

1995

Louis J. Malek v. Scott V. Carver : Brief of Appellant

Utah Court of Appeals

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Norma E. Plate; Assistant Attorney General; Jan Graham; Attorney General; Attorneys for Appellee. Louis J. Malek; Utah State Prison; Pro SE.

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FILED

MAY 3 - 1996

DOCKET NO. 950812-CA

Marilyn M. Branch
Clerk of the Court

LOUIS J. MALEK,)	APPELLANT'S
)	BRIEF
Petitioner/Appellant,)	
)	
vs.)	
)	Case no. 950812-CA
SCOTT V. CARVER, Warden,)	
Utah State Prison, <u>et al.</u> ,)	
)	
Respondents/Appellees.)	
)	

INTRODUCTION

Petitioner/Appellant is not an attorney at law, nor lettered in law or otherwise. In the absence of any law library or legal research facilities at the Utah State Prison, Petitioner-Appellant will attempt to state his points on appeal in plain English utilizing the limited legal resources he has at his disposal. Petitioner/Appellant prays this Court will view his pleadings, briefs, etc. with the leniency the U.S. Supreme Court

spoke of in Haines v. Kerner, 404 U.S. 519 (1972).

STATEMENT OF FACTS

On or about March 3, 1993, Petitioner filed Petition for Extraordinary Relief in the Third Judicial District Court pro se. In the petition it was alleged that he had undergone an illegal and or improper "sentence correction" before Judge Kenneth Rigtrup of the Third District Court in a previous petition for habeas corpus upon which he had prevailed. The crux of this matter was that when Judge Rigtrup had corrected his sentence he was not credited for the nine (9) years he had already served on the sentence; and when Judge Rigtrup "corrected" Petitioner Malek's sentence it was stated to run consecutive with a previous term which had already naturally expired.

From this point on the case has a rather lengthy history. Petitioner filed several motions for preliminary judgment subsequent to March 1993. The District Court certified this case as not being frivolous around June or July 1993 when Petitioner-Appellant filed for Mandamus in the Utah Supreme Court. Petitioner-Appellant dismissed this action seeking Mandamus when Judge Kenneth Rigtrup held a hearing and appointed counsel to assist Petitioner-Appellant. The parties engaged in discovery and in January 1994 the complete Board of Pardons file on Petitioner-Appellant was released to counsel. Subsequently, in view of the Utah Supreme Court's decision in Labrum v. Utah Bd. Of Pardons, 870 P.2d ____ (Utah 1993), counsel for the Respondents Lorenzo K. Miller, Assistant Utah Attorney General, admitted the

Petitioner-Appellant was due a new Board hearing as he had a valid due process claim pending when Labrum was decided.

Several months later, Respondents' position changed. The Respondents' advanced that Petitioner-Appellant had already had two (2) hearings the previous year and even though the Petitioner-Appellant was continued pending "neurological and neuro-psychological" testing based upon a report done by a psychologist unlicensed under Utah Law, the Board stated the Petitioner-Appellant was now due no further consideration.

Petitioner, with assistance of counsel, moved for an evidentiary hearing. This hearing was ultimately held on March 31, 1995. The District Court, Judge Kenneth Rigtrup presiding, granted Petitioner-Appellant's petition for extraordinary relief as it was shown there were many errors contained within Petitioner-Appellant's prison and Board of Pardons files. Petitioner-Appellant's counsel drafted several proposed final orders to which counsel for Respondents' repeatedly objected. Another hearing was held on July 10, 1995, where counsel for Respondents' stubbornly insisted that Petitioner-Appellant's previous Manslaughter conviction comprised the "Murder, First Degree" conviction mentioned throughout his Board of Pardons file; ultimately, at a hearing on August 21, 1995, a final order was drafted in the case and was signed at approximately 5:00 p.m. All references in Petitioner-Appellant's Board and prison files referring to "Murder, First Degree, Aggravated Murder, or First Degree Murder," were ordered to be expunged or redacted.

The Petitioner-Appellant attended a Special Attention hearing before the Utah Board of Pardons the next day, August 22, 1995, at 11:50 a.m., where the ultimate decision was that "any factual errors as alleged by Petitioner/Appellant were immaterial to the Board's decision." However, at both Petitioner-Appellant's September 1993 Board hearing and his September 1994 hearing the Board utilized the same report which the District Court had found to contain errors to continue Petitioner-Appellant without parole.

These comprise three (3) separate Board hearings where a document (psychological assessment) proven to contain errors, notwithstanding that the psychologist who performed the assessment was unlicensed, was utilized as rationale for Petitioner-Appellant's denial of parole.

Argument

Point I

I. The District Court erred in not stating for the record Petitioner/Appellant's prior service of sentence, and by not providing a mechanism for the enforcement of its order of expungement/redaction.

