

Date: 8/29/2019 11:39:40 AM

Subject: Revised version of my exposé about property loss

### Part One

This is a corrected version of the email I sent about staff here allowing my prior cellie to steal/destroy my property or doing so themselves. If you shared/posted the prior version, replace it w/ this version.

The documents noted herein you can get from the Records Dep't supervisor here (Robert Beahm) & are entitled to them per Wis. Stat. ss.19.35. The docs confirm the truth about what I'm saying. In part two of thi you'll find suggestions for who to contact & what to say to help me get justice & protect me from further mistreatment.

Here's the essay!

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### C.C.I. Staffs' Destruction of My Legal and Personal Property Because of Me Filing Lawsuits

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On 10 July 2019 I met with Cpt. \_\_\_\_ PITZEN here and a Columbia County Sheriff's Dep't detective about two John Doe Petitions (special actions, seeking investigations of crimes and prosecutions of officials) I filed in the Columbia County Circuit Court (i.e. Cases #d 19-JD-5 & 19-JD-6), which sought charges against guards here for harassing me for filing complaints by denying me medicine & denying prisoners pay they're due. The petition (19-JD-6) about prisoners being denied pay is pending ---the actual petition will be posted on my blog, <https://betweenthebars.org/blogs/540/>, around Sept. 10th; the other petition is posted as of 3 July--- and multiple prisoners are filing complaints making its same arguments, valid & serious claims that staff here are embezzling from hundreds of prisoners.

Then, on 12 July ---two hours after Sgt. RANDALL BENNINGER gave me back documents (& made angry comments about) I'd e-filed for E.D. Wis. U.S. Dist. Court Case No. 18-CV-2027, Lindell v. Meli (see the 13 July 2019 post on my blog for details on how valuable/serious this case is)--- Sgt. BENNINGER woke me from a nap, cuffed me & my cellie (DANIEL WACHOWIAK) & searched our cell with the help of two other guards, while Lt. \_\_\_\_ TAYLOR and Cpt. GWEN SCHULTZ supervised. (It's NOT normal for a Lt. nor a Cpt. to supervise cell searches ...unless they're looking for something in particular; yet Sgt. BENNINGER told me on 24 Aug, while working on my current unit, that he was just doing a random search ---the search was NOT random!)

Sgt. BENNINGER claimed he found the broken off head from a razor in a box full of my legal papers. During the search, I was kept in a locked shower room, which Sgt. BENNINGER never approached --he was busy searching my cell.

When I was told a razor was found in my legal papers I loudly protested that it must have been planted by the unit's tier tender, JUSTIN WELCH, as in 2013 WELCH had falsely informed staff at another prison that I had razors in my cell, resulting in staff tearing apart my cell, which I'd filed IC # WCI-2013-20475 about. (WELCH was/is a severe rat, testified against his codefendants, snitched on guys while in jail, & killed an innocent woman --he was scared I'd call him what he was vs. pretend he was a "good" White dude, as he deludes himself & suckers that he is.)

My protest was too strong. Cpt. SCHULTZ told Lt. TAYLOR to take me off the unit, put me on Temporary Lock-Up (TLU) in Restrictive Housing unit 2 (RH2). In the TLU notice that Lt. TAYLOR prepared, he noted that I denied having a razor & believed WELCH planted it

On 17 July, five days after being put in Seg/RH, I was served Conduct Report (CR) #27982, in which BENNINGER charged me with Possession of a weapon, supporting that charge with the lie that

"...Lindell did admit having the razor when he was  
in a different institution before he came here to CCI"

That lie is ironic: I was put in TLU for too strongly protesting that I did NOT have a razor (as both the Lt. & Cpt. Knew), & I'd spent the last five years in RH at my prior institutions, where razors were verboten/nonexistent!

More ironically, as she's the one who ordered my TLU placement due to my protests of innocence, Cpt. SCHULTZ was the supervisor who approved Sgt. BENNINGER's CR, even though she knew damn well he was lying!

