

In The Circuit Court for Baltimore City
CIVIL

T-2691
OR-10-21-82

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63219

In the Matter of

LEWIS A. WOODLIFF #126130

VS

**THE SECRETARY OF PUBLIC SAFETY &
CORRECTIONAL SERVICES**

DATE	DOCKET ENTRIES	NO.
* 6-28-90	Defendant's Motion to Dismiss pursuant to Fed Rule 31.2 Mons, Affidavit pl. 5/28/90, 7/1/90	12
7-30-90	Plff's motion for production of 2 G.C. tape "Denied" Plff's motion for an order compelling discovery "Denied" Plff's motion for deferral of dismissal is "Granted" and dismissal is deferred for 6 months. Def's motion to dismiss is "Granted" unless plff files his memo within 30 days (Ross, J.)	13
8-6-90	Plff's Memorandum in Support of his petition for Reversal of Administrative Agency Decision + Appeal for	14
9/5/90	Plff's Rule 8-12 response memorandum.	15
9-6-90	Writ of Habeas Corpus ad Testificandum	16
11/28/90	Card submitted to the Court for determination needs aid of a jury	
"	Held sub curia (Hollander)	
2/25/91	The decision of the Commission is hereby "affirmed" (Hollander)	
"	Judgment in favor of the appellee. Court reversed (Hollander)	
"	Memo opinion and order for 12/25/90!?	

IN THE CIRCUIT COURT FOR BALTIMORE CITY

CATEGORY APPAA CASE NO. 89047041/CL93226 PAGE 1 of

PARTIES	ATTORNEY(S)
<p>LEWIS A. WOODLIFF #126130</p> <p align="center">VS</p> <p>SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES</p>	<p>PROPER PERSON</p> <p align="right"><i>9/26/54</i></p> <p align="center"><i>Scott S. Oakley</i></p> <p align="center"><i>Alan D. Eason 4/6/87</i></p>

DATE	DOCKET ENTRIES	NO.
2/16/89	ORDER FOR APPEAL FROM THE DECISION OF THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND PETITION.	1
"	MOTION AND ORDER WAIVING COURT COSTS. JUDGE J. KAPLAN	2
3-15-89	<i>App. Scott S. Oakley for deft, Answer</i>	3
4-17-89	<i>Certificate of Record from the Sec. of Public Safety p. 4 1 set J.F.F.</i>	4
4-17-89	<i>Notice sent in accordance with Fed Rule B12 p.</i>	5
4-28-89	<i>Plff's motion for production of G.L. Conitt.</i>	6
5-5-89	<i>Deft Response to Motion for Production p.</i>	7
5-15-89	<i>Plff's motion for an order compelling discovery, no proposed order</i>	8
11/28/89	<i>Enter the app. of attorney Alan D. Eason & with Brian Scott S. Oakley as counsels for deft</i>	9
5/22/90	<small>NOTICE SENT UNDER BALTIMORE RULE 256</small>	10
6/20/90	<i>Appellant's Motion for Deferral of Dismissal, p.</i>	11

LEWIS WOODLIFF	*	IN THE	
Appellant	*	CIRCUIT COURT	17
v.	*	FOR	
SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES	*	BALTIMORE CITY	
Appellee	*	Case No. 89047041/CL98226	
	*		
* * * * *			

MEMORANDUM OPINION AND ORDER

Hollander, J.

I. Introduction and Background

On August 11, 1987, Lewis Woodliff ("Woodliff" or "Appellant"), who is incarcerated, requested placement in Protective Custody or Administrative Segregation. Woodliff's request was predicated on alleged threats against his life by inmates in the general population of the Maryland Penitentiary. When his request for transfer was denied, Woodliff filed a grievance with the Inmate Grievance Commission (the "Commission"). In his grievance, Woodliff complained that his request for transfer was unjustly denied and that his refusals to accept housing in the general population have resulted in his placement in punitive segregation. A hearing was held before the Commission on September 7, 1988. On February 6, 1989 the Commission found the grievance without merit, and Woodliff appealed to this Court.

Scope of Review

Code, Art. 41, Section 4-102.1(1) governs the standards of judicial review in connection with the administrative

adjudication of inmate grievances and complaints. Section 4-102.1(1) provides, in pertinent part, as follows:

Review by the court shall be limited to a review of the record of the proceedings before the Commission. The court's review shall be limited to a determination of whether there was a violation of any right of the inmate protected by federal or State laws or constitutional requirements.

Holsey v. Inmate Grievance Comm'n., 296 Md. 601, 602 (1983);
Bryant v. Dept. of Pub. Safety, 33 Md. App. 357, 364-65 (1976).

Decisions of administrative agencies, such as that of Commission, are prima facie correct, and carry a presumption of validity. Thus, on appeal, the agency's decision must be viewed in the light most favorable to the agency. Maryland State Police v. Lindsey, 318 Md. 325 (1990). See, also, Bulluck v. Pelham Woods Apts., 283 Md. 505 (1978). Accordingly, the reviewing court may not "substitute [its] judgment for the expertise of the agency." Lindsey, supra, 328 Md. at 333.

The substantial evidence test applies to the judicial review of decisions of the Commission. Greene v. Secretary of Pub. Safety, 68 Md. App. 147, 159 (1986); Hewitt v. Dept. of Pub. Safety, 38 Md. App. 710, 715 (1978); Bryant, supra 33 Md. App. at 369. This test is satisfied when, upon review of the record, there is found to exist "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Greene, supra, 68 Md. App. at 147 (citation omitted).

In Hewitt, supra, the Court reviewed the parameters of the substantial evidence test in considering the scope of judicial review of a decision by the Commission. It said:

A reviewing court may, and should, examine any inference, drawn by an agency, of the existence of a fact not shown by direct proof, to see if that inference reasonably follows from other facts which are shown by direct proof. If it does, even though the agency might reasonably have drawn a different inference, the court has no power to disagree with the fact so inferred.

A reviewing court may, and should, examine any conclusion reached by an agency, to see whether reasoning minds could reasonably reach that conclusion from facts in the record before the agency, by direct proof, or by permissible inference. If the conclusion could be so reached, then it is based upon substantial evidence, and the court has no power to reject that conclusion.

A reviewing court may, and should, examine facts found by an agency, to see if there was evidence to support each fact found. If there was evidence of the fact in the record before the agency, no matter how conflicting, or how questionable the credibility of the source of the evidence, the court has no power to substitute its assessment of credibility for that made by the agency, and by doing so, reject the fact.

38 Md. App. at 714, quoting Comm'r. v. Cason, 34 Md. App. 487, 508 (1977). The continuing viability of these general principles has been reaffirmed numerous times. See, e.g., Maryland State Police v. Lindsey, 318 Md. 325 (1990); Terranova v. Board, 81 Md. App. 1 (1989); Kade v. Hickey School, 80 Md. App. 721 (1989).

Discussion

The Commission found that Woodliff's request for transfer to Protective Custody was not unjustly denied. It noted that,

before such a request for Protective Custody can be granted, DCR 110-5, Sec. 3, requires an inmate to present a sufficient basis for a belief that the inmate is in danger of harm. The Commission concluded that Woodliff failed to demonstrate a sufficient basis for placement on Protective Custody, and, accordingly, dismissed his complaint.

The Commission's decision dismissing Woodliff's grievance was supported by substantial evidence and is correct as a matter of law. At the hearing before the Commission, Woodliff offered an unsubstantiated letter from 1985, signed only as "B.M.". It contained threats against Woodliff's life. T.13.¹ The author of the letter was never identified, and Woodliff testified that he had received no other threats against his life since receiving the letter from "B.M." in January, 1985. T.13. In light of Woodliff's refusal/inability to divulge or establish the identity of "B.M.", the Commission astutely recognized that the letter could have been written by anyone, including Woodliff himself.

Additionally, Mr. H.E. Rodgers, Chief Classification Supervisor, testified that the Institution had been investigating threats allegedly made against Woodliff's life since 1985. He stated that no concrete evidence had been discovered to support Woodliff's contention that he should be placed on Protective Custody.

Commissioner Matz summarized the inadequacy of Woodliff's argument for placement on Protective Custody. He aptly said:

1. References to the transcript of the administrative hearing held on September 7, 1988 are abbreviated by "T", along with the particular page number of the transcript.

Alright, well you feel you should be on P.C. [protective custody] because of threats. You won't give us the names of the individuals who threaten you and you won't give it to the institution. [The] Institution claims under those circumstances there is no obligation under 110-5 or in accordance with their policy. Now, unless you identify the people or the inmates who are threatening you they are within their grounds not putting you on P.C.

T.12.

The Commission's analysis is consistent with DCR 110-5. The purpose of that regulation is to establish procedures for removing inmates from the general prison population "when reasons exist to believe an inmate is in danger of harm from another/other inmates." In its Decision, the Commission noted that processing inmates for Protective Custody based on a whim or on unfounded threats could cause havoc with prison administration. Decision at 2.

This court cannot second-guess the expertise of the Commission in matters of prison administration. The record demonstrates that Woodliff failed to satisfy the threshold requirement that some actual danger to him existed. Therefore, the decision of the Commission was correct.²

2. On June 14, 1990, Woodliff was transferred from the Maryland Penitentiary, where the threats were allegedly made against him, to the Maryland Correctional Adjustment Center. The Appellee argues in its Rule B12 Memorandum that this transfer renders moot the complaint lodged by Appellant. (Appellee's Memo at 3). Because this court affirms the decision of the Commission, the issue of mootness will not be addressed.

Based on the foregoing, it is this 22nd day of February, 1991, ORDERED by the Circuit Court for Baltimore City, that the decision of the Commission be and the same hereby is, AFFIRMED.

Costs to be waived.

Ellen Hollander
Ellen L. Hollander, Judge

cc: Mr. Lewis Woodliff, #126130
Maryland Correctional Adjustment Center
401 East Madison Street
Baltimore, Maryland 21202

Joan L. Bossman, Esquire
Assistant Attorney General
Division of Correction
6776 Reisterstown Road
Baltimore, Maryland 21215

HABEAS CORPUS AD TESTIFICANDUM

INDICTMENT NO. 9047041-CL93226

POLICE IDENT. NO.

PART

D.O.B.

ROOM 219 MITCHELL COURT HOUSE

ISSUED BY CIVIL ASSIGNMENT

DATE NOV 28, 1990

PHONE 333-3755

TOP

00

TIME: 9 A.M.

RECEIVED
BENEFITS OFFICE
SEP 11 5 29 AM '90
BALTIMORE, MD

The State of Maryland

TO THE COMMISSIONER OF CORRECTION, GREETINGS:

You are hereby commanded, that you have the body of
..LEWIS WOODLIFE.....OF CORRECTION..... detained
under your custody as it is said, by whatsoever name he may be called in the same,
before the Criminal Court of Baltimore to testify in the case of the State of Maryland vs.
..WOODLIFE VS.....OF PUBLIC SAFETY..... then and there to be tried. Inmate is
required to appear from day to day until conclusion of proceedings or until excused by Judge.
Immediately thereafter the said
shall have given his testimony before the said Court to return him to said prison, and have
you then and there this writ.

Witness the hand of the Judge and the Seal of the Criminal Court of Baltimore this
... 5th ... day of ... A. D., 19

TRUE COPY
TEST

JOSEPH H. H. KAPLAN
Judge
Judge.

Sandra E. Banks

SALINDRA E. BANKS, CLERK

WRIT OF HABEAS CORPUS AD TESTIFICANDUM SERVED ON *M's Roway*
OF *DOC*, ON THE *12* DAY OF *Sept* 1919 AT *900* O'CLOCK
IN THE PRESENCE OF *Jerry Russ #32*



SHERIFF

John Anderson

HABEAS CORPUS AD TESTIFICANDUM

CASE NO
~~INDICTMENT NO.~~ 89047041-CL93226
PART
ROOM 219 MITCHELL COURT HOUSE
DATE NOV 28, 1990

POLICE IDENT. NO.
D.O.B.
ISSUED BY CIVIL ASSIGNMENT
PHONE 333-3755

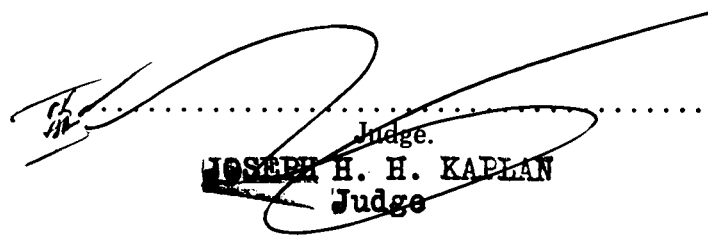
9:30 A.M.
TIME: ~~XXXXXX~~

The State of Maryland

TO THE COMMISSIONER OF CORRECTION, GREETINGS:

You are hereby commanded, that you have the body of
..LEWIS WOODLIFF...-..DEPT OF CORRECTION..... detained
under your custody as it is said, by whatsoever name he may be called in the same,
CIVIL
before the ~~Criminal~~ Court of Baltimore to testify in the case of ~~the State of Maryland vs~~
. WOODLIFF VS. SEC. OF PUBLIC SAFETY..... then and there to be tried. Inmate is
required to appear from day to day until conclusion of proceedings or until excused by Judge.
Immediately thereafter the said LEWIS WOODLIFF
shall have given his testimony before the said Court to return him to said prison, and have
you then and there this writ.

Witness the hand of the Judge and the Seal of the Criminal Court of Baltimore this
...6th... day of SEPTEMBER..... A. D., 19 90


Judge.
JOSEPH H. H. KAPLAN
Judge

FILED

SEP 5 1990

LEWIS WOODLIFF, #126139
Appellant

CIRCUIT COURT FOR
BALTIMORE CITY

IN THE
CIRCUIT COURT

v.
INMATE GRIEVANCE COMMISSION

* FOR
* BALTIMORE CITY

Appellee

* Case No. 89047041/CL93226

* * * * *

APPELLEE'S RULE B-12 RESPONSE MEMORANDUM

The instant action is brought by an inmate committed to the custody of the Maryland Division of Correction and housed at the Maryland Correctional Adjustment Center in Baltimore, Maryland. In his Petition and Memorandum, Woodliff urges that officials of the Division of Correction have refused to provide him with protective custody and have refused to expunge all infraction notices and restore good conduct time for his refusal to participate in the general prison population.

Statement of Facts

Woodliff filed a grievance with the Inmate Grievance Commission alleging that as far back as August 11, 1987, he requested to be placed in protective custody or administrative segregation due to alleged threats against his life by inmates in the general population at the Maryland Penitentiary and/or due to his own assaultive behavior. He complained, however, that his requests have been unjustly denied and that his refusals to accept housing in the general population have resulted in his placement on punitive segregation. A hearing was held before a three person panel of the Inmate Grievance commission on September 7, 1988. As a result of the hearing, the Commission

WLL

found that the Division of Correction did not unjustly deny Woodliff's request to be transferred to protective custody on February 6, 1989. The Inmate Grievance Commission cited DCR 110-5, Section III as establishing that an inmate must present a sufficient basis for showing a belief that he or she is in danger of harm. It was determined by Maryland Penitentiary and the Inmate Grievance Commission that Woodliff failed to meet this prerequisite. It was determined that an unsubstantiated letter from a "B. M." alone was not a sufficient reason to place Woodliff on protective custody. In its findings of fact, the Inmate Grievance Commission stated "to process inmates for protective custody based on a whim or on unfounded threats could cause havoc with the prison administration."

Unsatisfied with the decision of the Inmate Grievance Commission, Woodliff filed an Order for Appeal and Petition with the Circuit Court for Baltimore City in the above-captioned matter on or about February 15, 1989.

On June 14, 1990, Woodliff was transferred from the Maryland Penitentiary to the Maryland Correctional Adjustment Center where he currently resides (see current MCAC address on Appellant's affidavit certification of service memorandum filed with the court in the above-captioned matter on or about July 30, 1990).

Argument I.

Appellant's Transfer to a Different Prison Facility Renders his Claim for Protective Custody at the Maryland Penitentiary Moot.

Inasmuch as Appellant is no longer in the Maryland Penitentiary where he claims he was subject to threats, any relief available to him from this court would be rendered meaningless and of little or no affect. Thus, the appeal has been rendered moot. An actual controversy must exist at all stages of review of a complaint, not merely at the time a complaint was filed in court. Steffel v. Thompson, 415 U.S. 452, 495 n. 10 (1974); Vitek v. Jones, 436 U.S. 407 (1978).

Argument II.

Appellant Inmate Does Not Have a Protected Liberty Interest Against Prison Transfer

Appellant in his memorandum of July 30, 1990, demands that he be placed in protective custody at the Maryland Penitentiary. However, it is well-established that prisoners have no protectable right against prison transfers nor to particular housing within a prison system pursuant to the Fourteenth Amendment absent some right or expectation routed in state law. Meacham v. Fanno, 427 U.S. 215 (1976). Montanye v. Haynes, 427 U.S. 236 (1976). Thus, Woodliff's claim that he is entitled to protective custody housing at the Maryland Penitentiary must be evaluated in light of Maryland law. The controlling authority in this context is the Maryland Division of Correction Regulations. In Paoli v. Lally, 812 F.2d 1489, the United States Court of Appeals for the Fourth Circuit examined Maryland's DCRs 100-1 through 100-16 and concluded that these regulations did not create a liberty interest. 812 F.2d at 1493.

In the instant case, IGC No. 20195, there has been no articulable harm resulting from Woodliff's transfer from the Maryland Penitentiary to MCAC. To the contrary, the transfer should have eliminated this inmate's fear of harm by penetrating inmates. In Paoli the court held that Article 27, Section 674 of the Annotated Code of Maryland provides that the Commissioner of Correction is in sole and active charge of the Division of Correction and that pursuant to Article 27, Section 676, the Commissioner may promulgate rules and regulations which may be amended or abrogated by him. 812 F.2d at 1492. The Court in Paoli determined that none of the Division of Correction regulations have the mandatory language crucial under Greenholtz v. Inmates of the Nebraska Penal and Correctional Complex, 442 U.S. 1 (1979) and held that the Division of Correction Regulations pertaining to prison transfer are only for guidance and do not substantively limited the Commissioner's authority to review classification or transfer recommendations. 812 F.2d at 1493. In Meacham the court reviewed the claims of six inmates who were removed from the general prison population and placed in an administrative detention area. The Supreme Court of the United States held in Meacham that

The Constitution does not require that the state have more than one prison for convicted felons; nor does it guarantee that the convicted prisoner will be placed in any particular prison if, as is likely, the state has more than one correctional institution. The initial decision to assign the convict to a particular institution is not subject to audit under the Due Process Clause although the degree of confinement in one prison may be quite different from that in another. The conviction has sufficiently

extinguished the defendant's liberty interest to empower the state to confine him in any of its prisons. Neither in our view does the Due Process Clause in and of itself protect a duly convicted prisoner against transfer from one institution to another within the state prison system.

427 U.S. at 225.

Argument III.

The Decision of the Inmate Grievance Commission was Supported by Substantial Evidence and was not Otherwise Affected by Error of Law.

The Court of Appeals of Maryland has determined that agency decisions are prima facie correct. Bullock v. Pelham Wood Apartments, 283 Md. 505, 390 A.2d 1119 (1978). Further, appeals of Inmate Grievance Commission decisions fall within the purview of the Administrative Procedure Act and are governed by the Annotated Code of Maryland, State Government Article, Section 10-215 and Article 41, Section 4-102.1(1). Article 41, Section 4-102.1(1) establishes that review by the circuit court shall be limited to a review of the record of the proceedings before the Inmate Grievance Commission and the Secretary's Order, if any. A review of the record filed in the above-captioned matter shows that the inmate was given an opportunity to be heard and to present evidence in support of his claim that he was entitled to protective custody. In support of his claim, Woodliff produced a letter allegedly from an otherwise anonymous inmate who signed the alleged threat letter as "B.M." The Inmate Grievance Commission also heard testimony from representatives of the Maryland Penitentiary who testified that the institution had been investigating alleged threats to Woodliff's safety and life since

1985, but had found no facts to substantiate or corroborate his complaints. Woodliff also testified that he knows the identity of his enemies, but refused to disclose those names to the institution.

In rendering its decision that Woodliff's grievance was without merit, the Commission pointed out that it found ironic the fact that Woodliff, by his own admission, has not received any threats, written or oral, since the early part of 1985. Based on that admission, the Inmate Grievance Commission found that Woodliff had not presented any evidence to warrant his placement on administrative segregation or protective custody.

Argument IV.

The Division of Correction has Complied with DCR 110-5.

Division of Correction Regulation 110-5, III, states that the purpose of the regulation is to establish procedures for removing inmates from the general population "when reasons exist to believe an inmate is in danger of harm from another/other inmates." Thus, an inmate is not entitled to housing away from the general population merely upon making a request. DCR 100-5, III, clearly establishes threshold requirements that must be met by an inmate. Those special requirements mandate that there be some showing that an inmate is in actual danger of harm. Thus, the procedures for relocating an inmate from the general population to protective custody are triggered only when there is reason to believe that an inmate is in danger. As is clearly established by the decision of the Inmate Grievance Commission, no reasons existed to believe that Woodliff was in danger of harm

from another inmate or inmates. For all of the foregoing reasons the Order of the Inmate Grievance Commission and Secretary of the Department of Public Safety and Correctional Services were supported by substantial evidence and were not affected by error of law.

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL OF MARYLAND

Joan L. Bossmann

Joan L. Bossmann
Assistant Attorney General
Division of Correction
6776 Reisterstown Road
Baltimore, MD 21215
764-4191

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of September, 1990, a copy of the foregoing Appellee's Rule B-12 Response Memorandum was mailed first class, postage prepaid to Lewis Woodliff, #126130, Maryland Correctional Adjustment Center, 401 E. Madison Street, Baltimore, MD 21202.

Joan L. Bossmann

Joan L. Bossmann

FILED

AUG 6 1998

Lewis A. Woodliff, #126130
Appellant

: IN THE

CIRCUIT COURT FOR
BALTIMORE CITY

: CIRCUIT COURT

Vs.

: FOR

Inmate Grievance Commission
Appellee

: ~~IN~~ BALTIMORE CITY

IGC No. 20195

: CASE No. 89047041/CL933226

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MEMORANDUM IN SUPPORT

Appellant, Lewis A. Woodliff, in proper person pursuant to ^{Md.} ~~Md.~~ Rule B-12 of the Maryland Rules of Procedure submit the following Memorandum in support of his Petition For Reversal Of Administrative Agency Decision, and states:

Statement of Facts

Appellant on numerous occasions requested formally and informally under the provisions of the Maryland Division of Corrections' Regulation (DCR) DCR Rule 110-5, for voluntary placement on "Protective Custody Status and Housing" for fear of bodily harm from the prisons' general population inmates to the prisons' Warden, Asst. Warden, and their administrative staff. Appellant had even submitted a "threat note" to support his fears of phys-

Page Two.

Memo. in support.

Cont.:

ical bodily harm.

Upon making these "formally and informally requests" the Warden, Asst. Warden, and their administrative staff showed deliberate, callous, and gross disregard and indifference by having appellant suffer "punitive segregation" punishment repetitiously, and loss of his Good Conduct Time, as well parole eligibility denial, and placed by transfer to Md. Correct'l Adjustment Center (a super maximum security prison) for making such requests.

DCR Rule 110-5 states in brief:

IV. Definition:

A. Voluntary protective custody status - The placement of an inmate in protective custody housing as the result of the Inmates Request or ..."

