at the Disciplinary Hearing. Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☐ REFUSED TO RESPOND
- Reporting Officer will be present at the hearing for Category I Offenses.
☒ Inmate received Reporting Officer Response Form during service of the charge for Category II Offenses.
- I have the right to enter into a penalty offer. ☒ Inmate Received Penalty Offer Form.
☐ Request the services of an Advisor. I understood that I have 24 hours to consider this offer.
- I may remain silent.
- The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.
- I may be found guilty of the lesser-included offense code, in accordance with Section 861.29.

I have been informed of the charges against me, and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: [Signature]

Inmate's Signature: [Signature]

I certify that this charge was served and he/she refused to sign in the space above.

Inmate provided copy of report: Date: 10/23/03 Time: 7:05 a.m./p.m.

Date Set for Hearing: 10-29-03 Revised Date: _____ Revised Date: _____

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: WRSP Date: 10-29-03 Time: 11:50 AM a.m./p.m.

Tape No(s): WRSP 2-130

Plea: ☒ Guilty ☐ Not Guilty ☐ No Plea Inmate's Signature: M. MAHDI Redac

Reason for Absence/Exclusion of the Accused Inmate: INMATE MAHDI WAS RESTRAINED, PRESENT AT THE HEARING

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: _____

NONE SUBMITTED

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: INMATE JONES WAS CHARGED WITH POSSESSION OF CONTRABAND WHEN HIS CELL WAS SHAKEDOWN AND ONE ALTERED ADAPTER AND ONE SONY RADIO WERE FOUND. INMATE MAHDI DID PLEA GUILTY TO THE ALTERED ADAPTER BUT STATED THE RADIO WAS NOT ALTERED. I INFORMED INMATE MAHDI THAT AS HEARINGS OFFICER I HAVE NO CONTROL OVER WHAT PROPERTY HE WILL GET BACK. THE PERSONAL PROPERTY OFFICER WOULD MAKE THE DECISION OF RETURNING THE RADIO.

Penalty: 15 DAYS LOSS OF COMMISARY

Name of Interpreter/Translator (if applicable): _____

Inmate Hearings Officer's Signature: [Signature] Print Name: ROBERT J. BURTON

Admitted to Pre-Hearing Detention: _____

Date In: _____ Date Out: _____

Admitted to Isolation: _____

☐ Yes
☐ No

Date In: _____
Date Out: _____

Weight In: _____

Weight Out: _____

INSTITUTIONAL REVIEW:

☒ Approved ☐ Dismissed ☐ Suspended Penalty
☐ Reduced Penalty ☐ Rehear
☐ Reduced to Lesser-Included Offense

Comments: _____

Signature: BQ Davis

Date: 10/31/03

Print Name: BETTY DAVIS

Title: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☒ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copies of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____

Date: _____

Witnessed by: _____

Print Name: _____

Date: _____

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

C-301

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Redac

Offense Code: 224 Offense Title: POSSESSION OF CONTRABAND

Offense Date: 10/22/03 Reporting Officer: FLEENOR

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 10/29/03 Time: _____ a.m./p.m.

PART II - NOTICE OF POSTPONEMENT: (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized timeframe.)

Date: _____ Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

- The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.
- The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- Awaiting the results of blood tests or other laboratory tests.
- Unavailability of staff due to escape, disturbance, or natural disaster.
- Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.
- In the case of the escape of the accused inmate.
- Awaiting the outcome of criminal charges as a result of this offense.
- To obtain an appropriate interpreter/translator/advisor to assist the inmate.
- Per written authorization of the Deputy Director.

Inmate's Signature: Refused To Sign Date: 10-24-03

Noticed Served By: G. J. Short Date: 10-24-03 Time: 12:30 a.m./p.m.

Original to Inmate Hearings Officer - Copy to Inmate

C-301

WALLENS RIDGE STATE PRISON

I, M. Markali, # Redacted CERTIFY & Appeal

THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
 OFFENSE REPORT WITH THE INSTITUTIONAL REVIEW
 SECTION COMPLETED FOR MY CHARGE OF 224

Form

REPORTING OFFICER: ElmerDATE OF CHARGE: 10-22-53DATE OF HEARING: 10-29-53INMATE'S SIGNATURE: [Signature]DATE SERVED: 11-7-53SERVED BY: [Signature]WITNESSED BY: [Signature]

NOTE: TWO SIGNATURES REQUIRED IF INMATE REFUSES
 TO SIGN. PLEASE RETURN THIS COMPLETED
 RECEIPT TO THE HEARINGS OFFICER.

Inmate Discipline: DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Reda Institution: WRSP Dorm: C-301
Offense Code: 102 Offense Title: Possession of a sharpened instrument
Offense Date: 10-23-03 Approximate Time: 3:40 ☐ a.m. ☒ p.m. Location: C-301
Investigation: ☐ yes ☒ no Date Completed: N/A

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: Who, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any immediate action taken, including use of force):

(On the above date and approximate time, I Officer J. Ellis Jr., walked by cell C-301, the cell door was open because inmate Mahdi was in the pod office being interviewed by Sgt. Younce. I observed a bare razor from a security razor lying on inmate Mahdi's mattress, the mattress had a 3x3 square cut out of the foam. Charged in accordance with DOP 861.

☐ Description continued on attached page:

Witnesses: _____ Reporting Officer's Signature: J. Ellis Jr.
Print Name: Officer J. Ellis Jr.
Date: 10-23-03 Time: 4:30pm
If yes, attach authorization form.
Pre-Hearing Detention: ☐ Yes ☒ No
Officer-in-Charge investigating this report: Signature: L. L. Kehdlik Date: 10-23-03 Time: 4:48pm
Print Name: L. L. Kehdlik, Watch Commander

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

- ☒ Yes ☐ No Request Inmate or Staff Advisor. Name: _____
NOTE: Inmate advisors are appointed by the Institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☐ REFUSED TO RESPOND
- ☒ Yes ☐ No Request Witnesses. ☐ Request the services of an Advisor.
☒ Inmate received Witness Request Form(s) during the serving of the charge. ☐ REFUSED TO RESPOND
- Right to present documentary evidence. ☒ Request the services of an Advisor. ☐ REFUSED TO RESPOND
- I DO ☒ NOT ☐ wish to waive my right to 24-hour preparation time prior to the hearing. ☐ REFUSED TO RESPOND
- I DO ☒ NOT ☐ wish to appear at the Disciplinary Hearing. Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☐ REFUSED TO RESPOND
- Reporting Officer will be present at the Hearing for Category I Offenses.
☐ Inmate received Reporting Officer Response Form during service of the charge for Category II Offenses.
- I have the right to enter into a penalty offer. ☒ Inmate Received Penalty Offer Form.
☐ Request the services of an Advisor. I understand that I have 24 hours to consider this offer.
- I may remain silent.
- The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.
- I may be found guilty of the lesser-included offense code, in accordance with Section 861.29.

I have been informed of the charges against me, and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: Refused to Sign Inmate's Signature: Refused to Sign
I certify that this charge was served and he/she refused to sign in the space above: C/O L. SCALE
Inmate provided copy of report: Date: 10/23/03 Time: 8:45 a.m. (p.m.)
Date Set for Hearing: 10-31-03 Revised Date: 11-3-03 Revised Date: _____

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: WRSP Date: 11/5/03 Time: 12:20PM a.m./p.m.

Tape No(s): WRSP 1-631 SIDE B/WRSP 1-632 SIDE A

Plea: ☐ Guilty ☒ Not Guilty ☐ No Plea Inmate's Signature: RESTRAINED M.MAHDI

Reason for Absence/Exclusion of the Accused Inmate: INMATE M.MAHDI # : Red WAS PRESENT AT THE HEARING.

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: INMATE K.PERNELL'S STATEMENT WAS READ INTO THE RECORD PER POLICY.

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: OFFICER ELLIS STATED THAT HE AND OFFICER PHIPPS TOOK INMATE M.MAHDI INTO THE POD OFFICE TO SEE SGT YOUNCE AND DURING THAT TIME THEY WERE SEARCHING HIS CELL. DURING THE SEARCH OFFICER ELLIS FOUND A RAZOR THAT HAD BEEN REMOVED FROM THE PLASTIC CASING LYING ON INMATE MAHDI'S BUNK THERE WAS ALSO A PIECE OF THE MATTRESS FOAM MISSING. INMATE MAHDI STATED THAT SGT YOUNCE TOLD HIM THAT IF HE DID NOT SIGN A STATEMENT THAT SGT FIELDS DID NOT ASSAULT HIM THAT HE WOULD WRITE HIM A WEAPON CHARGE. HE ALSO STATED THAT HE DID WRITE A STATEMENT AND WAS WRITTEN A CHARGE ANYWAY OFFICER ELLIS STATED THAT THE ITEM WAS FOUND IN HIS CELL AND THE ITEM IS A WEAPON AND THUS I FIND HIM GUILTY.

Penalty: 30 DAYS ISOLATION

Name of Interpreter/Translator (if applicable): N/A

Inmate Hearings Officer's Signature: [Signature] Print Name: W.R HENSLEY (HO)

Admitted to Pre-Hearing Detention: Date In: _____ Date Out: _____

Admitted to Isolation:

☒ Yes
☐ No

Date In: 11-20-03
Date Out: 12-15-03

Weight In: 182
Weight Out: 181

INSTITUTIONAL REVIEW:

☒ Approved ☐ Dismissed ☐ Suspended Penalty
☐ Reduced Penalty ☐ Rehear
☐ Reduced to Lesser-Included Offense

Comments: _____

Signature: B Davis

Date: 11/12/03

Print Name: B.DAVIS

Title: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☐ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copies of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____

Date: _____

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

C-301

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Reda

Offense Code: 102 Offense Title: POSSESSION OF A WEAPON OR SHARPENED INSTRUMENT

Offense Date: 10/23/03 Reporting Officer: J. ELLIS

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24 hours prior to the hearing date.

This is to inform you that your disciplinary hearing for the above listed offense has been scheduled for

Date: 10/31/03 Time: 8:00 a.m.

PART II - NOTICE OF POSTPONEMENT (revised hearing date)

This is to inform you that your disciplinary hearing for the above listed offense has been rescheduled for. (The hearing is still within the authorized timeframe.)

Date: _____ Time: _____

PART III - NOTICE OF AUTHORIZED CONTINUANCE

This is to inform you that your disciplinary hearing for the above listed offense has been rescheduled for.

Date: _____ Time: _____

____ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.

____ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.

____ Awaiting the results of blood tests or other laboratory tests.

____ Unavailability of staff due to sick leave, disturbance, or natural disaster.

____ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training, or military leave.

____ In the case of the escape of the accused inmate.

____ Awaiting the outcome of criminal charges as a result of this offense.

____ To obtain an appropriate interpreter/translator/advisor to assist the inmate.

____ Per written authorization of the Deputy Director.

Inmate's Signature: [Signature] Date: 10-27-03

Noticed Served By: [Signature] Date: 10-27-03 Time: 4:30 p.m.

Original to Inmate Hearings Officer - Copy to Inmate

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Redac

Offense Code: 102 Offense Title: POSSESSION OF A WEAPON OR SHARPENED INSTRUMENT

Offense Date: 10/23/03 Reporting Officer: J. ELLIS JR.

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 10/31/03 Time: _____ a.m./p.m.

PART II - NOTICE OF POSTPONEMENT: (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized timeframe.)

Date: 11/5/03 Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

____ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.

____ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.

____ Awaiting the results of blood tests or other laboratory tests.

____ Unavailability of staff due to escape, disturbance, or natural disaster.

____ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.

____ In the case of the escape of the accused inmate.

____ Awaiting the outcome of criminal charges as a result of this offense.

____ To obtain an appropriate interpreter/translator/advisor to assist the inmate.

____ Per written authorization of the Deputy Director.

Inmate's Signature: [Signature] Date: 11/3/03

Noticed Served By: [Signature] Date: 11/3/03 Time: 10:30 a.m.

Original to Inmate Hearings Officer - Copy to Inmate

Inmate Discipline: DOP Sent
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #4
Page 1 of 2

WITNESS REQUEST FORM

Inmate Name: Mikal Mahari Inmate Number: Redacted Dorm: C-301
Offense Code: 102 Offense Title: Possession of a sharp instrument
Date: 10-23-03 Approximate Time: 3:40pm Location: C-301

PART I - INMATE REQUEST FOR WITNESS

Complete a separate form for each witness requested for the charge. You may request the assistance of

I and submit to the Hearings Officer within 48-hours of service of the charge. If you requested one when the charge was served

I request the following person to provide a statement for the above offense (choose A, B or C):

A. Name: K. Perrell Number: _____ Dorm: C-301
B. Name of Staff: _____ Title (if known): _____
C. Name of non-DOC employee: _____ Address: _____

State the knowledge that the requested witness has regarding the above offense: He heard Sgt. Gant
saw that if I did not sign a statement saying I got Fields
did not assault me. He would give me a weapons
charge and make sure I'll be in segregation
here for a real long time.

Failure to state what is alleged or information requested will result in the statement being ruled irrelevant to the offense and a statement will not be requested from the witness.

Inmate Signature: _____ Date: _____

PART II - INMATE HEARINGS OFFICER'S REVIEW

Based on the accused inmate's statement regarding the above witness's testimony, this witness has testimony which:
☒ is relevant to his offense and a statement will be obtained.
☐ is not relevant to his offense and a statement will not be obtained.
Reason for this decision: _____

Inmate Hearings Officer: Wk Henry Date: 10-29-03
Print Name: Wk Henry

If the information is relevant, the Inmate Hearings Officer will forward a copy of this form to the requested witness to complete and return. If the information is not relevant, a statement will not be obtained. All request forms and witness statements will be made part of the disciplinary record.

Inmate Discipline: DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #4
Page 2 of 2

PART III - WITNESS STATEMENT

To: K. PERJELL Date: 10-24-03

You have been requested to be a witness for a disciplinary charge as listed on Page 1.

If you need assistance completing this form, advise the Hearings Officer as soon as possible to make arrangements.

The hearing is scheduled for: _____ Return to the Hearings Officer no later than: _____

Instructions: In the space provided, write a statement of what your testimony will be or what you know about the above charge. Also provide how you know this information.

Inmate Witness Only: ☐ I do NOT wish to be a witness.

On 10-23-03, Sgt. Younger came to Mr. Martin Mahdi's
cell door & threatened him by saying if he did not
sign statements that Sgt. Feller did not assault him
the Sgt. Younger would come to have the c/o
write him up on a weapon charge and Mr. Mahdi
would be in the Sec. for a long time.

Sgt. Younger made inmate Mr. Mahdi sign statements
do to Sgt. Younger threats, giving Mr. Mahdi a
weapon charge & staying in Sec.

Witness Signature: Kenneth Perrell Date: 10-24-03

PART IV - INMATE HEARINGS OFFICER'S REVIEW

Based on the witness's statement, this witness has testimony which

☒ is relevant to this offense. For Category I Offenses, the witness will appear at the hearing in accordance with section 861.14. For Category II Offenses, the statement will be read into the record.

☐ is not relevant to this offense and the witness is not required to appear at the hearing. Reason for this decision: _____

Inmate Hearings Officer: W. H. Date: 10-24-03

- The accused inmate should receive a copy of all witness request forms at least one half hour prior to the hearing with Part IV completed.
- The IHO should read all witness statements into the record.

C-301

WALLENS RIDGE STATE PRISON

I, M. M. M. M. M. # Redacted CERTIFY
 THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
 OFFENSE REPORT WITH THE INSTITUTIONAL REVIEW
 SECTION COMPLETED FOR MY CHARGE OF 102

REPORTING OFFICER: J. E. E. E.
 DATE OF CHARGE: 10-23-63
 DATE OF HEARING: 11-5-63
 INMATE'S SIGNATURE: [Signature]
 DATE SERVED: [Signature]
 SERVED BY: [Signature]
 WITNESSED BY: [Signature]

NOTE: TWO SIGNATURES REQUIRED IF INMATE REFUSES
 TO SIGN PLEASE RETURN THIS COMPLETED
 RECEIPT TO THE HEARINGS OFFICER.

