

C. H. H.
08-7385
for (H)

3/19

2/26/09 Chief Judge Manuel Moredaz,

Enclosed you will find a letter I am also sending to Colonel David Parish who's information I've obtained out of the inmate handbook. I am very concerned about the environment I am in here, but mainly, that no one in this facility seems to want to listen to me or any of my concerns. See, I am held without bond in a non people case at Orient Road Jail. I've actually never had any protective custody issues with inmates in general population and actually, assimilate quite well.

However, on so many occasions, I am, for lack of a better word, harassed by several deputies on staff here, and now, more recently, by officers of higher rank. I feel my attempts to address my concerns within the established system is met with hostility. I am usually placed back in 23 hr lockdown/close management confinement. I am given a myriad of reasons as to why, but no real opportunity to defend myself against unsubstantiated claims.

Your Honor, I have a healthy sense of where I am. In fact, some individuals who are aware of the situation have sent me some information which may be relevant to my experiences at Orient Road Jail, for example:

The Constitution does not mandate comfortable prisons, but neither does it permit inhumane ones, and it is settled that the treatment a prisoner receives in prison and the conditions under which he or she is confined are subject to scrutiny under the Eighth Amendment. In its prohibition of cruel and unusual punishment, the Eighth Amendment

example, use excessive physical force against prisoners. Being violently assaulted in prison is simply not part of the penalty that criminal offenders pay for their offenses against society."

[Farmer v. Brennan, 511 US 825, 832, 833, 119 S. Ct. 1970

128 L. Ed. 2d 211 (1994) (citations and quotation marks may differ)]

I have concerns that now within the past 2 days, officers are falsifying disciplinary reports as a means to keep me in close management confinement. I remember reading about this in other cases. It's in this setting I have the most concerns.

In addition, I am gravely concerned about the security of my legal mail that I send to my attorney, Robert Herce. It is my belief that my outgoing legal mail is opened out of my presence and possibly read. I seal all of my outgoing legal mail (usually in a manilla envelope) in front of a deputy and take additional precautions to ensure that my mail is not thought to contain anything "objectionable". However, on several instances, contents of those letters are later re-delivered to me having been removed from that sealed envelope. Enclosed in these envelopes are communications regarding my discovery, depositions, and questions I have that Mr. Herce can address upon our next meeting. I am concerned that these communications are read, and quite possibly not delivered at all since the closed envelope apparently is opened. I do have examples and evidence to support the above claims. When I first made mention to

3 confinement. I am repeatedly told by a Lt. Ball that her job is to protect her staff from false allegations. Meanwhile, my mail has been removed yet again and this issue has not been addressed.

I am aware that FL Dept. of Corrections Rule 33-3.05 (5) recognizes that I have the right to receive uncensored and unread mail between counsel and inmate. FL Dept. of Corrections Policy and Procedure Directive No. 4.07.06 provides that when an inspection of the envelope cannot disclose whether it contains contraband, the legal mail will be opened for inspection, but only in the presence of the inmate concerned. Legal mail will not be censored or read. However, my issues are with outgoing legal mail. I have read cases such as *Pocumie v. Martinez* 416 US 396, 94 S. Ct. 1200, 40 L. Ed. 2d 224 (1974). I also believe that certain communications are not sent to the US Postal Services for delivery selectively. For example, many communications to my boyfriend, from my family, regarding financial situations and our mortgage have not been received by him, nor any communication in which I express discontent with my present environment or any letter I mention the negative treatment I receive at this facility.

Your honorable Judge Mendez, I am not going to pretend to be an attorney and understand fully what my experiences mean legally, but I do feel my rights, as I know them to be, are being violated. I'm trying to be very careful not to make an allegation, at least not under circumstances can be investigated and further

- 1) my physical safety (esp. in a confinement setting, not in the presence of the general population inmates) and
- 2) the integrity of my criminal defense being compromised in the security of legal mail.

When I try to address these concerns, "inhouse" at the jail, I wind up back in isolation and fear further retaliation. I have spoken with my attorney regarding this, but most recently on 2/21/09, I have been moved into confinement and have been unable to speak with Mr. Herce. I am only allowed 1 hour out of my cell per day and thus far, it has not been during standard business hours (except Tues. When I was out during the usual lunch hour and wasn't able to get through to Mr. Herce's office.) I had purchased a calling card to call cellular phones after hours & have Mr. Herce's number, but that calling card was taken from me upon being sent to lock.

Could you please direct me as to what I can do given the environment I'm in and it's restrictions? I also am very scared in even bringing this matter forward and feel so stifled that I'm reaching out in all directions.

Thank you so much for taking the time to listen to my situation and concerns. I truly appreciate it.

Sincerely,
Stephanie Rogusa
Stephanie Rogusa
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