V. Procedure:

A. Placement on protective custody -

1. Inmates will be moved to protective custody housing as soon as possible after receipt of their request (written or verbal). ... THE "Notice of Assignment to Protective Custody" will be signed by the inmate prior to or at the time of placement ..."
2. Following such placement, an investigation shall be conducted by a Shift Commander or designee as to the inmates (continued) need for protective status. ..."

Page THREE.

MEMO. in support.

Cont.:

3. The inmate shall be reviewed by a classification team within 96 hours after initial placement.

Argument

THERE ARE NO MATERIAL FACTS IN DISPUTE AS TO THE UNLAWFULNESS OF APPELLEES USE OF DENIAL FOR PROTECTIVE CUSTODY FOR APPELLANT UNDER PROVISIONS OF DCR Rule 110-5.

Petition for reversal of administrative agency decision ~~must~~ should be granted where a party shows there is no genuine issue as to any material fact, such as total noncompliance to their own regulation to DCR Rule 110-5, the moving party is entitled to judgment as a matter of law. The undisputed facts of ~~in~~ this case show that the appellant was subjected to the unlawful denial of placement on protective custody upon his own voluntary request under the provisions set-down in DCR Rule 110-5. Thus, there is no factual dispute preventing the entry of granting appellants' petition for reversal of administrative agency decision for the appellant in this case.

Case Law

It is well established that the "Rules and Regulations" -

Page Four.

Memo. in support.

Cont.:

promulgated by an administrative agency cannot be waived, suspended, or disregarded in a particular case as long as such rules and regulations remain in force. 2 Am. Jur. 2nd Administrative Law, 350; Cooper, State Administrative Law, pp. 266-67 (1965-Edition); K. Davis, Administrative Law of the 70s, Section 5-03-5 (Cum. Supp. 1977). This rule has been recognized in federal and state jurisdictions and has become known as the "Accardi doctrine" since it was announced in U.S. ex rel. Accardi v. - Shaughnessy, 347 U.S. 260 (1954); Service v. Dulles, 354 U.S. - 363 (1959); Vitarelli v. Seaton, 359 U.S. 535 (1959).

In United States v. Heffner, 420 F.2d 809 (4th Cir. 1970), held on the prevailing rule, that, "... an agency of the government must scrupulously observe rules and regulations, or procedures which it has established. When it fails to do so, its actions cannot stand and courts will strike it down," Id. at 811; also see Union of Concerned Scientists v. Atomic Energy Comm'n, 499 F.2d 1069 (4th Cir. 1974); Electronic Components v. N.L.R.B., 546 F.2d 1088 (4th Cir. 1976). There is persuasive authority for the rule that an agency's failure to follow its own procedures is a violation of due process, United States v. - Heffner, supra at 812.

Also see: Jackson v. Levine, Civil Action No. B-76-1014 (D. - Md. May 20, 1977); Matthew v. Md. Inmate Grievance Commission, Law D 764 (Cir. Court for Anne Arundel County, June 7, 1977); Hopkins v. - Md. Inmate Grievance Commission, 40 Md. App. 329 (1978).

Page Five.

Memo. in support.

Cont.:

In this case, appellant upon his own voluntary Request was denied in violation of DCR Rule 110-5 placement on protective custody housing and a classification hearing within 96 hours, but was placed on "punitive segregation" instead for making such requests, and loss of Good Conduct Time, as well parole eligibility denial, and placed by transfer to the Md. Correct'l Adjustment Center (MCAC) for making such requests, where appellant is presently in residence. Which is therefore unlawful under the State and Federal constitutional standards, especially as cruel and unusual repetitious punishment.

Relief Sought

Appellant has made no money damages demands, but has sought the following relief, but denied by appellees:

A. That the Warden, Asst. Warden, their administrative staff, including Commissioner of the Md. Division of Correction, be ordered to comply fully without delay with DCR-Rule 110-5, and that appellant be immediately placed on the Md. Penitentiarys' protective custody.

B. That all punitive segregation, including forced residence at the Md. Correct'l Adjustment Center, be ordered immediately stopped/discontinued ~~and~~ against appellant.

C. That all "Infraction Notices," their reports, decisions, recommendations, or other documents or papers directly or indirectly related concerning appellants refusal to —

Page Six.

MEMO. in support.

Cont.:

housing in the prisons' general population (which was based upon appellants requests for protective custody placement that was outright denied) be EXPUNGED from appellants' prison records and file. That all Good Conduct Time and other special Credits that were deducted by cause of those infraction notices be returned to appellant dating back since July 1985.

D. That appellant be allowed to EXERCISE ALL provisions under DCR Rule 110-5 without further interference.

FURTHER...

For the Court:

A. Upon appellants motion for discovery and motion to compel of same in regards to a Cassette Tape of IGC # 20195 to this case has not been complied with by appellants.

B. Although it should only take at the most two (2) hours for estimate length of trial, appellant request that a trial date be set at a later date, because of appellants need to subpoena witnesses should a trial be ordered in this case.

Conclusion

WHEREFORE, the appellant prays that this Honorable Court grant appellants' Petition For Reversal of Administrative Agencies' Decision, and further grant relief sought in -

Page SEVEN.

MEMO. in support

Cont.:

Appellants' petition of same for REVERSAL, and be so ORDERED,
by this Honorable Court.

Date: July 30th, 90

Respectfully submitted,

cc: Appellees Counsel.

Lewis A. Woodliff

Lewis A. Woodliff #126130
Md. Correct'l Adjustment Center
401 E. Madison Street
Baltimore, Md. 21202
Appellant In proper person

VERIFICATION

I declare under the penalties of perjury that
the foregoing is true and correct.

Signed this 30th day of July, 1990.

Lewis A. Woodliff

Lewis A. Woodliff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd, day of August, 1990 a copy of the foregoing AFFIDAVIT and MEMORANDUM IN SUPPORT was mailed postage prepaid by prisons indigency procedure to Appellees' counsel, JOAN L. BOSSMANN, Asst. Attorney General, Division of Correction, 6776 Reisterstown Rd., Baltimore, Md. 21215.

Lewis A. Woodliff

Lewis A. Woodliff #126136
401 E. Madison St., MCAC
Baltimore, Md. 21202
Appellant - In proper person.

FILED

AUG 6 1990

LEWIS A. Woodliff, #126130
Appellant

: IN THE CIRCUIT COURT FOR
BALTIMORE CITY

: CIRCUIT COURT

Vs.

: FOR

INMATE GRIEVANCE COMMISSION,
Appellees

: BALTIMORE CITY

IBC No. 20195

: CASE No. 89047041/~~CL93-276~~
CL-93226

.

AFFIDAVIT

Appellant, Lewis A. Woodliff, pursuant to Md. Rule - 2-311(d), submits herewith an Affidavit in support of appellants' Motion For Deterral of Dismissal and Memorandum In Support on appellants' Petition For Reversal of Administrative Agencies' Decision, and state the following:

THEREFORE, I, Lewis A. Woodliff, state and affirm according to law, deposes and says; that he is the appellant in the above titled case, and knows the contents thereof, and that the same are true and correct of his own knowledge, information and belief, under penalties of perjury.

Subscribed and sworn before me
this 31st day of July, 1990.

Respectfully submitted,
L. A. Woodliff
LEWIS A. Woodliff #126130
401 E. Madison St., MPAC
Baltimore, Md. 21202

Notary Public: Rodney L. Burger
My Commission Expires: 12/92

CIRCUIT COURT FOR BALTIMORE CITY

MEMORANDUM

DATE: July 30, 1990

TO: Sandra E. Banks, Clerk of the
Circuit Court for Baltimore City

FROM: Judge David Ross

SUBJECT: Lewis A. Woodliff v. Secretary of Public Safety
and Correctional Services
Case No. 89047041/CL93226

Madam Clerk:

To expedite the further handling of this administrative appeal, which for some reason has been sidetracked, contrary to normal practice I have done the following:

1. Decided the discovery motions.
2. Decided the motion to defer dismissal under Rule 2-507.

Thus if this case has been set for hearing on the Rule 2-507 motion, the hearing should be cancelled. It is no longer necessary.

The docket entry April 17, 1989 includes the direction "set JTF". I assume "CTF" was intended. In light of the date of the docket entry, it seems apparent the case was not set for trial. It should be set immediately.


David Ross

DR:ms

JUDGE DAVID ROSS
Sitting as Motions Judge

TITLE OF CASE:

DATE OF HEARING:

LEWIS A. WOODLIFF
v.
SECRETARY OF PUBLIC SAFETY
AND CORRECTIONAL SERVICES

APPEARANCES:

P.P.

COURT: Circuit Court for
Baltimore City

FOR PLAINTIFF

DOCKET:

PAGE:

CASE NO.: 89047041/CL93226

Alan D. Eason

FOR DEFENDANT

FOR THIRD PARTY DEFENDANT

RULING BY THE COURT: July 30, 1990

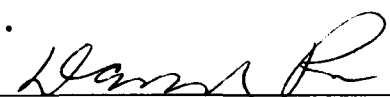
Appellant's motion for production of IGC cassette tape[s] is denied. Appellant's bald allegation that the transcript filed in this proceeding is incomplete and inaccurate is insufficient basis for requiring production of the cassette itself. Normal discovery procedures are not available in administrative appeals on the record. Furthermore, as appellee has pointed out in its response to the motion, that which petitioner requests is available to him under the Public Information Act.

For the same reasons appellant's motion for an order compelling discovery is denied.

Appellant's motion for deferral of dismissal is granted and dismissal is deferred for six months from today's date. If this case has not been finally disposed of by the expiration of the six-month period, the appeal shall be dismissed.

Appellee's motion to dismiss is granted and this appeal shall be dismissed unless the appellant files his Rule B12 memorandum within 30 days of today's date.

cc: Lewis A. Woodliff
1040-10-34 Alan D. Eason, Esq.


JUDGE

FILED

12

LEWIS WOODLIFF, #126-130

Appellant

**CIRCUIT COURT FOR
BALTIMORE CITY**

IN THE

CIRCUIT COURT

v.

FOR

INMATE GRIEVANCE COMMISSION

BALTIMORE CITY

Appellee

Case No. 89047041/⁹³²²⁶~~CL933226~~

IGC No. 20195

* * * * *

MOTION TO DISMISS PURSUANT TO MARYLAND RULE B12

Appellee, Inmate Grievance Commission, by its attorneys, J. Joseph Curran, Jr., Attorney General of Maryland and Joan L. Bossmann, Assistant Attorney General, respectfully moves this Honorable Court to dismiss the appeal filed in the above-captioned matter and for reasons states:

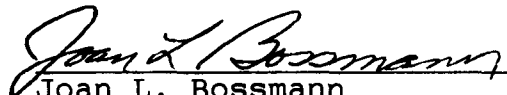
1. Pursuant to Maryland Rule B-12, the Appellant shall, within thirty days after being notified by the Clerk of the filing of the Record, file a memorandum setting forth a concise statement of all issues raised on appeal and argument on each issue, including citations of legal authorities and references to pages of the written transcript and exhibits relied on.

2. A review of the Record and court file in the above-captioned matter reveals that on April 17, 1989, Sandra E. Banks, Clerk, Circuit Court for Baltimore City, sent to both Appellant and Appellee the requisite notice in accordance with Maryland Rule B-12, and that Appellant's B-12 Memorandum was therefore due to be filed on or about May 20, 1989.

3. That as of June 26, 1990, more than one year and two months have lapsed since the date that Appellant's B-12 Memorandum was due and to date none has been filed. Rule B-12 is a precise rubric adopted by the Court of Appeals to promote the orderly and efficient administration of justice and it is meant to be obeyed. People's Council v. Public Service Commission, 52 Md. App. 715, 451 A.2d 945 (1982). Dismissal of the administrative appeal is the preferred sanction for failure to comply with Rule B-12. People's Council v. Public Service Commission, supra.

WHEREFORE, due to Appellant's failure to comply with Maryland Rules B12, Appellee respectfully requests that this Honorable Court dismiss the above-captioned matter.

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL OF MARYLAND


Joan L. Bossmann
Assistant Attorney General
Division of Correction
6776 Reisterstown Road
Baltimore, MD 21215
764-4191

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ^{27th}~~26th~~ day of June, 1990, a copy of the foregoing Motion to Dismiss Pursuant to Maryland Rule B12 was mailed first class, postage prepaid to Lewis Woodliff,

#126-130, Maryland Correctional Adjustment Center, 401 E. Madison
Street, Baltimore, MD 21202.

Joan L. Bossmann
Joan L. Bossmann

LEWIS WOODLIFF, #126-130

Appellant

v.

INMATE GRIEVANCE COMMISSION

Appellee

IGC No. 20195

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No. 89047041/CL933226

* * * * *

APPELLEE'S ANSWER IN SUPPORT OF CONTEMPLATED DISMISSAL
PURSUANT TO MARYLAND RULE 2-507 AND ANSWER TO
APPELLANT'S MOTION FOR "DETERRAL OF DISMISSAL"

Appellee, Inmate Grievance Commission, by its attorneys, J. Joseph Curran, Jr., Attorney General of Maryland, and Joan L. Bossmann, Assistant Attorney General, in answer to the Notification to Parties of Contemplated Dismissal and in to Appellant's Motion for "Deterral of Dismissal," requests that this Honorable Court dismiss the above-captioned matter pursuant to Maryland Rules 2-507, B-12 and State Government Article, Section 10-614 and for reasons states.

1. Appellee admits the allegation to paragraph 1 of Appellant's Motion, that the instant appeal was filed on or about February 9, 1989.

2. Appellee denies the allegation of paragraph 2 of Appellant's Motion for "Deterral of Dismissal".

3. Appellee admits that the Appellant has made a previous request for cassette tape recordings of Inmate Grievance Commission hearing in complaint number 20195, and by way of further explanation states that on May 4, 1989, Appellee filed a response to Motion to Production of Cassette Tapes in which it

established that inmate Woodliff is entitled to access to these public records pursuant to, but only in accordance with, the provisions of the State Government Article, Section 10-611, et seq. and that Section 10-614(a) requires that inmate Woodliff submit a written application to the custodian of the public record.

4. As of June 25, 1990, inmate Woodliff has failed to make written application to the custodian of the requested public record, Marvin N. Robbins, Executive Director of the Inmate Grievance Commission, as required by the State Government Article, Section 10-614.

5. A review of the court file in the above-captioned matter reveals that the most recent action in the above-captioned matter is the Motion for an Order Compelling Discovery filed by the inmate Appellant on or about May 11, 1989.


6. That the Inmate Grievance Commission in accordance with Maryland Rule B-7 filed with the Clerk of the Circuit Court for Baltimore City on April 17, 1989, the requisite Certificate of Record and Transcript in the above-captioned case.

7. That as of June 25, 1990, more than a year has lapsed since the most recent action taken in the above-captioned case and that the matter is now stale for want of prosecution within the meaning of Maryland Rule 2-507.

8. A review of the record and court file in the above-captioned matter will reveal that the inmate Appellant has made no request for a hearing on the merits of the above-captioned matter, and that the Appellant has also failed to file a written memorandum as required by Md. Rule B12.

WHEREFORE, due to Appellant's failure to prosecute the above-captioned matter with any degree of diligence, Appellee respectfully that this Honorable Court dismiss the appeal pursuant to Maryland Rule 2-507.


J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL OF MARYLAND



Joan L. Bossmann
Assistant Attorney General
Division of Correction
6776 Reisterstown Road
Baltimore, MD 21215
764-4191

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 1990, a copy of the foregoing Appellee's Answer in Support of Contemplated Dismissal Pursuant to Maryland Rule 2-507 and Answer to Appellant's Motion for Deterral of Dismissal was mailed first class, postage prepaid to Lewis Woodliff, #126-130, Maryland Correctional Adjustment Center, 401 E. Madison Street, Baltimore, MD 21202.



Joan L. Bossmann

LEWIS WOODLIFF, #126-130

Appellant

v.

INMATE GRIEVANCE COMMISSION

Appellee

IGC No. 20195

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No. 89047041/CL933226

* * * * *

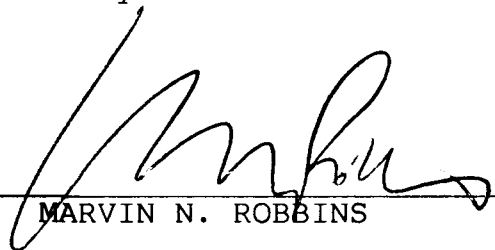
AFFIDAVIT OF MARVIN N. ROBBINS

Pursuant to State Government Article, Section 10-614, Marvin N. Robbins, Executive Director of the Inmate Grievance Commission, states as follows:

1. I am the Executive Director of the Inmate Grievance Commission and am the official custodian of the records of the Inmate Grievance Commission.

2. Inmate Grievance Commission case #20195 was a grievance filed by Lewis Woodliff on May 4, 1988.

3. According to records maintained in the ordinary course of business, the final decision of the IGC in case #20195 was dated February 6, 1989 and was sent by mail to Lewis Woodliff on February 6, 1989 (see attached).


MARVIN N. ROBBINS

STATE OF MARYLAND)
) to wit:
COUNTY OF BALTIMORE)

I HEREBY CERTIFY that on this 27th day of June, 1990,
before me, the subscriber, a Notary Public of the State of
Maryland, personally appeared MARVIN N. ROBBINS, who made oath in
due form of law that he has personal knowledge of the facts set
forth in this Affidavit, and that the statements contained herein
are based on his knowledge, information and belief.

As witness my hand and Notarial Seal.

Sandra Lee Palmer
NOTARY PUBLIC



My Commission Expires: *6/27/91*

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES



WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY

MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

February 6, 1989

Mr. Lewis Woodliff, #126130
Md. Pen.

Enclosed please find a photocopy of the Commission's Order(s) in the following matter(s). Please note the final disposition is either without merit or moot.

IGC No. 20195

Sincerely,

Marvin N. Robbins
Executive Director

MNR/ps

LEWIS WOODLIFF, #126-130
Appellant
v.
INMATE GRIEVANCE COMMISSION
Appellee
IGC No. 20195

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No. 89047041/CL933226

* * * * *

ORDER

UPON consideration of Appellee's Motion to Dismiss, it is this ____ day of June, 1990,

ORDERED that the Appeal filed in the above-captioned matter be and is hereby DISMISSED pursuant to Maryland Rules 2-507, B12 and State Government Article, Section 10-614, and it is

ORDERED that the decision of the decision of the Inmate Grievance Commission be affirmed.

JUDGE

5/57

FILED

JUN 20 1990

CIRCUIT COURT FOR BALTIMORE CITY

LEWIS A. Woodliff,
Appellant

: IN THE
: CIRCUIT COURT
: FOR BALTIMORE CITY

vs.

Secretary of Public Safety
& Correctional Services,
Appellee

: CIVIL DIVISION
: CASE No. 89047041 / CL93226

MOTION FOR DETERRAL OF DISMISSAL

Appellant, Lewis A. Woodliff, in propria personam pursuant to Rule 2-507(E) of the Maryland Rules of Procedures moves for an Order To Deter Dismissal, contemplated herein the above entitled case.

The grounds for this motion are as follow:

1. On February 9th., 1989, appellant filed the instant petition for Reversal of Administrative Agency Decision. A copy of said Petition was mailed to Appellee as noted in Certificate of Service filed therewith.
2. That the ~~respondent~~ appellee having failed to Transmit the Records of Proceedings in IBC # 20195 as requested in Order of Appeal filed with said.
3. That the appellee having failed to provide appellant with copy of the Cassette Tape recordings of said IBC # 20195 Hearing along with the Transmission of the Records of said Proceedings, of which appellant had filed a Motion For Production IBC Cassette Tape of which appellee ignored, motion (copy) and Certificate of Service dated —

PAGE TWO.

6/16/90

Motion For ~~Deferral~~ of Dismissal.

Contd:

April 23rd, 1989 was mailed to this Court, including on May 11th, 1989 a Motion For An Order Compelling Discovery was filed and Certificate of Service served to appellee by mail, as yet appellant has not received an Order from this Court to that Motion to compel the Appellee, for IGL# 20195's Cassette Tape recordings to be provided to appellant, of said proceedings.

4. That the appellants' Petition For Reversal of Administrative Agency Decision is just, proper as well meritorious.

5. That the Appellees' Failure to Transmit the Records of said proceedings including Cassette Tape recordings in IGL# 20195 has impede appellant execution of his appeal pending before this Court.

6. That the appellant verily believes he is entitled to a ~~Default~~ Judgment or entitled to an Order requiring Appellee to Transmit the Records of IGL# 20195.

WHEREFORE, appellant having shown good cause why the instant appeal should not be dismissed. He also respectfully prays this Court will issue an Order deterring a dismissal of appeal filed in the above captioned case.

Date: June 16th, 1990

cc: Appellee.

Respectfully submitted,
Lewis A. Woodliff
Lewis A. Woodliff #126130
401 E. Madison St., MEAC
Baltimore, Md. 21202

CERTIFICATE OF SERVICE

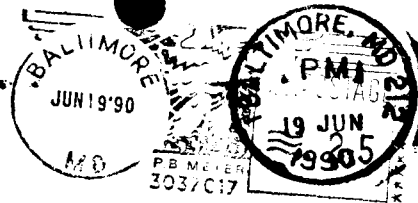
I HEREBY CERTIFY that on this 17th., day of JUNE, 1990 a Copy of the foregoing motion for Deferral of Dismissal was mailed postage prepaid by PRISONERS' indigency procedure to Appellers' attorney, ALAN D. EASON, ASST. ATTORNEY GENERAL, Md. Division of Correction, 6776 Reisterstown Rd., Baltimore, Md. 21215.

Lewis A. Woodliff

Lewis A. Woodliff #126130
401 E. Madison St., MCAC
Baltimore, Md. 21202
Appellant In propria personam

Lewis A. Woodliff 216130
401 E. Madison St.
Baltimore, Md. 21202

CENSUS '90



N.F.

HELP GOODWILL INDUSTRIES
HELP THE HANDICAPPED

Mrs. Saunders E. Bombs, Clerk
Circuit Court For Baltimore City
Civil Division, Rm. 462 Court House East
111 N. Calvert Street
Baltimore, Md. 21202

CASE NUMBER

0047041

CIRCUIT COURT FOR BALTIMORE CITY

WOODLIFF VS SEC. OF PUBLIC SAFETY CL93226

DOCKET

FOLIO

NOTIFICATION TO PARTIES OF CONTEMPLATED DISMISSAL

PURSUANT TO MARYLAND RULE 2-507 THIS PROCEEDING WILL BE
"DISMISSED FOR LACK OF JURISDICTION OR PROSECUTION WITHOUT PREJUDICE",
30 DAYS AFTER SERVICE OF THIS NOTICE, UNLESS PRIOR TO THAT TIME A WRITTEN
MOTION SHOWING GOOD CAUSE TO DEFER THE ENTRY OF AN ORDER OF DISMISSAL IS FILED.

COSTS WILL BE ASSESSED IN ACCORDANCE WITH THE MARYLAND RULES.

EASON, ALAN

SUITE 311

6776 REISTERSTOWN ROAD

BALTIMORE MD 21215

SAUNDRA E. BANKS, CLERK

CIRCUIT COURT FOR BALTIMORE CITY

DATE OF MAILING

5/22/90

CASE NUMBER

047041

CIRCUIT COURT FOR BALTIMORE CITY

WOODLIFF VS SEC. OF PUBLIC SAFETY CL93226

DOCKET

FOLIO

NOTIFICATION TO PARTIES OF CONTEMPLATED DISMISSAL

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COSTS WILL BE ASSESSED IN ACCORDANCE WITH THE MARYLAND RULES.