DIVISION OF ADULT INSTITUTIONS
SERIOUS INCIDENT REPORT

DOP 421
Attachment #2

Redacted	DATE & TIME OF INCIDENT 000 11/26/03 - 8:30 p.m.	INSTITUTION OR UNIT 000 WALLENS RIDGE STATE PRISON	TYPE OF REPORT 000 ☒ Initial ☐ Follow-Up																		
SECTION A: NATURE OF INCIDENT 000 ☐ CLASS I: 000 ☐ Death/natural causes 000 ☐ Death/unnatural causes (specify) _____ 000 ☐ Death/suicide 000 ☐ Escape 000 ☐ Riot 000 ☐ Demonstration/general disturbance 000 ☐ Discharge of firearms involving death or injury 000 ☐ Sabotage 000 ☐ Petardos committed by inmate while outside institution 000 ☐ Other (specify) _____ 000 ☒ CLASS II: 000 ☐ Aggravated assault 000 ☐ Sexual assault 000 ☐ Petardos committed by inmates, staff, or visitors on institutional property 000 ☐ Self-mutilation 000 ☐ Use of force including non-lethal weapons and chemical agents where there is injury to the inmate or staff 000 ☐ Attempted escape 000 ☐ Accidents to inmates, employees or visitors involving serious injury or significant property damage 000 ☐ Discharge of firearm 000 ☐ Fires resulting in serious injury and/or major property damage 000 ☐ Alleged assault on an inmate by an employee 000 ☒ Other (specify): Ambulatory Restraint, No Force Used 000 ☐ CLASS III: 000 ☐ Simple assault (explain in narrative) 000 ☐ Inmates fighting 000 ☐ Fires resulting in less than serious injuries and/or minor property damage 000 ☐ Accidents and accidental injuries of employees or inmates involving less than serious injuries 000 ☐ Any other incident not listed here but considered by the Warden or Superintendent to warrant notification of higher authority		SECTION B: INCIDENT DISPOSITION 000 ☐ Pending 000 ☐ Referred to Internal Affairs Unit 000 ☒ Handled internally at institution 000 ☐ Inmate placed on detention/isolation 000 ☐ No further action 000 ☐ Other (specify) _____ SECTION C: PRINCIPALS INVOLVED <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>IDENTIFICATION</th> <th>NAME</th> <th>HOW INVOLVED</th> </tr> </thead> <tbody> <tr> <td>299449</td> <td>M. MAHDI</td> <td>SUBJECT</td> </tr> <tr> <td>LEUTENANT</td> <td>J. COMBS</td> <td>WATCH COMMANDER</td> </tr> <tr> <td>OFFICER</td> <td>S. SHEPARD</td> <td>POW OFFICER</td> </tr> <tr> <td>SERGEANT</td> <td>J. STANLEY</td> <td>BUILDING SGT.</td> </tr> <tr> <td>OFFICER</td> <td>S. FRANKLIN</td> <td>POD OFFICER</td> </tr> </tbody> </table> DESCRIBE INCIDENT (Who, What, When, Where, Why, How): On November 26, 2003, at approximately 8:30 p.m., Officer S. Shepard was working in the C-3 Pod. The Officer went to C-301 to allow inmate M. Mahdi # Reda to sign a property inventory sheet. When the tray slot was opened to allow the inmate to sign, he reached out and grabbed Officer Shepard by his left wrist. Officer Shepard immediately removed his MK-4 from his holster and administered 1 burst for V, second attempting to strike the inmate in the face area but due to the struggle missed and the OC hit the inmate in the chest area. The inmate released his arm and Officer Shepard immediately closed the tray slot. Lieutenant Combs and Sergeant J. Stanley were notified and responded to the scene. Sgt. Stanley assembled a team together in order to remove inmate Mahdi from his cell to be decontaminated. Inmate Mahdi refused, he stated on camera that he was not hit by the gas. Nurse M. Mullins at this time assessed the inmate and noted no visible injury or trauma. The incident was reported to A.D.O. M. Henaley. LPS M. Henaley approved the use of ambulatory restraint in an effort to control the inmate's disruptive behavior. At approximately 8:52 p.m., Lieutenant Combs, Sergeant Stanley, Officer M. East and Officer S. Franklin arrived at cell C-301 to place inmate Mahdi on ambulatory restraint. Sgt. Stanley ordered the inmate to submit to a strip search. Inmate Mahdi complied and Sgt. Stanley conducted the search. Officer East then secured handcuffs and black box on inmate Mahdi. The inmate was ordered to kneel, he complied and the cell door was opened. Officer East maintained control of inmate Mahdi while Officer Franklin applied leg irons. Officer East then completed the restraining process by securing the ambulatory chain and padlock.		IDENTIFICATION	NAME	HOW INVOLVED	299449	M. MAHDI	SUBJECT	LEUTENANT	J. COMBS	WATCH COMMANDER	OFFICER	S. SHEPARD	POW OFFICER	SERGEANT	J. STANLEY	BUILDING SGT.	OFFICER	S. FRANKLIN	POD OFFICER
IDENTIFICATION	NAME	HOW INVOLVED																			
299449	M. MAHDI	SUBJECT																			
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OFFICER	S. SHEPARD	POW OFFICER																			
SERGEANT	J. STANLEY	BUILDING SGT.																			
OFFICER	S. FRANKLIN	POD OFFICER																			
ESCAPE STATUS AT TIME OF REPORT: 000 ☐ Gains at-large 000 ☐ Surrendered 000 ☐ Wounded and in custody 000 ☐ Killed 000 ☐ Recaptured 000 ☐ Other (specify) _____ ESCAPE REPORT MADE TO: 000 ☐ State Police 000 ☐ Sheriff 000 ☐ Local Police 000 ☐ Other (specify) _____ SHOTS FIRED BY STAFF DURING ESCAPE: 000 ☐ Yes 000 ☐ No IF ASSAULT, ASSAULT WAS: 000 ☐ Actual 000 ☐ Attempted IF CLASS II INCIDENT: 000 ☐ Inmate on inmate with weapon 000 ☐ Inmate on inmate without weapon 000 ☐ Inmate on staff without weapon 000 ☐ Staff on inmate 000 ☐ Staff on staff EXTENT OF INJURY 000 ☒ STAFF INJURY 000 ☐ No injury 000 ☐ Less than serious 000 ☐ Serious 000 ☒ INMATE INJURY 000 ☐ No injury 000 ☐ Less than serious 000 ☐ Serious		Lieutenant J. Combs grade 11 (Typed Name & Grade of Reporting Officer) <i>[Signature]</i> SKY (Signature) November 26, 2003 11:00 p.m. (Date & Time of Report)																			

DIVISION OF ADULT INSTITUTIONS
DOP 421

(continued on next page)

SERIOUS INCIDENT REPORT

Attachment #2

(CONTINUATION PAGE)

Nurse Mullins responded to the cell to check the application of the restraints. Officer East and Officer Franklin maintained control of inmate Mahdi while the nurse performed the assessment. Nurse Mullins found that the inmate's circulation was not impeded in any way, and the inmate had no visible injury or trauma.

After medical assessment was complete, Sergeant Stanley instructed that all staff exits the cell. The door was then secured.

The restraining process was filmed by Officer D. Greer. There was no use of force and no injuries to staff or inmate. Inmate Mahdi was charged in accordance with DOP 861, Offense Code 239 - Simple assault upon a non-inmate. The inmate was placed on 15-minute watch while on ambulatory restraint.

Notifications:

A.D.O., M. Henaly @ 8:34 p.m.

Regional Contact, R. Mathena 1st attempt @ 9:15 p.m., 2nd attempt @ 10:30 p.m. On 11-27-03 @ 9:45 a.m.

Internal Affairs Special Agent Dent @ 9:12 p.m.

Copy to Regional Office by fax

Follow up Report

On November 26, 2003, at approximately 6:10 p.m., Sergeant J. Stanley supervised the release of inmate M. Mahdi Redact from ambulatory restraints. Officer S. Franklin dropped the tray slot and gave Inmate M. Mahdi Redact a direct order to place his hands out the tray slot. Mahdi complied. Officer Franklin removed the pad lock and the black box from the hand cuffs and attached the lanyard strap to the cell door and to the hand cuffs. Inmate M. Mahdi was given a direct order to kneel. Mahdi complied and the cell door was accessed and Officer Franklin removed the leg irons. Officer M. Ferguson placed Mahdi's property into his cell, the cell door was closed and secured. Officer Franklin then removed the handcuffs and the tray slot was secured.

Nurse M. Mullins checked Inmate M. Mahdi Reda and noted no apparent trauma and Inmate M. Mahdi denied any distress. There was no force used and no injuries noted during this incident. Trainee R. Couper videotaped these procedures in its entirety.

Notifications:

Follow up report completed by:

Watch Commander, Lieutenant J. Combs @ 5:15 a.m.

DIVISION OF ADULT INSTITUTIONS
SERIOUS INCIDENT REPORT

DOP 421
Attachment #2

SIP # Redacted		DATE & TIME OF INCIDENT 000 October 23, 2003 2:00 P.M.		INSTITUTION OR UNIT 000 WALLENS RIDGE STATE PRISON		TYPE OF REPORT 000 ☒ Initial ☐ Follow-Up	
SECTION A: NATURE OF INCIDENT				SECTION B: INCIDENT DISPOSITION			
000 ☐ CLASS I: 000 ☐ Death/natural causes 000 ☐ Death/unnatural causes (specify) _____ 000 ☐ Death/suicide 000 ☐ Escape 000 ☐ Riot 000 ☐ Demonstration/general disturbance 000 ☐ Discharge of firearms involving _____ 000 ☐ Death or injury 000 ☐ Sabotage 000 ☐ Felonies committed by inmate while outside institution 000 ☐ Other (specify) _____		IF ESCAPE, CHECK TYPE: 000 ☐ Facility escape 000 ☐ Non-facility, under gun 000 ☐ Non-facility, trustee walkaway 000 ☐ Other (specify) _____ ESCAPE STATUS AT TIME OF REPORT: 000 ☐ Still at-large 000 ☐ Surrendered 000 ☐ Weighed and in custody 000 ☐ Killed 000 ☐ Recaptured 000 ☐ Other (specify) _____		000 ☐ Pending 000 ☐ Referred to Internal Affairs Unit 000 ☒ Handled internally at institution 000 ☐ Inmate placed on detention/isolation 000 ☒ No further action 000 ☐ Other (specify) _____			
SECTION C: PRINCIPALS INVOLVED							
IDENTIFICATION		NAME		HOW INVOLVED			
# 299449		M. MAHDI		SUBJECT			
SEROANT		T. FIELDS		SUPERVISOR			
SEROANT		R. YOUNCE		SUPERVISOR			
NURSE		P. HOBBS		LPM			
DESCRIBE INCIDENT (Who, What, When, Where, Why, How): On October 23, 2003 at 2:15 p.m., an emergency grievance was turned into the watch office from inmate M. Mahdi # Redac. In the grievance inmate Mahdi makes allegations that on October 22, 2003 at 8:00 p.m. quarterly shakedowns were being completed in the C-3 pod. Inmate Mahdi stated that Sgt. Fields made verbal threats towards him and repeatedly kicked his leg. He also alleged that Sgt. Fields told him he would kill him tomorrow when he came into work. In reviewing the paperwork from the shakedown, a cell search inspection report of the cell search of inmate Mahdi was found. The report indicates that Officer P. Williams and Officer Efenor had confiscated one altered Sony Walkman and one altered adapter. Lt. Kendrick dispatched Sgt. Younce to talk to inmate Mahdi about the allegations of assault. During the interview between Sgt. Younce and inmate Mahdi, inmate Mahdi indicated that the allegations that he had made against Sgt. Fields were in fact false. He stated that he made them as an act of retaliation due to the fact that the Officers confiscated his walk man and adapter. Inmate Mahdi also indicated that he did not wish to pursue his emergency grievance. He further stated that he would write a request form stating that the allegations were in fact false. Nurse Hobbs did check inmate Mahdi for injuries and found none. Inmate Mahdi was charged in accordance with D.O.P. 861 with offense charge 121 False statements or charges against an employee.							
000 ☒ CLASS II: 000 ☐ Aggravated assault 000 ☐ Sexual assault 000 ☐ Felonies committed by inmates, staff, or visitors on institutional property 000 ☐ Self-mutilation 000 ☐ Use of force including non-lethal weapons and chemical agents where there is injury to the inmate or staff 000 ☐ Attempted escape 000 ☐ Accidents to inmates, employees or visitors involving serious injury or significant property damage 000 ☐ Discharge of firearm 000 ☐ Fires resulting in serious injury and/or major property damage 000 ☒ Alleged assault on an inmate by an employee 000 ☐ Other (specify) _____		ESCAPE REPORT MADE TO: 000 ☐ State Police 000 ☐ Sheriff 000 ☐ Local Police 000 ☐ Other (specify) _____ SHOTS FIRED BY STAFF DURING ESCAPE: 000 ☐ Yes 000 ☐ No IF ASSAULT, ASSAULT WAS: 000 ☐ Actual 000 ☒ Attempted IF CLASS II INCIDENT: 000 ☐ Inmate on inmate with weapon 000 ☐ Inmate is a inmate without weapon 000 ☐ Inmate on staff without weapon 000 ☐ Staff on inmate 000 ☐ Staff on staff		EXTENT OF INJURY 000 ☒ STAFF INJURY 000 ☒ No injury 000 ☐ Less than serious 000 ☐ Serious 000 ☒ INMATE INJURY 000 ☒ No injury 000 ☐ Less than serious 000 ☐ Serious			
000 ☐ CLASS III: 000 ☐ Simple assault (explain in narrative) 000 ☐ Inmates fighting 000 ☐ Fires resulting in less than serious injuries and/or minor property damage 000 ☐ Accidents and/or accidental injuries of employees or inmates involving less than serious injuries 000 ☐ Any other incident not listed here but considered by the Warden or Superintendent to warrant notification of higher authority							
Lt. L. I. Kendrick Grade II (Typed Name & Grade of Reporting Officer)							
(Signature) October 23, 2002 4:00 PM (Date & Time of Report)							
Notifications: ACOS—Captain C.S. Janeway—2:35 p.m. A.D.O.—Ms. Hensley—2:50 p.m. Regional Contact—Mr. R. Mathonh—4:28 p.m. Internal Affairs—Agent McAnally—4:39 p.m.							

ATTACHMENT F
DOC MH 18
(0192)
(0194)
(0196)

Virginia Department of Corrections Mental Health Services

MENTAL HEALTH CODING CLASSIFICATION REVIEW/UPDATE FORM

Inmate Name: Perry, Angelo
Date of Review: 11-17-03

Inmate Number: Redacted

I. Purpose of Review:

☐ Change in Mental Health Status/Services Needs
☐ Annual Progress Review
☒ Other Inmate Transfer

II. The inmate's current assigned Mental Health Classification Code is (check one):

☐ MH-4 Severe Impairment
☐ MH-3 Moderate Impairment
☐ MH-2 Mild Impairment
☒ MH-1 Minimal Impairment
☐ MH-0 No documented/reported history of mental health services needs/treatment within the last five years

as documented on:

☒ Psychological Evaluation dated 11-17-03
☒ Mental Health Screening Form (MH 14) dated 8-7-02
☒ Mental Health Screening Form (MH 17) dated 11-17-02
☒ Mental Health Coding Form (MH 18) dated 11-17-02
☐ Other _____

III. DISPOSITION (to be completed by a Qualified Mental Health Professional)

The inmate's current assigned Mental Health Classification Code is: 1

☒ Still appropriate
☐ Requires revision and is updated to MH _____

Donald B. Evans, MSW
Signature

Psychologist
Position

Donald B. Evans
Name (Print)

11/17/03
Date

cc: Central Criminal Record
Institution Criminal Record
Health Record (Section 4)

Inmate Discipline : DGP 861
November 1, 2002

Do Not Alter This Form

EIS JTS

10/24/03

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Redac Institution: WRSP Dorm: A-6
Offense Code: 201 Offense Title: disobeying a direct order
Offense Date: 8-5-03 Approximate Time: 1015 ☒ a.m. ☐ p.m. Location: A-619
Investigation: ☐ yes ☒ no Date Completed: _____

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: When, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any immediate action taken, including use of force):

On the above date & time, I, C/O J. Robinson observed inmate Mahdi 299449 holding his cell door open because he was not ready to take a shower. Inmate Mahdi had been given ample time to get ready to shower. Inmate Mahdi prevented the cell door from closing, and then stepped out of the cell. I gave inmate Mahdi several orders to return to his cell. He refused these orders.

☐ Description continued on attached page.

Witnesses: C/O T. Collins

Reporting Officer's Signature: C/O J. Robinson

Print Name: C/O J. Robinson

Date: 8-5-03 Time: 1105am

If yes, attach authorization form.

Pre-Hearing Detention: ☐ Yes ☒ No

Officer-in-Charge investigating this report:

Signature: A. L. [Signature]

Date: 8/5/03 Time: 900PM

Print Name: _____

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

- ☐ Yes ☒ No Request Inmate or Staff Advisor. Name: _____
NOTE: Inmate advisors are appointed by the institution; staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☐ REFUSED TO RESPOND
- ☐ Yes ☒ No Request Witnesses. ☒ Request the services of an Advisor. ☐ REFUSED TO RESPOND
☐ Inmate received Witness Request Form(s) during the service of the charge.
- Right to present documentary evidence. ☒ Request the services of an Advisor. ☐ REFUSED TO RESPOND
- I DO ☐ DO NOT ☒ wish to waive my right to 24-hour preparation time prior to the hearing. ☐ REFUSED TO RESPOND
- I DO ☒ DO NOT ☐ wish to appear at the Disciplinary Hearing. Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☐ REFUSED TO RESPOND
- Reporting Officer will be present at the Hearing for Category I Offenses. ☒ Inmate received Reporting Officer Response Form during service of the charge for Category I Offenses.
- I have the right to enter into a penalty offer. ☒ Inmate Received Penalty Offer Form. ☒ Request the services of an Advisor. I understand that I have 24 hours to consider this offer.
- I may remain silent.
- The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.
- I may be found guilty of the lesser-included offense code, in accordance with Section 86(2)(b).

I have been informed of the charges against me, and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: [Signature]

Inmate's Signature: [Signature]

I certify that this charge was served and he/she refused to sign in the space above:

Inmate provided copy of report: Date: 8-5-03

Time: 7:00

am (pm)

Date Set for Hearing: 8-15-03

Revised Date: _____

Revised Date: _____

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: WRSP Date: 8/13/03 Time: 10:54 AM a.m./p.m.

Tape No(s): WRSP I-605 SIDE B

Plea: ☐ Guilty ☒ Not Guilty ☐ No Plea Inmate's Signature: RESTRAINED M.MAHD

Reason for Absence/Exclusion of the Accused Inmate: INMATE M.MAHD # Reda WAS PRESENT AT THE HEARING.

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: NONE REQUESTED

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: OFFICER J.ROBINSON STATED THAT HE OBSERVED INMATE MAHDI HOLDING

HIS CELL DOOR OPEN SO THAT HE COULD GET OUT TO TAKE A SHOWER. AFTER HE GOT OUT OFFICER ROBINSON INSTRUCTED HIM SEVERAL TIMES TO RETURN TO HIS CELL AND HE

REFUSED TO COMPLY. INMATE MAHDI # Reda STATED THAT HE WAS LATE COMING OUT AND

HE HELD THE DOOR OPEN TO GET OUT. HE ALSO STATED THAT ONCE HE WAS OUT OFFICER

ROBINSON TOLD HIM THREE TIMES TO RETURN TO HIS CELL AND HE COMPLIED ON THE THIRD ORDER. INMATES ARE REQUIRED TO OBEY ORDERS WHEN THEY ARE GIVEN AND NOT WHEN THEY CHOOSE TO.