Petitioner/Appellant will concede that under current precedent the Utah Board of Pardons and Parole is the proper entity to credit time served on a sentence, see e.g. State v. Schreuder, 712 P.2d 264 (Utah 1985); and State v. Drobek, 815 P.2d 724, 737 (Utah App. 1991). However, Petitioner/Appellant advances that the Court that sentences, or in this case, the Court that "corrects" a sentence pursuant to Rule 22(e) U.R.Cr.P. under the grant of a petition for extraordinary relief should

state for the record the amount of time a defendant has served in order that the Utah Board of Pardons can properly credit a defendant for service of sentence according their own rules. See Rule R671-205-2 Utah Administrative Code (UAC) Board of Pardons Rules "Credit for Time Served."

In this case, Judge Rigtrup failed to enter such record when he "corrected" Petitioner/Appellant's sentence in Malek v. Jorgensen, 3rd Dist. No. 910902392 HC. Further, Judge Rigtrup failed to acknowledge this deficiency in Malek v. Carver, 3rd Dist. No. 930901212 HC, or enter a nunc pro tunc order crediting Petitioner/Appellant for the nearly nine (9) years of service on his sentences.

This error requires remand for entry of a proper order crediting Petitioner/Appellant for this nine (9) years he had served prior to the sentence "correction" in 1992. See Sec. 76-3-405 Utah Code Ann.

Additionally, when Judge Rigtrup did enter the order in Malek v. Carver, 3rd Dist. No. 930901212 HC, directing that all references to improper charges be redacted/expunged from Petitioner/Appellant's prison files, he failed to provide an effective mechanism for the enforcement of this order. See Final Order Malek v. Carver, 3rd Dist. No. 930901212 HC, dated August 21, 1995. This deficiency requires remedy as well. For it can be seen that the Board and the Utah State Prison have refused to change the information regarding the charge for which the Petitioner-Appellant is incarcerated. Attachments 3, 4, and 5,

show that at one month, three months, and six months after the Third District Court's Final Order in Malek v. Carver, 3rd Dist. No. 930901212 HC, which was signed on August 21, 1995; the Respondents' still continue to list Petitioner-Appellant's charge as Sec. 76-5-202 U.C.A, which is Murder, First Degree. See Attachments 3, 4, and 5.

Point II

II. The Petitioner-Appellant has a constitutional right to be considered for parole based on correct and accurate information. For the Board of Pardons to have done otherwise has caused him to be treated arbitrarily and capriciously.

Petitioner-Appellant has a constitutional right to be considered for parole based upon accurate information and to have accurate information in his parole file when this is relied upon in the setting of a parole date. See e.g. Lowrance v. Coughlin, 862 F.Supp. 1090, 1119 (S.D.N.Y. 1994); Monroe v. Thigpen, 932 F.2d 1437, 1442 (11th Cir. 1991); and Labrum v. Utah Bd. Of Pardons, 870 P.2d ____ (Utah 1993).

In this case not only were improper charges and references used in Petitioner-Appellant's parole consideration process, but even after the Court ordered the redaction/expungement of these references, the Utah Board of Pardons and Parole refused to remove these references and further, they refused to acknowledge their use of this material in the parole process. See Attachments A, B, C, D, and E.

As can be seen from Attachment A, the Board relied on the a psychological report that was later found to contain errors in coming to a decision regarding Petitioner-Appellant's parole in

September 1994. See Attachment A, decision of Board from September 1994 hearing and Final Order Malek v. Carver 3rd Dist no. 930901212 HC, dated August 21, 1995.

In fact, the Board met the very day after this order was issued and in denying Petitioner-Appellant Malek a parole date once again, stated that those factual errors the Court found in granting extraordinary relief "were immaterial" to the Board's decision. See Attachment B, decision of Board from August 22, 1995, hearing.

In Monroe v. Thigpen, 932 F.2d 1437, 1442 (11th Cir. 1991), the Eleventh Circuit stated that the Alabama Board of Pardons and Parole abused its discretion by relying on admittedly false information in determining whether to grant parole. Monroe is similar to the instant case in that the Board admittedly used false information in its parole decision making process and the inmate's prison file contained false information. The Eleventh Circuit held that its ruling was totally consistent with Greenholtz v. Inmates of Nebraska Penal Complex, 442 U.S. 1 (1979), because this landmark United States Supreme Court decision "can in no way authorize state officials to knowingly use false information in making their parole determinations." Monroe, 932 F.2d at 1442, n.11.

In this case, the decision sheet issued by the Board as a mandate of Section 77-27-7(2) of the Utah Code, which states that the Board will reduce their decision to writing, in September of 1994, states that the reason for the denial of Petitioner-

Appellant's application for parole was the "negative psychological." See Attachment A, Board decision sheet in Malek, Louis J., USP# 14043, dated Oct. 24, 1994. Subsequently, the Third District Court found errors in the psychological assessment relating to the improper reference to charges for which Petitioner-Appellant had never been convicted. See Final Order Malek v. Carver, 3rd Dist. No. 930901212 HC, dated August 21, 1995. Then, in hearing the Petitioner the very next day, the Board issued a decision that "any factual errors as alleged by Mr. Malek regarding the psychological report are immaterial to the Board's decision." See Attachment B, Board decision sheet in Malek, Louis J., USP# 14043, dated Aug. 23, 1995.