EASON, ALAN
SUITE 311
6776 REISTERSTOWN ROAD
BALTIMORE MD 21215

SAUNDRA E. BANKS, CLERK
CIRCUIT COURT FOR BALTIMORE CITY

DATE OF MAILING

5/22/90

CASE NUMBER

9047041

CIRCUIT COURT FOR BALTIMORE CITY

WOODLIFF VS SEC. OF PUBLIC SAFETY CL93226

DOCKET

FOLIO

NOTIFICATION TO PARTIES OF CONTEMPLATED DISMISSAL

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30 DAYS AFTER SERVICE OF THIS NOTICE, UNLESS PRIOR TO THAT TIME A WRITTEN
MOTION SHOWING GOOD CAUSE TO DEFER THE ENTRY OF AN ORDER OF DISMISSAL IS FILED.

COSTS WILL BE ASSESSED IN ACCORDANCE WITH THE MARYLAND RULES.

WOODLIFF, LEWIS A
MD CORRECTIONAL ADJUSTMENT CTR
401 E. MADISON STREET
BALTIMORE MD 21202

SAUNDRA E. BANKS, CLERK
CIRCUIT COURT FOR BALTIMORE CITY

DATE OF MAILING

5/22/90

CASE NUMBER

9047041

CIRCUIT COURT FOR BALTIMORE CITY

WOODLIFF VS SEC. OF PUBLIC SAFETY CL93226

DOCKET NO FOLIO

NOTIFICATION TO PARTIES OF CONTEMPLATED DISMISSAL

PURSUANT TO MARYLAND RULE 2-507 THIS PROCEEDING WILL BE
"DISMISSED FOR LACK OF JURISDICTION OR PROSECUTION WITHOUT PREJUDICE",
30 DAYS AFTER SERVICE OF THIS NOTICE, UNLESS PRIOR TO THAT TIME A WRITTEN
PETITION SHOWING GOOD CAUSE TO DEFER THE ENTRY OF AN ORDER OF DISMISSAL IS FILED.

COSTS WILL BE ASSESSED IN ACCORDANCE WITH THE MARYLAND RULES.

WOODLIFF, LEWIS A
MD CORRECTIONAL ADJUSTMENT CTR
401 E. MADISON STREET
BALTIMORE MD 21202

SAUNDRA E. BANKS, CLERK
CIRCUIT COURT FOR BALTIMORE CITY

DATE OF MAILING

5/22/90

aw

FILED

NOV 28 1989

LEWIS WOODLIFF, #126130

Appellant

v.

INMATE GRIEVANCE COMMISSION

Appellee

IGC No. 20195

* IN THE
 * CIRCUIT COURT ~~CIRCUIT COURT FOR~~
 * FOR BALTIMORE CITY
 * BALTIMORE CITY
 * Case No. 89047041
 * CL93226

* * * * *

NOTICE OF WITHDRAWAL OF APPEARANCE AND
REQUEST FOR ENTRY OF APPEARANCE

Please take notice that Scott S. Oakley, Assistant Attorney General, herewith withdraws his appearance on behalf of Appellee Inmate Grievance Commission and that Alan D. Eason, Assistant Attorney General, herewith requests the entry of his appearance on behalf of Appellee.

Scott S. Oakley

 SCOTT S. OAKLEY
 Assistant Attorney General

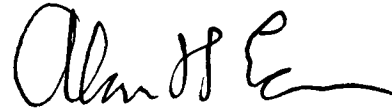
Alan D. Eason

 ALAN D. EASON
 Assistant Attorney General
 Division of Correction
 6776 Reisterstown Road
 Baltimore, MD 21215
 764-4191

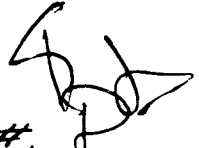
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July, 1989,
I caused a copy of the foregoing Notice of Withdrawal of
Appearance and Request for Entry of Appearance to be mailed,
first class, postage prepaid, to Lewis Woodliff, #126130,
Maryland Penitentiary, 954 Forrest Street, Baltimore, MD 21202.



ALAN D. EASON


Re: Lewis A. Woodliff #12630
401 E. Madison St., MENC
Baltimore, Md. 21202
May 11th, 1989

To: Mrs. Sandra E. Banks, Clerk
Circuit Court for Baltimore City
111 N. Calvert St., Civil Division
Baltimore, Md. 21202

FILED
MAY 15 1989
CIRCUIT COURT FOR
BALTIMORE CITY

Re: Woodliff v. Secretary, I.G.C. No. 2095
Case No. 8904704/PL93226.

Dear Mrs. Banks:

Enclosed is a Motion for An Order Compelling
Discovery to be docket as well processed.

Thank you for your most kind attention, time,
and assistance.

Respectfully submitted,

Lewis A. Woodliff.

Lewis A. Woodliff, #126130 : IN THE
Appellant :
: BALTIMORE CITY
v. :
: FOR
Secretary of Public Safety & : BALTIMORE CITY
Correctional Services :
Appellee : CASE No. 89047041/CL93226
I.B.C. No. 20195

. . . : . . .
MOTION FOR AN ORDER
COMPELLING DISCOVERY

Appellant, Lewis A. Woodliff, in the above entitled case, pursuant to Art. 41, Annotated Code of Maryland, moves this Court for an Order compelling Appellee Secretary of Public Safety and Correctional Services who refuse to produce for Appellant the I.B.C. No. 20195 "Cassette Tape," and other documents requested as copies of their originals, stating the following:

1. I.B.C. No. 20195, Cassette Tape recording of all proceedings at that hearing that was not submitted by Appellee as a part of his "Transcript of Proceedings." The transcript itself being incomplete & inaccurate of the entire proceedings, as well testimony.

2. I.B.C. No. 19875, "Transcript of Proceedings" of

Page Two.

Mot. to Comp.

Cont.:

5/11/89

Appellants witness, Kirk Bloodsworth # 187307, whose I.G.P. (No. 19875) Hearing and Decision was submitted as a part of Appellants case

J. I.G.P. No. 19875, Cassette Tape recording of all proceedings at that hearing, in case the "Transcript of Proceedings" should be as well incomplete and inaccurate, similar to appellants transcribed Transcript.

Appellant submitted a written request by motion for production I.G.P. cassette tape on April 23rd, 1989 for these documents within ten (10) days, May 3rd, 1989, but as yet appellant has not received them, or copies thereof.

Appellers had filed a "Response To Motion For Production" requesting this Court for an Order to deny appellant copies of these documents alleging that:

A. Nothing in Subtitle B of the Maryland Rules, or in Section 10-215 of the State Government Article, or in Section 4-102.1(1) of Article 41 contemplates the use of judicial process to compel the production of these public records in the course of a proceeding for judicial review of administrative agency action, etc., etc., etc.

At first appellant had not understood appellers' motion, but upon reviewing the motion it is clear the appeller does not understand appellants request.

Page THREE.

Mot. to Comp.

~~the~~ Cent.:

What appellant requested were documents that is / or should ^{be} a part of appellants appeal, not forgetting the transcript is incomplete as well inaccurate, and the facts of the proceedings can only be obtained through the Cassette Tape Recording of said I.G.P. Hearing, Testimony, and proceedings.

Also, I.G.P. No. 19875, "Transcript of Proceedings" was suppose to be automatically a part of Appellants' "Transcript of Proceedings," as he well knows!

Appellant cannot properly and effectively represent his appeal without these requested documents, or copies thereof, as appellees readily know, therefore, would deny appellant a just, fair, and impartial hearing if this Court should grant Appellees' motion.

~~WHEREFORE~~ WHEREFORE, Appellant Lewis A. Woodliff request that this Court grant appellants' Motion for An Order Compelling Discovery, an issue an Order compelling appellee to produce copies of the above above said documents without further delay, and denying appellees' Response to Motion for Production's Order

Date: May 11th, 1989
cc: Appellee.

Respectfully submitted,
Lewis A. Woodliff
"Appellant"
Lewis A. Woodliff #126130
401 E. Madison St., MeAC
Baltimore, Md. 21202

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of May, 1989, a copy of the foregoing Motion For An Order Compelling Discovery was mailed, prepaid postage prepaid, to Appellants' Counsel, Scott S. Oakley, Esq., D.O.C., 6776 Reisterstown Rd., Suite 311, Baltimore, Md. 21215.

Lewis A. Woodliff

LEWIS A. WOODLIFF #126150
Appellant in proper person

cc:

FILED

MAY 5 1989

**CIRCUIT COURT FOR
BALTIMORE CITY**

LEWIS A. WOODLIFF, #126130
Appellant
v.
SECRETARY OF PUBLIC SAFETY &
CORRECTIONAL SERVICES
Appellee
IGC No. 20195

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

~~Case No.~~ 89047041
CL93226

RESPONSE TO MOTION FOR PRODUCTION

Appellee Secretary of Public Safety & Correctional Services,
by his attorneys J. Joseph Curran, Jr., Attorney General of
Maryland, and Scott S. Oakley, Assistant Attorney General, as a
response to the Motion for Production, states:

1. Inmate Woodliff seeks, by his Motion for Production, the
audio cassette tape recording of the Inmate Grievance Commission
hearing conducted September 7, 1988 in IGC No. 20195. Inmate
Woodliff further seeks the "transcript of proceedings" of the
Inmate Grievance Commission in IGC No. 19875, as well as the
audio cassette tape recording of the hearing before the Inmate
Grievance Commission in IGC No. 19875.

2. The items requested by inmate Woodliff are "public
records" within the meaning of the State Government Article,
Section 10-611(f).

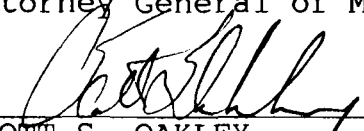
3. Inmate Woodliff is entitled to access to these public
records pursuant to, but only in accordance with, the provisions
of the State Government Article, Section 10-611 et seq.

4. The State Government Article, Section 10-614(a) requires that inmate Woodliff submit a written application to the custodian of the public record: In this case, Marvin N. Robbins, Executive Director, Inmate Grievance Commission.

5. Nothing in Subtitle B of the Maryland Rules, or in Section 10-215 of the State Government Article, or in Section 4-102.1(1) of Article 41 contemplates the use of judicial process to compel the production of these public records in the course of a proceeding for judicial review of administrative agency action.

WHEREFORE, Appellee Secretary of Public Safety & Correctional Services respectfully requests that this Court deny inmate Woodliff's Motion for Production.

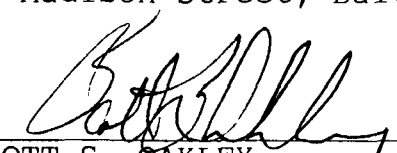
J. JOSEPH CURRAN, JR.
Attorney General of Maryland



SCOTT S. OAKLEY
Assistant Attorney General
Division of Correction
6776 Reisterstown Road
Suite 311
Baltimore, Maryland 21215
764-4191

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May, 1989, I caused a copy of the foregoing Response to Motion for Production to be mailed, postage prepaid, to Lewis A. Woodliff, #126130, Maryland Correctional Adjustment Center, 401 E. Madison Street, Baltimore, Maryland 21202.



SCOTT S. OAKLEY

LEWIS A. WOODLIFF, #126130

Appellant

v.

SECRETARY OF PUBLIC SAFETY &
CORRECTIONAL SERVICES

Appellee

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
*
* Case No. 89047041
* CL93226

ORDER

Upon the Motion of Appellant Woodliff for the production of copies of certain public records, and Appellee Secretary of Public Safety & Correctional Services having been heard, and it appearing that substantial justification has not been demonstrated therefor, it is this day of , 1989, by the Circuit Court for Baltimore City,

ORDERED, that the Motion for Production be and hereby is DENIED.

JUDGE OF THE CIRCUIT COURT
FOR BALTIMORE CITY

Scott S. Oakley, Esquire
Division of Correction
6776 Reisterstown Road, Suite 311
Baltimore, Maryland 21215

Lewis A. Woodliff, #126130
Maryland Correctional Adjustment Center
401 E. Madison Street
Baltimore, Maryland 21202

FILED

APR 28 1989

CIRCUIT COURT FOR BALTIMORE CITY

6
BS

Lewis A. Woodliff, #126130
Appellant

: IN THE
:
: CIRCUIT COURT
:
: FOR

v.

Secretary of Public Safety &
Correctional Services

Appellee

: BALTIMORE CITY
:
: CASE No. 89047041/CL93226

I.G.C. No. 20195

.

MOTION FOR PRODUCTION
I.G.C. CASSETTE TAPE

I, Lewis A. Woodliff, appellant in the above entitled case, pursuant to Act. 41, Annotated Code of Maryland, request that the appellee respond and produce within ten (10) days to appellant a copy of the following documents:

1. The Cassette Tape of all the recordings of the I.G.C. No. 20195 hearing held on September 7th, 1988 that did not become a part of appellee's Transcript of Proceedings.
2. After appellant reviewed appellee's Transcript of Proceedings he noticed the testimony and proceedings transcribed therein were "incomplete and inaccurate".
3. It would be totally necessary for the presence of the cassette tape of the entire I.G.C. Hearing to be ordered as a part of appellee's Transcript of Proceedings to

Page Two.
Re: Motion
Cont.:

help sufficiently establish the accuracy and complete testimony and proceedings of the I.G.C. Hearing.

FURTHER REQUESTING:

1. The complete "Transcript of Proceedings" of I.G.C. No. 19875, of witness Kirk Bloodsworth #187307, whose I.G.C. Hearing and Decision is a part of Appellant's case, established in Appellee's Transcript of Proceedings of I.G.C. No. 20195 on page 17, or the Cassette Tape recording of I.G.C. No. 20195.

2. Also the "Cassette Tape" recording of the entire proceedings of I.G.C. No. 19875, in case the Transcript of Proceedings should be as well incomplete, and, as well inaccurate.

Date: April 23rd, 1989

Lewis A. Woodliff

cc: Circuit Court for Baltimore
City.
: personal.

Lewis A. Woodliff #126130
401 E. Madison St., MCAC
Baltimore, Md. 21202
Appellant

CERTIFICATION OF SERVICE

I, LEWIS A. WOODLIFF, appellant certify on this 23rd. day of April, 1989 ^{a copy} ~~the original~~ of this motion for production I.B.C. Cassette Tapes of I.B.C. No. 20195 was mailed, postage prepaid, to Appellees' attorney Scott S. Oakley, Asst. Attorney Gen., D.O.C., 6776 Reisterstown Rd., Suite 311, Baltimore, Md. 21215

cc: personal.

Lewis A. Woodliff

LEWIS A. WOODLIFF #126130
401 E. Madison St., MeAC
Baltimore, Md. 21202
Appellant

FILE

84047041/CL93226

Re: Lewis A. Woodliff #126130
401 E. Madison St., MCAC
Baltimore, Md. 21202
April 23rd, 1989

To: Ms. Saundra E. Banks, Clerk
Circuit Court for Baltimore City
111 N. Calvert St., Civil Division
Baltimore, Md. 21202

FILED

APR 28 1989

CIRCUIT COURT FOR
BALTIMORE CITY

Re: Change of address, and encl. motion.

DEAR Ms. Banks:

I have been transferred to another institution, and would appreciate the address change be made a matter of record, as well my new mailing address, and:

Enclosed is a motion for production of I.C.C. Cassette Tape and other documents listed.

I would greatly appreciate if you would notify me upon receipt of these documents, and thank you for your most kind attention, time, as well assistance.

cc: personal

Respectfully sub,

New Address:

Maryland Correctional Adjustment Center (MCAC).
401 E. Madison Street
Baltimore, Md. 21202

Lewis A. Woodliff

Scott S. Oakley
Assistant Attorney General
Department Of Public Safety
and Correctional Services
Suite 312-6776 Reisterstown Road
Baltimore, Maryland 21215

Lewis A. Woodliff #126130
Maryland Penitentiary
954 Forrest Street
Baltimore, Maryland 21202
Grievant

(5)

NOTICE SENT IN ACCORDANCE WITH MARYLAND RULE B-12

~~Lewis A. Woodliff~~.....

vs.

~~Secretary Of Public safety and
Correctional Services~~

Docket:

Folio:

File: 89047041/CL93226

Date of Notice: April 17, 1989

STATE OF MARYLAND, ss:

I HEREBY CERTIFY, That on the 17th day of April, Nineteen Hundred and Eighty-nine, I received from the Administrative Agency, the record, in the above captioned case.

SAUNDRA E. BANKS, Clerk
Circuit Court for Baltimore City

CC-39

NOTICE SENT IN ACCORDANCE WITH MARYLAND RULE B-12

~~Lewis A. Woodliff~~.....

vs.

~~Secretary Of Public Safety and
Correctional Services~~

Docket:

Folio:

File: 89047041/CL93226

Date of Notice: April 17, 1989

STATE OF MARYLAND, ss:

I HEREBY CERTIFY, That on the 17th day of April, Nineteen Hundred and Eighty-nine, I received from the Administrative Agency, the record, in the above captioned case.

SAUNDRA E. BANKS, Clerk
Circuit Court for Baltimore City

CC-39

Handwritten initials

FILED

4

APR 17 1989

LEWIS WOODLIFF, #126130 CIRCUIT COURT FOR THE BALTIMORE CITY

Appellant * CIRCUIT COURT

v. * FOR

INMATE GRIEVANCE COMMISSION * BALTIMORE CITY

Appellee * CASE NO. 89047041/CL93226

IGC NO. 20195 *

* * * * *

CERTIFICATE OF RECORD

I HEREBY CERTIFY that the attached documents are the full, complete and official record of the proceedings before the Inmate Grievance Commission in Case No. 20195:

1. Letter received May 4, 1988 from Lewis Woodliff to Marvin Robbins;
2. Letter dated May 12, 1988 from Marvin Robbins to Lewis Woodliff;
3. Letter dated May 12, 1988 from Marvin Robbins to Bernard Smith;
4. Letter received May 19, 1988 from Lewis Woodliff to Marvin Robbins;
5. Letter dated May 26, 1988 from Marvin Robbins to Lewis Woodliff;
6. Letter received June 6, 1988 from Bernard Smith to Marvin Robbins;
7. Letter received June 14, 1988 from Lewis Woodliff to Marvin Robbins;

Handwritten initials

8. Letter dated June 16, 1988 from Marvin Robbins to Lewis Woodliff;

9. Letter dated June 16, 1988 from Marvin Robbins to Bernard Smith;

10. Letter received June 22, 1988 from Lewis Woodliff to Marvin Robbins;

11. Letter dated June 30, 1988 from Marvin Robbins to Lewis Woodliff;

12. Letter dated June 30, 1988 from Marvin Robbins to Bernard Smith;

13. Letter received July 6, 1988 from Lewis Woodliff to Marvin Robbins;

14. Letter dated July 12, 1988 from Marvin Robbins to Lewis Woodliff;

15. Letter received July 20, 1988 from Lewis Woodliff to Marvin Robbins;

16. Letter dated July 25, 1988 from Marvin Robbins to Lewis Woodliff;

17. Letter received August 2, 1988 from Lewis Woodliff to Marvin Robbins;

18. Letter dated August 11, 1988 from Marvin Robbins to Lewis Woodliff;

19. Transcript of the proceedings before the Inmate Grievance Commission on September 7, 1988 reference IGC #20195;

A

20. Order of the Inmate Grievance Commission in IGC #20195 dated February 6, 1988;

21. Letter dated February 6, 1989 from Marvin Robbins to Lewis Woodliff.

Exhibit 1

Exhibit 2

Exhibit 3

Marvin N. Robbins

MARVIN N. ROBBINS
Executive Director
Inmate Grievance Commission
Suite 302 - 6776 Reisterstown Road
Baltimore, MD 21215

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Certificate of Record was mailed, postage prepaid, this 14th day of April 1989 to Mr. Lewis Woodliff #126130, Maryland Penitentiary, 954 Forrest Street, Baltimore, MD 21215.

Scott S. Oakley

SCOTT S. OAKLEY
Assistant Attorney General
Department of Public Safety
and Correctional Services
Suite 312 - 6776 Reisterstown Road
Baltimore, MD 21215

IN THE MATTER OF

RECEIVED

MAY 4 1988

INMATE GRIEVANCE COMMISSION

Lewis A. Woodliff #126130

MARYLAND PENITENTIARY

954 FORREST STREET

Baltimore, Md. 21202

GRIEVANT

TO

Md. INMATE GRIEVANCE COMMISSION

MR. MARVIN N. ROBBINS, EXEC. DIR.

SUITE 302 - 6776 REISTERSTOWN RD.

Baltimore, Md. 21215-2346

I.G.C. No. _____

GRIEVANCE

I, Lewis A. Woodliff, grievant, on this ~~2nd~~ 3rd day of May, 1988 declares and affirm under penalties of perjury that all stated herein is true, correct to the best of his personal knowledge, belief, and information, in accordance with M.R.P. Rule 5 (c), and states the following:

- 1.) On August 22nd, 1987 grievant filed a Administrative Remedy Request, Case No. MP0539-87, stating;
 - A. That when grievant's punitive segregation sentence is served that grievant be placed on Protective Custody having enemies in the prison's "general population," and threats by inmates have been made on grievant's life, via through letter (a threat note was attached) in accordance with D.C.P. 110-5 on Voluntary placement, or if refused an alternative to Administrative Segregation in accordance to D.C.P. Rule 110-19

Page Two.

I. B. C.

Cont.:

b. On October 13th., 1987 in "response" of said Admin. Remedy Request former warden Howard N. Lyles, stated; "... Your request for Administrative Remedy is hereby denied. According to D.C.R. 185-2, Titled, "Administrative Remedy Procedure" the Division of Correction does not accept request for resolution through the Administrative Remedy Procedure on any issues concerning Classification Team recommendations and decisions."

2.) On March 3rd., 1988 grievant had written a voluntarily request to be placed on Protective Custody, stating grievant's need of protection from inmates in the prison's general population who desire to physically harm grievant, and citing for his information the above Administrative Remedy Request in accordance with D.C.R. Rule 110-5, or in the alternative placement on Administrative Segregation in accordance to D.C.R. Rule 110-19.

On March 3rd., 1988 (8/3/88 had been accidentally placed on it) grievant received a response from Warden James N. Rollins, stating; "... It is my understanding that you engaged in a rather lengthy period of correspondence with the previous Warden concerning this same issue. You have never been able to furnish any names of enemies or persons who would do you bodily harm. Until you can furnish these names or present concrete proof that your life is in danger, you will be assigned to general population. Administrative Segregation is reserved for those who present a threat to the security of the institution or are threatened themselves. As with Protective Custody, you cannot furnish any concrete evidence that your life is in jeopardy in general population."

A. Two "Contradictions" exist to Warden Rollins response letter;

Page Three:

I.B.P.

