

## DISPOSITION OF DISCIPLINARY CASE

INMATE NAME & NO. BELL, ERIC #81096

CASE NO. 10-12-075

### TESTIMONY

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This is a summary of the disciplinary hearing and is not intended to be a transcript.

Inmate Bell was sworn in, the DR was read into the record, there was a witness slip submitted with Washington 93961 and Love 97757. Both submitted written statements in lieu of appearance in Segregation. Inmate Bell requested a continuance at this time, Attachment A. This was denied by the Disciplinary Administrator as due to

A) inmate Bell's Attorney will not be part of the Administrative hearing nor would his legal advice be allowed, and

B) Mental Health had not seen any reason to place inmate Bell on any status that would prevent the hearing from commencing and being finished, Attachment B; and

C) Refer to A in reference to this being an Administrative hearing and the Disciplinary Administrator is not schooled in law and the legal cases that inmate Bell stated he needed.

After inmate Bell was told the hearing would continue without delay, he immediately pulled out a Declaration of Duress, Attachment C.

When questioned by the Disciplinary Administrator if he had anything further, he also produced a hand written document, herein listed as Attachment D, for his statement of the facts. This was entered into the record as his statement as to the incident. When he was asked if he had anything else, inmate Bell remained mute. He was given another chance to speak, he chose not to and he was informed the hearing would be held with a Staff Assistant assigned to him and held without his person being in the room. He was escorted out of the hearing room at this time.

About 5 minutes later, the staff member who had escorted inmate Bell out came back in and requested the third document and he was informed that the document was part of the record and would not be given back to inmate Bell, as it was the original and needed to be maintained, undisturbed or altered from the condition it had been received.

Inmate Love's (97757) statement says he and Bell were coming from the showers when Bell was called to CS1 Widener. As they talked, another staff member ran up and grabbed Bell as he was fighting them. While Bell was on the ground, COII Almanza was kicking Bell. Then as Bell was being taken downstairs, they were still hitting Bell.

Inmate Washington's (93961) statement says that Bell went to talk to CS1 Widener and after Widener told him to cuff up, at which point Bell said no, he wanted to speak to the Captain. Widener told him no the Captain wasn't coming up and he needed to cuff up. As CS1 Widener was attempting to cuff inmate Bell up, Bell hit Widener and then COII Almanza and a few other staff members took Bell down, sprayed him with OC and tried to restrain him.

ALTHOUGH AT THIS POINT, INMATE BELL HAD WILLINGLY GIVEN A WRITTEN STATEMENT FOR HIS DEFENSE, AND ALL WITNESSES HAD BEEN CALLED AND STATEMENTS DOCUMENTED, STAFF ASSISTANCE WAS STILL ASSIGNED TO ALLEVIATE ANY POSSIBLE MISINTERPRETATION OF THE PROCEEDINGS AND DOCUMENTATION.

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CCII A. Schrader was contacted and assigned as staff assistance. The hearing had been put in recess on 12/14/2010 when inmate Bell refused to state anything else. The hearing was reconvened at 12:55 PM on 12/16/2010 in CCII Schrader's office.

Also presented into the record was the documentation listed as Attachment B, in which the Mental Health Department had seen nor heard any reason to believe that inmate Bell was not mentally capable of attending and participating in the hearing of his own accord, that he was able to comprehend the situation and did understand the severity of it, as documented by his introduction of the statements presented, and that the Mental Health had no reason to see him as unable to continue on his own, other than he did not want to.

Ms. Schrader had no questions after reading the documents presented.  
Nothing further.

BASED UPON THE PREPONDERANCE OF THE EVIDENCE, IN WHICH THE WITNESSES STATEMENTS DO ATTEST TO A VIOLENT ENCOUNTER BETWEEN STAFF AND INMATE BELL, IN WHICH ONE OF THE WITNESSES STATED THAT INMATE BELL WAS TOLD AT LEAST TWICE THAT HE HEARD, AND THAT INMATE BELL WAS ACTIVELY INTERFERING (STRUGGLING) WITH THE STAFF MEMBER WHO WAS TRYING TO APPLY RESTRAINTS WHILE TELLING INMATE BELL TO STOP RESISTING, AND THAT AFTER INMATE BELL STRUCK SAID STAFF MEMBER IN THE HEAD AREA AND OTHER STAFF RESPONDING HAD TO PHYSICALLY SUBDUE INMATE BELL. AND THE FACT THAT TWO STAFF MEMBERS WERE SENT TO THE PROMISE REGIONAL MEDICAL CENTER EMERGENCY ROOM DUE TO INJURIES SUSTAINED WHILE THE INTERACTION WITH INMATE BELL WAS ONGOING, AND THE SUBSEQUENT LOST DAYS OF WAGES BY THE SAME TWO STAFF MEMBERS AS THEY RECUPERATED FROM THE BATTERY, IT IS MORE LIKELY THAN NOT, IN THE HEARING OFFICERS OPINION, TRUE THE INCIDENT DID HAPPEN AND THE FOLLOWING SANCTIONS WERE IMPOSED:

44-12-304	GUILTY	21 DSEG, 45 RES, \$20 FINE (CS)
44-12-304	GUILTY	21 DSEG, 45 RES, \$20 FINE (CS)
44-12-304	GUILTY	21 DSEG, 45 RES, \$20 FINE (CS)
44-12-304	GUILTY	21 DSEG, 45 RES, \$20 FINE (CS)
44-12-324	GUILTY	45 DSEG, 60 RES, 6 MLGT, \$20 FINE (CS)
44-12-324	GUILTY	45 DSEG, 60 RES, 6 MLGT, \$20 FINE (CS)
44-12-324	GUILTY	45 DSEG, 60 RES, 6 MLGT, \$20 FINE (CS)

219      360



How about that? Care to share your thoughts? Well, before making any hasty judgements walk with me 3 lets see if we cant make sense of this. Based soley upon the preceeding documents one would be inclined to associate my character w/ a Long list of negative adjective's. But remember this - there is ALWAYS two sides to every story, then there's the TRUTH. Well, in this story I will honorably concede that the narra-tion of the SEQUENCE OF EVENTS are pretty close to what actually transpired, minus certain VITAL OMISSIONS regarding the savage BRUTALITY perpetuated upon my person by 15 (or so) Guards while I was in hand-cuffs (but never mind that of course). However, this is only the surface of the proverbial "onion" - (Now here's where things get interesting) - Due to all of the underlying fac-tors that contributed to the occurance of this debacle I was NOT prosecuted criminally for multiple counts of Battery, as is the Standard Operational Procedure n these instances.

Your probubly wondering, "What 'underlying factors'?" Well how about the fact that during a verbal exchange



Sgt. Anthony Almanza (former Sgt. that is) threatened me saying (3 I quote), "You better hope I never have to cuff you up." - (What do you think he meant by that? Alum<sub>xxx</sub>). Or the FACT that I was called to the ONE place in the cell-house not covered by surveillance camera's 3 told to "cuff up" by none other than Sgt. Almanza. Or the FACT that I merely requested that the Captain be present to witness my arrest. Or the fact that said Sgt. had an extensive track record of using EXCESSIVE FORCE while detaining Inmates 3 had already been demoted once. Now I don't know about you but I do know that I take threats SERIOUS. PERIOD. 3 unfortunately I do NOT possess that recessive gene that prompts some people to willingly submit to unnecessary aggression. EVERY person on this planet has the NATURAL RIGHT to DEFEND themselves against all aggression. You dig?

So, not only was I not prosecuted criminally, but the Administration entered into a CONTRACTUAL AGREEMENT w/ me that stipulated that if I agreed to answer specific questions regarding an open investigation then they would NOT press charges against me. What you don't believe me? I don't blame you<sub>xxx</sub> Turn the page<sub>xxx</sub>



This is to advise you that you are being questioned as part of an official investigation being conducted by the Kansas Department of Corrections. You will be asked questions specifically, directly, and narrowly related to a specific incident.


You are entitled to all the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

If you do answer questions, neither your statement, nor any evidence which is gained by reason of such statement, can be used against you in any subsequent criminal proceedings.

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Inmate Signature: Eric J. Bell #81096

Date: 12-16-10 Time: 3:32 pm

Interviewer:  ROBINSON SAS

Witness: Don Moore Sr. LTM D. Moore Sr. LTM



Now, what was this investigation regarding? Nothing other than (former) Sgt. Almanza's conduct. Needless to say he was subsequently relieved of all duties within the KDOC permanently. Subsequently I was told by an Administrative Officer that my situation had helped them "Get rid of a bad apple." Hmmm

So what does all of this have to do w/ a bill of beans in China? Well, it reaffirms the existance of KARMA. Yeah I was sprayed w/ a whole gallon of extra duty mace, beat down by guards like a WWE Royal Rumble 3 choked unconscious while my hands were cuffed behind my back; Yeah I was convicted by a kangaroo court of 7 class I (1) rule infractions; 3 Yeah I've been in Solitary Confinement for 14 months now, BUT, one low-life individual was made to realize that negative KARMA does come back to bite you square in that ass. (Ummhmm)

JUSTICE SERVED?

YOU BE THE JUDGE.