Penalty: \$5.00 FINE

Name of Interpreter/Translator (if applicable): N/A

Inmate Hearings Officer's Signature: [Signature] Print Name: W.B. HENSLEY, IHO

Admitted to Pre-Hearing Detention: _____ Date In: _____ Date Out: _____

Admitted to Isolation:

☐ Yes
☐ No

Date In: _____

Weight In: _____

Date Out: _____

Weight Out: _____

INSTITUTIONAL REVIEW:

☒ Approved

☐ Dismissed

☐ Suspended Penalty

☐ Reduced Penalty

☐ Rehear

☐ Reduced to Lesser-included Offense

Comments: _____

Signature: BQ Davis

Date: 8/14/03

Print Name: BETTY DAVIS

Title: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☐ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copies of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____

Date: _____

Witnessed by: _____

Print Name: _____

Date: _____

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

A-619

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Reda

Offense Code: 201 Offense Title: DISOBEYING AN ORDER

Offense Date: 8/5/03 Reporting Officer: J. ROBINSON (10:15 AM)

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 8/13/03 Time: a.m./p.m.

PART II - NOTICE OF POSTPONEMENT (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized time frame.)

Date: Time: a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: Time: a.m./p.m.

- _____ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.
- _____ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- _____ Awaiting the results of blood tests or other laboratory tests.
- _____ Unavailability of staff due to escape, disturbance, or natural disaster.
- _____ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.
- _____ In the case of the escape of the accused inmate.
- _____ Awaiting the outcome of criminal charges as a result of this offense.
- _____ To obtain an appropriate interpreter/translator/advisor to assist the inmate.
- _____ Per written authorization of the Deputy Director.

Inmate's Signature: [Signature] Date: 8-7-03

Noticed Served By: [Signature] Date: 8-7-03 Time: 2:58 a.m.

Original to Inmate Hearings Officer - Copy to Inmate

A-619

WALLENS RIDGE STATE PRISON

I, M. Mahdi, # Redacted CERTIFY

THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
OFFENSE REPORT WITH THE INSTITUTIONAL REVIEW
SECTION COMPLETED FOR MY CHARGE OF 2C1.

REPORTING OFFICER:

J. Robinson

DATE OF CHARGE:

8-5-83

DATE OF HEARING:

8-13-83

INMATE'S SIGNATURE:

M. Mahdi

DATE SERVED:

8-18-83

SERVED BY:

G. J. P. [Signature]

WITNESSED BY:

[Signature]

NOTE: TWO SIGNATURES REQUIRED IF INMATE REFUSES
TO SIGN. PLEASE RETURN THIS COMPLETED
RECEIPT TO THE HEARINGS OFFICER.

Inmate Discipline: DOP 861
November 1, 2002

Do Not Alter This Form

EIS PJS 11/22/03

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Reda Institution: WRSP Dorm: A-6
Offense Code: 201 Offense Title: disobeying a direct order
Offense Date: 8-5-03 Approximate Time: 1030 ☒ a.m. ☐ p.m. Location: A-619
Investigation: ☐ yes ☒ no Date Completed: _____

Description of Offense (provide a summary of how the inmate violated this offense by using the formula: What, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any immediate action taken, including use of force):

On the above date & time, I (C/O) Robinson gave Inmate Mahdi a direct order to shave and get in compliance with DOP 864. Inmate

Mahdi refused to shave. He stated "Fuck it I ain't shaving". Charged per DOP 861

☐ Description continued on attached page.

Witnesses: ~~None~~

Reporting Officer's Signature: C/O J. Robinson

Print Name: C/O J. Robinson

Date: 8-5-03 Time: 1105am

Pre-Hearing Detention: ☐ Yes ☒ No

If yes, attach authorization form.

Officer-in-Charge investigating this report:

Signature: A.R. Shider Date: 8/5/03 Time: 1:05 PM
Print Name: A.R. Shider

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

- ☐ Yes ☒ No Request Inmate or Staff Advisor. Name: _____
NOTE: Inmate advisors are appointed by the institution; staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☐ REFUSED TO RESPOND
- ☐ Yes ☒ No Request Witnesses. ☒ Request the services of an Advisor.
☒ Inmate received Witness Request Form(s) during the service of the charge. ☐ REFUSED TO RESPOND
- Right to present documentary evidence: ☒ Request the services of an Advisor. ☐ REFUSED TO RESPOND
- I DO ☐ DO NOT ☒ wish to waive my right to 24-hour preparation time prior to the hearing. ☐ REFUSED TO RESPOND
- I DO ☐ DO NOT ☒ wish to appear at the Disciplinary Hearing.
Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☐ REFUSED TO RESPOND
- Reporting Officer will be present at the Hearing for Category I Offenses.
☒ Inmate received Reporting Officer Response Form during service of the charge for Category I Offenses.
- I have the right to enter into a penalty offer: ☒ Inmate Received Penalty Offer Form.
☒ Request the services of an Advisor. I understand that I have 24 hours to consider this offer.
- I may remain silent.
- The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.
- I may be found guilty of the lesser-included offense code, in accordance with Section 861.29.

I have been informed of the charges against me, and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: C/O B. Adkins

Inmate's Signature: M. Mahdi

I certify that this charge was served and he/she refused to sign in the space above.

Inmate provided copy of report: Date: 8-5-03 Time: 1:05 PM a.m./p.m.

Date Set for Hearing: 8-13-03 Revised Date: _____ Revised Date: _____

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: WRSP Date: 8/13/03 Time: 10:25 AM a.m./p.m.

Tape No(s): WRSP 1-605 SIDE B

Plea: ☐ Guilty ☐ Not Guilty ☒ No Plea Inmate's Signature: REFUSED TO APPEAR
M. MAHDI

Reason for Absence/Exclusion of the Accused Inmate: PER THE MAJOR OFFENSE REPORT INMATE M. MAHDI # 299449 DID NOT WISH TO APPEAR AT THE HEARING.

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: NONE REQUESTED

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: INMATE M. MAHDI: Red REFUSED TO APPEAR AT THE HEARING WHICH IS DEEMED AS AN ADMISSION OF GUILT. OFFICER J. ROBINSON STATED THAT HE INSTRUCTED INMATE M. MAHDI / Reda TO SHAVE SO THAT HE WOULD BE IN COMPLIANCE WITH DOP 861. INMATE MAHDI REFUSED AND STATED "FUCK IT I AINT SHAVING."

Penalty: 30 DAYS LOSS OF COMMISSARY

Name of Interpreter/Translator (if applicable): N/A

Inmate Hearings Officer's Signature: [Signature] Print Name: W R HENSLEY IHO

Admitted to Pre-Hearing Detention: Date In: _____ Date Out: _____

Admitted to Isolation:

☐ Yes
☐ No

Date In: _____
Date Out: _____

Weight In: _____
Weight Out: _____

INSTITUTIONAL REVIEW:

☒ Approved ☐ Dismissed ☐ Suspended Penalty
☐ Reduced Penalty ☐ Rehear
☐ Reduced to lesser-included Offense

Comments: _____

Signature: BG Davis

Date: 8/14/03

Print Name: BETTY DAVIS

Title: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☐ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copy of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____

Date: _____

Witnessed by: _____

Print Name: _____

Date: _____

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

A-619

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Reda

Offense Code: 201 Offense Title: DISOBEYING AN ORDER

Offense Date: 8/5/03 Reporting Officer: J. ROBINSON

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24 hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 8/13/03 Time: _____ a.m./p.m.

PART II - NOTICE OF POSTPONEMENT: (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized timeframe.)

Date: _____ Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

____ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.

____ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.

____ Awaiting the results of blood tests or other laboratory tests.

____ Unavailability of staff due to escape, disturbance, or natural disaster.

____ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.

____ In the case of the escape of the accused inmate.

____ Awaiting the outcome of criminal charges as a result of this offense.

____ To obtain an appropriate interpreter/translator/advisor to assist the inmate.

____ Per written authorization of the Deputy Director.

Inmate's Signature: _____

Date: 8-7-03

Noticed Served By: [Signature]

Date: 8-7-03

Time: 2:58 a.m./p.m.

Original to Inmate Hearing Officer - Copy to Inmate

A-619

WALLENS RIDGE STATE PRISON

I, M. M. M. M. M., # Redacted CERTIFY 2 Appeal
From

THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
 OFFENSE REPORT WITH THE INSTITUTIONAL REVIEW
 SECTION COMPLETED FOR MY CHARGE OF 201

REPORTING OFFICER: J. C. C. C.

DATE OF CHARGE: 8-3-53

DATE OF HEARING: 8-13-53

INMATE'S SIGNATURE: [Signature]

DATE SERVED: 8-18-53

SERVED BY: [Signature]

WITNESSED BY: [Signature]

NOTE: TWO SIGNATURES REQUIRED IF INMATE REFUSES
 TO SIGN. PLEASE RETURN THIS COMPLETED
 RECEIPT TO THE HEARINGS OFFICER.

DIVISION OF ADULT INSTITUTION
SERIOUS INCIDENT REPORT

DOP 421
Attachment #2

Redacted DATE & TIME OF INCIDENT 000 October 5, 2003 4:10 p.m.		INSTITUTION OR UNIT 000 WALLENS RIDGE STATE PRISON		TYPE OF REPORT 000 ☒ Initial ☐ Follow-Up																			
SECTION A: NATURE OF INCIDENT																							
000 ☐ CLASS I: 000 ☐ Death-natural causes 000 ☐ Death-unnatural causes (specify) _____		IF ESCAPE, CHECK TYPE 000 ☐ Facility escape 000 ☐ Non-facility, under gun 000 ☐ Non-facility, trustee walkway 000 ☐ Other (specify) _____		SECTION B: INCIDENT DISPOSITION 000 ☐ Pending 000 ☐ Referred to Internal Affairs Unit 000 ☒ Handled internally at institution 000 ☒ Inmate placed on detention/isolation 000 ☒ No further action 000 ☐ Other (specify) _____																			
000 ☐ Death/suicide 000 ☐ Escape 000 ☐ Riot 000 ☐ Demonstration/general disturbance 000 ☐ Discharge of firearms involving _____		ESCAPE STATUS AT TIME OF REPORT 000 ☐ Still at-large 000 ☐ Surrendered 000 ☐ Wounded and in custody 000 ☐ Killed 000 ☐ Recaptured 000 ☐ Other (specify) _____		SECTION C: PRINCIPALS INVOLVED																			
000 ☐ CLASS II: 000 ☐ Aggravated assault 000 ☐ Sexual assault 000 ☐ Felonies committed by inmates, staff, or visitors on institutional property 000 ☐ Self-mutilation 000 ☐ Use of force including non-lethal weapons and chemical agents where there is injury to the inmate or staff 000 ☐ Attempted escape 000 ☐ Accidents to inmates, employees or visitors involving serious injury or significant property damage 000 ☐ Discharge of firearm 000 ☐ Fires resulting in serious injury and/or major property damage 000 ☐ Alleged assault on an inmate by an employee 000 ☐ Other (specify) _____		ESCAPE REPORT MADE TO 000 ☐ State Police 000 ☐ Sheriff 000 ☐ Local Police 000 ☐ Other (specify) _____		<table border="1"> <thead> <tr> <th>IDENTIFICATION</th> <th>NAME</th> <th>HOW INVOLVED</th> </tr> </thead> <tbody> <tr> <td># 299449</td> <td>M. MAHDI</td> <td>SUBJECT</td> </tr> <tr> <td>LEUTENANT</td> <td>D. REYNOLDS</td> <td>WATCH COMMANDER</td> </tr> <tr> <td>SERGEANT</td> <td>J. BURGIN</td> <td>SUPERVISOR</td> </tr> <tr> <td>OFFICER</td> <td>M. KILGORE</td> <td>POD OFFICER</td> </tr> <tr> <td>OFFICER</td> <td>W. SMITH</td> <td>ESCORT OFFICER</td> </tr> </tbody> </table>		IDENTIFICATION	NAME	HOW INVOLVED	# 299449	M. MAHDI	SUBJECT	LEUTENANT	D. REYNOLDS	WATCH COMMANDER	SERGEANT	J. BURGIN	SUPERVISOR	OFFICER	M. KILGORE	POD OFFICER	OFFICER	W. SMITH	ESCORT OFFICER
IDENTIFICATION	NAME	HOW INVOLVED																					
# 299449	M. MAHDI	SUBJECT																					
LEUTENANT	D. REYNOLDS	WATCH COMMANDER																					
SERGEANT	J. BURGIN	SUPERVISOR																					
OFFICER	M. KILGORE	POD OFFICER																					
OFFICER	W. SMITH	ESCORT OFFICER																					
000 ☐ CLASS III: 000 ☐ Simple assault (explain in narrative) 000 ☐ Inmates fighting 000 ☐ Fires resulting in less than serious injuries and/or minor property damage 000 ☐ Accidents and accidental injuries of employees or inmates involving less than serious injuries 000 ☒ Any other incident not listed here but considered by the Warden or Superintendent to warrant notification of higher authority		SHOTS FIRED BY STAFF DURING ESCAPE? 000 ☐ Yes 000 ☐ No		DESCRIBE INCIDENT (Who, What, When, Where, Why, How): On October 5, 2003 at approximately 4:10 p.m., Officer Kilgore began collecting the meal trays after the completion of the dinner meal in the C-1 Population Pod. Officer Kilgore accessed the C-107 tray slot, wherein was housed inmate Mahdi, and instructed the inmate to place his meal tray on the tray slot. Mahdi approached the tray slot and placed both of his hands out of the tray slot. Officer Kilgore gave inmate Mahdi several orders to remove his hands from the tray slot and place his tray in the slot. Mahdi reluctantly complied and then approached the tray slot with his meal tray. Inmate Mahdi suddenly threw the meal tray through the tray slot at Officer Kilgore. Officer Kilgore quickly stepped to the side, thereby avoiding being hit by the tray. Officer Kilgore secured the tray slot and immediately notified the E-Building Sergeant, Sgt. Burgin. Sgt. Burgin notified the Watch Commander, Lt. Reynolds, who in turn notified the Administrative Duty Officer, Warden S. K. Young. Warden Young gave authorization to place inmate Mahdi on Restricted Feeding Status. The institutional physician, Dr. Bellamy, was notified and gave medical authorization to place inmate Mahdi on Restricted Feeding Status. At approximately 4:20 p.m., Sgt. Burgin instructed inmate Mahdi to submit to a strip search. Mahdi complied. Officer W. Smith instructed inmate Mahdi to place his hands out of the tray slot. Mahdi complied and Officer Smith applied the handcuffs on Mahdi. Mahdi was instructed to kneel and hold so. The cell door was accessed and Officer Smith applied the leg irons. Officer Smith and Officer D. Buckles assisted inmate Mahdi to his feet and then escorted inmate Mahdi to C-101, where he was placed on Pre-Hearing Detention Status. There was no force utilized during this process as inmate Mahdi offered no resistance. Inmate Mahdi was charged in accordance with DOP 861 for "Attempting a Simple Assault Upon a Non-Inmate". There were no injuries sustained by staff or inmate during this process.																			
000 ☐ IF ASSAULT, ASSAULT WAS: 000 ☐ Actual 000 ☒ Attempted		IF CLASS III INCIDENT: 000 ☐ Inmate on inmate with weapon 000 ☐ Inmate on inmate without weapon 000 ☐ Inmate on staff without weapon 000 ☐ Staff on inmate 000 ☐ Staff on staff		EXTENT OF INJURY 000 ☒ STAFF INJURY 000 ☒ No injury 000 ☐ Less than serious 000 ☐ Serious																			
000 ☒ INMATE INJURY 000 ☒ No injury 000 ☐ Less than serious 000 ☐ Serious		Notifications: Administrative Duty Officer - Warden S. Young - 4:16 p.m. Internal Affairs - Special Agent McAnally - 6:40 pm. Regional Office - By fax																					
Lieutenant A. J. Gallihar Grade J1 (Typed Name & Grade of Reporting Officer)																							
(Signature) <i>A. J. Gallihar</i>																							
October 5, 2003 8:30 p.m. (Date & Time of Report)																							

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Reda Institution: WRSP Dorm: C-132b
Offense Code: 201 Offense Title: Disobeying an direct order
Offense Date: 4-29-03 Approximate Time: 6:20 ☒ a.m. ☐ p.m. Location: C-1
Investigation: ☐ yes ☒ no Date Completed: N/A

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: Who, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any immediate action taken, including use of force):

On the above date and time the above named inmate was given 5 min. till chow and was told to be properly dressed. inmate came out of cell steel getting dressed charged per DOP 861

☐ Description continued on attached page.

Witnesses:

Reporting Officer's Signature: C10 Phipps

Print Name: Officer Phipps

Date: 4-29-03 Time: 7:00am

If yes, attach authorization form.

Pre-Hearing Detention: ☒ Yes ☒ No

Officer-in-Charge investigating this report:

Signature: [Signature] Date: 4-29-03 Time: 9:00am

Print Name: LT A. Gallihar

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

- ☐ Yes ☒ No Request inmate or Staff Advisor. Name: _____
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☒ REFUSED TO RESPOND
- ☐ Yes ☒ No Request Witness(es). ☒ Request the services of an Advisor.
☐ Inmate received Witness Request Form(s) during the service of the charge. ☐ REFUSED TO RESPOND
- Right to present documentary evidence. ☐ Request the services of an Advisor. ☐ REFUSED TO RESPOND
- I DO ☐ DO NOT ☒ wish to waive my right to 24-hour preparation time prior to the hearing. ☐ REFUSED TO RESPOND
- I DO ☒ DO NOT ☐ wish to appear at the Disciplinary Hearing.
Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☐ REFUSED TO RESPOND
- Reporting Officer will be present at the Hearing for Category I Offenses.
☒ Inmate received Reporting Officer Response Form during service of the charge for Category II Offenses.
- I have the right to enter into a penalty offer. ☒ Inmate Received Penalty Offer Form.
☐ Request the services of an Advisor. I understand that I have 24-hours to consider this offer.
- I may remain silent.
- The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.
- I may be found guilty of the lesser included offense code, in accordance with Section 861.29.