Cont.:

b. ONE, CONCERNING GRIEVANT'S Admin. Remedy ^{NOTE} REQUEST, CASE No. MP0539-87, A "THREAT" WAS SUBMITTED AS SUFFICIENT EVIDENCE TO ESTABLISH THE NEED FOR PROTECTIVE CUSTODY, WITH A "VOLUNTARY" WRITTEN REQUEST BY GRIEVANT IN ACCORDANCE TO D.C.R. Rule 110-5;

c. TWO, GRIEVANT WHILE PLACED ON PUNITIVE SEGREGATION HAS BEEN PLACED ON "RED-TAG" STATUS AND CLASSIFIED AS ASSAULTIVE (ALTHOUGH GRIEVANT BECAME AGGRESSIVE IN ALTERCATIONS TO PROTECT HIS PHYSICAL WELLBEING OR BE HARMED), THEREFORE, MAKING GRIEVANT AN AUTOMATIC CANDIDATE FOR ADMINISTRATIVE SEGREGATION IN ACCORDANCE WITH D.C.R. Rule 110-19, BECAUSE ASSAULTIVE BEHAVIOR IS CLASSIFIED A THREAT TO SECURITY AND EMPLOYEES.

3.) ON MARCH 9th., 1988 GRIEVANT RECEIVED AN INMATE NOTICE FOR REFUSING TO BE PLACED IN THE PRISON'S GENERAL POPULATION (BECAUSE OF THE THREAT ON HIS PHYSICAL WELLBEING BY GENERAL POPULATION INMATES), AND ON MARCH 11th., 1988 GRIEVANT RECEIVED 90 DAYS PUNITIVE SEGREGATION, AND LOSS OF 30 DAYS GOOD CONDUCT TIME, BEING FOUND GUILTY OF Rule 23, 24 AT THE ADJUSTMENT HEARING.

4.) UNDER D.C.R. Rule No. 110-5, CONCERNING "VOLUNTARY" PLACEMENT ON PROTECTIVE CUSTODY, STATES;

A. Voluntary protective custody status - THE PLACEMENT OF AN INMATE IN PROTECTIVE CUSTODY HOUSING AS THE RESULT OF THE INMATE'S REQUEST.

B. Inmates will be moved to protective custody AS SOON AS POSSIBLE AFTER RECEIPT OF THEIR REQUEST (WRITTEN OR VERBAL)

5.) GRIEVANT has firmly established in his Administrative Remedy Request, Case No. MPO539-87, with submitted "threat" to cause bodily harm to him from inmates in the prison's general population with inclusion of "written request" for Protective Custody.

6.) GRIEVANT has firmly established by the prison's own Administration's rationale that he is an automatic candidate for Administrative Segregation by their own allegation that grievant is "assaultive."

7.) GRIEVANT has also firmly established that the prison's Administration does not abide by its own D.C.R. (Division of Correction) Rules and Regulations, except when it suits them, or their so-called rationales,

Therefore, GRIEVANT prays that his grievance to be placed on Protective Custody, or in the alternative, Administrative Segregation, and that his punitive segregation sentence be discontinued, and returned the loss of 30 days of Good Conduct Time, be granted and so ordered, or grant GRIEVANT a hearing to present his evidence.

Date: May 3rd, 1988

Respectfully submitted,

cc: personal.

S/ Lewis A. Woodliff

Lewis A. Woodliff #126130
954 Forrest St., Md. Pen.
Baltimore, Md. 21202
GRIEVANT

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES



WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT GOVERNOR

BISHOP L. ROBINSON
SECRETARY

MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

May 12, 1988

Mr. Lewis Woodliff, #126130
Maryland Pen

RE: IGC #20195

Dear Mr. Woodliff:

Please be advised that your recent letter dated 5/3/88 has been received by this office. The Commission is presently reviewing your grievance and will be in touch with you. Please refer to the above IGC number in future correspondence concerning this matter.

You are entitled by statute to call a reasonable number of relevant witnesses in the event a hearing is held. Accordingly, please furnish us with the name or names of any witness or witnesses you would request and the testimony you would expect each to give. If you fail to specify the expected testimony, the Commission will make the selection of witnesses on the basis of the information available to it. You have the right to be represented by an attorney of your choosing at your expense or by another inmate if you wish. The Commission cannot provide a lawyer for you. If you desire legal representation and cannot afford it, you may wish to apply to the Prisoner Assistance Project of the Legal Aid Bureau, Inc., 809 E. Baltimore Street, Baltimore, MD 21202, and its phone number is 539-0390. The determination as to whether or not to represent you is within its discretion and I suggest that if you are going to contact the Prisoner Assistance Project, you do so as far in advance of the hearing date as possible.

Sincerely,

Marvin N. Robbins
Executive Director

MNR/bs

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES



WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY

MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

May 12, 1988

Mr. Bernard Smith
Assistant Warden
Md Pen

Re: Lewis Woodliff #126130 - IGC #20195

Dear Mr. Smith:

Mr. Woodliff has filed a grievance in which he contends that as far back as August 11, 1987 he requested to be placed on ~~punitive segregation~~, or in the alternative, administrative segregation due to threats being made against his life by inmates in the general population and/or due to his own assaultive behavior. He complains, however, that his requests have been unjustly denied and that his refusals to accept housing in the general population have resulted in his placements on punitive segregation.

*custody
pen
6/13/88*

*protection
then
shut*

Please look into this matter and forward a copy of the complaint submitted in ARP-MP-0539-87 together with whatever attachments were filed.

Very truly yours,

Marvin N. Robbins
Executive Director

MNR/bs

RECEIVED

MAY 19 1988

INMATE GRIEVANCE COMMISSION

Fr: Lewis A. Woodliff #126130
954 Forrest St., Md. Pen.
Baltimore, Md. 21202

May 16th, 1988

To: Mr. Maryin N. Robbins, Exec. Dir.
Md. Inmate Grievance Commission
6776 Reisterstown Rd., Suite #302
Baltimore, Md. 21215-2346

RE: Woodliff, L., I.B.C. 20195.

Dear Mr. Robbins:

Submitted herewith are names and documents, to be and witnesses to necessitate establish sufficient proof during an I.B.C. Hearing, should such a hearing be necessary, and I also request same, and request these witnesses & documents be present.

Witnesses & Documents

A.) Documents:

1. Grievant's prison file and records.
2. Administrative Remedy Request, Case No. MP0539-87
3. Infraction Notice & Hearing Officers Decision/Recomm. dated 3/9/88.
4. Communication letter of ~~James N. Rollins, Warden~~, dated ~~8/5/88~~
5. Communication letter of James N. Rollins, Warden, dated (accidentally) 8/5/88
6. Administrative Remedy Request, Case No. MP0694-87
7. D.C.R. No. 110-5, Title: Protective Custody
8. D.C.R. No. 110-19, Title: Administrative Segregation
9. Interim Stipulation and Partial Consent Decree, under Montgomery, et al. v. Collins, et al., Civil No. HM-71-1076, for those requesting protective custody housing, of July 7th, 1981, that was posted on the protective custody housing tier, by order of the U.S. District Court.

B.) Witnesses:

1. Inmate Kirk Bloodsworth #187307, Maryland Penitentiary.
Testimony: To establish that the Warden and his Administration

should be available

4

Cont.:

ARE USING SELECTIVE ENFORCEMENT SUCH AS PUNISHMENT OF PUNITIVE SEGREGATION ^{WHEN} WITH AN INMATE REQUEST PROTECTIVE CUSTODY OR ADMINISTRATIVE SEGREGATION BECAUSE OF FEAR OF BODILY HARM FROM OTHER PRISONERS IN THE PRISON'S GENERAL POPULATION, AND THAT THE WARDEN AND HIS ADMINISTRATION ARE REFUSING AN INMATE TO EXERCISE D.C.R. No. 110-5 AND 110-19 UPON REQUEST BY INMATE, AND REFUSING ALSO TO SEEK AN ALTERNATIVE FOR SEGREGATION OTHER THAN PUNITIVE SEGREGATION. THIS INMATE IS ENCOUNTERING SIMILAR CIRCUMSTANCES AS GRIEVANT IN PUNITIVE SEGREGATION INSTEAD OF "REQUESTED" PROTECTIVE CUSTODY OR ADMINISTRATIVE SEGREGATION. ALSO DENYING GRIEVANT EDUCATIONAL & VOCATIONAL PROGRAMS, AND OTHER ACTIVITIES, PROPERTY, VISITS, ETC., SIMILAR TO THOSE AS THE PRISON'S GENERAL POPULATION. ALSO INMATE BLOODSWORTH FILED A SIMILAR GRIEVANCE BEFORE THIS COMMISSION, SEE I.G.C. No. 19875, ON THE SAME ISSUES RAISED IN GRIEVANT GRIEVANCE COMPLAINT IN VIOLATION OF D.C.R. No. 110-5 AND D.C.R. No. 110-19 BY THE WARDEN AND HIS ADMINISTRATION.

2. Walter Lassiter, Classification Counselor, Md. Pen.

Testimony: ON HIS REPORT AND RECOMMENDATION OF JANUARY 1985.

irrelevant
 Calvo, in
 cc in 10/20/85

3. Wayne Berry, Classification Counselor, Md. Pen.

Testimony: ON HIS RECOMMENDATION, AND REFUSAL OF PROTECTIVE CUSTODY, OR ADMINISTRATIVE SEGREGATION DURING AN EVALUATION HEARING 1/12/88.

irrelevant

4. Robert Bonds, Classification Counselor, Md. Pen.

Testimony: ON HIS COMMUNICATION WITH GRIEVANT CONCERNING REQUESTED PLACEMENT ON PROTECTIVE CUSTODY AND ADMINISTRATIVE SEGREGATION.

5. Dana Haskins, Classification Counselor, Md. Pen.

Testimony: ON HIS COMMUNICATION WITH GRIEVANT CONCERNING REQUESTED PLACEMENT ON PROP PROTECTIVE CUSTODY OR ADMINISTRATIVE SEGREGATION.

cumulative

6. Bernard D. Smith, Asst. Warden, Md. Pen.

Testimony: CONCERNING COMMUNICATION ON REQUESTED PLACEMENT ON PROTECTIVE CUSTODY OR ADMINISTRATIVE CUSTODY.

Page Three

I.G.C.

Cont:
 ~~annex~~

To James N. Rollins, Warden, Md. Pen.

Testimony: CONCERNING COMMUNICATION ON GRIEVANT'S REQUEST TO BE PLACED ON PROTECTIVE CUSTODY OR ADMINISTRATIVE SEGREGATION.

IF A HEARING IS HELD I WILL REPRESENT MY CASE PERSONALLY.

Date: 5/16/88

cc: personal.

Respectfully submitted,
s/ Lewis A. Woodliff

Lewis A. Woodliff #126190
954 Forrest St., Md. Pen.
Baltimore, Md. 21202
GRIEVANT

-5-

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES



WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT GOVERNOR

BISHOP L. ROBINSON
SECRETARY

MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

May 26, 1988

Mr. Lewis Woodliff, #126130
Md Pen

RE: IGC #20195

Dear Mr. Woodliff:

I am in receipt of your letter dated May 16, 1988.

Please be advised, however, that because their expected testimony would be irrelevant and/or cumulative, the following persons will not be listed as prospective witnesses: Walter Laster; Wayne Bonds; Dana Haskins; or James Rollins.

Very truly yours,

Marvin N. Robbins
Executive Director

MNR/bs

5

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION



WILLIAM DONALD SCHAEFER
GOVERNOR
MELVIN A. STEINBERG
LT. GOVERNOR
BISHOP L. ROBINSON
SECRETARY

ARNOLD J. HOPKINS
COMMISSIONER
ELMANUS HERNDON
DEPUTY COMMISSIONER
James Rollins
WARDEN
BERNARD SMITH
ASST. WARDEN

MARYLAND PENITENTIARY
954 FORREST STREET
BALTIMORE, MARYLAND 21202
(301) 837-2135
TTY FOR THE DEAF: 486-0677

May 31, 1988

RECEIVED
JUN 6 1988
INMATE GRIEVANCE COMMISSION

Mr. Marvin Robbins
Inmate Grievance Commission
Suite 302, 6776 Reisterstown Road
Baltimore, MD 21215-2346

REF: Inmate Lewis Woodliff #126130
IGC No. 20195

Mr. Robbins:

Attached are the requested copies. However, there is some confusion in regards to your request. Mr. Woodliff contends that he has enemies in general population, however, can provide no substantial proof. He is constantly reassigned to punitive segregation for refusing housing in general population. Your request states that he is requesting "punitive segregation" or "administrative segregation". He has punitive segregation by his own doing.

Any further information, please contact me.

Respectfully,

Bernard D. Smith
Assistant Warden

BDS:cdd

cc: Inmate's Basefile
File

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES



WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY

MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

May 12, 1988

Mr. Bernard Smith
Assistant Warden
Md Pen

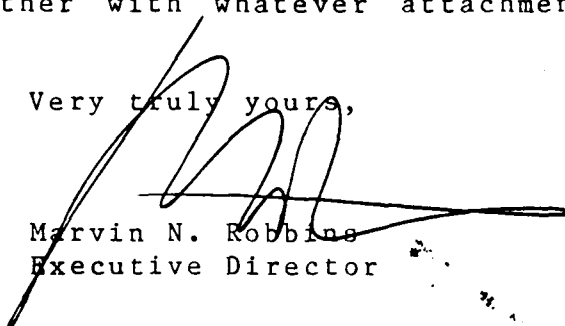
Re: Lewis Woodlife #126130 - IGC #20195

Dear Mr. Smith:

Mr. Woodliff has filed a grievance in which he contends that as far back as August 11, 1987 he requested to be placed on punitive segregation, or in the alternative, administrative segregation due to threats being made against his life by inmates in the general population and/or due to his own assaultive behavior. He complains, however, that his requests have been unjustly denied and that his refusals to accept housing in the general population have resulted in his placements on punitive segregation.

Please look into this matter and forward a copy of the complaint submitted in ARP-MP-0539-87 together with whatever attachments were filed.

Very truly yours,


Marvin N. Robbins
Executive Director

MNR/bs

RECEIVED
OCT 6 1987
WS
10.16

MARYLAND DIVISION OF CORRECTION
HEADQUARTERS APPEAL OF
ADMINISTRATIVE REMEDY RESPONSE

(Instructions for completing this form are on the back.)

- Appeal of Warden's Response
- Appeal of Untimely Response
- Adverse Effects Request

TO: Division of Correction
Commissioner of Correction
Mr. []

FROM: Noodliff Lewis A. 126130 MD Pen.
Last Name, First Name, Middle Initial, DOC Number, Institution

*Part A - REASON FOR APPEAL

Admin. Remedy Request has not been responded to by the Warden on or before Sept. 14th, 87, and it had been filed by Admin. Remedy Coordinator P. Boins on August 25th, 87. The Admin. Remedy Request was to ~~be~~ placed back on Protective Custody or Admin. Segregation after punitive segregation time was served, and enclosed with the ARP request was a "threat note" from some prisoner back in 1985 while I was housed on Protective Custody, and a letter to Asst. Warden Bernard Smith, date Sept. 18th, 87. Oct. 4th, 1987 and request a response to it, and why S/ Lewis A. Noodliff the untimely delay violating this D.C.R. 185-2? Signature of Inmate

*One copy of any completed DC Form 185-2a you received must accompany this appeal

Part B - RESPONSE

Your Appeal of Untimely Response has been reviewed and is hereby partially granted. Investigation reveals that your appeal filed on August 25, 1987 was responded to by the Warden on October 13, 1987, well beyond the prescribed time period. The Warden is hereby admonished.

You may separately appeal the merits of the warden's response in this case if you find it necessary.

10-22-87
Date

[Signature]
Signature of Commissioner/Warden

You may appeal this response by following the procedure prescribed on the back of this form.

FR: Lewis A. Woodliff #126130

S.W. Punitive Sq., D-311

Md. Penitentiary

Sept. 28th, 1987

To: Mrs. Patricia Goins, Coordinator
Admin. Remedy Procedure Office
Md. Penitentiary

RE: Admin. Remedy Request "MP0539-87."

DEAR Mrs. Goins:

I should have received a response to Admin. Remedy Request MP0539-87 on Sept. 14th, 1987 from the Warden, but I haven't. I had it dated in receipt by you on Aug. 25th, 87, and would appreciate if you would check into this and find out what the delay may be if any exist, or send me the response.

Thank you for your time, attention, and assistance, and hope to hear from you soon in this regards.

Sincerely,

s/ Lewis A. Woodliff

cc: personal.

CASE NO. _____

MARYLAND DIVISION OF CORRECTION REQUEST FOR ADMINISTRATIVE REMEDY

(Instructions for completing this form are on the back.)

TO: Warden of Institution
 Commissioner of Correction
 Executive Director - Inmate Grievance Commission

Emergency Request

FROM: Woodliff Lewis A. 126130 Md Pen.
Last Name, First Name, Middle Initial, DOC Number, Institution

Housing Location J.H. D-311; Protective Custody _____ Administrative Segregation _____ Disciplinary Segregation

Part A - INMATE REQUEST

I REQUEST WHEN MY PUNITIVE SEGREGATION SENTENCE IS SERVED THAT I BE PLACED ON PROTECTIVE CUSTODY & HAVING ENEMIES IN THE "GENERAL POPULATION" AND THREATS BY INMATES HAVE BEEN MADE ON MY LIFE (VIA) THROUGH LETTERS (SEE ENCLOSED RECD THREAT NOTE ON JANUARY 29th. 85) OR PLACED ON ADMINISTRATIVE SEGREGATION. CLASS. COUNSELOR DANA HASKINS WILL NOT ASSIST ME IN THIS REQUEST AND ALSO SEE LETTER (ATTACHED) ADDRESS TO ASST. WARDEN BERNARD D. SMITH, AS REFERENCE TO MY SITUATION.

ALSO REVIEW CAPT. T. PURNELL'S "NOTICE OF ASSIGNMENT TO PROTECTIVE CUSTODY," AND HIS INVESTIGATING REPORT & EVALUATION FOR PROTECTIVE CUSTODY ON JAN. 15th., 1985 IN MY INST. FILES AND RECORD.

August 17th 87
Date

Lewis A. Woodliff
Signature of Inmate

Part B - RESPONSE

Date

Signature of Warden/Commissioner

You may appeal this response by following the procedure prescribed on the back of this form.

Part C - RECEIPT

CASE NO. _____

RETURN TO: _____
Last Name, First Name, Middle Initial, DOC Number, Institution

Rejected

I acknowledge receipt of your complaint dated _____ in regard to: Such requests are not handled by the Administrative Remedy Procedure. A Classification Team will decide on your status at the completion of your seg sentence.
8/19/87 P. Joins
Date Headquarters/Institutional Coordinator

Woodliff

- I know you is coming out here with us
men you white Bitch and you got some thing
coming, you hunt a friend of mine, while
back and put him in the Hoop and now
I'm going to put you in your grave
and the police is not going to help
you, you dont know me Bitch, but shortly
you will, you cant run no more
you belongs to Me

B.M.

Rec'd 1/29/35

To Lewis A Woodliff #176130
S.A. Division Segregation, # 311
Md Penitentiary
Aug 14th, 1987

To Asst Warden Bernard D Smith
Asst Warden's Office
Md Penitentiary

Dear Asst Warden Smith

As you know, I have been on punitive segregation lock-up since July 1985, because Warden Lyles will not place me back on Protective Custody, and because I refuse to go into general pop so punitive seg I guess would seem like a state only, and I am the one who is suffering both physically and psychologically, including my parole will be shut down next month (September), Warden Lyles loses nothing.

I am not doing this because I enjoy it, you don't know or cannot conceive what I am suffering, nor do you care as Warden Lyles I'm just another prisoner creating (assuming) problems for you, so you and Warden Lyles ignore me as just another pest. I am doing this because I do have enemies in population, and received two (2) threat letters (one the Court possess), the enemies I can't prove, but the letters I can, the trouble is I don't know who sent them, and received them while on Protective Custody.

The reason I wrote the letter (enclosed) of August 1987, because my punitive segregation lock-up time will be up before August 31st to Sept 16th, 87, and it's becoming an insult to keep receiving Instruction Notice's for not allowing to go out into general population so I've decided instead of waiting for such an Instruction Notice (if you have several) I may as well do something for a purpose or something then nothing such as allowing housing in general population.

Also, my psychologist Dr James A Woodliff states if I remain Instruction since he would, personally, recommend that I

Page Two

2/11/57

Asst Warden Smith

Cont:

be placed on Administrative Segregation when my punitive 5-yr. term is up in September (or August) to Chief of Security, Major H. Thompson, on June 22nd, 57 when I last spoke to him, so I agreed to try and go to Infection Hall with them. Also, I requested if he would place a recommendation for the same, of which he has not yet decided.

So, as to my letter Asst Warden Smith, I apologize for it (as I sent Warden Smith a similar one and find he is on vacation) but, and I am requesting this, I am asking for your recommendation for Administrative Segregation when my 5-yr. punitive segregation is completely served, and if you can't or won't help me in this request, then I ask that you write an Infection Notice or one for disrespect (or what ever) for the enclosed August 11th, 57 letter, or I guess I'll start writing disrespect letters to others for an Infection Notice from the Ft. sounds crazy I know, but after doing 15 years, day in, day out, in prison, and living in complete a negative environment, with violence, and like death the only issue for survival, what can you expect?!

I have never been offered anything for rehabilitation, either you do it or else! I'm a grown man and refuse to allow myself forced into such a childish example such as "or else", and this prison is being run it seems as a juvenile institution, and that's very confusing from the prison I came from (psychologically speaking), and was there a few years ago, now it 75% juveniles, and that's demanding on a man not accustomed to having juveniles around him with nothing on their minds but a chinguous foolishness.

Thank you for your kind attention, and consideration and hope to hear from you soon.

Sincerely,

J. Lewis A. Woodley

FR: LEWIS A. WOODLIFF #126130
954 FORREST ST., MD. PEN.
BALTIMORE, MD. 21202

JUNE 2ND, 88

RECEIVED

JUN 14 1988

INMATE GRIEVANCE COMMISSION

TO: MR. MARVIN N. ROBBINS, EXEC. DIRECTOR
MD. INMATE GRIEVANCE COMMISSION
6776 REISTERSTOWN RD., SUITE # 302
BALTIMORE, MD. 21215-2346

RECEIVED
JUN 14 1988
INMATE GRIEVANCE COMMISSION

RE: I.G.C. #20195

DEAR MR. ROBBINS:

I RECEIVED YOUR MAY 26TH, 88 LETTER, AND IN THAT YOU HAVE DENIED THE PRESENCE OF FOUR (4) WITNESSES AT A HEARING TO MY GRIEVANCE SHOULD SUCH A HEARING BE SO GRANTED. AS A MATTER OF RECORD I AM "OBJECTING" THAT DENIAL BECAUSE THESE WITNESSES ARE DIRECTLY RESPONSIBLE FOR DENYING MY PLACEMENT ON PROTECTIVE CUSTODY, THEREFORE, ARE VERY RELEVANT PROSPECTIVE WITNESSES, BECAUSE THEY WERE EMPOWERED TO EXERCISE D.C.R. 110-5 OR D.C.R. 110-19 UPON MY "REQUEST" FOR PLACEMENT ON PROTECTIVE CUSTODY HOUSING AND STATUS, AND DENYING IT WAS A FIRST, FOURTH, AND EIGHTH AMENDMENT RIGHT.

ALSO, WOULD APPRECIATE IN KNOWING WHEN A HEARING DATE WILL BE ESTABLISHED, BECAUSE IF YOU CHECK MY PUNITIVE SEGREGATION RECORD YOU WILL FIND THAT MY PUNITIVE SEGREGATION SENTENCE EXPIRES ON JUNE 9, 88, THEREFORE, IF I CONTINUE TO DENY PLACEMENT IN THE GENERAL POPULATION THEN I WILL ONLY RECEIVE ANOTHER INFRACTION NOTICE AND MORE PUNITIVE SEGREGATION TIME.

