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"MEMORANDUM"

To: Secretary Mark Inch, Assistant Regional Director John Palmer, Assistant Warden Knox.

From : Ronald W. Clark Jr. #812974

Date: November 5, 2019

Subject: DR #213-191436, AND THE "SOME EVIDENCE" STANDARD.

Courts have generally ruled that some evidence is required in finding the inmate guilty of a disciplinary infraction, under the "some evidence" standard. In *O'Neill vs. McNeil* 979 So.2d1209 2008, Fla. App. a case similar to this pending DR #213-191416 rewrite #213-191436, that I'm facing, O'Neill is charged with a 9-4 Attempt to Conspire, The Court stated, "To be sufficient, the evidence of guilt in a prison disciplinary proceeding needs not overcome the inmate's hypothesis of innocence. However, in the absence of direct evidence, an inference of guilt must nonetheless be reasonable and must have some factual support in the record." If we look at these DR'S they would be insufficient to satisfy even the minimal "some evidence" standard applicable to a prison disciplinary proceeding.

Conclusion:

- 1.) There's no evidence to support that I had knowledge of this can of tobacco, or the note on it.
- 2.) There's no evidence to support that I had knowledge of the movement of this contraband, (tobacco products are allowed back here.) much less showing my involvement.
- 3.) Records shows that nothing entered into or out of my possession.
- 4.) There's no evidence to support anything in the note that was attached to the can.

Wherefore the some evidence standard doesn't hold up here, where there's no evidence showing that I tried to violate a rule, or conspired to violate a rule.

And for the above reasons this DR should be dismissed.

Thank you for your time and help in this matter.

Respectfully Submitted Ronald W. Clark Jr.

CC. Senator Randolph Bracy , Senator Gary Farmer, Representative Kionne McGhee, Representative Anna Eskamani, Representative Carlos Guillermo Smith, Representative Susan Valdes. Chief Inspector General's office, Office of the Governor, Inspector Heather Robinson. .