I have been informed of the charges against me, and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: [Signature]

Inmate's Signature: [Signature]

I certify that this charge was served and he/she refused to sign in the space above.

Inmate provided copy of report: Date: 4-29-03 Time: 1:41 a.m. (p.m.)

Date Set for Hearing: 5-6-03 Revised Date: _____ Revised Date: _____

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: WRSP Date: 05-08-03 Time: 11:36 AM a.m./p.m.

Fape No(s): WRSP 2-051

Plea: ☒ Guilty ☐ Not Guilty ☐ No Plea Inmate's Signature: M. MAHDI Redac

Reason for Absence/Exclusion of the Accused Inmate: M. MAHDI REFUSED TO APPEAR AT THE HEARING

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: _____

NONE SUBMITTED

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: BASED ON THE REPORTING OFFICERS STATEMENT THAT INMATE MAHDI WAS GIVEN 5 MINUTES TILL CHOW AND WAS TOLD TO BE PROPERLY DRESSED, INMATE CAME OUT OF CELL STILL GETTING DRESSED. INMATE MAHDI REFUSED TO APPEAR AT THE HEARING WHICH IS DEEMED ADMISSION OF GUILT.

Penalty: \$2.00 FINE

Name of Interpreter/Translator (if applicable): _____

Inmate Hearings Officer's Signature: [Signature] Print Name: ROBERT J. BURTON

Admitted to Pre-Hearing Detention: _____ Date In: _____ Date Out: _____

Admitted to Isolation:

☐ Yes
☐ No

Date In: _____
Date Out: _____

Weight In: _____
Weight Out: _____

INSTITUTIONAL REVIEW: ☒ Approved ☐ Dismissed ☐ Suspended Penalty
☐ Reduced Penalty ☐ Rehear
☐ Reduced to Lesser-Included Offense

Comments: _____

Signature: B. J. Davis Date: 5/13/03

Print Name: BETTY DAVIS Title: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☒ Inmate intends to appeal ☐ Inmate does not intend to appeal

This is to certify that I have received a copies of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____ Date: _____

Witnessed by: _____ Print Name: _____ Date: _____

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

2132 C-205

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: MAHDLM Number: Reda

Offense Code: 201 Offense Title: DISOBEYING AN ORDER

Offense Date: 4/29/03 Reporting Officer: D.PHIPPS

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 5/8/03 Time: _____ a.m./p.m.

PART II - NOTICE OF POSTPONEMENT: (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized timeframe.)

Date: _____ Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

- _____ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.
- _____ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- _____ Awaiting the results of blood tests or other laboratory tests.
- _____ Unavailability of staff due to escape, disturbance, or natural disaster.
- _____ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.
- _____ In the case of the escape of the accused inmate.
- _____ Awaiting the outcome of criminal charges as a result of this offense.
- _____ To obtain an appropriate interpreter/translator/advisor to assist the inmate.
- _____ Per written authorization of the Deputy Director.

Inmate's Signature: [Signature] Date: 5/1/03

Noticed Served By: [Signature] Date: 5-1-03 Time: 10:07 a.m.

Original to Inmate Hearings Officer - Copy to Inmate

Inmate Discipline: DOP 861
November 1, 2002

Attachment 10
Page 1 of 1

REFUSAL TO APPEAR

Inmate Name: Mr. MANO Number: Redacted
Building: C-BLD Bed/ Cell: C-205
Offense Code: 201 Offense Title: Disobeying Order
Offense Date: 4-28-03 Hearing Date: 5-8-03

On 5-8-03 at 11:28 a.m., the above named
inmate was asked by Go B. A. K. / B. S. R. if he/she wished to attend the
(Print Name and Title)
hearing; however, he/she refused to report to the hearing.

As witnessed by C. B. R. / B. S. R.
(Signed)

Note: The completion of this form is not required when the inmate waived his right to appear at the disciplinary hearing during the service of the charge.

C-205

WALLENS RIDGE STATE PRISON

I, M. M. M. M. # Redacted CERTIFY Append
Form
 THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
 OFFENSE REPORT WITH THE INSTITUTIONAL REVIEW
 SECTION COMPLETED FOR MY CHARGE OF 2-1

REPORTING OFFICER: D. P. H. R.
 DATE OF CHARGE: 4-29-53
 DATE OF HEARING: 5-8-53
 INMATE'S SIGNATURE: A. B. H. M. M. M.
 DATE SERVED: 5-15-53
 SERVED BY: C. P. R.
 WITNESSED BY:

NOTE: TWO SIGNATURES REQUIRED IF INMATE REFUSES
 TO SIGN PLEASE RETURN THIS COMPLETED
 RECEIPT TO THE HEARINGS OFFICER.

Inmate Discipline: DOP 861 8
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Reda Institution: WRSP Dorm: C-1
Offense Code: 201 Offense Title: Disobeying a direct order.
Offense Date: 4-28-03 Approximate Time: 12:15 ☐ a.m. ☒ p.m. Location: C-1 POD
Investigation: ☐ yes ☐ no Date Completed: _____

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: Who, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any immediate action taken, including use of force.)

On the above date and approximate time, all inmates in C-1 Pod were given a direct order to be in compliance with DOP 861 and the dress code before leaving their cell to their lunch meal. Inmate Mahdi was not in compliance with the dress code when he exited his cell. Charged in accordance with DOP 861

☐ Description continued on attached page.

Witnesses: C/O P. Flannery

Reporting Officer's Signature: [Signature]

Print Name: C/O B. Davis

Date: 4-28-03 Time: 2:00pm

Pre-Hearing Detention: ☐ Yes ☒ No

If yes, attach authorization form.

Officer-in-Charge investigating this report:

Signature: [Signature] Date: 4-28-03 Time: 2:30pm
Print Name: L. A. Galligan

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

- ☐ Yes ☒ No Request Inmate or Staff Advisor. Name: _____
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☐ REFUSED TO RESPOND
- ☐ Yes ☒ No Request Witnesses. ☐ Request the services of an Advisor.
☐ Inmate received Witness Request Form(s) during the service of the charge. ☐ REFUSED TO RESPOND
- Right to present documentary evidence. ☐ Request the services of an Advisor. ☐ REFUSED TO RESPOND
- I DO ☒ DO NOT ☐ wish to waive my right to 24-hour preparation time prior to the hearing. ☐ REFUSED TO RESPOND
- I DO ☒ DO NOT ☐ wish to appear at the Disciplinary Hearing.
Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☐ REFUSED TO RESPOND
- Reporting Officer will be present at the Hearing for Category I Offenses.
☒ Inmate received Reporting Officer Response Form during service of the charge for Category II Offenses.
- I have the right to enter into a penalty offer. ☒ Inmate Received Penalty Offer Form.
☐ Request the services of an Advisor. I understand that I have 24 hours to consider this offer.
- I may remain silent.
- The charge may be vacated and re-served as a different offense, which can be a higher, equivalent, or lesser offense code.
- I may be found guilty of the lesser-included offense code, in accordance with Section 861.29.

I have been informed of the charges against me, and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: [Signature] Inmate's Signature: [Signature]

I certify that this charge was served and he/she refused to sign in the space above.

Inmate provided copy of report: _____ Date: 4-28-03 Time: 4:55 a.m.
Date Set for Hearing: 5-7-03 Revised Date: _____ Revised Date: _____

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: WRSP Date: 05-07-03 Time: 1:02 PM a.m./p.m.

Tape No(s): WRSP 2-050

Plea: ☒ Guilty ☐ Not Guilty ☐ No Plea Inmate's Signature: MAHDI, M. Redac

Reason for Absence/Exclusion of the Accused Inmate: M. MAHDI REFUSED TO APPEAR AT THE HEARING

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence:

Decision of Inmate Hearing Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: INMATE MAHDI WAS CHARGED WITH DISOBEYING AN ORDER TO BE IN COMPLIANCE WITH 864 AND THE DRESS CODE PRIOR TO LEAVING HIS CELL FOR THE LUNCH MEAL. INMATE MAHDI DID REFUSE TO APPEAR AT THE HEARING. REFUSING TO APPEAR IS ADMISSION OF GUILT. INMATE MAHDI WAS ASKED BY COUNSELOR HUFF AND WITNESSED BY C/O SMITH.

Penalty: \$2.00 FINE

Name of Interpreter/Translator (if applicable):

Inmate Hearing Officer's Signature: [Signature] Print Name: ROBERT J. BURTON

Admitted to Pre-Hearing Detention: Date In: Date Out:

Admitted to Isolation:

☐ Yes
☒ No

Date In: Date Out: Weight In: Weight Out:

INSTITUTIONAL REVIEW: ☒ Approved ☐ Dismissed ☐ Suspend Penalty
☒ Reduced Penalty ☐ Rehear
☐ Reduced to Lesser included Offense

Comments:

Signature: BQ Davis Date: 5/8/03

Print Name: BETTY DAVIS Title: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☒ Inmate intends to appeal ☐ Inmate does not intend to appeal

This is to certify that I have received a copy of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: Date:

Witnessed by: Print Name: Date:

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

C-132

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Reda

Offense Code: 201 Offense Title: DISOBEYING AN ORDER

Offense Date: 4/28/03 Reporting Officer: D. DAVIS

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24 hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 5/7/03 Time: 9 am/p.m.

PART II - NOTICE OF POSTPONEMENT (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for. (The hearing is still within the authorized timeframe.)

Date: _____ Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

____ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.

____ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances or other reasons.

____ Awaiting the results of blood tests or other laboratory tests.

____ Unavailability of staff due to escape, disturbance, or natural disaster.

____ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.

____ In the case of the escape of the accused inmate.

____ Awaiting the outcome of criminal charges as a result of this offense.

____ To obtain an appropriate interpreter/translator/advisor to assist the inmate.

____ Per written authorization of the Deputy Director.

Inmate's Signature: [Signature] Date: 5/7/03

Noticed Served By: [Signature] Date: 4/28/03 Time: 1:19 am/p.m.

Original to Inmate Hearings Officer - Copy to Inmate

Inmate Discipline: DOP 861
November 1, 2002

Attachment 10
Page 1 of 1

REFUSAL TO APPEAR

Inmate Name: MR. TRAHOI Number: Redacted

Building: C-8LD Bed/ Cell: 205

Offense Code: 101 Offense Title: Disobeying a direct order

Offense Date: 4-28-02 Hearing Date: 5-7-02

On 5-7-02 at 9:55 a.m. the above named

inmate was asked by SA [Signature] if he/she wished to attend the

(Print Name and Title)

hearing; however, he/she refused to report to the hearing.

As witnessed by SA [Signature] (Signed)

Note: The completion of this form is not required when the inmate waived his right to appear at the disciplinary hearing during the service of the charge.

C-205

WALLENS RIDGE STATE PRISON

I, M. Mahesh, # Redacted CERTIFY

THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
 OFFENSE REPORT WITH THE INSTITUTIONAL REVIEW
 SECTION COMPLETED FOR MY CHARGE OF 201

REPORTING OFFICER: D. DavisDATE OF CHARGE: 4-25-53DATE OF HEARING: 5-7-53INMATE'S SIGNATURE: [Signature]DATE SERVED: 5-20-53SERVED BY: W. S. [Signature]WITNESSED BY: [Signature]

NOTE: TWO SIGNATURES REQUIRED IF INMATE REFUSES
 TO SIGN. PLEASE RETURN THIS COMPLETED
 RECEIPT TO THE HEARINGS OFFICER.

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Reda Institution: WRSP Dorm: C-132
Offense Code: 237 A Offense Title: Intentionally throwing food or other substances
Offense Date: 5-1-03 Approximate Time: 8:10 ☒ a.m. ☐ p.m. Location: C-132
Investigation: ☐ yes ☐ no Date Completed: _____

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: Who, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any immediate action taken, including use of force):

On the above date and approx. time, inmate M. Mahdi came out of his cell and threw his tray from his cell C-132 to the bottom tier. Charged per DOP 861.

☐ Description continued on attached page.

Witnesses: _____

Reporting Officer's Signature: E. L. Sheppard

Print Name: Officer Sheppard

Date: 5-1-03 Time: 11:00am

If yes, attach authorization form.

Pre-Hearing

☒ Yes ☐ No

Detention: _____

Officer-in-Charge investigating this report:

Signature: E. L. Hall

Print Name: E. L. Hall

Date: 5-1-03

Time: 11:05am

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

1. ☐ Yes ☒ No Request Inmate or Staff Advisor. Name: _____
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☐ REFUSED TO RESPOND
2. ☐ Yes ☒ No Request Witnesses. ☐ Request the services of an Advisor.
☐ Inmate received Witness Request Form(s) during the service of the charge. ☐ REFUSED TO RESPOND
3. Right to present documentary evidence. ☐ Request the services of an Advisor. ☒ REFUSED TO RESPOND
4. I DO ☒ DO NOT ☐ wish to waive my right to 24-hour preparation time prior to the hearing. ☒ REFUSED TO RESPOND
5. I DO ☐ DO NOT ☒ wish to appear at the Disciplinary Hearing. Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☐ REFUSED TO RESPOND
6. Reporting Officer will be present at the Hearing for Category I Offenses.
☐ Inmate received Reporting Officer Response Form during service of the charge for Category II Offenses.
7. I have the right to enter into a penalty offer. ☐ Inmate Received Penalty Offer Form.
☐ Request the services of an Advisor. I understand that I have 24-hours to consider this offer.
8. I may remain silent.
9. The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.
10. I may be found guilty of the lesser-included offense code, in accordance with Section 861.29.

I have been informed of the charges against me and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: Ch. [Signature]

Inmate's Signature: Reda Mahdi

I certify that this charge was served and he/she refused to sign in the space above:

Inmate provided copy of report: Date: 5-1-03 Time: 3:40 a.m./p.m.

Date Set for Hearing: 5-1-03

Revised Date: _____

Revised Date: _____

Inmate Discipline : DOP 861
November 1, 2012

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: WRSP Date: 05-12-03 Time: a.m./p.m.

Page Notes: WRSP

Plea: ☒ Guilty ☐ Not Guilty ☐ No Plea Inmate's Signature: M. MAHDI #Reda

Reason for Absence/Exclusion of the Accused Inmate: M. MAHDI ENTERED INTO PENALTY OFFER

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence:

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: BASED ON THE STATEMENT OF THE REPORTING OFFICER THAT INMATE
MAHDI THREW HIS TRAY FROM HIS CELL. C-32 TO THE BOTTOM TIER. INMATE MAHDI ENTERED
INTO A PENALTY OFFER DURING THE SERVICE OF THE CHARGE BUT DID NOT HAVE A PEN-
ALL PENALTY OFFERS MUST BE SIGNED IN THE PRESENCE OF A STAFF MEMBER. I ALLOWED
INMATE MAHDI TO ACCEPT THIS PENALTY OFFER ON THE DAY OF THE HEARING.

Penalty: 10 DAYS ISOLATION

Name of Interpreter/Translator (if applicable): _____

Inmate Hearings Officer's Signature: Print Name: ROBERT J. BURTON

Admitted to Pre-Hearing Detention:

Date In: 5-1-03 Date Out: 5-1-03

Admitted to Isolation:

☐ Yes
☐ No

Date In: _____ Weight In: _____
Date Out: _____ Weight Out: _____

INSTITUTIONAL REVIEW:

☒ Approved
 ☐ Dismissed
 ☐ Suspended Penalty
☐ Reduced Penalty
 ☐ Rehear
☐ Reduced to Lesser-Included Offense

Comments:

Signature: B. L. Davis

Date: 5/15/03

Print Name: **BETTY DAVIS**

TITLE: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☒ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copy of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature:

Datē

Witnessed by:

Print Name: _____

Date _____

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

C-205

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Reda

Offense Code: 237/A Offense Title: DISCARDING TRASH/FOOD /BODY WASTE /OR OTHER

SUBSTANCES INTO AN UNAPPROVED RECEPTACLE

Offense Date: 5/1/03 Reporting Officer: SHEPHERD

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 5/12/03 Time: a.m./p.m.

PART II - NOTICE OF POSTPONEMENT: (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized timeframe.)

Date: Time: a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: Time: a.m./p.m.

- ☐ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.
- ☐ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- ☐ Awaiting the results of blood tests or other laboratory tests.
- ☐ Unavailability of staff due to escape, disturbance, or natural disaster.
- ☐ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.
- ☐ In the case of the escape of the accused inmate.
- ☐ Awaiting the outcome of criminal charges as a result of this offense.
- ☐ To obtain an appropriate interpreter/translator/advisor to assist the inmate.
- ☐ Per written authorization of the Deputy Director.

Inmate's Signature: M. Mahdi Date: 5/6/03

Noticed Served By: 6545 Date: 5-6-03 Time: 8:55 a.m.

Original to Inmate Hearings Officer - Copy to Inmate

Inmate Discipline: DOP 861
November 1, 2002

Do Not Alter This Form

Attachment #2
Page 1 of 1

Penalty Offer Form

Inmate Name: M. Mahdi Inmate Number: Redacted Institution: OSP Dorm: C-132
Offense Code: 237 Offense Title: Intentionally throwing food or other substances
Offense Date: 5-1-03 Approximate Time: 8:10 a.m. Location: C-132

PART I

I have reviewed the facts and circumstances of this offense and your institutional record.