I WILL CLOSE IN HOPING TO HEAR FROM YOU SOON IN THESE TWO MATTERS, AND THANK YOU FOR YOUR MOST KIND ATTENTION, TIME, AND CONSIDERATION.

cc: PERSONAL.

SINCERELY,
S/ Lewis A. Woodliff

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES



WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY

MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION
Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

June 16, 1988

Lewis Woodliff #126130
MD PEN

RE: IGC #20195

Dear Mr. Woodliff:

Your letter dated June 2, 1988 pertaining to your objection to the denial of certain requested witnesses for your IGC hearing has been received and duly noted.

I am in the process of scheduling your case for a hearing and will notify you in writing as soon as the hearing date is set.

Very truly yours,

Marvin N. Robbins
Executive Director

MNR/rf

WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT GOVERNOR

BISHOP L. ROBINSON
SECRETARY



MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

June 16, 1988

Mr. Bernard D. Smith
Assistant Warden
MD. PEN
954 Forrest Street
Baltimore, MD. 21202

RE: IGC # 20195
Lewis Woodliff, #126130

Dear Mr. Smith:

In further reference to my letter to you dated May 12, 1988 and to your response dated May 31, 1988, please note that the reference in my letter to "punitive segregation" should be changed to read "protective custody".

Thank you for calling the discrepancy to my attention.

Very truly yours,

Marvin N. Robbins
Executive Director

MNR/rf

RECEIVED

JUN 22 1988

INMATE GRIEVANCE COMMISSION

FR: Lewis A. Woodliff #126130
South Wing, Punitive Seg, D-203
954 Forrest St., Md. Pen.
Baltimore, Md. 21202
June 19th, 88

TO: Mr. MARVIN N. Robbins, EXEC. DIRECTOR
Md. Inmate Grievance Commission
Suite 302, Plaza Office Center
6776 Reisterstown Rd.
Baltimore, Md. 21215-2346

RE: I.G.C. # 20195

DEAR Mr. Robbins:

If you check you will find the punitive segregation sentence I received for refusing to be placed into the prison's general population because of necessity for protective custody housing upon request by me of which was refused, expired on June 9th, 88. On June 7th, 88 not only did I receive one Infraction Notice but two (2) Infraction Notices for refusing again to be housed in the prison's general population, being still refused placement on Protective Custody housing & status.

I am requesting those Infraction Notices to be submitted as evidence in violation of D.C.R. 110-5.

Thank you for your time, attention, and consideration, and would appreciate in hearing from you soon concerning this matter and my June 2nd, 88 letter.

Respectfully submitted,
S/ Lewis A. Woodliff

cc: personal.

-11-

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY



MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

June 30, 1988

Mr. Lewis Woodliff, #126130
Maryland Penitentiary
954 Forrest Street
Baltimore, Maryland 21202

RE: IGC No. 20195

The captioned case has been scheduled for a hearing on September 7, 1988. Any other complaints made by you in this matter which are not included in the attached synopsis have been administratively dismissed. At your hearing you will have an opportunity to appear and present your grievance.

If you have not already done so, please furnish us with the names and addresses of your requested representative and witnesses, and the testimony you would expect each of your witnesses to give. If you fail to specify the expected testimony, the Commission will make the selection of witnesses on the basis of the information available to it.

A request for postponement should be made at least five (5) days prior to the hearing and will be granted only with adequate justification.

If yours is a property grievance, see the attached "Property Regulation" FOR YOUR RESPONSIBILITIES AT YOUR HEARING. You should further note that in reference to paragraphs D(4) and E(5) therein, the best evidence to present in order to establish the actual cost of the property at the time of acquisition is the purchase receipt. We are also enclosing a form which you are encouraged to fill out and present at your hearing.

Please note that whatever information you wish to offer into evidence must be submitted at the time of your hearing. WE WILL NOT CONSIDER AS EVIDENCE ANYTHING THAT IS SUBMITTED AFTER YOUR HEARING.

Sincerely,

Marvin N. Robbins
Executive Director

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES



WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT GOVERNOR

BISHOP L. ROBINSON
SECRETARY

MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

June 30, 1988

Mr. Bernard Smith
Assistant Warden
Maryland Penitentiary
954 Forrest Street
Baltimore, Maryland 21202

RE: IGC Hearings - September 7, 1988

Dear Mr. Smith:

Listed below are the matters to be heard by the Inmate Grievance Commission on September 7, 1988. The Commission's hearing session will begin at approximately 9:30 a.m.

ASBELL, Joseph, #172676 - IGC No. 20182

Mr. Asbell contends that the Notice of Infraction issued to him on January 22, 1988 (as reported by Officer S. Chester) did not accurately identify him (i.e., his name was misspelled and it was not his ID number).

He further contends that his Adjustment conviction was not based upon substantial evidence.

As a witness we request the presence of Hearing Officer David Barthlow. (Mr. Asbell's request for additional witnesses dated June 17, 1988 is denied because the expected testimony would be irrelevant for purposes of this hearing).

HALL, Walter E., #189664 - IGC No. 20237

Mr. Hall has filed a grievance in which he contends that he is being held in a "security cage". Although he does not appear to be complaining about being on segregation, he does seem to be very upset about being in the type of cell to which he has been assigned.

As a witness we request the presence of Assistant Warden Smith, who by letter dated June 1, 1988 describes Mr. Hall's cell assignment as being necessary due to his behavioral problem.

WOODLIFF, Lewis, #126130 - IGC No. 20195

Mr. Woodliff has filed a grievance in which he contends that as far back as August 11, 1987 he requested to be placed on protective

custody, or in the alternative, administrative segregation due to threats being made against his life by inmates in the general population and/or due to his own assaultive behavior. He complains, however, that his requests have been unjustly denied and that his refusals to accept housing in the general population have resulted in his placement on punitive segregation.

As witnesses we request the presence of Assistant Bernard Smith; Robert Bonds, Classification Counselor; and Kirk Bloodsworth, #187307. In addition, we request the presence of DCR's 110-5 and 110-19; and a copy of the "Interim Stipulation and Partial Consent Decree in Montgomery v. Collins Civil No. HM-71-1076" (that Mr. Woodliff contends is/was posted on the Protective Custody tier).

DAY, Herman, #148218 - IGC No. 20214

Mr. Day has filed an appeal from ARP-MP-0203-88, which is incorporated herein by reference.

In essence, Mr. Day complains that three Administrative Remedy Procedure complaints he submitted on February 11, 1988 were deliberately withheld/delayed and not receipted until February 24, 1988 in violation of DCR 185-2, which requires receipts to be issued within five days. He alternatively blames mailroom personnel, the Administrative Remedy Procedure Coordinator, and the Warden for these alleged violations.

As witnesses we request the presence of Warden Rollins, Patricia Lernick, Administrative Remedy Coordinator; and the Mailroom Supervisor.

SIMMS, John, #140766 - IGC No. 20280

Mr. Simms has filed an appeal from ARP-MP-0046-88, which is incorporated herein by reference.

In essence, he contends that Christmas cards which he sent out to be mailed as an "indigent inmate" were unjustly not mailed by the institution, and further were not returned to him until January 18, 1988.

As relief, he is seeking "financial compensation for the inconvenience..." (i.e., his family members did not get the Christmas cards that should have been mailed by the institution).

As witnesses we request the presence of Mr. Thomas Mallon (of the Finance Office); and the Mailroom Supervisor at the Maryland Penitentiary.

JONES, Charles, #171785 - IGC No. 19890

Mr. Jones contends that his Adjustment conviction on April 13, 1987 was unjust because a) his representative "misrepresented" him; b) the conviction was not based upon substantial evidence; c) the conviction was clearly erroneous; d) he was deprived of the right to confront his accuser; and that e) the penalty imposed was excessive.

As a witness we request the presence of Hearing Officer Shawn Jackson.

BROWN, William. #153084WRIGHT, Dean, #163025HUDSON, Glenn, #169076 - IGC No. 20321

Each of the above-named grievants contends that at his Adjustment Hearing on April 9, 1988 he was tired on a Notice of Infraction written on April 6, 1988, but which should have been written on April 5, 1988, and which was written as a result of Lt. Cusick making false reports and entries regarding the date of receipt of the lab reports.

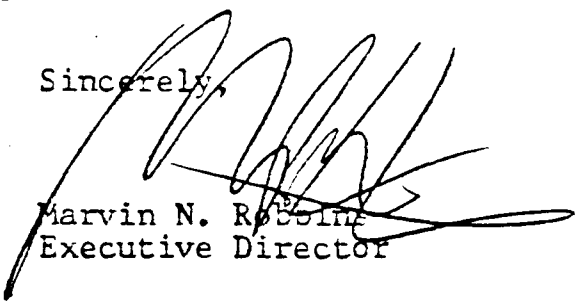
Each grievant further contends that the Hearing Officer unjustly denied his request for Lt. Cusick or his records at the Adjustment Hearing, thus further denying his due process.

Included in their requests for relief the grievants seek disciplinary action to be taken against Lt. Cusick and the Hearing Officer.

The grievants wish to be represented by Marselle J. Bowers, #163187.

As witnesses we request the presence of Lt. Cusick and Hearing Officer Tyrone Haines.

Sincerely,



Marvin N. Robbins
Executive Director

MNR/sb

cc: Commissioners

Ms. Carolyn Waters

Mr. James Murray

Mr. Richard Kastendieck, Esq.

FR: Lewis A. Woodliff #126130
954 Forrest St., Md. Pen.
South Wing, Punitive Sec, D-203
Baltimore, Md. 21202
June 29th, 1988

To: Mr. Marvin N. Robbins, Exec. Director
Md. Inmate Grievance Commission
Suite 302, Plaza Office Center
6776 Reisterstown Rd.
Baltimore, Md. 21215-2346

RECEIVED
JUL 6 1988
INMATE GRIEVANCE COMMISSION

RE: I.G.C. # 20195.

DEAR Mr. Robbins:

As you are aware in my June 19th, 88 letter that I had received two (2) more Infraction Notices for refusing to be placed in the prison's general population on June 7th, 88, and on June 9th, 88 received thirty (30) days to expire on July 7th, 88.

The reason I am writing is in requesting that this Commission order Warden James A. Rollins to discontinue any further punitive segregation or Infraction Notices until this Commission reaches a decision to my grievance complaint on violation of D.C.R. 110-5.

Also, request to know why the delays in this case when inmate Kirk Bloodsworth #187307 in his grievance complaint raised these very same grounds & similar to mine in I.G.C. #19875, received an immediate hearing date within a few weeks of filing his I.G.C. grievance, and I filed mine on May 3rd, 1988 and yet no hearing date has been given?...

I will close in hoping to hear from you soon, and thank you for your kind attention, time, and consideration.

Respectfully,
S/ Lewis A. Woodliff

cc: personal.

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

-14-

WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY



MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

July 12, 1988

Lewis Woodliff #126130
MD. PEN

RE: IGC #20195

Dear Mr. Woodliff:

I am in receipt of your letters dated June 19, 1988 and June 29, 1988.

When your case comes up for a hearing on September 7, 1988 you may, of course, offer into evidence the Notices of Infraction to which you referred. Also this Commission has no authority to order the Division of Correction to do anything before conducting a hearing and determining the merits of a particular grievance.

Very truly yours,

Marvin N. Robbins
Executive Director

MNR/rf

14

Fr: Lewis A. Woodliff #126130
954 Forrest St., Md. Pen.
Baltimore, Md. 21202
July 15th, 1988

To: Mr. Marvin N. Robbins, Exec. Director
Md. Inmate Grievance Commission
Suite 302, Plaza Office Center
6776 Reisterstown Rd.
Baltimore, Md. 21215-2346

RECEIVED
JUL 20 1988
INMATE GRIEVANCE COMMISSION

Re: I.G.C. # 20195.

Dear Mr. Robbins:

On July 8th, 1988 I received another Infraction Notice for refusing once again to be placed in the prison's general population, and during the Adjustment Hearing, Hearing Officer Williams was informed why I received the Infraction Notice in conjunction to D.C.R. 110-5 and D.C.R. 110-19, but still found me guilty and ordered 90 days punitive segregation time suspending 60 days, see attached appeal of Adjustment Hearing Officer's Decision letter to Warden James N. Rollins.

I therefore request that Adjustment Hearing Officer Williams, and the Cassette Tape of the Hearing proceedings be present at the I.G.C. Hearing on September 7th, 1988, as well any documentation.

Thank you for your time, attention, and consideration, and hope to hearing from you soon in this regard.

encl.: Appeal Letter of
Adjustment Decision
: personal.

Respectfully,
L. Lewis A. Woodliff

FR Lewis A Woodliff #126130
South Wing, Punitive Sq, D-203
Md. Penitentiary
July 15th, 88

To Warden James N. Rollins
Warden's Office
Md Penitentiary

Appant from Adjustment Hearing
Officer Williams decision

Dear Warden Rollins:

On July 8th, 88 at 10:35 a.m. an Officer came to my cell and told me to pack up to be placed in general population's "Receiving" of which I refused.

At 6:30 p.m. an Officer brought an Instruction Notice to my cell of which I told him I refused to sign and to stick the copy in my door, but instead of placing the copy in my ^{door} the Officer instead walk off and never gave me the copy. When I saw Sgt Parsberry I explain this to him and requesting a copy of the Instruction Notice, of which he ignored.

On July 13th, 88 at 11:00 a.m. I was seen by the Adjustment Hearing Officer (Williams) on that Instruction Notice, and I raised two (2) contentions of why the Instruction Notice was improper and should be ~~dismissed~~ dismissed, and these two (2) contentions are:

1) That I was denied a "copy" of the Instruction Notice, and to be able to properly and effectively represent myself was denied; see, D.C.R. 105-2, A2(d) which firmly establish a violation of same.

2) That my being denied D.C.R. 110-5 and D.C.R. 110-19, stating, "...Inmates will be moved to protective custody housing as soon as possible after receipt of their request (written or verbal) D.C.R. 110-5, V(1)

Page Two

7/15/88

App. Adj. Doc

Cont: and... The appropriate entries will be made on the "Notice of Release from Protective Custody" (Appendix 2) and must be signed by the inmate prior to removal from protective custody status, D.C.R. 110-5, 4B(1a). "See also, Interim Stipulation and Partial Consent Decree" under Montgomery et al v Collins, et al, Civil No HM-71-1076 dated July 1st, 1981, which states in part, "... Voluntary Placement In Protective Custody, Any inmate who request P.C. will be placed there as soon as possible within one (1) hour following the receipt of his request. Following such placement, an investigation will be made of the inmate's claim for protective custody status. After such an investigation, the inmate shall be given a hearing before a Classification Team. At the hearing, the team will explore all appropriate less restrictive alternatives consistent with security considerations. The Classification Team will make written findings of fact and a statement of reasons as to what less restrictive alternative placements were considered and why they were rejected in favor of placement of P.C., ... and further stating, a prisoner may be required to request in writing that he be released from protective custody and may be required to acknowledge in writing that he has been offered continued protective custody status."

- A. Such a request by me (see Admin Remedy Request, Case No MPOS39-87 of August 17th, 87) was made, as well to Classification Counselors.
- B. I was totally ignored as well denied such a placement on protective custody,
- C. No Classification hearing was held on ~~se~~ said request,
- D. No less restrictive alternatives were given,
- E. I sufficiently established having inmate enemies in the prison general population, although such proof and evidence was totally unnecessary (see A)
- F. I am still a protective custody inmate sufficiently

Page Three
App Adj Dec
Conti a

7/15/88

constitutionally well established in Montgomery et al. v. Collins, et al, Civil No 117-71-1076, my being a member of this case as a Protective Custody Class Action. I have been removed from both Protective Custody and Housing without my request, nor was a "Notice of Release from Protective Custody" signed by me, see D.C.R. 110-5 (Appendix 2).

After stating these two (2) contentions to Adja Adjustment Hearing Officer Williams, he still found me guilty of said Infraction Notice, stating as well he believed I received a copy of the Infraction Notice just because the Officer who was suppose to serve me a copy "signed" the Infraction Notice under "Serve of Notice," I was denied ~~the~~ the right to prove this Officer never offered me a copy of said Infraction Notice.

Therefore, stating the above two (2) contentions I request that the Adjustment Hearing Officer's decision be dismissed. Also, I am curious as to "why" your Administration, as well yourself, is so determined and scared to place me back on Protective Custody or Administrative Protective Custody Segregation Status & Housing, knowing these acts are unlawful, as well a due process violation of your own Division of Correction (D.C.R.) Rules & Regulations, to my Constitutional protected rights?.

Therefore, request said Adjustment Hearing Officer Williams decision be dismissed, and expunged from my prison file, and hereby, again requesting Protective Custody Status & Housing, or Administrative Segregation Protective Custody Housing & Status in conjunction to this Infraction Notice and Appeal of said decision.

cc: Inmate Grievance Commission,
I.C.C. Case No. 20195
: personal.

Respectfully,
S/ Lewis A Woodliff
LEWIS A Woodliff #126130

-16-

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY



MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

July 25, 1988

Lewis Woodliff #126130
MD 'PEN

RE: IGC #20195

Dear Mr. Woodliff:

I am in receipt of your letter dated July 15, 1988.

Please note however, that the Adjustment Hearing for the July 8th infraction is not at issue in this case, and therefore neither Hearing Officer Williams nor the tape-recording of that hearing will be scheduled to be present at your IGC hearing on September 7, 1988. Please refer again to my letter to you dated July 12, 1988 for further evidence.

Very truly yours,

Marvin N. Robbins
Executive Director

MNR/rf

16

FR: LEWIS A. WOODLIFF #126130
954 FOREST ST., MD PEN.
BALTIMORE, MD 21202
July 26th, 88

To: Mr. Marvin N. Robbins, Exec. Director
Md. Inmate Grievance Commission
Suite 302, Plaza Office Center
6716 Reisterstown Rd.
Baltimore, Md. 21215-2316

RECEIVED
AUG 2 1988
INMATE GRIEVANCE COMMISSION

Re: I.B.C. # 20195.

Dear Mr. Robbins:

Upon receiving your letter, and after reviewing your response I'm starting to realize what is being done. As you know the letter I sent to you dated July 15th, 88 requesting for the presence of the July 8th, 88 Instruction Notice, Adjustment Hearing Officer Will [unclear], and the tape cassette recording is was/is to sufficiently establish a "continuation" of the Warden and his Administration, and the D.C.C. through the Adjustment Hearing Officer of denying my placement on Protective Custody, and trying to use punitive segregation, known as selective enforcement, as punishment because of my refusing to be placed in the prison's "general population" because of enemies. Omitting this witness and evidence seems to show this Commission wishes to eliminate my factual evidence, to weaken my grievance, through discriminatory action against all the evidence and witnesses thus submitted so far.

(17) In any case Mr. Robbins, if this Commission finds my grievance has no merits, not only will it be appealed but also it will be addressed in Federal or State Court for redress in damages ~~to~~ for what I have/and still am ~~and~~ suffering, and all those who participated directly or indirectly, and evidence will be submitted, as an act

Page Two.

7/26/88

I.G.C.#20195.

Cont.:

of "conspiracy" of deprivation of my first amendment due process rights. And since you have reviewed my prison file then you should be aware that I have already filed NINE (9) Federal civil complaint lawsuits, three (3) for other prisoners, so you know I won't hesitate on court action if deemed necessary to protect those constitutional rights that I am entitled to. I am entitled to D.C.R. 110-5, and it's provisions, and this Commission's position is the merits through witnesses and evidence. To deny one is to infringe on the other.

cc: Self-retained

Respectfully,

S/Lewis A. Woodliff

Lewis A. Woodliff #126150
I.G.C.#20195, GRIEVANT.

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES



WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

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SECRETARY

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EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

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6776 Reisterstown Road
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(301) 764-4257
TTY FOR THE DEAF: 486-0677

August 11, 1988

Mr. Lewis Woodliff, #126130
MC PEN

RE: IGC #20195

Dear Mr. Woodliff:

Your letter dated July 26, 1988 has been received and duly noted.

Very truly yours,

Marvin N. Robbins
Executive Director

MNR/bs

P.S. Please note, however, that contrary to your statement,
I have not reviewed your prison file.

STATE OF MARYLAND
INMATE GRIEVANCE COMMISSION

Transcript of Proceedings
September 7, 1988
Maryland Penitentiary

In the Matter of Lewis Woodliff, #126130

IGC No. 20195

Herbert MATZ, Commissioner: This is the grievance filed by Mr. Lewis Woodliff, IGC #20195. The hearing is being held at the Maryland Pen on September 7, 1988 before Commissioners Ward, Hergenroeder and Matz. Appearing on behalf of the institution is Robert Bond, Senior Counselor at the Maryland Pen, Mr. Rodgers will also represent the institution and Mr. Kirk Bloodsworth will testify on behalf of Mr. Woodliff. Let the record show that Mr. Woodliff has been given a memo and all other documents to be considered by the Commission. I'm going to read your grievance Mr. Woodliff and I want you to tell us (inaudible). What I'm reading is your, in fact your grievance okay.

Mr. Woodliff has filed a grievance in which he contends that as far back as August 11, 1987 he requested to be placed on protective custody, or in the alternative, Administrative Segregation due to threats being made against his life by inmates in the general population and/or due to his own assaultive behavior. He complains, however, that his requests have been unjustly denied and that his refusal to accept housing in the General Population have resulted in his placement on punitive segregation.

That's your grievance, that's it. Okay everybody going to testify raise your right hands please. Do you declare under the penalty of perjury the evidence you give in this case will be the truth. Before we start Mr. Woodliff says (inaudible) Assistant Warden (inaudible) because there is (inaudible). Allright now let me see what we've got here. And do you have the order, the Warden's response.

Lewis WOODLIFF, Inmate Complainent: Yes.

MATZ: Well wait a minute we need a copy of the Warden's response, we didn't have that in the file I don't see it. There is no Warden's response on the ARP remedy. Alright Mr. Woodliff where are you now?

WOODLIFF: Presently I'm housed on general segregation but not under any particular status, it's on more or less a (inaudible).

MATZ: As the result of an infraction.

WOODLIFF: (Inaudible).

MATZ: You want administrative segregation status because of the threats on your life is that it?

WOODLIFF: Well I'm not on punitive.

MATZ: I said you want administrative seg or PC, protective custody.

WOODLIFF: (Inaudible)

MATZ: Is that it.

WOODLIFF: (Inaudible) let me clarify that a little bit. The south wing houses administrative seg custody and I (inaudible) administrative seg.

(END OF TAPE)

WOODLIF: Administrative seg or protective custody, separate housing.

MATZ: Yea I understand. Well what are you complaining? I thought I read your complaint you said that's it.

WOODLIFF: (Inaudible) in other words you read the issues regarding to the matter. Now the basic concept of this whole thing was, and it 1985 I was (inaudible) and I was removed from PC status in 1985 July, the purpose of all this rationale (inaudible) was they had no rationale to place me on protective status.

MATZ: (Inaudible).

WOODLIF: Correct. Now (inaudible) was found (inaudible) McGregor v. Collins. A particular issue...

MATZ: Let me get a copy for our files.

WOODLIFF: You have a copy (inaudible) on page 1, starting with housing area for protective custody purpose (inaudible).