The same day that I received Sgt. BENNINGER's CR, Correctional Officer (CO) \_\_\_\_\_ RHODE brought me my TLU property inventory form, pointing out to me that it wasn't signed as it was supposed to be & that it stated that my TV was "broken by offender." I also noticed that my whole file for Case #18-cv-2027, the new law book I'd received to help me litigate that case, all of my paper, stamped envelopes, pens and other litigation supplies for the case were ALL GONE, along with a new radio, new clothing, around 300\$ worth of stuff I'd just received 3 July, nine days prior to being framed for having a razor!

I. WAS. PISSED!

I insisted that CO RHODE find/get my stuff.

RHODE went to the unit (R&O, where incoming i/ms & those in protective custody (PC) go), filled in Sgt. JEFF REWEY, Jr., who searched WACHOWIAK's new cell, finding some of my property. (Lt. TAYLOR supervised that search, told me on 26 Aug. that they retrieved my radio....) Sgt. REWEY wrote WACHO' CR #29113 for having my property, which WACHO' plead guilty to, got 10 days loss of phone calls (a minor disposition, especially given he had no one to call).

The loss of irreplaceable property (e.g. photos of my cousin from 20+ yrs ago, when she was Ms. Montana, ex-girlfriends, infant nieces and nephews, personal letters) tore my heart out. I'd rather have been stabbed, multiple times. I was suicidal...but I also used WI's Open Records law to obtain the documents cited herein, which revealed what happened.



The night of 17 July I sent multiple requests to supervisors at CCI alerting them to the theft/destruction of my property, including my whole file for Case #18-cv-2027, the case BENNINGER'd just returned documents for & made threatening comments about. NO ONE REPLIED!

For BENNINGER's CR I requested witnesses and evidence be presented at the hearing, such as: video from R&O (to see if WELCH planted the razor); the IC I filed about WELCH falsely informing staff that I had a razor at another prison; JORDAN BERG (who would verify that WELCH hated me, had motive to frame me). The Security Director here, BRIAN GUSTKE, denied this evidence & this witness on 23 July; GUSTKE also ignored my request atop of this request for an investigation into & discipline for WELCH & WACHOWIAK apparently framing me so they could rob me.

The night that I was given my property, told about missing and destroyed property, & issued Sgt. BENNINGER's ludicrous CR, I caught Cpt. \_\_\_ BEST after he dealt with a suicidal i/m. I explained the circumstances about my property; he replied, with seeming sincerity, "Sounds like an investigation should be done into that." So, I sent him a copy of a request slip that reiterated the situation, which I also sent to Cpt. SCHULTZ, BRIAN GUSTKE, & other supervisors. None replied; no investigation was done.

While waiting for the hearing for CR #27982, on 21 July I received a letter from WELCH, in which he called me "dumn," said he hoped I enjoyed my time in Seg & that WACHO' told Sgt. BENNINGER I had a razor & that's what precipitated the cell search. I gave that letter to Lt. TAYLOR and Cpt. T\_\_\_ JUDD that night, along with the unsigned TLU property inventory form. Later I learned that they confronted WELCH, tried to get him fired from his job as R&O tier-tender, but unit staff protected him; WELCH was not fired.

The hearing for CR #27982 was held on 29 July, by Lt. \_\_\_ LODEN, who was also the Property Dep't supervisor --she damn well knew about my property situation. Despite her certain awareness that WACHO' stole & destroyed most of my property, Lt. LODEN refused to ask my witnesses my questions about WACHO' doing so, deeming the questions irrelevant, despite my explanation that they showed WACHO' had motive for framing me & certainly was in the position to do so. Nor did Lt. LODEN consider my statement to Lt. TAYLOR in my TLU notice, despite it disproving Sgt. BENNINGER's claim that I admitted to having the razor. Cpt. SCHULTZ testified that I told her too that the razor was planted. Sgt. BENNINGER, puffing his chest, pressed his lie, proudly testifying that, as Lt. LODEN noted in her "Reasons for Decision and Evidence Relied On" form (DOC-84), that "the day [he] did the cell search" I admitted to him that I had the razor, and "You said you brought that razor from another institution." Cpt. SCHULTZ was noticeably ashamed when he puffed out that lie. Sgt. BENNINGER also testified that he knew WACHO' & I "were having problems" ---yet he let WACHO' pick what property was mine & pass it out to staff!