☒ I offer the following penalty:

☒ for the above listed offense, or

☐ for an equal or lesser offense of:

Offense Title:

Staff Signature:

Print Name:

Li V. Hall

Date: 5-1-03

Title: Warden Commander

The third copy of this form is to be forwarded to the Inmate Hearing Officer after the Officer-in-Charge completes Part I of this form. The first and second copy is to be delivered to the inmate during the service of the charge.

PART II

By signing below, I indicate that I have been advised of my rights to enter into or refuse this penalty offer and understand that if I accept the penalty offer indicated above:

1. I will waive my right to a Disciplinary Hearing, including any right I may have to present witnesses or other evidence in my behalf, as well as any right I may have to ask questions of anyone who may have given a statement against me; and
2. I will plead guilty to the offense specified in the offer and accept the penalty indicated; and
3. Any appeal of this offense will be limited to a determination of whether there was a guilty plea, whether there was an acceptance of a penalty offer and whether there was any serious procedural error. No other reasons for an appeal will be considered;
4. I have 24 hours from the date the charge is served to accept this offer and I will be provided the opportunity to consult with an advisor, upon request;
5. If I do not accept the penalty offer, this offense will be referred for a Disciplinary Hearing; I will have the right to enter a not guilty plea at the hearing and this penalty offer will in no way influence the outcome of the hearing; the severity of any penalty imposed as a result of the hearing;
6. If I fail to respond to this offer within the time limit specified, the offer will be terminated and the offense will be referred for a Disciplinary Hearing as indicated in #5 above.

Inmate Signature:

Unable to sign

Print Name:

Date:

Signature of Serving officer:

[Signature]

Print Name:

[Signature]

Date: 5-1-03

The inmate has refused to sign in the space above. I certify that this penalty offer was served, and that the inmate has been advised of the conditions of acceptance.

PART III

Choose only one (1) option and sign below. Refusal to choose an option and sign constitutes refusal of the offer.

1. ☒ I accept the penalty offer as indicated in Part I. I understand and accept the conditions as stated in 1-6 above and my acceptance of this offer is totally voluntary. NOTE: Your signature accepting this offer must be in the presence of a staff member.
2. ☐ I do not accept the penalty offer and understand that I will be afforded a Disciplinary Hearing.
3. ☐ The inmate has failed to respond to this penalty offer within the specified time limit.

Inmate Signature:

Unable to sign

Print Name:

Unable to sign

Date:

5-1-03

I certify that I have received this form and that the above inmate has signed in my presence.

Staff Witness:

[Signature]

Print Name:

[Signature]

Date:

5-1-03

After the inmate accepts/declines the offer, the original is forwarded to Inmate Hearings Office by the witnessing staff member. The inmate is given a copy of this form.

C-205

WALLENS RIDGE STATE PRISON

I, M. Mahuli, # Redacted CERTIFY & Append
Form

THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
 OFFENSE REPORT WITH THE INSTITUTIONAL REVIEW
 SECTION COMPLETED FOR MY CHARGE OF 237A

REPORTING OFFICER: Shopper
 DATE OF CHARGE: 5-1-63
 DATE OF HEARING: 5-12-63 Park Place
 INMATE'S SIGNATURE: [Signature]
 DATE SERVED: 5-20-63
 SERVED BY: [Signature]
 WITNESSED BY:

NOTE: TWO SIGNATURES REQUIRED IF INMATE REFUSES
 TO SIGN. PLEASE RETURN THIS COMPLETED
 RECEIPT TO THE HEARINGS OFFICER.

**DIVISION OF ADULT INSTITUTION,
SERIOUS INCIDENT REPORT**

DOP 421
Attachment #2

Redacted		DATE & TIME OF INCIDENT 000 May 1 st , 2003 8:10 a.m.	INSTITUTION OR UNIT 000 WALLENS RIDGE STATE PRISON	TYPE OF REPORT 000 ☒ Initial ☐ Follow-Up
SECTION A: NATURE OF INCIDENT				
000 ☐ CLASS I 000 ☐ Death/natural causes 000 ☐ Death/unnatural causes (specify) _____	IF ESCAPE, CHECK TYPE 000 ☐ Facility escape 000 ☐ Non-facility, under gun 000 ☐ Non-facility, trustee walkaway 000 ☐ Other (specify) _____			
000 ☐ Death/suicide 000 ☐ Escape 000 ☐ Riot 000 ☐ Demonstration/general disturbance 000 ☐ Discharge of firearms involving _____	ESCAPE STATUS AT TIME OF REPORT: 000 ☐ Still at-large 000 ☐ Surrendered 000 ☐ Wounded and in custody 000 ☐ Killed 000 ☐ Recaptured 000 ☐ Other (specify) _____			
000 ☐ Death or injury 000 ☐ Sabotage 000 ☐ Felonies committed by inmate while outside institution 000 ☐ Other (specify) _____	ESCAPE REPORT MADE TO: 000 ☐ State Police 000 ☐ Sheriff 000 ☐ Local Police 000 ☐ Other (specify) _____			
000 ☐ CLASS II 000 ☐ Aggravated assault 000 ☐ Sexual assault 000 ☐ Felonies committed by inmates, staff, or visitors on institutional property 000 ☐ Self-mutilation 000 ☐ Use of force including non-lethal weapons and chemical agents where there is injury to the inmate or staff 000 ☐ Attempted escape 000 ☐ Accidents to inmates, employees or visitors involving serious injury or significant property damage 000 ☐ Discharge of firearm 000 ☐ Fires resulting in serious injury and/or major property damage 000 ☐ Alleged assault on an inmate by an employee 000 ☐ Other (specify) _____	SHOTS FIRED BY STAFF DURING ESCAPE? 000 ☐ Yes 000 ☐ No IF ASSAULT, ASSAULT WAS: 000 ☐ Actual 000 ☐ Attempted IF CLASS II INCIDENT: 000 ☐ Inmate on inmate with weapon 000 ☐ Inmate on inmate without weapon 000 ☐ Inmate on staff without weapon 000 ☐ Staff on inmate 000 ☐ Staff on staff			
000 ☒ CLASS III 000 ☐ Simple assault (explain in narrative) 000 ☐ Inmate fighting 000 ☐ Fires resulting in less than serious injuries and/or minor property damage 000 ☐ Accidents and accidental injuries of employees or inmates involving less than serious injuries 000 ☒ Any other incident not listed here but considered by the Warden or Superintendent to warrant notification of higher authority Restricted Feeding No Injuries	EXTENT OF INJURY 000 ☒ STAFF INJURY 000 ☒ No injury 000 ☐ Less than serious 000 ☐ Serious 000 ☒ INMATE INJURY 000 ☒ No injury 000 ☐ Less than serious 000 ☐ Serious			
SECTION B: INCIDENT DISPOSITION 000 ☐ Pending 000 ☐ Referred to Internal Affairs Unit 000 ☒ Handled internally at institution 000 ☐ Inmate placed on detention/isolation 000 ☐ No further action 000 ☐ Other (specify) _____				
SECTION C: PRINCIPALS INVOLVED				
IDENTIFICATION		NAME		HOW INVOLVED
799449		M. MAHDI		PRINCIPAL
OFFICER		J. SHEPHERD		FLOOR OFFICER
SERGEANT		O. JONES		BUILDING SERGEANT
DESCRIBE INCIDENT (Who, What, When, Where, Why, How): On May 1st, 2003 at 8:40 a.m. Officer Shepherd was picking up the breakfast trays in C-1 pod. Upon arriving at cell C-132, inmate Mahdi stepped out of his cell and threw two trays and two cups off the top tier and on to the pod floor. Officer Shepherd immediately notified Sgt. Jones of the situation. Sgt. Jones responded to the pod and placed handcuffs and leg irons on inmate Mahdi. Sgt. Jones and Officer Shepherd escorted him to segregation cell C-205. At no time was there any use of force. Inmate Mahdi was charged per DOP-864 with offense code 217, (intentionally throwing food). Inmate was placed on restricted feeding in accordance with DOP-414. The restricted feeding order was approved by Warden Young and medically approved by Dr. Smith. The restricted feeding begins at the lunch meal on 5-1-03 and ends at the dinner meal on 5-7-03.				
Notifications: Major - T. Yates - 8:40 a.m. Warden - S. Young - 8:45 a.m. ADO - Mr. Phillips - 8:55 a.m. Internal Affairs - Special Agent Martin - 9:45 a.m. Copy to Regional Office by fax.				
Lieutenant L. Kendrick Grade 11 (Typed Name & Grade of Reporting Officer) L. L. Kendrick SKY (Signature) May 1, 2003 11:00 a.m. (Date & Time of Report)				

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Reda Institution: WRSP Dorm: D 210
Offense Code: 201 Offense Title: Disobeying an Order
Offense Date: 2/27/03 Approximate Time: 4:30 ☐ a.m. ☒ p.m. Location: C 1 pod floor
Investigation: ☐ yes ☒ no Date Completed: N/A

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: Who, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any immediate action taken, including use of force):

On the above and approximate time inmate Mahdi exited his cell to his evening meal. The inmate dropped his lid and was instructed by the floor officer to pick it up. The inmate picked up the lid and threw it across the floor and yelled how do you like that mother fucker. "you tell Head to come and get me".

Charged per DOP 861

☐ Description continued on attached page.

Witnesses:

Reporting Officer's Signature: C/O D. Williams

Print Name: C/O D. Williams

Date: 2/27/03 Time: 5:00pm

Pro-Hearing Detention: ☒ Yes ☐ No

If yes, attach authorization form.

Officer-in-Charge investigating this report:

Signature: C. A. Gullihar

Date: 2/27/03 Time: 5:30pm

Print Name: C. A. Gullihar

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

- ☐ Yes ☒ No Request Inmate or Staff Advisor. Name: _____
NOTE: Inmate advisors are appointed by the institution; staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☐ REFUSED TO RESPOND
- ☒ Yes ☐ No Request Witnesses. ☐ Request the services of an Advisor.
☒ Inmate received Witness Request Form(s) during the service of the charge. ☐ REFUSED TO RESPOND
- Right to present documentary evidence. ☒ Request the services of an Advisor. ☐ REFUSED TO RESPOND
- I DO ☐ DO NOT ☒ wish to waive my right to 24-hour preparation time prior to the hearing. ☐ REFUSED TO RESPOND
- I DO ☒ DO NOT ☐ wish to appear at the Disciplinary Hearing.
Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☐ REFUSED TO RESPOND
- Reporting Officer will be present at the Hearing for Category I Offenses.
☒ Inmate received Reporting Officer Response Form during service of the charge for Category II Offenses.
- I have the right to enter into a penalty offer. ☒ Inmate Received Penalty Offer Form.
☒ Request the services of an Advisor. I understand that I have 24 hours to consider this offer.
- I may remain silent.
- The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.

10. I may be found guilty of the lesser-included offense code, in accordance with Section 861.29.

I have been informed of the charges against me, and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: Yo Compton

Inmate's Signature: Refused to Sign

I certify that this charge was served and he/she refused to sign in the space above: Yo Compton

Inmate provided copy of report: Date: 2-27-03

Time: 8:21 am a.m./p.m.

Date Set for Hearing: 3-1-03

Revised Date: _____

Revised Date: _____

Inmate Discipline : DOP 861
November 1, 2002

Do Not Alter This Form

Attachment 1
Page 2 of 2

Disciplinary Offense REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: WRSP Date: 03-06-03 Time: 9:15 AM a.m./p.m.

Tape No(s): WRSP /2-029

Plea: ☐ Guilty ☐ Not Guilty ☒ No Plea Inmate's Signature: M. MAHDI # Reda

Reason for Absence/Exclusion of the Accused Inmate: INMATE M. MAHDI REFUSED TO APPEAR AT THE HEARING

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: _____

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed

Reason for Decision: BASED ON THE REPORTING OFFICER STATEMENT THAT INMATE MAHDI REFUSED TO PICK UP HIS TRAY LID. INMATE MAHDI DID REFUSE TO APPEAR AT THE HEARING WHICH IS DEEMED ADMISSION OF GUILT.

Penalty: 8 DAYS ISOLATION, CREDIT GIVEN FOR DETENTION TIME SERVED

Name of Interpreter/Translator (if applicable): _____

Inmate Hearings Officer's Signature: [Signature] Print Name: ROBERT J. BURTON

Admitted to Pre-Hearing Detention: Date In: 2-27-03 Date Out: 3-6-03

Admitted to Isolation:

☐ Yes
☐ No

Date In: _____
Date Out: _____

Weight In: _____
Weight Out: _____

INSTITUTIONAL REVIEW: ☒ Approved ☐ Dismissed ☐ Suspended Penalty
☐ Reduced Penalty ☐ Rehear
☐ Reduced to Lesser-included Offense.

Comments: _____

Signature: B. J. Davis

Date: 3/6/03

Print Name: BETTY DAVIS

Title: OPERATIONS OFFICER

RECEIPT OF APPEAL COPIES: ☐ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copy of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____

Date: _____

Witnessed by: _____

Print Name: _____

Date: _____

Inmate Discipline DOP 861
November 1, 2002

DO NOT ALTER THIS FORM

Attachment #5
Page 1 of 1

D-312

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. MAHDI Number: Reda

Offense Code: 201 Offense Title: DISOBEYING AN ORDER

Offense Date: 2/27/03 Reporting Officer: D. WILLIAMS

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 3/6/03 Time: _____ a.m./p.m.

PART II - NOTICE OF POSTPONEMENT: (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the authorized timeframe.)

Date: _____ Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

- _____ The Reporting Officer, voluntary staff advisor, or witnesses are off duty or away from the institution on the date of the hearing.
- _____ The unavailability of the accused inmate due to medical condition, hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- _____ Awaiting the results of blood tests or other laboratory tests.
- _____ Unavailability of staff due to escape, disturbance, or natural disaster.
- _____ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.
- _____ In the case of the escape of the accused inmate.
- _____ Awaiting the outcome of criminal charges as a result of this offense.
- _____ To obtain an appropriate interpreter/translator/advisor to assist the inmate.
- _____ Per written authorization of the Deputy Director.

Inmate's Signature: _____

Date: 3-5-2003

Noticed Served By: D.W.

Date: 3-5-03

Time: 10:10

a.m./p.m.

Original to Inmate Hearings Officer - Copy to Inmate

Inmate Discipline: DOP 861
November 1, 2002

Attachment 10
Page 1 of 1

REFUSAL TO APPEAR

Inmate Name: M. Mahdi Number: Redacted
Building: D Bed/ Cell: D-3-312
Offense Code: 201 Offense Title: Disobeying an order
Offense Date: 2/27/03 Hearing Date: 3-6-03

On 3/6/03 at 8:55 a.m. p.m. the above named
inmate was asked by D.W. Zuck if he/she wished to attend the
(Print Name and Title)
hearing; however, he/she refused to report to the hearing.

As witnessed by

[Signature]
(Signature)

Note: The completion of this form is not required when the inmate waived his right to appear at the disciplinary hearing during the service of the charge.

D-312

WALLENS RIDGE STATE PRISON

I, M. Morley, # Redacted CERTIFY

THAT I HAVE RECEIVED TWO COPIES OF THE MAJOR
 OFFENSE REPORT WITH THE INSTITUTIONAL REVIEW
 SECTION COMPLETED FOR MY CHARGE OF 2-21

REPORTING OFFICER: D. HarrisonDATE OF CHARGE: 2-27-63DATE OF HEARING: 3-6-63INMATE'S SIGNATURE: [Signature]DATE SERVED: 3-14-63SERVED BY: G. J. Hobbs

WITNESSED BY: _____

NOTE: TWO SIGNATURES REQUIRED IF INMATE REFUSES
 TO SIGN. PLEASE RETURN THIS COMPLETED
 RECEIPT TO THE HEARINGS OFFICE.

VIRGINIA DEPARTMENT OF CORRECTIONS - ADULT INSTITUTIONS
INSTITUTIONAL TREATMENT PLAN

DDP 872
ATTACHMENT 1
DOC-11C

Name M. Mahdi Number Redacted Institution NICL
Prepared By D. Chaffin Date 10/10/02

Needs Assessment: Select the answer which best describes the inmate.

- A. 1 HEALTH: (MEDICAL CODES)
1. A or B 2. Severe B, C, or Mild E 3. Severe C, D, E
- B. 2 BEHAVIORAL/EMOTIONAL PROB.:
1. None 2. Moderate 3. Severe
- C. 1 ALCOHOL ABUSE:
1. No Problem 2. Occasional Abuse 3. Frequent Abuse
- D. 1 DRUG ABUSE:
1. No Problem 2. Occasional Abuse 3. Frequent Abuse
- E. 3 EDUCATIONAL STATUS:
1. H. S. Diploma/GED 2. Literate 3. LIP or Exempt
- F. 2 VOCATIONAL/WORK:
1. Sufficient Skills 2. Minimal Skills 3. Unemployable
- G. 1 FAMILY ENVIRONMENT:
1. Stable Home 2. Mild Conflict/Instability 3. Severe Conflict/Instability

Comments: _____

Primary Need And Objectives: Anger Control!

- enroll in program and complete
- attend all sessions and participate in
each.

Secondary Needs and Objectives: Are classes toward earning GED

Become Inhabitant Free
Breaking Barriers

- enroll in program
- attend and participate in all sessions
of workshop program

I.C.C. Recommendations: Approval _____ Disapproval _____ Date Dec. 4, 2002

I acknowledge that I have been informed of the contents of my Institutional Treatment Plan.

Inmate Signature: M. Mahdi

Witnessed By: D. Chaffin Date 10/10/02

I.C.C. Signatures: [Signature]

chairman

member

member

Distribution: White - Central File Green - Inmate File Canary - Receiving Inst. Pink - Transportation Gold - Inmate

Date Disclosed: DDP 861
November 1, 2002

5

1-104

Attachment #1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. McMillion Inmate Number: Redacted Institution: NCC Room: A-7
Offense Code: 512 Offense Title: Threatening bodily harm to any person
Offense Date: 11/30/02 Approximate Time: 9:45 a.m. Location: J-124
Investigation ☐ YES ☒ NO Date completed: _____

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: Who, what, when, where, and how, and any unusual, relevant, any physical evidence and its disposition, and any immediate action taken, including use of force).