MATZ: We see a page 1, where does it start, where on page 1.

WOODLIFF: Right from the last five numbers.

MATZ: Do we have the same thing?

UNIDENTIFIED: No we have...

MATZ: Oh we don't have the same, that's....

WOODLIFF: (Inaudible) this is the (inaudible).

MATZ: We don't have that.

John WARD, Commissioner: That's not the question. The question is

MATZ: We have this. But this is a new stipulation (inaudible) and I think they're going back to (inaudible).

WOODLIFF: (Inaudible) next to the last (inaudible).

MATZ: What are you saying here now (inaudible). Allright read that from the record because we don't have that.

WOODLIFF: On page 1, concerning housing area of protective custody prisoners which states number one, present housing area for protective custody inmates is located on the fifth tier (inaudible) no protective custody prisoner shall be confined for any disciplinary, administrative, segregation (inaudible) area unless (inaudible). Inmates, PC inmates, assigned to segregation isolated and confined in housing or any other areas of certain PC housing unit, the institution shall take whatever precautions are reasonably necessary for the protection and safety and inmates. See I'm reading it to you (inaudible).

MATZ: (Inaudible) go ahead (inaudible).

WOODLIFF: (Inaudible) Voluntary Placement in Protective Custody, that's page 2, it states, "Any inmates who requests protective custody will be placed there as soon as possible within one hour following the receipt of his request. An inmate can be placed in C dormitory or in temporary (inaudible) until such time as a space becomes available on the tier (inaudible) protective custody inmates. While on such placement an investigation will be made of inmate's claim on protective custody status and after such investigation the inmate shall be given a hearing before a classification team. At that hearing the Team will explore all (inaudible) alternatives consistent with the security considerations and classification and they will make a finding of fact and state a reason as to whether this restrictive alternative (inaudible) considered (inaudible) on protective custody." Now during (inaudible).

MATZ: Now do you have xerox machine to cover legal size? Do we have that at the office?

H.E. RODERS, Chief Classification Supervisor: Well I thought we gave you the one you asked for. You asked for 71-1076.

(Inaudible)

Carolyn WATERS, Administrative Specialist: He has a different one.

MATZ: Alright go ahead Mr. Woodliff.

WOODLIFF: Well further on to the, under 110-5 pertaining to voluntary (inaudible) voluntary protective custody status which states (inaudible) placement of an in protective custody housing as a result of the inmates request or on the inmates's voluntary acceptance (inaudible) institution. Now going to page 2 under the heading of placing on protective custody number 5. Now this subsequent....

MATZ: What are you reading 5.

WOODLIFF: Page 2 under the title, sub-title placement on protective custody (inaudible).

(Inaudible)

WOODLIFF: The next one is paragraph 5, subsection (inaudible).

MATZ: Allright well I understand what you're talking about, I understand what you're telling us. Let's get back to the grievance. You claim you want to get on PC or administrative seg because you have enemies.

WOODLIFF: Correct.

MATZ: Allright now did you give the institution the names of your enemies?

WOODLIFF: Well (inaudible) file an administrative remedy.

MATZ: Well that's what this is isn't it?

WOODLIFF: Right.

WARD: Well that was rejected.

MATZ: Yea but I think the Warden, the Warden....

WOODLIFF: He followed up on (inaudible). But anyway the remedy, okay in regards to the remedy it was filed on August 17, 1987. I requested (inaudible) administrative remedy.

MATZ: August what?

WARD: 17th.

WOODLIFF: 17th, 1987.

MATZ: Yea go ahead.

WOODLIFF: Due to the fact that I (inaudible) requested Classification Department, my classification counselor at the time Mr. Barnes, I requested it at that specific time (inaudible) be placed on protective custody or in an alternative administrative segregation.

MATZ: Because of enemies.

WOODLIFF: Right now this is the letter in response to my request for Mr. Barnes and although his intentions were to follow-up on (inaudible).

MATZ: Well lets get back to the issue. You were on PC administrative seg because you feared for your life, the threats on your life. Well could you give the, us, the names of the people who you....

WOODLIFF: That's not the DCR, DCR states (inaudible).

MATZ: Never mind I'm asking you, could you give us the names of inmates who you feel....

WOODLIFF: No I'm not going to do that. (Inaudible)

MATZ: Will you give it to the institution?

WOODLIFF: No I won't.

MATZ: Well wait a minute you didn't hear the question. On a confidential security basis.

WOODLIFF: No I wouldn't because it's known that officers within the institution whenever they (inaudible) information pertaining to an inmate, the information (inaudible) it is a known fact that officers do find out from inmates and do (inaudible) administration. In other words to supplement or supply any type of information pertaining to names or (inaudible).

MATZ: Well let's get down to the bare facts. You say someone was.....

(Inaudible)

MATZ: (Inaudible) threat to your life.

WOODLIFF: Yes.

MATZ: You don't want to give us, you don't want to give it to (inaudible). Now the mere fact that you say it does, does that entitle you to be placed on PC or administrative seg. What authority (inaudible) mere request to be placed.

WOODLIFF: Well we're not talking just request.

MATZ: Yea I know.

WOODLIFF: I intended to follow it up but you've gotten off the track.

MATZ: I want to get to the issue. (Inaudible)

WOODLIFF: (Inaudible)

MATZ: The grievance is that you can't get on either one of these administrative seg or PC because of threats on your life. You won't give us the names of those inmates who threaten you, you won't give them to the institution. But now if you want to get on administrative seg or PC you have to submit some other reason according to the DCR, so what other reason are you going to (inaudible).

WOODLIFF: (Inaudible) DCR is basically handed down through Montgomery v. Collins case to insure what, to an inmate, to protection not I had filed (inaudible) and what I did is I attached a copy of a threat, a letter, to (inaudible). I think that is sufficient grounds for (inaudible).

MATZ: Alright I'm going to read it (inaudible) I know you (inaudible).

WOODLIFF: That is correct sir.

MATZ: "I know you is coming out here with us men you white bitch and you get some thing coming, yes. But a friend of mine awhile back and put him in the hospital and now I is going to put you in your grave and the police is not going to help you, you don't know me bitch, but shortly you will, you can't run no more you belong to me. B.M." Alright so you gave that to the institution and the institution (inaudible) on that still. So that's your basis for wanting to get into PC.

WOODLIFF: I would object (inaudible) I was already a protective custody inmate. I was removed from protective custody and the only reason was retaliation to (inaudible) recently.

MATZ: Well we got down to the issue, fine. He claims he wanted to get on PC because he was threatened, received threats and this letter was addressed to the grievant. Would that be sufficient to put him on PC?

(Inaudible)

MATZ: Hold it, hold it, I'll give it to him. Mr. Bond or Mr. Rodgers, either one.

Robert BOND, Senior Counselor: Let me ask you a question if you don't mind.

MATZ: Sure.

BOND: B.M. at this time when you did cross examine and ask him if could he identify these inmates and so on that (inaudible) would he, could he identify who B.M. is?

(Inaudible)

BOND: Okay we can't identify who BM is. That could have been written by Mr. Woodliff's hand, or another inmate in population, or another inmate in protective custody.

MATZ: So based on that letter alone you feel that there is no requirement to put him on PC.

BOND: Correct because as I asked him right before the panel just now could he identify this inmate who had written this letter. He actually said could you tell us, no he could not.

WOODLIFF: Well I (inaudible).

(Inaudible)

MATZ: Is this it, is that the one?

(Inaudible)

MATZ: Alright Mr. Bond the next question is you said based on a letter alone he can not be placed on PC, what, under what authority, what DCR so forth and so on.

BOND: If I'm not mistaken it's DCR 110-5, that's protective custody.

(Inaudible)

BOND: Plus there's a policy established by the institution itself that all inmates that's on protective custody must identify their....

MATZ: That's policy (inaudible).

H.E. RODGERS, Chief Classification Supervisor: On DCR 110-5 is the governing DCR for inmates on protective custody and one of the things that is required to place a man on administrative, I'm sorry, protective custody is an investigation and during all of the investigations of this institution there has been no concrete evidence presented to indicate that Mr. Woodliff should be placed on protective custody.

MATZ: So an investigation was made.

RODGERS: How many more times I have to tell you that.

MATZ: (Inaudible) the date of the investigation.

RODGERS: The investigation Mr. Matz started way back in 1987.

BOND: Started from '85.

MATZ: (Inaudible).

BOND: Right facts.

MATZ: Found no facts on which to place

BOND: Place him on protective custody. Let me say before the panel that on 1-8-85 Mr. Woodliff was on PC, protective custody. He had an annual review and his protective custody evaluation at this time Mr. Lassiter was his counselor okay, Warden Lyles was the Warden at the time. Mr. Woodliff it says here, Mr. Woodliff has been on PC since 1977. There is no rationale for such placement. The Team recommended that a update rationale be completed with the idea in mind that if possible to remove inmate Woodliff from PC status okay. At this time he did not identify.

MATZ: Can we get a copy of that?

BOND: Okay I'll give it to him, alright. Now Notice of Assignment to Protective Custody I was on 1-15-85 okay, Lewis Woodliff, (inaudible) protective custody to Mr. Rodgers from Lt. Purnell okay dated January 15, 1985. Request (inaudible) protective custody pertaining to the above captioned inmate who has been (inaudible) rationale. However, (inaudible) that he request to remain on voluntary protective custody because his life was in danger. Inmate Woodliff informed me that in (inaudible) he had an altercation (inaudible)stabbing incident with two other inmates within the institution resulting in one being seriously injured. In addition inmate Woodliff alleges that one of the inmates was still in the institution population. Therefore, to (inaudible) protective custody okay.

MATZ: We'd like to have copies of what you're reading.

BOND: Okay of course, of course.

MATZ: Your attorney (inaudible).

WOODLIFF: (Inaudible) to what he's talking about at this time.

WARD: There have been a series of (inaudible).

MATZ: Alright, okay. Well they have to read each and every one of them because you got a batch of them to read.

BOND: Well in condensing everything it stated that Woodliff appeared before the Team for protective custody okay and at this time still he didn't identify his enemies, the inmate that he stabbed okay. (Inaudible) who was supervisor on 2-8-85 stated that to keep Woodliff on protective custody because he feels his life is in danger however this action was disapproved by the Warden and the Assistant Warden, okay.

MATZ: So the comments read through all the sheets that you had even though he had been complaining that he is threatened he couldn't reveal....

BOND: He couldn't reveal the source.

MATZ: Or wouldn't reveal, (inaudible) source.

BOND: Okay let me bring before the Team what I think is extremely important. Okay inmate has been on protective custody since 1977 (inaudible).

MATZ: What do you mean for the record.

BOND: For the record his PC evaluation. His protective custody evaluation.

MATZ: What date, what date?

BOND: 2-8-85. Mr. Woodliff has been on protective custody since 1987, without any rationale. On 1-9-85 inmate was (inaudible) out of protective custody team could recommend an update rationale for placement on protective custody. Same rationale was received on 1-16-85 however review of inmates file suggests that the information contained in his rationale is incorrect. Inmate has a history of assaultive behavior including assaults on officers, moreover in 1980 an incident it was Woodliff who did the stabbing as opposed to being the one who was stabbed. Furthermore in addition to being assaultive inmate is also (inaudible) and destroyed his cell on several occasions. As a result in information contained in inmate's base file it is felt that a more appropriate status would be administrative segregation as opposed to protective custody.

MATZ: Well you're turning the pages, do you know what copies to give us?

BOND: Oh yes. Now I guess he was placed, Team recommended release from segregation evaluation for placement on administrative segregation (inaudible). On 3-19-85 Warden Lyles did not concur with the Team for placing him on administrative segregation and he said he must have good reason placing inmate Woodliff on admin seg and what of it. Okay. I'm going to give you all these copies.

MATZ: Of what you're reading from.

BOND: Right, right.

MATZ: Copies of what you're reading.

BOND: Dated 3-20-85 from Lawrence Carpenter, Security Chief, to Mr. Rodgers. "Sir, This request for administrative segregation placement pertains to the referenced inmate, who was received at this institution on 7/17/83. Nevertheless, since being at this institution, he was approved for placement on protective custody, but recently directed a letter to the administration of this institution stating that since an institutional psychiatrist has refused to re-new his sleeping and nerve medication, he was starting to react in a assaultive manner, whereby he has no control of himself and would assault others, if they came near him. Based on this information and information contained in his basefile, I have reason to believe that inmate Woodliff is a danger to the security of this institution, both staff and inmates alike, therefore, please make immediate arrangements for

evaluation on protective custody, I mean on administrative segregation". Okay now the Team that saw him, saw inmate Woodliff on 4-1-85 at 9:30 a.m. and they had placed him on protective custody. However, okay on 7/10/85 Woodliff came before the admin seg review board now he's on admin seg now and he was seen by the Team which consists of Ms. Bagby, Captain Middleton and Mr. (inaudible). Okay inmate placed on admin seg 4/4/85, inmate placed on admin seg from PC status after he was directly (inaudible) to administration stating that the institution psychologist refused to renew his sleeping and nerve medication. Recommended action by the Team on this day, administrative segregation release, the rationale for placement on administrative segregation is not sufficient for continuous on this status. The Team recommended that Woodliff be removed from admin segregation and placed in general population. Okay (inaudible) Woodliff was (inaudible) removed, he received numerous infractions starting from 8-12-85. Since then he was asked to be released from administrative segregation and (inaudible) with the general population at the time (inaudible) that he kept going and he kept refusing institution orders and that he remained on admin segregation.

MATZ: July 10, 85 the Team recommended, did he go into general population?

BOND: No because he refused to come off.

MATZ: Oh he refused to come off. So the infractions he got he received while he was in segregation.

WOODLIFF: (Inaudible) I was never informed of the classification team hearing (inaudible).

MATZ: Okay so the basic issue which is, I read in the grievance you feel you ought to be on PC.

WOODLIFF: (Inaudible)

MATZ: Alright well you feel you should be on PC because of threats, that's a single issue. You won't give us the names of the individuals who threaten you and you won't give it to the institution. Institution claims under those circumstances there is no obligation under 110-5 or in accordance with their policy. Now unless you identify the people or the inmates who are threatening you that they are within their grounds in not putting you on PC. Now that's it, I think I summed it up.

WOODLIFF: And may I say (inaudible) August 3, 1988.

MATZ: Wait a minute, hold it, do we have that?

(Inaudible)

BOND: (Inaudible) it clearly explains the same thing that we all are saying. He never identified his enemies.

WARD: Can I ask just one question?

MATZ: Sure, sure, I want you to.

WARD: Mr. Woodliff you have submitted as an exhibit a letter signed by "BM" in which you were threatened. That letter you indicated was received in January of 1985. Subsequently....

(Inaudible)

MATZ: That's just what he said.

WARD: That's what I said. Subsequently have you received any communications threatening your life?

WOODLIFF: Well at that time I had been placed on punitive segregation.

WARD: That's not my question.

WOODLIFF: (Inaudible) in the south wing on punitive segregation I've never had any (inaudible).

WARD: But the answer to my question is you have not received any threats since January of 1985.

WOODLIFF: Correct.

MATZ: Written or oral.

WOODLIFF: Written or oral.

MATZ: Anything else you want to tell us?

WOODLIFF: Yes in regards also I (inaudible) although I resubmitted (inaudible) evidence (inaudible).

MATZ: This, this is the evidence.



WOODLIFF: DCR itself states (inaudible) names whatever states, (inaudible) had no investigation hearing which was denied and....

MATZ: Well that's a little different (inaudible).

WOODLIFF: No as far as (inaudible) in order to....

MATZ: You didn't make a relief. Allright (inaudible)there must be an investigation (inaudible).

WARD: Didn't that happen to you.

(Inaudible)

WARD: Weren't you on PC?

WOODLIFF: (Inaudible) removed from PC.

WARD: Right.

(Inaudible)

WARD: Because the investigation indicated that you were no longer needed on PC.

(Inaudible conversation)

MATZ: That's 100-5 you said.

WOODLIFF: DCR states upon request, and this request can be August 17, 1988 (inaudible).

MATZ: August 17th what (inaudible).

WOODLIFF: What was the date on the (inaudible).

(Inaudible)

MATZ: August 17th, '86.

WOODLIFF: When that particular request was made, I was never called (inaudible).

MATZ: Does the DCR say what he said it says. He says when an inmate makes a request to go on PC he's supposed to....

WOODLIFF: Be placed on PC (inaudible).

MATZ: Pending investigation.

(Inaudible)

WOODLIFF: Okay under DCR (inaudible) DCR 110-5, subsection (inaudible).

RODGERS: He gave a date of August of '87.

WOODLIFF: August 17, 1987.

MATZ: That's when he filed his ARP.

RODGERS: He was on disciplinary segregation at that time.

WOODLIFF: Or refused to be placed in housing (inaudible).

RODGERS: (Inaudible) 10 days.

WOODLIFF: Or refused to be placed (inaudible).

MATZ: He was on punitive segregation, want to give us the date he went on.

RODGERS: The starting date was 8/26/86.

MATZ: He's been on punitive seg since. August '86.

(Inaudible)

MATZ: Well now what (inaudible) on punitive seg and request to go on PC he can't do it.

RODGERS: You know from experience that the DCR says disciplinary segregation has precedent over any other status in DOC and this institution that disciplinary segregation is served in South Wing where he is currently housed.

MATZ: So that his argument that when he requested that he should be given an investigational hearing didn't apply because he's on punitive seg.

RODGERS: And he still had time remaining on his disciplinary segregation.

MATZ: Alright anything else gentlemen?

WOODLIFF: One other thing I'd like to question (inaudible).

MATZ: Well what's he going to testify (inaudible).

WOODLIFF: (Inaudible) regards to selective enforcement because any inmate who requests protective custody status is subject to be placed on protective custody upon request of that investigation. Then (inaudible) classification hearing.

MATZ: How is that a part of your case is...

WOODLIFF: (Inaudible).

MATZ: Hold it, hold it. Your case, I read your grievance, and I repeat it, you want to go on PC because of threats to your life. Now what's happened, what's his testimony going to do (inaudible).

WOODLIFF: Well he faced (inaudible).

MATZ: (Inaudible) file a grievance.

WOODLIFF: Well he has.

MATZ: Well then we'll hear his grievance.

WOODLIFF: You already did.

MATZ: (Inaudible) hear it.

(Inaudible conversation)

RODGERS: I know where he's coming from but you see in Kirk Bloodsworth's case he took care of the reason why he was on PC and PC is no longer required in his case (inaudible).

(Inaudible conversation)

MATZ: Just give us the grievance number we'll check the case.

RODGERS: He can tell it, he's sitting right there.

(Inaudible conversation)

WOODLIFF: 19875, he never even established who threatened him.

UNIDENTIFIED: Say what?

WOODLIFF: He never even established who threatened him. But you still lost the case.

(Inaudible conversation)

WOODLIFF: When you stated your life was in jeopardy (inaudible).

(end of tape)

WOODLIFF: When you testified before Inmate Grievance (inaudible) did you state exactly who the persons were that threatened (inaudible).

MATZ: Now wait a minute (inaudible).

(Inaudible conversation)

MATZ: Go ahead what do you want to say?

BLOODSWORTH: Basically what he's trying to say is when I made my request for, (inaudible) I was placed on, I was given an infraction (inaudible) placed on punitive seg, I refused to come off punitive seg because I requested that status because they had (inaudible).

(Inaudible)

BLOODSWORTH: Basically what I'm saying is, what he's saying is he never got a hearing, he requested a hearing August 17th.

MATZ: (Inaudible) institution's position is once you're on punitive seg you do not get a hearing to go on PC until you get off punitive seg.

UNIDENTIFIED: What he's saying is he's got to go out in population first before he can do that, that doesn't make sense (inaudible).

(Inaudible)

MATZ: (Inaudible) off segregation (inaudible).

UNIDENTIFIED: (Inaudible) why wasn't a hearing held. (Inaudible).

MATZ: Well I understand he's not on PC, he told me (inaudible).

(Inaudible conversation)

MATZ: You told us that you got on punitive seg on August 26, '86 so you never got off.

WOODLIFF: Right.

MATZ: Allright.

ROGERS: And the reason why there was no hearing is because no facts had changed. Nothing new had come down in his case. The same old rationale.

WOODLIFF: (Inaudible) DCR 110-5 (inaudible).

MATZ: Allright gentlemen, allright (inaudible) you want PC evidently that's what (inaudible) allright we'll check, we'll check 19875.

STATE OF MARYLAND
INMATE GRIEVANCE COMMISSION
ORDER

In the matter of Lewis Woodliff, #126130
Maryland Penitentiary

IGC No. 20195

Mr. Woodliff has filed a grievance in which he contends that as far back as August 11, 1987 he requested to be placed on protective custody, or in the alternative, Administrative Segregation due to threats being made against his life by inmates in the General Population and/or due to his own assaultive behavior. He complains, however, that his requests have been unjustly denied and that his refusals to accept housing in the General Population have resulted in his placement on punitive segregation.

Commissioners Hergenroeder, Ward and Matz heard this grievance on September 7, 1988 at the Maryland Penitentiary (PEN).

The Institution was represented by Chief Classification Supervisor, H. E. Rodgers and by Senior Counsellor Robert Bond. Inmate Kirk Bloodsworth appeared on behalf of Mr. Woodliff. Mr. Woodliff reviewed the relevant and pertinent documents and reports to be considered by the Commission. All parties were duly sworn prior to the taking of testimony.

SUMMARY OF PROCEEDINGS

Mr. Woodliff contends that he is entitled to be placed on Protective Custody, because of threats on his safety and life; that he requested Protective Custody and that by virtue of DCR 110-5, he is entitled to be brought before a Classification Team for consideration for such placement; that in furtherance of his request, he presented a letter from a "B. M." and claims that this letter in and of itself is sufficient grounds for consideration to be placed on Protective Custody; that once the request is made, he must be placed on Protective Custody pending investigation and a hearing per DCR 110-5 V A 1 and 2; that he does not know who "B. M." is and he refuses to divulge the names of those inmates who have threatened him for fear of reprisals; he admits that he has been on punitive segregation since August, 1986, because of a series of infractions; he made reference to inmate Kirk Bloodsworth who he claims was in a similar situation and was granted relief in Inmate Grievance Commission Order Number 19875; that he has not received any threats, written or oral, since 1985.

Mr. Bond countered by stating the letter from "B.M." alone is not a sufficient reason to place Mr. Woodliff on Protective Custody; that the Institution requires some identification of the inmate or inmates who allegedly threatened Mr. Woodliff; and that the "B.M." letter could have been written by anyone, even Mr. Woodliff himself.

Mr. Rodgers testified that the Institution has been investigating the alleged threats on Mr. Woodliff's safety and life since 1985, but has found no facts to substantiate or corroborate his complaints; and that Mr. Woodliff must first complete his punitive segregation sentence before the Institution could give any consideration to his request for Protective Custody.

FINDINGS OF FACT

The Commission finds that the Institution did not and has not unjustly denied Mr. Woodliff's request to be transferred to Protective Custody.

DCR 110-5 Section III establishes the purpose and reasons for placing an inmate on Protective Custody and Mr. Woodliff must present a sufficient basis and show that reasons exist to believe he is in danger of harm. Mr. Woodliff has failed to meet this prerequisite and the Institution, in its investigation, did not find any such reasons. The Institution feels that the unsubstantiated letter from a "B. M." alone, and nothing more, was not a sufficient reason to place Mr. Woodliff on Protective Custody and this Commission cannot disturb that decision in the absence of any abused discretion.