Despite the impossibility of me bringing a razor from my prior prison (again, as the Property Dep't Supervisor, Lt. LODEN knew all incoming property was thoroughly searched for things like razors, & that razors were not allowed in any WDOC RH units), Lt. LODEN found me guilty, of a lesser charge (Possession of Contraband), sentenced me to 16 days of Cell Confinement (couldn't leave my cell except for showers, visits, passes, & to pick up meal trays), which wasn't drastic, yet was unjust.

After approx. 900\$ in replaceable property & irreplaceable property of mine was lost/stolen/destroyed, they let me out of Seg/RH on 29 July, as if it was all good! They were gonna put me back in R&O, where Sgt. BENNINGER was the regular first shift Sgt. & WELCH his "deputy."

Ironic, given the stabbings, slashings, beatings of i/ms and assaults on staff in my record. You'd think they wouldn't wiggle worms in front of me....But, I now have more self-control, more insight into these "good peoples' " strategies, more tools to obtain justice, & I know they'd love for me to give them grounds to put me back in RH.

After my disciplinary hearing I receive, in response to my open records request, a copy of the CR (#29113) that Sgt. REWEY wrote for WACHO having my property; & I received Incident Report (IR) #381962, authored by CO ANDRE J. COULLARD, which stated that WACHO gave staff my TV @ 2PM, broken, telling staff that I broke it prior to the cell search ---so three COs searched our cell, found a razor (which would have intensified their search...unless they planted the razor), yet missed a shattered TV! (Cpt. T\_\_\_ JUDD smelled shit, sent the IR back for COULLARD to answer the questions:

"was a supervisor notified? where did Lindell go? What was the end result? Which supervisor?". (sic)

No one told me about WACHO' s CR, nor about the IR, nor were they considered at the disciplinary hearing even though they show WACHO had a motive to frame me, while WELCH's letter showed that WACHO was the one who incited the search & that WELCH was involved. None of my property retrieved from was o has been returned to me, nor was my radio mentioned in CR #29113, even though Lt. TAYLOR told me on 26 Aug. that it was retrieved with the other property.

While IR #381962 appears to be meant to take blame off of staff for my TV being broke, it did the opposite: I was put on TLU @ 1:35PM, per the TLU notice (DOC-67 form), yet the IR shows WACHO was put back in my cell with my property after I was put in RH, despite Sgt. BENNINGER knowing we didn't get along.

Staff were to blame for what happened to my property, period. I filed IC #CCI-2019-14484 about R&O staff failing to properly pack up my property.

I filed IC #CCI-2019-14650 about Warden SUE NOVAK & Security Director GUSTKE ignoring my multiple requests for an investigation into staffs' misconduct in this matter.

Also, I appealed the discipline, pointing out the flaws in it noted earlier. NOVAK denied it on 12 Aug. I filed IC #CCI-2019-14484 about it.

All these ICs are pending.

On Aug. 15, I mailed a John Doe Petition to Judge Cross (same judge who approved the J.D. Petitions noted at the beginning) arguing that staff are guilty of intimidation of a crime witness, which is a felony, as my property was destroyed.

Because my whole file for Case #18-cv-2027 disappeared, as did my litigation supplies, I filed a motion for protection, which will be resolved at a hearing on Sept 5th ---you may/should follow this hearing at [www.wied.uscourts.gov](http://www.wied.uscourts.gov) or ph. 920-848-3720, & tell the AAG on the case --bergst@doj.state.wi.us, ph 608-267-2229-- to litigate fair!



Part two to follow!

## Part Two

Here's a list of the documents that back up my assertions as to what happened. Most are cited in Part One. Anyone can request & is entitled to obtain them (from CCI's Records Dep't Supervisor, Robert Beahm, ph. 608-742-9100) under Wis. Stat. ss. 19.35.