On 11/30/02 at approximately 9:45 a.m. at NCC McMillion,
inmate # [redacted] from room [redacted] threatened inmate M. McMillion
(page 1), inmate [redacted] (page 2), inmate [redacted] (page 3),
inmate [redacted] (page 4) on page 4 in Prisoner's Own Words
section with: "READ THIS BITCH THE DAY YOU DIE THUGGED KILL"
"187 FLIK ALL YALL MDSXK SOME MULETY BASS. YAHH HOE."
IF YES THE CHARGE WAS WRITTEN. ☐ Description continued on attached page.

Witnesses: _____

Reporting Officer's Signature: S. N. McMillion, NCCPrint Name: S. McMillionDate: 11-23-02 Time: 10:30 a.m.Pre-hearing Detention: ☐ Yes ☐ No

If yes, attach authorization form.

Officer in Charge investigating report:

Signature: Capt. [redacted] Date: 11-25-02 Time: 10:00Print Name: CAPT. [redacted]

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

1. ☐ Yes ☒ No Request Inmate or Staff Advisor. Name: Y. K. 173807
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. REFUSED TO RESPOND
2. ☐ Yes ☒ No Request Witnesses. ☐ Request the services of an Advisor.
☐ Inmate received Witness Request Form(s) during the service of the charge. REFUSED TO RESPOND
3. Right to present documentary evidence: ☐ Request the services of an Advisor.
This form is available in each housing unit. REFUSED TO RESPOND
4. I DO ☐ DO NOT ☒ wish to waive my right to 24-hour preparation time prior to the hearing. REFUSED TO RESPOND
5. I DO ☐ DO NOT ☒ wish to appear at the Disciplinary Hearing.
Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. REFUSED TO RESPOND
6. Reporting Officer will be present at the Hearing for Category I Offenses.
☐ Inmate received Reporting Officer Response Form during service of the charge for Category II Offenses.
7. I have the right to enter into a penalty offer. ☒ Inmate Received Penalty Offer Form.
☐ Request the services of an Advisor. I understand that I have 24-hours to consider this offer.
8. I may remain silent.
9. The charge may be vacated and re-served as a different offense, which can be a higher, equivalent or lesser offense code.
10. I may be found guilty of the lesser-included offense code, in accordance with Section 861.39.

I have been informed of the charges against me, and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: Sgt. [redacted] Inmate's Signature: [redacted]
I certify that this charge was served and he/she refused to sign in the space above:
Inmate Provided copy of report: Date: 12/3/02 Time: 10:05 a.m.
Date Set for Hearing: 12/3/02 Revised Date: _____

DATA ENTERED
BY: [redacted]
DATE: 6/20/03

Inmate Discipline: DOP 861
November 1, 2002

Attachment
Page 2 of 2

DISCIPLINARY OFFENSE REPORT
(continued)

DISCIPLINARY HEARING NCC Date: 12/3/02 Time: 1315 a.m. p.m.
Institution where heard:

Tape No(s): 4839A
Plea: () Guilty (☒) Not Guilty () No Plea Inmate's Signature: Unable to sign

Reason for Absence/Exclusion of the Accused Inmate: _____

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: _____

Decision of Inmate Hearings Officer: (☒) Guilty () Not Guilty () Dismissed
Reason for Decision: Based upon R/P's written

account as to the accused writing
a threatening note to the R/P.

Penalty: 15 days Jail

Name of Interpreter/Translator (if applicable): _____

Inmate Hearings Officer's Signature: _____ Print Name: L. E. Nelson

Admitted to Pre-Hearing Detention: _____ Date In: _____ Date Out: _____

Admitted to Isolation: () Yes () No Date In: 12/3/02 Weight In: _____

Date Out: 12/15/02 Weight Out: _____

INSTITUTIONAL REVIEW: (☒) Approved () Dismissed () Suspended Penalty

() Reduced Penalty () Rehear. () Reduced to Lesser-included Offense

Comments: _____

Signature: _____ Date: 12/5/02

Print Name: D. M. Vaughan Title: _____

RECEIPT OF APPEAL COPIES: ☐ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copy of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: Walter A. Howard Date: 12-11-02

Witnessed by: Agt. Tucker Print Name: Sgt. Tucker Date: 12-21-02

Inmate: line: DO 961
November 1, 2002

Attachment 2
Page 1 of 1

Penalty Offer Form

Inmate Name: M. Martin Inmate Number: Redacted Institution: NCC Dorm: A-2
Offense Code: 212 Offense Title: Disorderly Conduct - Possession of a Weapon in a Restricted Area
Offense Date: 11-25-02 Approximate Time: 09:15 a.m. Location: J-124

PART I

I have reviewed the facts and circumstances of this offense and your institutional record.

() I offer the following penalty: 10 Days Isolation
() for the above listed offense, or
() for a lesser-included offense of: _____

Offense Title: _____

Staff Signature: [Signature] Date: 11-26-02
Print Name: [Signature] Title: [Signature]

The third copy of this form is to be forwarded to the Inmate Hearings Officer after the Officer-in-Charge completes Part I of this form. The first and second copy is to be delivered to the inmate during the service of the charge.

PART II

By signing below, I indicate that I have been advised of my rights to enter into or refuse this penalty offer. I understand that if I accept the penalty offer indicated above:

1. I will waive my right to a Disciplinary Hearing, including any right I may have to present witnesses or other evidence in my behalf, as well as any right I may have to ask questions of anyone who may have given a statement against me; and
2. I will plead guilty to the offense specified in the offer and accept the penalty indicated; and
3. Any appeal of this offense will be limited to a determination of whether there was a guilty plea, whether there was an acceptance of a penalty offer and whether there was any serious procedural error. No other reasons for an appeal will be considered;
4. I have 24-hours from the date the charge is served to accept this offer and I will be provided the opportunity to consult with an advisor, upon request;
5. If I do not accept the penalty offer, this offense will be referred for a Disciplinary Hearing; I will have the right to enter a not guilty plea at the hearing and this penalty offer will in no way influence the outcome of the hearing or the severity of any penalty imposed as a result of the hearing;
6. If I fail to respond to this offer within the time limit specified, the offer will be terminated and the offense will be referred for a Disciplinary Hearing as indicated in #3 above;

Inmate Signature: [Signature] Print Name: _____ Date: _____
Signature of Serving Officer: [Signature] Print Name: [Signature] Date: 11-26-02
This inmate has refused to sign in the space above. I certify that this penalty offer was served, and that the inmate has been advised of the conditions of acceptance. [Signature]

PART III

Choose only one (1) option and sign below. Refusal to choose an option and sign constitutes refusal of the offer.

1. () I accept the penalty offer as indicated in Part I. I understand and accept the conditions as stated in 1-6 above and my acceptance of this offer is totally voluntary. NOTE: Your signature accepting this offer must be in the presence of a staff member.
2. () I do not accept the penalty offer and understand that I will be afforded a Disciplinary Hearing.
3. () The inmate has failed to respond to this penalty offer within the specified time limits.

Inmate Signature: [Signature] Print Name: _____ Date: _____

I certify that I have received this form and that the above inmate has signed in my presence.

Staff Witness: [Signature] Print Name: [Signature] Date: 11-26-02

After the inmate accepts/declines the offer, the original is forwarded to Inmate Hearings Officer by the witnessing staff member. The inmate is given a copy of this form.

Inmate Line: DOB 351
November 1, 2002

Attachment 2
Page 1 of 1

Penalty Offer Form

Inmate Name: M. MANDU Inmate Number: Redacted Institution: NCL Dorm: A-7
Offense Code: 212 Offense Title: THREATENING BODY MOVES TO ANY PERSON IN
Offense Date: 11-25-02 Approximate Time: 0945 6 p.m. Location: J-124

PART I

I have reviewed the facts and circumstances of this offense and your institutional record.

I offer the following penalty: 10 DAYS ISO IN-02
() for the above listed offense, or
() for a lesser-included offense of: _____

Offense Title: _____

Staff Signature: D. John Date: 11-26-02
Print Name: D. COLE Title: COLE
The third copy of this form is to be forwarded to the Inmate Hearings Officer after the Officer-in-Charge completes Part I of this form. The first and second copy is to be delivered to the inmate during the service of the charge.

PART II

By signing below, I indicate that I have been advised of my rights to enter into or refuse this penalty offer. I understand that if I accept the penalty offer indicated above:

1. I will waive my right to a Disciplinary Hearing, including any right I may have to present witnesses or other evidence in my behalf, as well as any right I may have to ask questions of anyone who may have given a statement against me; and
2. I will plead guilty to the offense specified in the offer and accept the penalty indicated; and
3. Any appeal of this offense will be limited to a determination of whether there was a guilty plea, whether there was an acceptance of a penalty offer and whether there was any serious procedural error. No other reasons for an appeal will be considered;
4. I have 24-hours from the date the charge is served to accept this offer and I will be provided the opportunity to consult with an advisor, upon request;
5. If I do not accept the penalty offer, this offense will be referred for a Disciplinary Hearing; I will have the right to enter a not guilty plea at the hearing and this penalty offer will in no way influence the outcome of the hearing or the severity of any penalty imposed as a result of the hearing;
6. If I fail to respond to this offer within the time limit specified, the offer will be terminated and the offense will be referred for a Disciplinary Hearing as indicated in #5 above.

Inmate Signature: Refused to sign Print Name: _____ Date: _____
Signature of Serving Officer: Sgt. Taylor Print Name: Sgt. Taylor Date: 11-26-02
This inmate has refused to sign the offer above. I certify that this penalty offer was served, and that the inmate has been advised of the conditions of acceptance. Sgt. Taylor

PART III

Choose only one (1) option and sign below. Refusal to choose an option and sign constitutes refusal of the offer.

1. () I accept the penalty offer as indicated in Part I. I understand and accept the conditions as stated in 1-6 above and my acceptance of this offer is totally voluntary. NOTE: Your signature accepting this offer must be in the presence of a staff member.
2. () I do not accept the penalty offer and understand that I will be afforded a Disciplinary Hearing.
3. () The inmate has failed to respond to this penalty offer within the specified time limits.

Inmate Signature: Refused to sign Print Name: _____ Date: _____
I certify that I have received this form and that the above inmate has signed in my presence.
Staff Witness: Sgt. Taylor Print Name: Sgt. Taylor Date: 11-26-02

After the inmate accepts/declines the offer, the original is forwarded to Inmate Hearings Officer by the witnessing staff member. The inmate is given a copy of this form.

1977

Read this

NOTTOWAY CORRECTIONAL CENTER
INFORMAL COMPLAINT FORM

DOP 866

DATE: The day you Bitch

SENT TO: W.D. V AWP: BM OO: COS

FROM: TE NAME: Thug out Killer NUMBER: 187

ASSIGNING UNIT/CELL:

COMPLAINT:

REQUESTED ACTION:

INMATE SIGNATURE:

ASSIGNED TO DEPARTMENT HEAD: AND DATE RECEIVED: AND
FACE-TO-FACE MEETING DATE: AND DATE SCHEDULED TO:

RESPONSE:

SIGNATURE OF RESPONDER

DEPARTMENT

DATE

NOTE: IF YOU ARE NOT SATISFIED WITH THE RESPONSE YOU MAY FILE A REGULAR
GRIEVANCE WITHIN THE REQUIRED TIME FRAME AS SET FORTH IN DOP 866

NOTTOWAY CORRECTIONAL CENTER
ADJUSTMENT COMMITTEE HEARING
ISOLATION NOTICE

NAME _____ NUMBER _____ DATE _____

THE INMATE NAMED ABOVE WAS HEARD BY THE ADJUSTMENT COMMITTEE ON THIS DATE AND THE
PENALTY IMPOSED INCLUDES ISOLATION OR CELL RESTRICTION AS SPECIFIED IN "PENALTY"
BELOW.

PENALTY _____

IN- _____

OUT- _____

OFFENSE _____

CHAIRMAN

Inmate Discipline
September 1, 2000

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT
Redacted

Inmate Name: M. Mahdi Inmate Number: 5 Institution: NCC Dorm: 2-525
Offense Code: 201 Offense Title: Disobeying an order
Offense Date: 9-24-02 Approximate Time: 1730 a.m./p.m. Location: in front of mess hall
Investigation: yes 1 no Date completed: _____

Description of Offense (provide a summary of how the inmate violated this offense): ON 9-22-02
I So W Haskins advised inmate m mahdi Redacted that
he needed a hair cut and I also advised him
on 9-23-02 on 9-24-02 Inmate m mahdi was
still out of compliance

Witnesses: _____

Reporting Officer's Signature: P. W. Haskins

Print Name: P. W. Haskins

Date: 9-25-02 Time: 1635

Pre-Hearing Detention: () Yes (X) No

If yes, attach authorization form

Officer-in-Charge approving this report: _____

Signature: S. C. Hill

Print Name: S. C. Hill

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Silence constitutes a waiver of the first two (2) rights.

1. Request Inmate or Staff Advisor () Yes (X) No Name: _____
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided.
2. Request Witnesses () Yes (X) No If yes, the inmate has 48 hours (from the date of the advisement of rights) to complete and submit the Witness Request Form (Attachment 4) to the Inmate Hearings Officer. (Category II Offenses: Witnesses are not required to be present at the hearing.)
(1) _____ (2) _____ (3) _____
(4) _____ (5) _____
3. I do () do not (X) wish to waive my right to 24-hour preparation time prior to the hearing.
4. I do (X) do not () wish to appear at the Disciplinary Hearing. (Refusal to appear constitutes an admission of guilt and waiver of own witnesses.)
5. Reporting Officer will be present at the hearing. (Category II Offenses: The Reporting Officer is not required to be present at the hearing. The inmate has 48 hours (from the date of the advisement of rights) to complete and submit the Reporting Officer Response Form (Attachment 3) to the Inmate Hearings Officer.)
6. I have the right to enter into a penalty offer. I understand that an offer will be made and that I have until midnight of the following working day to consider this offer.
7. I may remain silent.
8. The charge may be vacated and reserved as a different offense, which can be a higher, equivalent, or lesser offense code.

I have been informed of the charges against me, and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: S. C. Hill Inmate's Signature: M. Mahdi

I certify that this charge was served and he/she refused to sign in the space above.

Inmate Provided copy of report: Date: 9-25-02 Time: 1830 a.m./p.m.

Date Set for Hearing: 9/30/02 Revised Date: 10/3/02 Revised Date: _____

Inmate Discipline
September 1, 2000

Attachment 1
Page 2 of 2

DISCIPLINARY OFFENSE REPORT
(continued)

DISCIPLINARY HEARING
Institution where heard: NCC Date: 10/3/02 Time: 0835 a.m./p.m.
Tape No(s): 48544
Plea: ☒ Guilty ☐ Not Guilty ☐ No Plea Inmate's Signature: Unable to sign
Reason for Absence of Requested Witnesses: _____

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed
Reason for Decision: Prison report & JPS written
account & accused's desire to plead
guilty as charged.

Penalty: 10 days Jail
Comments: _____

Inmate Hearings Officer's Signature: _____ Print Name: _____

Admitted to Pre-Hearing Detention (Isolation): _____ Date In: _____ Date Out: _____
Admitted to Disciplinary Detention (Isolation): _____
() Yes Date In: 9/24/02 Weight In: _____
() No Date Out: 10/3/02 Weight Out: _____

INSTITUTIONAL REVIEW: ☒ Approved ☐ Dismissed ☐ Suspended Penalty
☐ Reduced Penalty ☐ Reduced to Lesser Included Offense
Comments: _____

Signature: V. Dillan Date: 10/4/02
Print Name: V. Dillan Title: Chief

RECEIPT OF APPEAL COPIES:

This is to certify that I have received 2 copies of this report, and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: S. A. Mahai Date: _____
Witnessed by: Sgt. H. A. Mahai Print Name: Sgt. H. A. Mahai Date: 10/4/02

Inmate Discipline DOP 861
September 1, 2000

Attachment 5
Page 1 of 1

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Redacted

Inmate Name: N. Naldi Number: Redacted
Offense Code: 301 Offense Title: Disobeying an order
Offense Date: 9/24/02 Reporting Officer: GO W. Haskins

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: _____ Time: _____ a.m./p.m.

PART II - NOTICE OF POSTPONEMENT: (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the 30 day time frame or 15 day time frame for Pre-Hearing Detention.)

Date: 10/3/02 Time: 7:30 a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

- ___ The Reporting Officer, voluntary staff advisor or witnesses are off duty or away from the institution on the date of the hearing.
- ___ The absence of the accused inmate due to hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- ___ Awaiting the results of blood tests or other laboratory tests.
- ___ Unavailability of staff due to escape, disturbance, or natural disaster.
- ___ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.
- ___ In the case of the escape of the accused inmate.
- ___ Awaiting the outcome of criminal charges as a result of this offense.
- ___ Per written authorization of the Regional Director.

Inmate's Signature: [Signature] Date: 10/1/02
Noticed Served By: GO T. Robinson Date: 10/1/02 Time: 6:12 a.m./p.m.

Original to Inmate Hearings Officer - Copy to Inmate

WOTTOWAY CORRECTIONAL CENTER
ADJUSTMENT COMMITTEE HEARING
ISOLATION NOTICE

NAME _____ NUMBER _____ DATE _____

THE INMATE NAMED ABOVE WAS HEARD BY THE ADJUSTMENT COMMITTEE ON THIS DATE AND THE
PENALTY IMPOSED INCLUDES ISOLATION OR CELL RESTRICTION AS SPECIFIED IN "PENALTY"
BELOW.