So, by the failure of Mr. Woodliff to show to the satisfaction of the Institution that he was and is in danger of harm, (III Purpose of DCR 110-5), he cannot then invoke Sections V A 1 and 2 thereof. To process inmates for Protective Custody, based on a whim or on unfounded threats, could cause havoc with the prison administration. If, as Mr. Woodliff testified, he knows the identity of his enemies, he should disclose those names to the Institution, along with the nature of the threats and request the information to be held in strict confidence, whereupon his request for Protective Custody may be processed accordingly.

It is ironic that since the early part of 1985, Mr. Woodliff, by his own admission, has not received any threats, written or oral.

The Commission further finds that Mr. Woodliff has not presented any evidence to warrant his placement on Administrative Segregation.

As to the Kirk Bloodsworth grievance (No. 19875), the Commission finds that it is not analogous to Mr. Woodliff's case. Mr. Bloodsworth was unjustly held on punitive segregation without having been

found guilty of an infraction while Mr. Woodliff is presently on punitive segregation because of an infraction, and as Mr. Rodgers noted, he must complete his punitive segregation before he can be given any consideration for placement on Protective Custody.

Further, there was a tacit admission on the part of the Administration that Bloodsworth presented some evidence to believe that he was or could be in danger of harm from another inmate.

Finally, the Commission did not order that Bloodsworth be placed on Protective Custody, but only that a Classification Team review his status and consider his request for voluntary Protective Custody.

CONCLUSION

In light of the foregoing, the Commission concludes that the grievance of Lewis Woodliff is without merit.

DISPOSITION

Having concluded that the grievance of Lewis Woodliff is without merit, the Commission orders it dismissed.

This 6th day of February, 1989.

Henry R. Hergenroeder, Sr.

Henry R. Hergenroeder, Sr.
Commissioner

John S. Ward

John S. Ward
Commissioner

Herbert Matz

Herbert Matz, Esq.
Commissioner

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES



WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY

MARVIN N. ROBBINS
EXECUTIVE DIRECTOR

INMATE GRIEVANCE COMMISSION

Suite 302, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2346
(301) 764-4257
TTY FOR THE DEAF: 486-0677

February 6, 1989

Mr. Lewis Woodliff, #126130
Md. Pen.

Enclosed please find a photocopy of the Commission's Order(s) in the following matter(s). Please note the final disposition is either without merit or moot.

IGC No. 20195

Sincerely,

Marvin N. Robbins
Executive Director

MNR/ps

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JERRY W. MONTGOMERY,
individually and on
behalf of the class
he represents,

Plaintiffs

v.

GEORGE H. COLLINS
MARK A. LEVINE
ROBERT J. LALLY,

Defendants

Civil No. 71-1076-HM

EXHIBIT #	1
Consent	Inst. <input checked="" type="checkbox"/>
IGC No.	20195
Date	9/7/88

NOTICE OF PROPOSED SETTLEMENT

TO: All inmates confined in Protective Custody at the Maryland Penitentiary.

In 1971, a civil rights action was filed in the U.S. District Court by inmates at the Maryland Penitentiary alleging that conditions of confinement in "protective custody" violate the constitutional rights of the inmates. The plaintiffs and the defendants now propose to settle the case by the attached Consent Decree. Because this case is a class action, and you are a member of the class of inmates in "protective custody" at the Penitentiary, you will be bound by the terms of the Decree when it is signed by the Court. You may object to the proposed Consent Decree by sending your objections, if any, to:

Mr. Gary Saperstein, Deputy Clerk
U.S. District Court
101 W. Lombard Street
Baltimore, Maryland 21201

The objection shall state the name and number of the case (captioned above) and the reason for your objection. Any objection must be filed by November 14, 1978, to be considered.

You are now being represented as a member of the class by Charles F. Morgan, at no cost to you. You may retain your own attorney, however, to advise you about the effect that the proposed Consent Decree may have on you.

Charles F. Morgan

CHARLES F. MORGAN
540 Tower Building
222 E. Baltimore Street
Baltimore, Maryland 21202
Attorney for Plaintiffs

Henry J. Frankel

HENRY J. FRANKEL
Assistant Attorney General
6314 Windsor Mill Road
Baltimore, Md. 21207
Attorney for Defendants

IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CURTIS E. MIDGETT, et al.,

Plaintiffs

vs.

GERALD H. McCLELLAN, et al.,

Defendants

CIVIL NO. 71-1076-HH

CONSENT DECREE

The parties before the Court for the purpose of entering into this Consent Decree being Jerry W. Montgomery, Plaintiff, on his own behalf and on behalf of the members of the class which he represents, and George H. Collins, Mark A. Levine and Robert J. Lally, Defendants, their successors, agents, servants and employees, all parties being represented by counsel, therefore it is, this _____ day of _____, 1978, hereby ORDERED, ADJUDGED and DECREED that:

1. The terms of this Decree are applicable to the confinement status and classification of those inmates at the Maryland Penitentiary known as "protective custody" (referred to herein as "P.C.") inmates.

2. Voluntary placement in protective custody.

Any prisoner who requests P.C. will be placed there promptly following receipt of his request by the prison administration. The institution then may investigate the prisoner's claim for pending protective custody status. If, after such investigation, it is determined that P.C. status is unwarranted under the circumstances, the prisoner shall be so advised and he

given the opportunity for a classification hearing and final review by the warden under regular classification procedures to determine if he should remain on P.C. or be classified into some other status.

3. Involuntary placement in protective custody.

If the institution determines that the placement of a prisoner into protective custody without his consent or request for P.C. is necessary under the circumstances, he will be placed promptly into protective custody. If the prisoner objects to being placed in P.C., he shall be given the opportunity to challenge the placement and to propose alternatives at a hearing under regular classification procedures.

4. Periodic review of P.C. status.

The status of each P.C. prisoner shall be reviewed at least every thirty (30) days under the terms of MPD No. 100-1 (February 1, 1978).

5. Release from Protective Custody.

A prisoner who requests his release from P.C. status shall be promptly reclassified to another housing status or institution unless it is determined under regular classification procedures that his release would endanger his safety and that further confinement in P.C. is necessary for his protection. No prisoner shall be required to sign a "waiver" in order to obtain his release from P.C. status, but a prisoner may be required to request in writing that he be released from protective custody.

6. Housing areas for P.C. prisoners.

The principal housing area for P.C. prisoners is presently located on the fifth tier of South Wing. The warden

has the discretion to locate the P.C. area wherever he determines it to be appropriate within the Penitentiary. but no P.C. prisoners shall be confined in any disciplinary or administrative segregation or isolated confinement area unless such confinement is warranted for specific individuals who require it under the regular regulations pertaining to such confinement. If a P.C. prisoner is assigned to segregation, isolated confinement, the hospital or any other area outside the P.C. housing unit, the institution shall take whatever special precautions are necessary to assure his protection and safety during that period.

7. Use and renovation of the "old dining room" area.

Each protective custody prisoner shall be afforded the opportunity for daily exercise and recreation on weekdays in the old dining room area under the provisions of MPD No. 145-1 (January 31, 1978). This directive will be modified in paragraphs 4(a) and (b), however, to specifically provide that such exercise and recreation may only be restricted because of insufficient staffing when such a condition is caused by an emergency. It is understood between the parties that insufficient staffing is justification for restricting exercise and recreation only in emergency or unusual situations. Although the parties agree that the first floor of the old dining room building is presently suitable for use by P.C. prisoners, the Division of Correction agrees to continue to move forward with the implementation of a plan to renovate the basement and to use it as the principal P.C. recreation area.

8. Housing.

Protective custody inmates will be housed in single cells which have all of the fixtures, equipment and furnishings

that are provided for the general population including, but not necessarily limited to, a toilet and sink in working order, a bed, a clean and usable, non-flammable mattress and pillow, adequate lighting, heating and ventilation, regularly cleaned sheets, pillowcase and blanket, personal clothing and personal property, legal materials, reading materials, and hygienic materials for the inmate and his cell.

9. Equal treatment in general.

Inmates in protective custody will receive the same treatment in every respect and will have access to all of the same programs, facilities and services which are provided for inmates in the general population unless to provide such access and treatment is clearly inconsistent with assuring the personal safety of a protective custody inmate.

10. Hygiene.

Protective custody inmates will be permitted to have daily shaves, regular haircuts, regular laundry service (MPD No. 220-4(1) and showers at least twice per week.

11. Outdoor exercise.

Each P.C. prisoner shall be afforded the opportunity for exercise every other day in a protected area of the yard unless weather, an emergency or some other unusual situation prevents use of the yard.

12. Escort by correctional officers.

Protective custody inmates will be escorted by correctional officers when they leave the P.C. tier. Protective custody inmates will not be required to wear handcuffs while being escorted.

13. Visiting.

P.C. inmates will have the same visiting privileges as other inmates in general population; that is, P.C. inmates will receive the same number of visits and will have their visits in the regular visiting room.

14. Library.

The institution library will provide for P.C. inmates books and legal reference materials if they are available in the institution.

15. Commissary.

P.C. inmates will receive regular commissary privileges the same as any other inmate in general population.

16. Medical care.

P.C. inmates will have the same access as inmates in the general population to sick call, admission to the hospital, regular medical and dental services and psychiatric and psychological services. Twice weekly medical rounds will be made to each inmate in P.C. by either a physician or a physician's assistant who is a trained paramedic and neither a correctional officer nor an inmate. Daily rounds will be made to each inmate in P.C. by a correctional officer, physician or physician's assistant to take any requests from P.C. inmates for sick call.

17. Classification officers.

A special P.C. caseload will be established and maintained with one or more classification officers specially assigned for inmates on the P.C. tier. The assigned classification officer will make at least one visit per week to each inmate on the protective custody tier.

18. Religion.

Chaplains will make regular rounds on the P.C. tier, and religious services will be arranged when appropriate.

19. In-cell activities.

The institution will make a reasonable effort to provide P.C. inmates with work and/or other useful activities that can be done by the inmates in their cells.

20. Education.

The institution will develop a tutoring and education extension program for any inmate in P.C. who desires to participate in such activities.

21. Meals.

Food that is served to inmates in P.C. will be served in proper portions according to the menu and at the proper serving temperature.

22. Posting and distribution of regulations.

A copy of the provisions enumerated in this decree and any other regulations pertaining to P.C. will be posted in a conspicuous place at each end of the P.C. tier, and distributed to each inmate when he enters P.C.

Consented to by:

Charles F. Morgan
CHARLES F. MORGAN
Attorney for Plaintiffs

10/18/78
DATE

Henry J. Frankel
HENRY J. FRANKEL
Attorney for Defendants

10/16/78
DATE

Mark A. Levine
Mark A. Levine
Commissioner

HERBERT F. MURRAY
U.S. DISTRICT JUDGE

10/16/78
DATE

RECEIVED
1985 DEC -2 AM 11:10
WARDEN'S OFFICE

EXHIBIT # 2
Complainant Inst.
IGC No. 20195
Date 9/7/85

Re: Lewis A. Woodliff #126130
South Wing, D-345
Md. Penitentiary

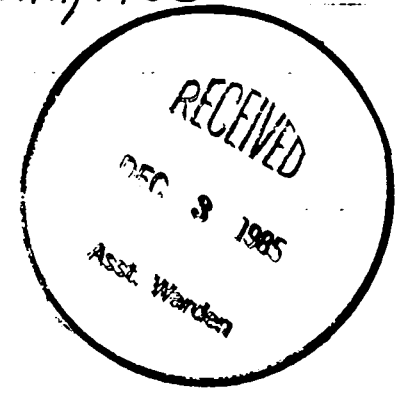
November 29th, 1985

To: Mr. Howard Lyles, Warden

To: Mr. Bernard Smith, Asst. Warden

"Respective Offices"

Maryland Penitentiary



Dear Warden Lyles, and Asst. Warden Smith:

I have served my ninety (90) days on "punitive" segregation for refusing to be placed, "per your orders", in general population instead of my original housing housing (and status), which is Protective Custody. I have been off punitive seg. time since Nov. 8th, 85. I would not mind if necessary, to be housed in the S.H., on Administrative Segregation, in fact I request it, if you will not return me to my original housing area, until at least the Courts has decided on this issue.

I am writing for reasons, a good Christian friend wishes to send me a T.V. & Typewriter, and another, a Christmas Package, but due to my odd situation, I don't know if they will be allowed to do so. So So, could you, both you Mr. Lyles & Mr. Smith, let me know whether I can receive these packages, or must I continue to "suffer" from further retaliation?...

I will hope to hear from both, or either of you respectively, on this confusing matter soon. Thank you for your time, attention, action or inaction.

Respectfully,
S/ Lewis A. Woodliff

cc:

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY

F R O M	MARYLAND PENITENTIARY 954 Forrest Street Baltimore, Maryland 21202	AGENCY NAME & ADDRESS
	<i>James N. Rollins</i> James N. Rollins, Warden	NAME & TITLE
	Request for P.C. or Adm. Seg.	SUBJECT

ARNOLD J. HOPKINS
COMMISSIONER

ELMANUS HERNDON
DEPUTY COMMISSIONER

JAMES N. ROLLINS
WARDEN

BERNARD SMITH
ASSISTANT WARDEN

To: Lewis Woodliff #126130

Date: 8/3/88

This is in response to your letter of 3/3/88 concerning a request for placement on Protective Custody or Administrative Segregation.

It is my understanding that you engaged in a rather lengthy period of correspondence with the previous Warden concerning this same issue. You have never been able to furnish any names of enemies or persons who would do you bodily harm. Until you can furnish these names or present concrete proof that your life is in danger, you will be assigned to general population. Administrative Segregation is reserved for those who present a threat to the security of the institution or are threatened themselves. As with Protective Custody, you cannot furnish any concrete evidence that your life is in jeopardy in general population.

Therefore, you request is denied.

JNR:bd

cc: Maj. Thompson
Actg. Maj. Hopkins
Mr. Lew Williams
Basefile

EXHIBIT #	<u>3</u>
Offendant	Inst.
IGC No.	<u>20195</u>
Date	<u>9/7/88</u>

**DIVISION OF CORRECTION
CLASSIFICATION ASSIGNMENT SHEET**

Maryland Penitentiary
INSTITUTION

EXHIBIT # <u>4</u>
Arrestant <u>Inst.</u> <input checked="" type="checkbox"/>
IGC No. <u>20195</u>
Date <u>9/7/88</u>

Name LAVIS WOODLIFF No. 126-130 DOB 6/14/47 Housing _____
 Assignment Admin. Seg. Current Security Status Maximum Date Assigned 4/20/82

ACTION BEING CONSIDERED: Admin. Seg. Review

BACKGROUND:

Current Offense(s) Murder 1st degree; Assault W/I to Murder

Current Sentence(s) Natural Life + 10 yrs. CS From 9/03/72

Detainer(s) None active

Escape History None recorded

Date of Last Parole Hearing 9/6/77 2-7 or 2-7A 2-7 Decision hear at eligibility on life sentence

Date of Last Major Adjustment 3/07/74 Guilty of Rules(s) #23, 28

Sanctions 30 days CC segregation from 3/9/84; lose 5 days GCT

Additional Information/Justification Inmate placed on Admin. Seg. 4/04/85. Woodliff placed on Adm. Segregation from P.C. status after he directed a letter to the Administration" stating that the institutional psychiatrist refused to re-new his sleeping and nerve medication, he (over)

Signature [Signature] Title CCSC Date 7/03/85

RECOMMENDED ACTION:

Action/Reasons Administrative Segregation Release
The rationale for placement on Administrative Segregation is not sufficient for continuance in that status. The Team recommends that Woodliff be removed from Adm. Seg. and placed in general

MEMBERS OF CLASSIFICATION TEAM (Name and Title) Date 7/10/85

	Concur	Non-Concur
1. <u>[Signature] CCSC</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>[Signature] CCSC</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>William D. Berry BERRY, CCSC</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature] CST</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reasons for non-concurrence _____

Approve Disapprove

<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Lawrence Carpenter
 Assistant Warden Unit Manager
Howard H. Syles
 Warden

7-16-85
 Date
7/17/85
 Date

(Forward if Applicable)

population and be evaluated regularly by the
Crisis Clinic.

was starting to react in an assaultive manner, whereby he has no control of himself
and would assault others, if they came near him."

**VISION OF CORRECTION
CLASSIFICATION ASSIGNMENT SHEET**

*Continued
4/4/85 - R. W. Keen*

Md. Pen.
INSTITUTION

Name Louis Woodliff No. 126130 DOB 6/14/47 Housing D-
Assignment Seg. Current Security Status Max. Date Assigned 4/20/82 (An Pat.)

ACTION BEING CONSIDERED: Placement on Ad. Seg.

BACKGROUND:
Current Offense(s) Murder I & Assault w/ Murder

Current Sentence(s) Life & 10 yrs. CS. From 9/3/72

Detainer(s) None

Escape History None

Date of Last Parole Hearing 9/77 2-7 or 2-7A ACM Decision Rehear at eligibility

Date of Last Major Adjustment 2/7/85 Guilty of Rules(s) 7 & 27

Sanctions 60 days seg. from 2/11/85

Additional Information/Justification See attached rationale.

Signature R. W. Keen Title CCCS Date 3/29/85

RECOMMENDED ACTION: Subject waives privilege of 2 hrs 15 min. to

Action/Reasons contemplate pending action; thus team notes compliance with DCB 110-19 re: procedure. Team recommends placement on Ad. Seg. per attached rationale as a threat to MP security staff, & inmates alike.

MEMBERS OF CLASSIFICATION TEAM (Name and Title) Date 4/1/85 9:30 AM

	Concur	Non-Concur
1. <u>Sho K. Williams CSC</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>R. W. Keen, CCCS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>Ed. Muszynski</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. <u>A. G. Galloway CSF</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reasons for non-concurrence _____

Approve <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<u>Bernard D. Smith</u> Assistant Warden/Unit Manager <u>Howard N. Syles</u> Warden (Forward if Applicable)	<u>4/3/85</u> Date <u>4/4/85</u> Date
	Commissioner	Date

SUBJECT SAFETY & CORRECTIONAL SERVICE
DIVISION OF CORRECTION



STATE OF MARYLAND

FROM

AGENCY NAME & ADDRESS	DIVISION OF CORRECTION Maryland Penitentiary / 954 Forrest St. Baltimore, Maryland 21202
NAME & TITLE	Lawrence Carpenter Security Chief <i>Le</i>
SUBJECT	Lavis Woodliff #126-130/Administrative Segregation Placement

To: H. E. Rodgers
Classification Supervisor

Date: 3/28/85

Sir:

This request for Administrative Segregation placement pertains to the referenced inmate, who was received at this institution on 7/17/83, serving life and ten (10) years sentence for murder/assault.

Nevertheless, since being at this institution, he was approved for placement on protective custody; but recently directed a letter to the administration of this institution stating that since an institutional psychiatrist is refusing to re-new his sleeping and nerve medication, he was starting to react in an assaultive manner, whereby he has no control of himself and would assault others, if they came near him.

Based on this information and information contained in his basefile, I have reasons to believe that inmate Woodliff is a danger to the security of this institution, both staff and inmates alike; therefore, please make immediate arrangements to have him evaluated for the referenced status.

LC/tp:db

cc: File

*Due
4/3/85*

by 11:45 AM

DIVISION OF CORRECTION

NOTICE OF ASSIGNMENT TO ADMINISTRATIVE SEGREGATION

DATE: March 28, 1985

INSTITUTION: Maryland Penitentiary

<u>Woodliff</u>	<u>Lavis</u>	<u>126-130</u>
Last Name	First Name	M.I. Number

Date/Time of Placement

Per Lawrence Carpenter, Security Chief *LL*

It has been determined that reasons exist (as categorized below) to remove you from the general population and (temporarily) assign you to administrative segregation pending classification team action. You will be seen by the classification team within 96 hours of your placement on administrative segregation (excluding weekends and holidays) and given the opportunity to be heard as to whether or not you should be continued in this status.

Reason (Check applicable category)

- To prevent escapes, reasons exist to believe you are an escape risk.
- You are under sentence of death.
- Reasons exist to believe you are dangerous to the security of the institution, and/or inmates, and/or staff.
- A criminal investigation is pending in your case.
- Other (specify) _____

Distribution

Original — Classification
Copy — Inmate

I have read (or have had read to me) and acknowledge receipt of a copy of this notice.

Lewis A. Woodliff # 126130
Inmate Signature

Notice Served by [Signature]

Date/Time [Signature]

**DIVISION OF CORRECTION
CLASSIFICATION ASSIGNMENT SHEET**

INSTITUTION _____

Name Howe Woodliff No. 126-130 DOB 6-14-47 Housing _____

Assignment Segregation Current Security Status max Date Assigned _____

ACTION BEING CONSIDERED: Segregation Evaluation

BACKGROUND:

Current Offense(s) MURDER 1ST DEGREE; ASSAULT w/1/2 MURDER

Current Sentence(s) Natural life; 10 years CS From _____

Detainer(s) NONE

Escape History NONE

Date of Last Parole Hearing _____ 2-7 or 2-7A _____ Decision _____

Date of Last Major Adjustment 2-25-85 Guilty of Rules(s) #7, #27

Sanctions 60 days Segregation 200 days CS

Additional Information/Justification _____

<u>60 days</u>	SEGREGATION SENTENCE:
<u>2-11-85</u>	STARTING DATE:
<u>4-12-85</u>	EXPIRATION DATE:
<u>NONE</u>	SENTENCE SUBJECT TO:
	Date
	PARENT INSTITUTION (TEMP SIGN):

Signature Frank K. [unclear] Title case

RECOMMENDED ACTION: _____

Action/Reasons Team recommends inmate be Released from Segregation

AFTER evaluation for placement on Administrative Segregation.

MEMBERS OF CLASSIFICATION TEAM (Name and Title) Date 3-19-85

	Concur	Non-Concur
1. <u>Frank K. [unclear] case</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>E. Thomas [unclear]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>Ch. W. [unclear] CCS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. <u>A. G. [unclear] CEI</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reasons for non-concurrence I must have good reasons

Placing on Adm. Seg, What are they?

Approve Disapprove

Bernard D. [unclear] 3/20/85
Assistant Warden/Unit Manager Date

Howard M. [unclear] 3/20/85
Warden Date

(Forward if Applicable)

Commissioner

Date

**DIVISION OF CORRECTION
CLASSIFICATION ASSIGNMENT SHEET**

Maryland Penitentiary
INSTITUTION

Name Lavis (Lewis) Woodliff No. 126130 DOB 6-14-47 Housing B-

Assignment P.C. Current Security Status Maximum Date Assigned 1-19-77

ACTION BEING CONSIDERED: P.C. Evaluation

BACKGROUND:

Current Offense(s) Murder 1st Degree, AWMurder

Current Sentence(s) Life plus 10 yrs cs From 9-3-72

Detainer(s) None listed

Escape History None listed

Date of Last Parole Hearing 9-6-77 2-7 or 2-7A Decision Rehear at Eligibility

Date of Last Major Adjustment 3-7-84 Guilty of Rules(s) 23&28

Sanctions 30 days segregation, lose 5 days GCT

Inmate has been on P.C. since 1977 without any rationale. On 1-9-85 Additional Information/Justification inmate was evaluated by the P.C. Team who recommended an updated rationale for placement on P.C.. Said rationale was received on 1-16-85. However, a review of inmates file suggests that the information contained in this rationale is incorrect. Inmate has a history of assaultive behavior including assaults on Officers. Moreover, in the 1980 incident it was Woodliff who did the stabbing as opposed to

Signature _____ Title _____ Date _____ (Over)

RECOMMENDED ACTION: TEAM RECOMMENDS THAT BASED ON ABOVE

Action/Reasons ADDITIONAL INFORMATION THAT IN MATB BS REMOVED FROM P.C. STATUS AND ASSIGNED TO ADMINISTRATIVE SEGREGATION STATUS.