- my Intake Property Inventory form, DOC-236B, signed 27 Feb. 2019;
- Property Receipts, DOC-237, signed 16 May 2019, 23 May 2019, 3 July 2019 (two), 11 July 2019;
- my TLU Property Inventory form, DOC-236C, unsigned, issued 17 July 2019;
- TLU Notice for me, DOC-67, signed by Sec. Dir. GUSTKE on 15 July 2019;
- Incident Report (IR) #381962;
- Conduct Report (CR) #27982, DOC-9, issued to me on 17 July 2019;
- Witness and Evidence Request form, DOC-73, for CR #27982, DOC-73, signed by Sec. Dir. GUSTKE on 23 July 2019;
- CR #29113, issued to Daniel Wachowiak, disposed of on 25 July 2019 with GUSTKE's approval;
- Reasons for Decision and Evidence Relied On form, DOC-84, for CR #27982, signed 29 July 2019;
- Inmate Complaints (ICs) # CCI-2019- 13520, -14650, & -14484 - on each of these ICs, as I do with most ICs I file, I waived confidentially, so anyone may read/copy them and their file -star may object to turning these over, but they can be obtained as part of discovery for lawsuits.

The point of me identifying these documents is that you don't need to take my word alone; most of what I say happened is proven within staffs' own documents! You may relay this article & my claims herein to officials & ask them if it's true & why they let or made this happen & what they're doing to make things right.

Some officials you can contact & what I suggest you say to them are:

- WDOC Secretary, Kevin A. Carr, ph. 608-240-5055/5000, Kevin.Carr@Wisconsin.gov --insist that he end the loss of property, particularly legal papers for pending cases, which is rampant here (e.g. prisoner Dartavis Shelton #388903 filed IC #CCI-2019-7503 about his legal papers & other property disappearing when he went to Seg/RH), & insist that he ensure the wrongful discipline & deprivation of my property be corrected;
- Warden Sue Novak, ph. 608-742-9100, Sue.Novak@Wisconsin.gov --insist that she vacate my unfair/unjust discipline, ensure that her staff protect my property & replace what her staff allowed WACHO' to steal or destroy, and enact policy changes to prevent this type of thing from happening again;
- Security Director BRIAN GUSTKE, 608-742-9100, Brian.Gustke@Wisconsin.gov --insist that he investigate this matter & initiate appropriate disciplinary actions and criminal charges against staff found to have violated state laws or work rules;

-- Assist. Atty. Gen. (AAG) Samuel T. Berg, ph. 608-267-2229, [berg@doj.stat.wi.us](mailto:berg@doj.stat.wi.us), insist he investigate this matter, as he's the AAG representing prison staff in my suit (18-cv-2027) that BENNINGER made threatening comments about shortly before framing me & allowing my file for the case & litigation supplies to be stolen. He has ethical obligations to play fair, not let prison staff destroy my legal materials to win the case!

-- Judge David E. Jones, Eastern District of Wisconsin, U.S. District Court, ph. 920-884-3720, [www.wied.uscourts.gov](http://www.wied.uscourts.gov) (look up his email addy there), the judge handling Case #18-cv-2027, who scheduled a hearing on 5 Sept @ 9:30AM about staff here losing/destroying my materials for this case --urge him to act firmly, to reject AAG Berg's argument that I can just file another suit (what if staff destroy the file for that case too!), to not allow prison staff to disrupt the court from resolving my suit by destroying my legal materials (all of the documents noted herein have been filed, so the judge knows all of this -- plus I just obtained & filed an email that the main defendant (ANTHONY MELI) sent to the deputy warden (STEVE SCHUELER) at my prior prison, asking that deputy warden to stop my article writing about abuses in prison & my suit against MELI; I'm sure MELI's sent similar requests to staff @ my current prison, which may've been the cause of my property being lost/destroyed. Urge the judge to protect me from being harassed for litigating my suit in front of him.

That's it!

Please act in this! Share it with activists; use your discretion, come up with your own ideas in how to protest & demand justice in this matter!

Publish this everywhere you can.

And, to be clear, see the 13 July 2019 post on my blog to understand how important my suit against MELI is, why prisoncrats want it to disappear, why we need to get the case resolved on its merits!

Love & Solidarity!