PENALTY _____

IN- _____

OUT- _____

OFFENSE _____

CHAIRMAN

Inmate Discipline: DOP 861
November 1, 2002

Attachment #1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi Inmate Number: Redacted Institution: N.C.C. Dorm: A-
Offense Code: 701 Offense Title: D. Smuggling An Order
Offense Date: 11-12-02 Approximate Time: 08:15 In Location: Outside
Investigation ☐ YES ☒ NO Date completed: _____

Description of Offense (provide a summary of how the inmate violated this offense by using the Formula: Who, what, when, where, and how, and any unusual behavior, any physical evidence and its disposition, and any disciplinary action taken, including use of force):

on 11-12-02 I got Dan's White card and he picked up the bottom tier. I saw M. Mahdi Redacted cell. And he was in a hallway on the pool floor. Inmate M. Mahdi refused to pass his ID card back through the bars. I therefore filed this report. WAS WRITTEN.

☒ Description contained on attached page.

Witnesses: _____

Reporting Officer's Signature: John Davis

Print Name: J. Davis

Date: 11-12-02

Time: 12:28

Pre-Hearing Detention: ☒ Yes ☐ No

If yes, attach authorization form.

Officer-in-Charge investigating report: _____

Signature: Markell J.

Print Name: Markell J.

Date: 11-12-02

Time: 2:16

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond or indicate a preference does not constitute a waiver of any right.

- ☐ Yes ☐ No Request Immediate Staff Advisor. None
NOTE: Inmate advisors are appointed by the Institution. Staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided. ☒ REFUSED TO RESPOND.
- ☐ Yes ☐ No Request Witnesses. ☐ Request the services of an Advisor.
☒ Inmate received Written Request Form(s) during the service of the charge. ☒ REFUSED TO RESPOND.
- Right to present documentary evidence. ☐ Request the services of an Advisor.
This form is available in each housing unit. ☒ REFUSED TO RESPOND.
- ☐ Yes ☐ No I will waive my right to 24-hour preparation time prior to the hearing. ☒ REFUSED TO RESPOND.
- ☐ Yes ☐ No I will appear at the Disciplinary Hearing.
Refusal to appear is an admission of guilt and a waiver of witnesses and your right to a disciplinary hearing. ☒ REFUSED TO RESPOND.
- Reporting Officer will be present at the hearing for Category I Offenses.
☒ Inmate received Reporting Officer Response Form during service of the charge for Category II Offense.
- I have the right to enter into a penalty offer. ☐ Inmate Received Penalty Offer Form.
☐ Request the service of an Advisor. Understanding that I have 24 hours to consider this offer.
- I may remain silent.
- The charge may be reclassified and reclassified as a different offense, which can be a higher, equivalent or lesser offense code.
- I may be found guilty of the lesser-included offense code, in accordance with Section 861.29.

I have been informed of the charges against me, and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: S.K. Williams

Inmate's Signature: Redacted to Sign

I certify that this charge was served and inmate refused to sign in the space above: S.K. Williams

Inmate Provided copy of report: Date: 11-12-02

Time: 2:30

Date Set for Hearing: 11/19/02

Revised Date: _____

Revised Date: _____

DATA ENTERED
NOTOWAY CORRECTIONAL CENTER

DEC 11 2002

Inmate Discipline: DOP 861
November 1, 2002

Attachment #1
Page 2 of 2

DISCIPLINARY OFFENSE REPORT
(continued)

DISCIPLINARY HEARING NPC Date: 11/19/02 Time: 1430 a.m./p.m.
Institution where heard: 4838A
Tape No(s): 4838A
Plea: ☒ Guilty () Not Guilty () No Plea Inmate's Signature: Refuse to appear
Reason for Absence/Exclusion of the Accused Inmate: _____

Reason for Absence of Requested Witnesses and/or Denial of Documentary Evidence: _____

Decision of Inmate Hearings Officer: ☒ Guilty ☐ Not Guilty ☐ Dismissed
Reason for Decision: Disciplinary P/O's written
account as to the accused not
complying with order as given

Penalty: Twelve (12) dollars fine

Name of Interpreter/Translator (if applicable): _____

Inmate Hearings Officer's Signature: _____ Print Name: L.E. Nelson

Admitted to Pre-Hearing Detention: _____ Date In: _____ Date Out: _____

Admitted to Isolation: _____ Date In: _____ Weight In: _____

() Yes _____ Date Out: _____ Weight Out: _____

() No _____

INSTITUTIONAL REVIEW: ☒ Approved () Dismissed () Suspended Penalty

() Reduced Penalty () Rehear

() Reduced to Lesser-included Offense

Comments: _____

Signature: J. M. Vaughan Date: 11/20/02

Print Name: J. M. Vaughan Title: Warden

RECEIPT OF APPEAL COPIES: ☐ Inmate intends to appeal. ☐ Inmate does not intend to appeal.

This is to certify that I have received a copy of this report and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: Arthur J. Nelson Date: 11-22-02

Witnessed by: St. G. Serrano Print Name: St. G. Serrano Date: 11-22-02

Inmate Discipline: DOP 861
November 1, 2002

Attachment 2
Page 1 of 1

Penalty Offer Form

Inmate Name: M. Mahdi Inmate Number: Redacted Institution: ACC Dorm: A
Offense Code: 201 Offense Title: Disobeying an Order
Offense Date: 11-12-02 Approximate Time: 0515 p.m. Location: East side

PART I

I have reviewed the facts and circumstances of this offense and your institutional record.

☒ I offer the following penalty: 6:00 fine
() for the above listed offense, or
() for a lesser-included offense of: _____

Offense Title: _____ Date: 11-12-02
Staff Signature: Mansull J Title: LT
Print Name: Mansull J
The third copy of this form is to be forwarded to the Inmate Hearings Officer after the Officer-in-Charge completes Part I of this form. The first and second copy is to be delivered to the inmate during the service of the charge.

PART II

By signing below, I indicate that I have been advised of my rights to enter into or refuse this penalty offer. I understand that if I accept the penalty offer indicated above:

- I will waive my right to a Disciplinary Hearing, including any right I may have to present witnesses or other evidence in my behalf, as well as any right I may have to ask questions of anyone who may have given a statement against me; and
- I will plead guilty to the offense specified in the offer and accept the penalty indicated; and
- Any appeal of this offense will be limited to a determination of whether there was a guilty plea, whether there was an acceptance of a penalty offer and whether there was any serious procedural error. No other reasons for an appeal will be considered;
- I have 24 hours from the date the charge is served to accept this offer and I will be provided the opportunity to consult with an advisor, upon request;
- If I do not accept the penalty offer, this offense will be referred for a Disciplinary Hearing. I will have the right to enter a not guilty plea at the hearing and this penalty offer will in no way influence the outcome of the hearing or the severity of any penalty imposed as a result of the hearing;
- If I fail to respond to this offer within the time limit specified, the offer will be terminated and the offense will be referred for a Disciplinary Hearing as indicated in #5 above.

Inmate Signature: _____ Print Name: _____ Date: _____
Signature of Serving Officer: _____ Print Name: _____ Date: _____
This inmate has refused to sign in the space above. I certify that this penalty offer was served, and that the inmate has been advised of the conditions of acceptance.

PART III

Choose only one (1) option and sign below. Refusal to choose an option and sign constitutes refusal of the offer.

- () I accept the penalty offer as indicated in Part I. I understand and accept the conditions as stated in 1-6 above and my acceptance of this offer is totally voluntary. NOTE: Your signature accepting this offer must be in the presence of a staff member.
- () I do not accept the penalty offer and understand that I will be afforded a Disciplinary Hearing.
- () The inmate has failed to respond to this penalty offer within the specified time limits.

Inmate Signature: _____ Print Name: _____ Date: _____
I certify that I have received this form and that the above inmate has signed in my presence.
Staff Witness: _____ Print Name: _____ Date: _____
After the inmate accepts/declines the offer, the original is forwarded to Inmate Hearings Officer by the witnessing staff member. The inmate is given a copy of this form.

Inmate Discipline DOP 861
September 1, 2000

7 Attachment 5
Page 1 of 1

NOTICE OF HEARING DATE/POSTPONEMENT/CONTINUANCE

Inmate Name: M. Mahdi Number: Redacted
Offense Code: 201 Offense Title: Disobeying an order
Offense Date: 11/12/02 Reporting Officer: Co W. Davis

PART I - NOTICE OF HEARING DATE

This notice should be served at least 24-hours prior to the hearing date.

This is to inform you that your Disciplinary Hearing for the above listed offense has been scheduled for:

Date: 11/19/02 Time: TBA a.m./p.m.

PART II - NOTICE OF POSTPONEMENT: (revised hearing date)

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for: (The hearing is still within the 30 day time frame or 15 day time frame for Pre-Hearing Detention.)

Date: _____ Time: _____ a.m./p.m.

PART III - NOTICE OF AUTHORIZED CONTINUANCE:

This is to inform you that your Disciplinary Hearing for the above listed offense has been rescheduled for:

Date: _____ Time: _____ a.m./p.m.

- ___ The Reporting Officer, voluntary staff advisor or witnesses are off duty or away from the institution on the date of the hearing.
- ___ The absence of the accused inmate due to hospitalization or temporary transfer to another location for medical purposes, court appearances, or other reasons.
- ___ Awaiting the results of blood tests or other laboratory tests.
- ___ Unavailability of staff due to escape, disturbance, or natural disaster.
- ___ Prolonged absence of Reporting Officer due to illness, temporary leave of absence, mandatory training or military leave.
- ___ In the case of the escape of the accused inmate.
- ___ Awaiting the outcome of criminal charges as a result of this offense.
- ___ Per written authorization of the Regional Director.

Inmate's Signature: Refused to sign Date: 11/14/02
Noticed Served By: W. Bander Date: 11/14/02 Time: 01:55 a.m./p.m.

Original to Inmate Hearings Officer - Copy to Inmate

Inmate Discipline: DOP 861
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Attachment 10
Page 1 of 1

REFUSAL TO APPEAR

Inmate Name: W. Alkadi Number: Redacted
Building: A Bed/Cell: 7
Offense Code: 301 Offense Title: Disobeying an order
Offense Date: Nov 15, 2002 Hearing Date: Nov 19, 2002

On Nov 19, 2002 at 9:12 a.m./p.m. the above named
inmate was asked by C/O M. Berkley if he/she wished to attend the
(Print Name and Title)
hearing; however, he/she refused to report to the hearing.

As witnessed by C/O M. Berkley
(Signed)

Inmate Discipline: DOP 861
September 1, 2000

Attachment 6
Page 2 of 2

NOTICE OF LOSS OF PAY/DEDUCTION FOR FINE

To: Business Office

From: Inmate Hearings Officer: _____

Date: _____

Inmate Name: _____ Number: _____

Offense Date: _____ Hearing Date: _____ Offense Code: _____

Offense Title: _____

ASSESSMENT OF PENALTY - FINE:

As a result of being found guilty of the above listed offense, in accordance with Sections 861.6 (Penalty 5) and 861.7(N), a penalty of a fine has been imposed by the Inmate Hearings Officer in the amount of: \$ _____ (not to exceed \$12.00)

This amount should be deducted from inmate's account and placed in the Commissary Fund. If there are insufficient funds on the inmate's account to cover this fine, the fine will be set up as an outstanding debt to be paid when funds are deposited to the account.

ASSESSMENT OF PENALTY - LOSS OF PAY:

As a result of being found guilty of the above listed offense, in accordance with Sections 861.6 (Penalty 5) and 861.7(N), a penalty of loss of pay has been imposed by the Inmate Hearings Officer for unpaid work hours: _____ (not to exceed 60 hours worked)

The inmate should not be paid for the hours he/she has worked, as reflected on his/her time card, starting on the Hearing Date, listed above, and ending when the total number of unpaid hours specified above have been worked.

BUSINESS OFFICE ACTION:

Deduction of fine completed: _____ (Date) Placed in Commissary Fund.

Unpaid work hours completed: _____ (Date) Reinstate pay.

Signature: _____ Date: _____

The original of this form must be kept on file by the Business Office to document the deductions/unpaid work hours on the inmate's account.

Inmate Discipline
September 1, 2000

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mahdi = Redacted Inmate Number: Reda Institution: NCC Dorm: N-210
Offense Code: 201 Offense Title: Disobeying a Direct Order
Offense Date: 06-04-02 Approximate Time: 1245 a.m./p.m. Location: BLVD
Investigation: yes ☒ no ☐ Date completed: _____

Description of Offense (provide a summary of how the inmate violated this offense): On June 4, 2002
I 90 R.M. Swann gave inmate M. Mahdi Redacted a direct
order to tuck his shirt tail in and refuse to do
so and kept on walking down the Blvd.

Witnesses: L.F. Ferguson
G.F. Williams

Reporting Officer's Signature: G.R.M. Swann SR.

Print Name: G.R.M. Swann SR.
Date: 06-04-02 Time: 13:00

Pre-Hearing Detention: ☒ Yes () No

If yes, attach a waiver for form

Officer-in-Charge approving this report:

Signature: [Signature]
Print Name: [Name]

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Silence constitutes a waiver of the first two (2) rights.

1. Request Inmate or Staff Advisor () Yes () No Name: _____
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided.

Request Witnesses () Yes () No If yes, the inmate has 48 hours (from the date of the advisement of rights) to complete and submit the Witness Request Form (Attachment 4) to the Inmate Hearings Officer. (Category II Offenses: Witnesses are not required to be present at the hearing.)

(1) _____ (2) _____ (3) _____
(4) _____ (5) _____

I do () do not ☒ wish to waive my right to 24 hour preparation time prior to the hearing.
4. I do ☒ do not () wish to appear at the Disciplinary Hearing. (Refusal to appear constitutes an admission of guilt and waiver of own witnesses.)

5. Reporting Officer will be present at the hearing. (Category II Offenses: The Reporting Officer is not required to be present at the hearing. The inmate has 48 hours (from the date of the advisement of rights) to complete and submit the Reporting Officer Response Form (Attachment 3) to the Inmate Hearings Officer.)

6. I have the right to enter into a penalty offer. I understand that an offer will be made and that I have until midnight of the following working day to consider this offer.

7. I may remain silent.

8. The charge may be vacated and reserved as a different offense, which can be a higher, equivalent, or lesser offense code.

I have been informed of the charges against me and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: [Signature] Inmate's Signature: M. Mahdi

I certify that this charge was served and he/she refused to sign in the space above.

Inmate Provided copy of report: Date: 6-5-02 Time: 2:50 PM a.m./p.m.
Date Set for Hearing: 6/11/02 Revised Date: _____ Revised Date: _____

DATA ENTERED
NOTTOWAY CORRECTIONAL CENTER

JUL 03 2002

Inmate Discipline
September 1 2000

Attachment 1
Page 2 of 2

DISCIPLINARY OFFENSE REPORT
(continued)

DISCIPLINARY HEARING: NPC Date: 6/16/02 Time: 1340 a.m./p.m.
Institution where heard: 4803B

Tape No(s): 4803B
Plea: () Guilty () Not Guilty () No Plea Inmate's Signature: _____

Reason for Absence of Requested Witnesses: _____

Decision of Inmate Hearings Officer: () Guilty () Not Guilty () Dismissed
Reason for Decision: Acceptance of penalty offer

Six (6) dollars fine

Signature: _____ Print Name: L E Nelson
Date In: _____ Date Out: _____
Weight In: _____ Weight Out: _____
☒ Approved ☐ Dismissed ☐ Suspended Penalties
☐ Reduced Penalty ☐ Reduced to lesser included offense

Signature: Don Vagstad Date: 6/21/02
Title: Warden

RECEIPT OF APPEAL COPIES:

This is to certify that I have received 2 copies of this report, and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: Robert L. Smith Date: 6-20-02
Witnessed by: Sgt. R.C. Danner Print Name: A.C. Danner Date: 6-20-02

Inmate Discipline DOP 861
September 1, 2000

Attachment 2
Page 1 of 1

Penalty Offer Form

Inmate Name: M. MAHDI Inmate Number: Redacted Institution: ACC Dorm: N227
Offense Code: 501 Offense Title: Disobeying A Direct Order
Offense Date: 06-14-02 Approximate Time: 1245 a.m. Location: BIVD

PART I

I have reviewed the facts and circumstances of this offense and your institutional record.

☒ I offer the following penalty: 86.00 fine

- ☐ for the above-listed offense, or
☐ for an equal or lesser offense of: _____

Offense Title: _____

Staff Signature: [Signature]

Date: 6-5-02

Print Name: [Signature]

Title: CT

The third copy of this form is to be forwarded to the Inmate Hearings Officer after the Officer-in-Charge completes Part I of this form. The first and second copy is to be delivered to the inmate during the service of the charge.

PART II

By signing below, I indicate that I have been advised of my rights to enter into or refuse this penalty offer and I understand that:

1. I will waive my right to a Disciplinary Hearing, including any right I may have to present witnesses or other evidence in my behalf, as well as any right I may have to ask questions of anyone who may have given a statement against me; and
2. I will plead guilty to the offense specified in the offer and accept the penalty indicated; and
3. Any appeal of this offense will be limited to a determination of whether there was a guilty plea, whether there was an acceptance of a penalty offer and whether there was any serious procedural error. No other reasons for an appeal will be considered;
4. I have until midnight of the following working day, from the date the charge is served, to accept this offer, and I will be provided the opportunity to consult with an advisor, upon request;
5. If I do not accept the penalty offer, this offense will be referred for a Disciplinary Hearing; I will have the right to enter a not guilty plea at the hearing and this penalty offer will in no way influence the outcome of the hearing or the severity of any penalty imposed as a result of the hearing;
6. If I fail to respond to this offer within the time limit specified, the offer will be terminated and the offense will be referred for a Disciplinary Hearing as indicated in #5 above.

Choose only one (1) option and sign below. Refusal to choose an option and sign constitutes refusal of the offer.