MEMBERS OF CLASSIFICATION TEAM (Name and Title) Date 2-8-85

	Concur	Non-Concur
1. <u>W. J. [unclear], CSC</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>[unclear]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>William J. BERRY, CSC</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>C. [unclear], CSC</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Reasons for non-concurrence Woodliff is on "Voluntary" P.C. and should remain there if he feels his life is in DANGER.

Approve Disapprove

Bernard [unclear] 2/13/85
Assistant Warden, Unit Manager

Howard N. Sykes 2/13/85
Assistant Warden

(Forward if Applicable)

Commissioner _____ Date _____

**DIVISION OF CORRECTIONS
CLASSIFICATION ASSIGNMENT SHEET**

Maryland Penitentiary

INSTITUTION

Name Lavis (Lewis) Woodliff No. 126130 DOB 6-14-47 Housing _____

Assignment P.C. Current Security Status Maximum Date Assigned 1-19-77

ACTION BEING CONSIDERED: P.C. Evaluation/Annual Review

BACKGROUND:
Current Offense(s) Murder 1st Degree; Aslt w/i to Murder

Current Sentence(s) Life plus 10 yrs cs From 9-3-72

Detainer(s) None listed

Escape History None listed

Date of Last Parole Hearing 9-6-77 2-7 or 2-7A Review Only Decision Rehear at Eligibility

Date of Last Major Adjustment 3-7-84 Guilty of Rules(s) 23&28

Sanctions 30 days segregation, lose 5 days GCT

Additional Information/Justification Inmate placed on P.C. status in 1977 to protect him from enemies in the MPEN.

Signature _____ Title _____ Date _____

RECOMMENDED ACTION: INMATE HAS BEEN ON P.C. SINCE 1977 THERE IS NO RATIONALE FOR SUCH PLACEMENT. TEAM RECOMMENDS THAT AN UPDATED RATIONALE BE COMPILED WITH THIS IDEA IN MIND THAT IF POSSIBLE TO REMOVE INMATE TO PC STATUS. CONTINUE INMATE ON PC STATUS PENDING RECEIPT OF UPDATED RATIONALE AND REVIEW IAW DCK 110-5. ANNUAL REVIEW = REVIEW IN 1/85 WITH NO CHANGE IN SECURITY STATUS.

MEMBERS OF CLASSIFICATION TEAM (Name and Title) Date 1-9-85

	Concur	Non-Concur
1. <u>W. J. [unclear] CCSC</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>P. [unclear] CCSC II</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>Pat. W. [unclear]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. _____	<input type="checkbox"/>	<input type="checkbox"/>

Reasons for non-concurrence I Agree AND raise the [unclear] Why has it taken this long to arrive at this position, it the team's responsibility

Approve Disapprove
 H. [unclear] Assistant Warden/Unit Manager Date 1-9-85
 Warden Date _____
 (Forward if Applicable)

FILED

MAR 15 1989

CIRCUIT COURT FOR BALTIMORE CITY

LEWIS A. WOODLIFF, #126130

Appellant

v.

SECRETARY OF PUBLIC SAFETY & CORRECTIONAL SERVICES

Appellee

IGC No. 20195

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

* Case No. 89047041/
* CL93226

ANSWER TO PETITION

Appellee Secretary of Public Safety & Correctional Services, by his attorneys J. Joseph Curran, Jr., Attorney General of Maryland, and Scott S. Oakley, Assistant Attorney General, as an answer to the above-captioned Petition, states:

1. Appellee denies knowledge or information sufficient to admit or deny the allegations of Paragraph 1 of the Petition, except insofar as to admit that Appellant filed a request for administrative remedy, Case No. MP0539-87, and that he has received repeated infraction notices for refusing to be placed in general population. The provisions of Division of Correction Regulation 110-5 speak for themselves.

2. The allegations of Paragraph 2 of the Petition are admitted.

3. The allegations of Paragraph 3 of the Petition are denied, except insofar as consistent with the record of the administrative proceedings before the Inmate Grievance Commission, to be certified to the Court at a later date.

4. The allegations of Paragraph 4 of the Petition are admitted.

5. The allegation of Paragraph 5 of the Petition is a jurisdictional statement to which a responsive pleading is not required.

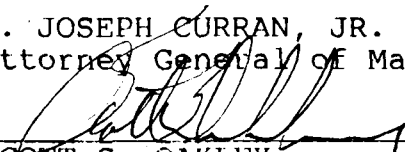
6. The allegations of Paragraph 6 of the Petition are conclusions of law to which a responsive pleading is not required.

7. The allegations of Paragraph 7 of the Petition constitute the relief requested by Appellant, to which a responsive pleading is not required.

8. The decision and order of the Inmate Grievance Commission in IGC No. 20195 was supported by substantial evidence, and was not otherwise affected by error of law.

WHEREFORE, Appellee Secretary of Public Safety & Correctional Services respectfully requests that this Court affirm the decision and order of the Inmate Grievance Commission in IGC No. 20195.

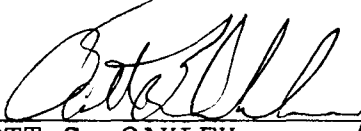
J. JOSEPH CURRAN, JR.
Attorney General of Maryland



SCOTT S. OAKLEY
Assistant Attorney General
Division of Correction
6776 Reisterstown Road
Suite 311
Baltimore, Maryland 21215
764-4191

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of March, 1989, a copy of the foregoing Answer to Petition was mailed, postage prepaid, to Louis A. Woodliff, #126130, Maryland Penitentiary, 954 Forrest Street, Baltimore, Maryland 21202.



SCOTT S. OAKLEY

FILE

Pr. Lewis A. Woodliff #126130
401 E. Madison St., MCAC.
Baltimore, Md. 21202
March 1st, 1989

To: Mrs. Saundra E. Banks, Clerk
Circuit Court for Baltimore City
Room 462, Civil Division
111 N. Calvert St.
Baltimore, Md. 21202

FILED

MAR 6 1989

CIRCUIT COURT FOR
BALTIMORE CITY

RE: No. 89047041, Docket No. CL 93226

file

DEAR Mrs. Banks:

Just recently I have been transferred to another prison, and submit herewith my present address to eliminate any possible delays that may incur due to such an address change.

Which is:

MCAC (Md. Correctional Adjustment Center)
401 East Madison Street
Baltimore, Md. 21202

Thank you for your most kind attention, time, and assistance.

Respectfully submitted,

Lewis A. Woodliff

FILED

FEB 16 1990

CIRCUIT COURT FOR
BALTIMORE CITY

89047041

CL 93226

IN THE MATTER OF :

LEWIS A. WOODLIFF, 126130
Maryland State Penitentiary
954 FORREST STREET
BALTIMORE, Md. 21202
Appellant

: IN THE
: CIRCUIT COURT
: FOR
: BALTIMORE CITY
: CIVIL DIVISION

BEFORE THE :

SECRETARY OF PUBLIC SAFETY &
CORRECTIONAL SERVICES
SUITE 310-6776 REISTERSTOWN RD.
BALTIMORE, Md. 21215-2346
Appellee

: No. _____
: Docket. _____
: Folio. _____

I.C. No. 20195

.

ORDER FOR APPEAL

DEAR MRS. CLERK:

Costs
Waived

JOSEPH H. H. KAPLAN
Judge

C. m

PLEASE ENTER AN APPEAL to this Court from the Decision dated, February 6th, 1989 of Maryland Inmate Grievance Commission, and Secretary of ~~the~~ Public Safety & Correctional Services in the matter of LEWIS A. WOODLIFF, I.C. No. 20195.

ACW

(NEXT PAGE)

PAGE TWO.

ORDER FOR APPEAL.

RENT.:

KINDLY SET THE APPEAL DOWN FOR A HEARING AND DIRECT A SUMMONS TO THE AGENCY INSTRUCTING SAID AGENCY TO TRANSMIT TO THIS COURT ALL ORIGINALS AND CERTIFIED COPIES OF THE ORIGINAL PAPERS AND EXHIBITS INCLUDING ANY TRANSCRIPTS OF TESTIMONY AND CASSETTE TAPE TAPINGS RECORDINGS UPON WHICH ACTION WAS TAKEN BY SAID AGENCY IN CONNECTION WITH SAID PROCEEDINGS

RESPECTFULLY SUBMITTED,

Lewis A. Woodliff

DATE: FEBRUARY 9th, 1989

LEWIS A. WOODLIFF, 126136 - APPELLANT
954 FORREST ST. - MD PENITENTIARY
BALTIMORE, MD. 21202

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 9th day of February, 1989, A copy of the foregoing Petition for Reversal of Administrative Agency Decision was mailed, postage prepaid, to ~~Mr. Frank~~ MR. Bishop Robinson, Secretary of Public Safety & Correctional Services - Suite 310-6776 Reisterstown Rd. - Baltimore, Maryland 21215-2346; MR. MARVIN N. Robbins, Executive Director - Inmate Grievance Commission - Suite 302-6776 Reisterstown Rd. - Baltimore, Maryland 21215-2346.

Lewis A. Woodliff

Lewis A. Woodliff, Appellant
Maryland State Penitentiary
954 Forrest Street
Baltimore, Md. 21202

IN THE MATTER OF:

: IN THE

LEWIS A. WOODLIFF, 126130
Maryland State Penitentiary
954 FORREST STREET
BALTIMORE, MD. 21202
Appellant

: CIRCUIT COURT

: FOR

: BALTIMORE CITY

BEFORE THE:

: CIVIL DIVISION

SECRETARY OF PUBLIC SAFETY &
CORRECTIONAL SERVICES
SUITE 310-6776 REISTERSTOWN RD.
BALTIMORE, MD. 21215-2346
Appellee

: No. _____

: DOCKET. _____

: Folio. _____

GL. No. 20195

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MOTION TO PROCEED WITHOUT PAYMENT
OF COSTS

Appellant, LEWIS A. WOODLIFF, respectfully moves this Court for an Order permitting him to proceed with this appeal without payment of costs or providing security thereof. His supporting statement of indigency is attached.

Lewis A. Woodliff
LEWIS A. WOODLIFF, Appellant
954 FORREST ST. - MD. PENITENTIARY
BALTIMORE, MD. 21202

IN THE MATTER OF:

Lewis A. Woodliff, 126130
Maryland State Penitentiary
954 Forrest Street
Baltimore, Md. 21202
Appellant

BEFORE THE:

Secretary of Public Safety &
Correctional Services
Suite 310 - 6776 Reisterstown Rd.
Baltimore, Md. 21215-2346
Appellee

PC. No. 20195

: IN THE

: CIRCUIT COURT

: FOR

: BALTIMORE CITY

: CIVIL DIVISION

: No. _____

: Docket. _____

: Folio. _____

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STATEMENT OF INDIGENCY AND PRAYER TO PROCEED
WITHOUT PAYMENT OF COSTS

I, Lewis A. Woodliff, am the appellant in this Appeal. I believe this Appeal has merit. I do not have any source of income, nor do I have any assets, and I am unable to pay the costs of proceedings with this appeal, or to provide security thereof.

(NEXT PAGE)

Page Two.

Statement of Indigency, etc..

Cont.:

I hereby request therefore that this Court permit me to proceed without the payment of, or provision of security for, said costs.

I do solemnly declare and affirm under the penalty of perjury that this statement of indigency of the above facts is true and correct.

Lewis A Woodliff
LEWIS A. Woodliff, Appellant
954 Forrest St. - Md Penitentiary
Baltimore, Md. 21202

IN THE MATTER OF:

: IN THE

Lewis A. Woodliff, 126130
Maryland State Penitentiary
954 Forrest Street
Baltimore, Maryland 21202
Appellant

: CIRCUIT COURT

: FOR

: BALTIMORE CITY

BEFORE THE:

: CIVIL DIVISION

Secretary Of Public Safety &
Correctional Services
Suite 310 - 6776 Reisterstown Rd.
Baltimore, Maryland 21215-2346
Appellee

: No. _____

: DOCKET _____

: FOLIO _____

IGL. No. 20195

PETITION FOR REVERSAL OF
ADMINISTRATIVE AGENCY DECISION

Appellant, Lewis A. Woodliff, hereby states that:

1) Since July 1985 up until now, Appellant has repeatedly request placement on protective custody housing, formally and informally of the prison's warden, his administrative staff, and classification counselors to no avail. Appellant has filed a Division of Correction

Page Two.

Cont.:

Request for Administrative Remedy, Case No. MPO539-87, seeking by formal request for placement on protective custody housing because of threats on appellants' life (submitting attached threat note by another prisoner as evidence) in accordance to D.C.R. 110-5, Division of Correction Regulation, and still appellant was denied placement of appellant on protective custody housing, violating D.C.R. 110-5.

All formal and informal requests made by appellant in accordance to D.C.R. 110-5 to be placed on protective custody housing were denied, refused, or ignored, and appellant was/is forced to remain on punitive (disciplinary) segregation by receiving repeatedly and continuous infraction notices for refusing to be placed/housed in the prison's "general population," as well loss of Good Conduct and other credits, were added for further punishment.

D.C.R. 110-5 states in brief:

"IV. DEFINITION: A. Voluntary protective custody status - The placement of an inmate in protective custody housing as the result of the inmates requests..."

"V. PROCEDURE: A. Placement on protective custody - 1. Inmates will be moved to protective custody housing as soon as possible after receipt of their own request (written or verbal)..."

"III. PURPOSE: The sole purpose of protective custody is to ensure the safety of the inmate and such placement may be made on a voluntary or involuntary basis..."

NOTE: Voluntary Request is all that is necessary, and nowhere in this D.C.R. 110-5 does it state an inmate must provide proof for such a placement on protective custody housing, that an inmates life is

Page Three.

Cont.:

in jeopardy, or that he has to submit his ENEMIES NAMES.

2.) Appellant petitioned the Inmate Grievance Commission for a review of the complaint, with attached D.O.C Request For Administrative Remedy, Case No. MPO539-87. On September 7th, 1988, a hearing was held before the Commission.

3.) Appellant contended at the hearing:

(A) Appellant was discriminatorily and unjustly denied, refused placement on protective custody housing upon his own voluntary request in violation of D.P.R. 110-5, and receive and still receiving repeatedly numerous infraction notices (the last dated January 30, 1989) to continue forcing appellant to remain on punitive segregation as a means of punishment since July 1985, because appellant refuses to be placed into the prison's general population (having inmate enemies there), and for further punishment loss of Good Conduct and other Credits.

(B) That the Warden, and his administrative staff, and classification counselors demand from appellant factual proof and evidence by identifying his enemies and disclose their names. Appellant refused to do ^{so} because strict and personal confidentiality does not exist, ~~and~~ and on the basis that certain prison administrative staff, especially the classification supervisor, H.E. Rodgers, fraternize with prison inmates on a personal basis, and have given out information to inmates about other inmates, who have easy access to appellants prison files and

Page Four.

Cont.:

RECORDS WHERE SUCH INFORMATION OF STRICT CONFIDENTIALITY IS HELD, THAT STRICT CONFIDENTIALITY BETWEEN INMATES AND PRISON ADMINISTRATIVE STAFF IS A FANTASY, ESPECIALLY WHERE APPELLANT'S PRISON'S FILES AND RECORDS ARE CONCERNED. ALSO, THAT NOWHERE IN D.C.R. 110-5 STATES ^{appellant} I MUST SUBMIT FACTUAL EVIDENCE OR PROOF OF ENEMIES AND THEIR NAMES, OR THREAT UPON APPELLANT'S LIFE TO BE PLACED UPON ^{by} REQUEST ON PROTECTIVE CUSTODY HOUSING, ALTHOUGH APPELLANT ^{did} SUBMIT A THREAT NOTE UPON HIS LIFE, BY AN INMATE IN THE PRISON'S GENERAL POPULATION.

(C) APPELLANT PRESENTED ~~AN~~ AN INMATE WITNESS, KIRK BLOODSWORTH #187307, TO TESTIFY IN ESTABLISHING AND SHOWING DISCRIMINATORY, AS WELL NON-COMPLIANCE TO D.C.R. 110-5 BY THE WARDEN, HIS ADMINISTRATIVE STAFF, AND CLASSIFICATION COUNSELORS, WHO HE HIMSELF HAD ALSO REQUESTED PLACEMENT ON PROTECTIVE CUSTODY HOUSING, BUT WAS DENIED IT, BUT THROUGH HIS COMPLAINT BEFORE THE INMATE GRIEVANCE COMMISSION, IGC. No. 19875, IN JUNE 1988, THE COMMISSION GRANTED HIS COMPLAINT, BUT AT NO TIME HAD THE COMMISSION DEMANDED PROOF OR EVIDENCE OF ANY KIND OF HIS ENEMIES OR THEIR NAMES, OR WARDEN, HIS PRISON ADMINISTRATIVE STAFF, OR CLASSIFICATION COUNSELOR, AND STILL UPON THE COMMISSION DECISION KIRK BLOODSWORTH WAS PLACED ON PROTECTIVE CUSTODY STATUS AND HOUSING. ESTABLISHING FURTHER DISCRIMINATORY AND UNJUST DENIAL OF PLACEMENT OF APPELLANT ON PROTECTIVE CUSTODY HOUSING, STRESSING SELECTIVE ENFORCEMENT, AND BOTH INMATE KIRK BLOODSWORTH AND APPELLANT'S COMPLAINTS ARE IDENTICAL CONCERNING "VOLUNTARY REQUEST," AND BEING DENIED, VIOLATING D.C.R. 110-5.

(D) APPELLANT ALSO STATED THAT SINCE HIS HOUSING ON PUNITIVE SEGREGATION OF THE SOUTH WING HOUSING AREA SINCE JULY 1985 HE HAS NOT

Page ~~Four~~ Five.

Cont.:

RECEIVED ANY THREATS ON HIS LIFE, WHICH IS ONLY OBVIOUS BEING HOUSED IN A STRICTLY SECURED AREA FOR PUNITIVE SEGREGATION INMATES.

(E) THAT APPELLANT WAS NEVER BROUGHT BEFORE THE PRISON'S CLASSIFICATION TEAM WITHIN 96 HOURS (OR AT ANY OTHER TIME) UPON REVIEW OF APPELLANT'S REQUEST FOR VOLUNTARY PLACEMENT ON PROTECTIVE CUSTODY HOUSING, ALSO VIOLATING D.C.R. 110-5, VA 2-3.

4.) IN A DECISION DATED FEBRUARY 6th, 1989 THE INMATE GRIEVANCE COMMISSION FOUND:

(A) THAT THE APPELLANT FAILED TO SHOW TO THE SATISFACTION OF THE INSTITUTION THAT HE WAS OR IS IN DANGER OF HARM;

(B) THAT APPELLANT DOES NOT MEET THE PROVISIONS AND GUIDELINES OF D.C.R. 110-5, AND THEREFORE VOLUNTARY REQUEST FOR PROTECTIVE CUSTODY HOUSING IS WITHOUT MERIT, DISMISSING APPELLANT'S COMPLAINT

5.) APPELLANT NOTED THIS APPEAL PURSUANT TO ARTICLE 41, SECTION 4-102.1(1), (SECTION 204F(1)) ANNOTATED CODE OF MARYLAND.

6.) APPELLANT CONTENTS THAT HE IS ENTITLED TO A REVERSAL OF THE ORDER OF THE I.G.C. FOR THE FOLLOWING REASONS:

(A) THAT APPELLANT'S REQUEST FOR VOLUNTARY PLACEMENT ON PROTECTIVE CUSTODY HOUSING WAS VIOLATED BY THE INSTITUTION UNDER PROVISIONS OF D.C.R. 110-5, AND PLACEMENT THERE SHOULD HAVE BEEN MADE.

(B) THAT APPELLANT DOES NOT NEED TO ESTABLISH ACTUAL PROOF OR EVIDENCE TO BE PLACED ON PROTECTIVE CUSTODY HOUSING ALTHOUGH HE DID.

Page Six.

Cont.:

(c) That appellant not only was denied placement on protective custody housing, but also denied a classification hearing within 96 hours after said request was made, again violating D.C.R. 110-5, V.A. 2-3.

7) Relief prayed for:

(A) That the Institution be ordered to comply with D.C.R. 110-5, and appellant be immediately placed on protective custody housing.

(B) That all punitive segregation be ordered discontinued/stopped against appellant.

(C) That all Infraction Notices, their reports, decisions, recommendations or other documents or papers directly or indirectly connected concerning appellants refusal to be housing to be in the general population of the prison be expunged from appellants prison records and file, and that all his Good Conduct and other Credits be returned to appellant, dating back since July 1985, when these infraction notices started.

(D) That appellant be allowed to exercise all provisions under D.C.R. 110-5, and be so ordered.

Wherefore, Appellant prays that the Decision of the Inmate Grievance Commission be reversed.

Respectfully submitted,

Lewis A. Woodliff

Lewis A. Woodliff, Appellant

Date: February 9th, 1989

F.L.
2-1-10
160 Images

MSAREF.NET, MSA SC 5458
An Archives of Maryland Publication

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MSA SC 5458-82-150

Dates: 1989-1994

Description: Circuit Court for Baltimore City, Cases # 94004032; 94018024

scan whole case with following sequential file numbers

msa_sc5458_82_150_[full case number]-####

upload pdfs per usual

Cases 94004032 and 94018024 scanned and uploaded by Ray C. on 1/25/10.

Please follow the same procedure for the following:

WOODLIFF VS SEC. OF PUBLIC SAFETY Box 84 Case No. 89047041 [MSA *F.L. 2-1-10 160 Images*
T2691-2720, OR/10/21/82]

File should be named msa_sc5458_82_150_[full case number]-####

TIMMONS V JOHNS HOPKINS HOSPITAL Box 130 Case No. 89075003 [MSA
T2691-2766, OR/10/22/44]

File should be named msa_sc5458_82_150_[full case number]-####

SIMMS VS SEC OF PUB SAFETY Box 276 Case No. 89142059 [MSA
T2691-2912, OR/11/2/22]

File should be named msa_sc5458_82_150_[full case number]-####

BERMAN VS BOARD OF APPEALS, ET AL Box 319 Case No. 89164046 [MSA
T2691-2955, OR/11/2/65]

File should be named msa_sc5458_82_150_[full case number]-####

TROY VS ALLSTATE INS Box 355 Case No. 89184050 [MSA T2691-2991,
OR/11/3/17]

File should be named msa_sc5458_82_150_[full case number]-####

HIRSCHFIELD VS BD OF MUNICI APL Box 367 Case No. 89194041 [MSA
T2691-3003, OR/11/3/29]

File should be named msa_sc5458_82_150_[full case number]-####

FAISON VS JEFFERSON Box 385 Case No. 89207040 [MSA T2691-3021,
OR/11/3/47]

File should be named msa_sc5458_82_150_[full case number]-####

MITCHELL VS PROVIDENT BANK Box 389 Case No. 89209043 [MSA
T2691-3025, OR/11/3/51]

File should be named msa_sc5458_82_150_[full case number]-####