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. "THE UCI ADMINISTRATION IS NOW VICTIMIZING MY MOTHER"

On Thursday July 8, 2021 at approximately 5:30 am an inmate Dettmann picked up my laundry bag from cell 6101. About 45 minutes later Sgt Garrett found seven cans of smokeless tobacco hidden in a sock inside my laundry bag. These bags can be tied and untied in about 20 seconds. So it would have taken no time at all for an inmate or officer to open the bag and drop the sock down inside the bag and close it back up. Sgt Garrett wrote me a disciplinary report log #213-210782 for 3-17 "Death row inmates- Possession of tobacco, other than authorized smokeless tobacco, or possession of tobacco-related products intended for use with smoking tobacco such as lighters or cigarette papers introduction of tobacco or tobacco-related products to non-death row housing or trafficking in such products." On Wednesday July 14, 2021 I attended the DR court. The DR hearing team was Lt Barton and Classification officer Mr Charles S. Minta who felt that this DR shouldn't have been written. And thus gave me, 3 days on Disciplinary Confinement. And commented, "this is a bull shit DR." They knew there was no evidence whatsoever proving knowledge, or possession of the 7 cans of smokeless tobacco that was found in my laundry bag. And let me reiterate, a bag that is not secured with any type of device and can be tied and untied in a matter of 20 seconds allowing officer's and inmates access to hide contraband in my bag. The Court have ruled on this and even stated In *Kresbach v. State of Florida*, 462 So. 2d 62 (Fla 1st D.C.A. 1984) "To prove constructive possession the burden is on the state to show that the defendant knew of the presence of contraband in a container and had the ability to maintain control thereof." Well inmate Dettmann testified in a written statement that when he picked up the laundry bag the morning of Thursday July 8, 2021 that he didn't notice anything in the laundry bag. And one thing is for sure, when that laundry bag left my cell, there would have been no way to maintain control of the 7 contraband cans of smokeless tobacco. In *Stemm v. Florida*, 523 So 2d 760 (Fla 1st D.C.A. 1988) "There must be knowledge of the presence of contraband to be culpable in constructively possessing or introducing contraband." In *Brooks v. State*, 501 So 2d 176 (Fla 4th D.C.A. 1987), "Guilt cannot rest on meer probability."

Anyways I get off DC today and Assistant Warden Knox who hates my guts. Serves me a paper with six months visitation suspension. Now Ms Knox and Assistant Warden Norman was involved in retaliatory shake down against me in July of 2017 over my writings. Where they sent staff to tear up my cell and confiscate all approved writing materials. Ink pens paper etc. I wrote to a friend who happened to know Senator Bean who made a phone call and everyone started scrambling. Mr Norman at the time was the Col. He called me out and couldn't explain who ordered the retaliatory shake down and confiscation of my writing materials. The next day I spoke with the Warden and Assistant Warden. Who again couldn't tell me who ordered the retaliatory shake down and confiscation of my writing materials. And on Monday then Assistant Regional Director now Regional Director John Palmer showed up. We went into the Captain's office and sat and discussed what had happened. I already had filed a grievance on it that had been approved. And there was an incident report about it. I dropped this at Mr Palmer's insistence. And he told me if I had any issues to just write him. But as I'm seeing this laundry bag event unfold, I believe this is more retaliation over my writings.

She's using 33-601.731 Suspension of Visiting Privileges

Section one reads as follows.

1.) Suspension of Inmate Visiting Privileges

(a) Suspension of inmates visiting privileges shall be considered by the ICT as a management tool independent of any disciplinary action taken pursuant to Rules 33-601.301 through 33-601.314, F.A.C. The ICT shall consider the following factors when contemplating a suspension of an inmate's visiting privileges.

(b) Suspension of an inmate's visiting privileges shall be considered by the ICT as a management tool only when the inmate is found guilty of the following offenses:

1. Any rule violation which occurred during visiting, is visiting-related conduct, or is reasonably connected to the visitation process

Now number 16 which they're using reads as follows. "16. Possessing or using tobacco in violation of Rule 33-401.401 F.A.C." If you read 33-401.401 Use of Tobacco Products. (2) (a) Allows death row inmates to possess smokeless tobacco pursuant to Florida Statute 944.115. Now if the DR hearing team didn't feel this bogus DR even warranted the maximum 30 days in DC, how can she justify victimizing my mother reaching outside the guidelines of this rule?! Even looking at 33-601.308 (4)(c)" Suspend any or all routine mail, in person visitation, kiosk, tablet, eCommunication, or video visitation privileges for a period not to exceed 180 days. This alternative is available only when the infraction cited is a violation of offense 9-14, 9-15, 9-41, 9-42, 9-43 or 9-44." Now that violation 9-15 is Visiting regulation violation. Which is what 33-401.401 would have to be, in order to fall under 33-601.731. But what can you expect from unethical people who have no problems violating the First Amendment when in 2017 they confiscated my writing materials. Look at the essays on my blog for the past several months. Yes it's no wonder why they planted them seven cans of tobacco. This is just who they are. Ruthless cold hearted individuals. Yes we need change! People need to send in complaints to Secretary Mark Inch at, mark.inch@fdc.myflorida.com For this didn't have a thing to do with visitation. And what they're doing is victimizing my 74 year old mother with their retaliation. And you've got to be deaf dumb and blind to see this isn't retaliation.

Sincerely Ronald W. Clark Jr.#812974