1. ☒ I accept the penalty offer as indicated in Part I. I understand and accept the conditions as stated in 1-6 above and my acceptance of this offer is totally voluntary. NOTE: Your signature accepting this offer must be in the presence of a staff member.
2. ☐ I do not accept the penalty offer and understand that I will be afforded a Disciplinary Hearing.
3. ☐ The inmate has failed to respond to this penalty offer within the specified time limits.

Inmate Signature: [Signature]

Print Name: M. Mahdi

Date: 6/5/02

I certify that I have received this form and that the above inmate has signed in my presence.

Staff Witness: [Signature]

Print Name: [Signature]

Date: 6-5-02

After the inmate accepts/declines the offer, the original is forwarded to Inmate Hearings Officer by the witnessing staff member. The inmate is given a copy of this form.

Inmate Discipline: DOP 861
September 1, 2000

Attachment 6
Page 2 of 2

NOTICE OF LOSS OF PAY/DEDUCTION FOR FINE

To: Business Office

From: Inmate Hearings Officer: _____

Date: _____

Inmate Name: _____ Number: _____

Offense Date: _____ Hearing Date: _____ Offense Code: _____

Offense Title: _____

ASSESSMENT OF PENALTY - FINE:

As a result of being found guilty of the above listed offense, in accordance with Sections 861.6 (Penalty 5) and 861.7(N), a penalty of a fine has been imposed by the Inmate Hearings Officer in the amount of \$ _____ (not to exceed \$12.00)

This amount should be deducted from inmate's account and placed in the Commissary Fund. If there are insufficient funds on the inmate's account to cover this fine, the fine will be set up as an outstanding debt to be paid when funds are deposited to the account.

ASSESSMENT OF PENALTY - LOSS OF PAY:

As a result of being found guilty of the above listed offense, in accordance with Sections 861.6 (Penalty 5) and 861.7(N), a penalty of loss of pay has been imposed by the Inmate Hearings Officer for unpaid work hours: _____ (not to exceed 60 hours worked)

The inmate should not be paid for the hours he/she has worked, as reflected on his/her time card, starting on the Hearing Date, listed above, and ending when the total number of unpaid hours specified above have been worked.

BUSINESS OFFICE ACTION:

Deduction of fine completed: _____ Placed in Commissary Fund.
(Date)

Unpaid work hours completed: _____ Reinstate pay.
(Date)

Signature: _____ Date: _____

The original of this form must be kept on file by the Business Office to document the deductions/unpaid work hours on the inmate's account.

Inmate Discipline
September 1, 2000

Attachment 1
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DISCIPLINARY OFFENSE REPORT

Inmate Name: Mikal Mahto Inmate Number: Redact Institution: S.R.C.C. Dorm: C14B
Offense Code: 229 Offense Title: Being in an unauthorized area
Offense Date: 12-15-01 Approximate Time: 6:30p a.m./p.m. Location: C-Wing
Investigation: yes no Date Completed: _____

Description of Offense (provide a summary of how the inmate violated this offense): On the above
date & time, I, L. Anthony did see inmate Mikal Mahto 'Redact'
out in C-Wing hallway without permission. *N.B. C-Court;
Officer stated he did not open cell C-14. Therefore
the charge was written

Witnesses: 1/2 Mahto

Reporting Officer's Signature: L. Anthony

Print Name: L. Anthony

Date: 12-15-01 Time: 6:33pm

Pre-Hearing Detention: () Yes (X) No

If yes, attach authorization form.

Officer-in-Charge approving this report:

Signature: [Signature]

Print Name: [Name]

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Silence constitutes a waiver of the first two (2) rights.

1. Request Inmate or Staff Advisor () Yes (X) No Name: _____
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided.
2. Request Witnesses () Yes (X) No If yes, the inmate has 48 hours (from the date of the advisement of rights) to complete and submit the Witness Request Form (Attachment 4) to the Inmate Hearings Officer. (Category II Offenses: Witnesses are not required to be present at the hearing.)
(1) _____ (2) _____ (3) _____
(4) _____ (5) _____
3. I do () do not (X) wish to waive my right to 24-hour preparation time prior to the hearing.
4. I do () do not (X) wish to appear at the Disciplinary Hearing. (Refusal to appear constitutes an admission of guilt and waiver of own witnesses.)
5. Reporting Officer will be present at the hearing. (Category II Offenses: The Reporting Officer is not required to be present at the hearing. The inmate has 48 hours (from the date of the advisement of rights) to complete and submit the Reporting Officer Response Form (Attachment 3) to the Inmate Hearings Officer.)
6. I have the right to enter into a penalty offer. I understand that an offer will be made and that I have until midnight of the following working day to consider this offer.
7. I may remain silent.
8. The charge may be vacated and reserved as a different offense, which can be a higher, equivalent, or lesser offense code.

I have been informed of the charges against me and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: [Signature]

Inmate's Signature: [Signature]

I certify that this charge was served and he/she refused to sign in the space above.

Inmate Provided copy of report: Date: 12/17/01

Time: 6:30

Date Set for Hearing: 1-3-02

Revised Date: _____

Revised Date: _____

1 Central Record/White 2 Inst. Record/Pink 3 Inmate Copy/Yellow 4 Inmate's Copy Appeal/Green 5 Inmate's Copy Appeal/Gold

Inmate Discipline
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Attachment 1
Page 2 of 2

DISCIPLINARY OFFENSE REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: _____ Date: _____ Time: _____ a.m./p.m.

Tape Not(s): _____

Plea: () Guilty () Not Guilty () No Plea Inmate's Signature: _____

Reason for Absence of Requested Witnesses: _____

Decision of Inmate Hearings Officer: () Guilty () Not Guilty () Dismissed

Reason for Decision: _____

Penalty: 30 days loss of visitation

Comments: _____

Inmate Hearings Officer's Signature: John R. White Print Name: John R. White

Admitted to Pre-Hearing Detention: _____ Date In _____ Date Out _____

Admitted to Isolation:
() Yes Date In _____ Weight In _____
() No Date Out _____ Weight Out _____

INSTITUTIONAL REVIEW: () Approved () Dismissed () Suspended Penalty
() Reduced Penalty () Vacate - Repeat New Offense

Comments: _____

30 days loss of visitation privileges suspended on 01-23-02 due to transfer. RKE/pct

Signature: Robert R. Epps, Sr. Date: 12-13-01

Print Name: Robert R. Epps, Sr. Title: Chief of Institution

RECEIPT OF APPEAL COPIES:

This is to certify that I have received 2 copies of this report, and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____ Date: _____

Witnessed by: _____ Print Name: _____ Date: _____

1 Central Record/White 2 Inst. Record/Pink 3 Inmate Copy/Yellow 4 Inmate's Copy Appeal/Green 5 Inmate's Copy Appeal/Gold

Inmate Discipline DOP 861
September 1, 2000

Attachment 2
Page 1 of 1

Penalty Offer Form

AI

Inmate Name: M. Mahdi Inmate Number: Redacted Institution: SPCC Dorm: CAB
Offense Code: 229 Offense Title: Being in an Unauthorized Area
Offense Date: 12-15-01 Approximate Time: 6:30 a.m. Location: C-hall

PART I

I have reviewed the facts and circumstances of this offense and your institutional record.

(☒) I offer the following penalty: 30 days loss of visitation
(☐) for the above listed offense, or
(☐) for an equal or lesser offense of: _____

Offense Title: _____

Staff Signature: [Signature] Date: 12/17/01

Print Name: [Signature] Title: [Signature]

The third copy of this form is to be forwarded to the Inmate Hearings Officer after the Officer-in-Charge completes Part I of this form. The first and second copy is to be delivered to the inmate during the service of the charge.

PART II

By signing below, I indicate that I have been advised of my rights to enter into or refuse this penalty offer and I understand that:

1. I will waive my right to a Disciplinary Hearing, including any right I may have to present witnesses or other evidence in my behalf, as well as any right I may have to ask questions of anyone who may have given a statement against me; and
2. I will plead guilty to the offense specified in the offer and accept the penalty indicated; and
3. Any appeal of this offense will be limited to a determination of whether there was a guilty plea, whether there was an acceptance of a penalty offer and whether there was any serious procedural error. No other reasons for an appeal will be considered;
4. I have until midnight of the following working day, from the date the charge is served, to accept this offer, and I will be provided the opportunity to consult with an advisor, upon request;
5. If I do not accept the penalty offer, this offense will be referred for a Disciplinary Hearing; I will have the right to enter a not guilty plea at the hearing and this penalty offer will in no way influence the outcome of the hearing or the severity of any penalty imposed as a result of the hearing;
6. If I fail to respond to this offer within the time limit specified, the offer will be terminated and the offense will be referred for a Disciplinary Hearing as indicated in #5 above.

Choose only one (☒) option and sign below. Refusal to choose an option and sign constitutes refusal of the offer.

1. (☒) I accept the penalty offer as indicated in Part I. I understand and accept the conditions as stated in 1-6 above and my acceptance of this offer is totally voluntary. NOTE: Your signature accepting this offer must be in the presence of a staff member.
2. (☐) I do not accept the penalty offer and understand that I will be afforded a Disciplinary Hearing.
3. (☐) The inmate has failed to respond to this penalty offer within the specified time limits.

Inmate Signature: [Signature] Print Name: Mikal Mahdi Date: 12/17/01

I certify that I have received this form and that the above inmate has signed in my presence.

Staff Witness: [Signature] Print Name: [Signature] Date: 12/17/01

After the inmate accepts/declines the offer, the original is forwarded to Inmate Hearings Officer by the witnessing staff member. The inmate is given a copy of this form.

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September 1, 2000

Attachment 1
Page 1 of 2

DISCIPLINARY OFFENSE REPORT

1473
Inmate Name: U. Mahd Inmate Number: Redacted Dorm: B15B
Offense Code: 213 Offense Title: Failure to Follow Institutional
Offense Date: 11-28-01 Approximate Time: 1:04 p.m. Location: Buring
Investigation: yes Date Completed:

Description of Offense (provide a summary of how the inmate violated this offense): While performing
labor count in Buring M. Mahd: is B15B did
not stand for count. He was in bed prior to counting
the whole was blown and Major count commended

Witnesses: Reporting Officer's Signature: Ch. M. HordPrint Name: Ch. M. HordDate: 11-28-01Time: 12:00 p.m.Pre-Hearing Detention: () Yes (x) No

If yes, attach authorization form.

Officer-in-Charge approving this report: Signature: M. M. HordPrint Name: M. M. Hord

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Signing constitutes a waiver of the first two (2) rights.

1. Request Inmate or Staff Advisor () Yes (x) No Name:
NOTE: Inmate advisors are appointed by the institution; staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided.
2. Request Witnesses () Yes (x) No If yes, the inmate has 48 hours (from the date of the advisement of rights) to complete and submit the Witness Request Form (Attachment 4) to the Inmate Hearings Officer. (Category II Offenses: Witnesses are not required to be present at the hearing.)
(1) (2) (3) (4) (5)
3. I do () do not (x) wish to waive my right to 24-hour preparation time prior to the hearing.
4. I do () do not (x) wish to appear at the Disciplinary Hearing (Refusal to appear constitutes an admission of guilt and waiver of own witnesses).
5. Reporting Officer will be present at the hearing. (Category II Offenses: The Reporting Officer is not required to be present at the hearing. The inmate has 48 hours (from the date of the advisement of rights) to complete and submit the Reporting Officer Response Form (Attachment 3) to the Inmate Hearings Officer.)
6. I have the right to enter into a penalty offer. I understand that an offer will be made and that I have until midnight of the following working day to consider this offer.
7. I may remain silent.
8. The charge may be vacated until reserved as a different offense, which can be a higher, equivalent, or lesser offense code.

I have been informed of the charges against me and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: M. M. HordInmate's Signature: I certify that this charge was served and he/she refused to sign in the space above: Inmate Provided copy of report: Date: 11-28-01Time: 12:00 p.m.Date Set for Hearing: 12-7-01Revised Date: Revised Date:

Inmate Discipline
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Attachment 1
Page 2 of 2

DISCIPLINARY OFFENSE REPORT
(continued)

DISCIPLINARY HEARING

Institution where heard: SKCC Date: 12-7-01 Time: 7:48 a.m./p.m.

Tape No(s): 42-1 Refused to sign

Plea: () Guilty () Not Guilty (X) No Plea Inmate's Signature: _____

Reason for Absence of Requested Witnesses: _____

Decision of Inmate Hearings Officer: (X) Guilty () Not Guilty () Dismissed

Reason for Decision: The accused was found guilty based on the testimony of the reporting officer that the accused was not standing for major count and was in bed.

Penalty: 15 days ISO based on his past record.

Comments: _____

Inmate Hearings Officer's Signature: John R. Smith Print Name: John R. Smith

Admitted to Pre-Hearing Detention: Date In _____ Date Out _____

Admitted to Isolation: (X) Yes () No Date In 12-11-01 Date Out 12-25-01 Weight In _____ Weight Out _____

INSTITUTIONAL REVIEW: (X) Approved () Dismissed () Suspended Penalty () Reduced Penalty () Vacate - Rehear New Offense

Comments: _____

Signature: Robert K. Epperson Date: 12-10-01

Print Name: Robert K. Epperson Title: Chief of Security

RECEIPT OF APPEAL COPIES:

This is to certify that I have received 2 copies of this report, and have been advised of my right to appeal the decision to the Warden/Superintendent (Category I and II Offenses) and to the Regional Director (Category I Offenses only).

Inmate's Signature: _____ Date: _____

Witnessed by: _____ Print Name: _____ Date: _____

1 Central Record/White 2 Inst. Record/Pink 3 Inmate Copy: Yellow 4 Inmate's Copy Appeal/Green 5 Inmate's Copy Appeal/Gold

Inmate Discipline: DOP 861
September 1, 2000

Attachment: 3
Page 1 of 1

REPORTING OFFICER RESPONSE FORM

Inmate Name: Ukhal Mahdi Inmate Number: Redacted Dorm: B-15
Offense Code: 213 Offense Title: Failure to Follow Instructions
Offense Date: 11-23-01 Approximate Time: 704 a.m./p.m. Location: B-15

PART I - INSTRUCTION: Inmate: If you want to cross-examine the Reporting Officer, provide up to four (4) questions in the space provided below. It is your responsibility to submit this form to the Hearings Officer within 48 hours of service of the charge.

Reporting Officer: Go M. Gonde Title: C/O

PART II - QUESTIONS AND STATEMENT: Staff may not decline to submit a response to the following question(s). The hearing is scheduled for _____ Reporting Officer must return to IHO by _____

Question #1: It's sad to me that you
get so much enjoyment out

Response #1: of watching me up to the
chairs that you hate your
self and everyone around you

Question #2: You are a
help body

Response #2: _____

Question #3: _____

Response #3: _____

Question #4: _____

Response #4: _____

Reporting Officer's Signature: _____ Print Name: _____ Date: _____

Inmate Discipline
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Attachment 1
Page 1 of 2

1504
DISCIPLINARY OFFENSE REPORT

Inmate Name: M. Mobili Inmate Number: Redact Institution: SPCC Dorm: B150
Offense Code: 201 Offense Title: Disobeying AD Order
Offense Date: 12/6/01 Approximate Time: 8:30 a.m./p.m. Location: Movie Room / Chapel
Investigation: yes ☒ no ☐ Date Completed: 12/6/01

Description of Offense (provide a summary of how the inmate violated this offense): On the above date + time, Cell restriction inmates were ask to return to their cell after the new telephone orientation. Mobili M. Redacted refuse to leave after being told. Sgt Spiggs was notified and also told him and he still remain seated

Witnesses: Sgt Spiggs

Reporting Officer's Signature: [Signature]
Print Name: J. M. Robertson
Date: 12/6/01 Time: 10:25 PM
If yes, attach authorization form:
Signature: [Signature]
Print Name: [Signature]

Pre-Hearing Detention: () Yes ☒ No

Officer-in-Charge approving this report:

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Silence constitutes a waiver of the first two (2) rights.

1. Request Inmate or Staff Advisor () Yes ☒ No ☐ Name: [Signature]
NOTE: Inmate advisors are appointed by the institution, staff advisors are voluntary. However, should an inmate advisor not be available, a staff advisor will be provided.
2. Request Witnesses () Yes ☒ No ☐ If yes, the inmate has 48 hours (from the date of the advisement of rights) to complete and submit the Witness Request Form (Attachment 4) to the Inmate Hearings Officer. (Category II Offenses: Witnesses are not required to be present at the hearing.)
(1) _____ (2) _____ (3) _____
(4) _____ (5) _____
3. I do ☒ do not () wish to waive my right to 24-hour preparation time prior to the hearing.
4. I do ☒ do not () wish to appear at the Disciplinary Hearing. (Refusal to appear constitutes an admission of guilt and waiver of own witnesses.)
5. Reporting Officer will be present at the hearing. (Category II Offenses: The Reporting Officer is not required to be present at the hearing. The inmate has 48 hours (from the date of the advisement of rights) to complete and submit the Reporting Officer Response Form (Attachment 3) to the Inmate Hearings Officer. (12/6/01)
6. I have the right to enter into a penalty offer. I understand that an offer will be made and that I have until midnight of the following working day to consider this offer.
7. I may remain silent.
8. The charge may be vacated and reserved as a different offense, which can be a higher, equivalent, or lesser offense code.

I have been informed of the charges against me and advised of my rights at the Disciplinary Hearing.

Served and Witnessed by: [Signature] Inmate's Signature: [Signature]
I certify that this charge was served and he/she refused to sign in the space above. [Signature]
Inmate Provided copy of report: Date: 12-7-01 Time: 10:30 a.m./p.m.
Date Set for Hearing: 12-18-01 Revised Date: _____

1 Central Record/White 2 Inst. Record/Pink 3 Inmate Copy/Yellow 4 Inmate's Copy/Append/Green 5 Inmate's Copy/Append/Gold