In Monroe, the court concluded that by relying on false information in the prisoner's file, the board had exceeded its authority and treated him arbitrarily and capriciously in violation of his due process rights. This parallels a case in the Tenth Circuit, coincidentally from Utah, Alvarez v. Turner, 422 F.2d 214, 220 (10th Cir. 1970), where the Court held that ". . .The [prisoner has] the right to be free from pure caprice on the part of the discretionary authority before whom the [parole] proceedings occur." Certainly, the Board's failure to accord that there were errors in the psychological report, improper references to offenses for which Petitioner-Appellant had neither been charged or convicted; then, for the same Board to allow their previous decision, which had been solely based on this prejudicial mis-information, to stand and boldly state that "any

factual errors as alleged by Mr. Malek are immaterial," have denied Petitioner-Appellant Malek's rights and have prejudiced him in the process.

The Utah Board of Pardons and Parole is performing a sentencing function by establishing a parole date, it is "governed by consitutional requirements addressing fairness in the decision-making process." *Rawlings v. Holden*, 231 Utah Adv, Rep. 17, 18 (1994). Further, the Petitioner-Appellant is entitled to a fair and unbiased hearing before a parole board that is free from bias or prejudice. See O'Bremski v. Maass, 915 F.2d 418 (9th Cir. 1990); and also Padilla v. Utah Bd. of Pardons, ___ P.2d ___ (Utah App. 1992). The comments and inappropriate references made by Mr. Lorenzo K. Miller, Assistant Utah Attorney General, before the Third District Court, at the July 10, 1995, hearing and at other hearings, regarding Petitioner-Appellant's Manslaughter conviction comprising "Murder, First Degree" have prejudiced the Petitioner-Appellant, not only before the Courts, but before the Board as well. Mr. Miller's numerous references to "the only reason Malek sues the Board is he doesn't like what they are doing to him," may have some truth in that Petitioner-Appellant does not wish to be considered for parole based on offenses he has not committed or based on spurious psychological reports done by unlicensed persons. However, in State v. Tillman, the Court explained that the State's "obligation is to insure that justice is done. That obligation does not include or authorize over-reaching,

exaggeration, or any form of personalizing. . ." Tillman, 750 P.2d at 557 (Utah 1987).

It is well established that a prosecutor or attorney who represents the State's interests does not represent an entity whose interests include winning at all costs, a prosecutor or state's attorney's client is society, "which seeks justice not victory." U.S. v. Doe, 860 P.2d 488 (1st Cir. 1988); and Berger v. United States, 295 U.S. 78, 88 (1935)("[I]mproper suggestions, insinuations, and especially assertions of personal knowledge are apt to carry much weight against the accused when they should properly carry none.") Here, in a civil matter, rather than leave any determination of facts or credibility to the Judge, Mr. Miller repeatedly insinuated matters not in evidence, injected his own personal opinion. The effect of such such statements by the Board of Pardons legal representative cannot be overplayed. The Respondents' put forth a tremendous effort when faced with Petitioner-Appellant's efforts to secure transcripts of the proceedings in District Court. And as Petitioner-Appellant is impecunious and was unable to afford transcripts, such evidence is not directly available. Still, the evidence of the actions taken as a result of such matters are before this Court. The simple statement that "any factual errors as alleged by Mr. Malek regarding the psychological report are immaterial to the Board's decision" are evidence of the arbitrary treatment of Petitioner. These errors were proven in a court of law, a court that was fully aware of the Petitioner's prior offense. Such a statement

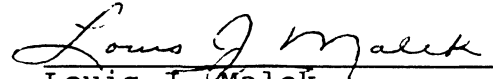
is indicative of the arrogance of an arbitrary decision-maker.

Conclusion

In the case Paine v. Baker, 595 P.2d 197 (4th Cir. 1979), that court found that it is not the existence of false information in the prison file that violates due process, it is the officials refusal to correct it when duly informed that violates the clause. Such a case exists here, where Petitioner-Appellant has been denied parole based upon the false, materially inaccurate, and improper information in his file. Based on evidence shown here, the Boards' ignorance of a valid court order, and the repeated prison movement sheets showing that Petitioner is incarcerated for First-Degree Murder; Petitioner-Appellant submits this Court affirm the Third District Court's grant of his Petition for extraordinary relief and deal with this matter "as law and justice require." Carafas v. LaVallee, 391 U.S. 234, 239 (1968); also Lee Lim v. Davis, 75 Utah 245, 284 P. 323 (1929).

Specifically, Petitioner-Appellant prays this Court remand this matter for entry in the Third District (or this Court) of an order: (1) specifying time served on Petitioner-Appellant's sentence; (2) providing an effective mechanism for the enforcement of Judge Rigtrup's order of expungement/redaction of false information from Petitioner-Appellant's prison files; and, (3) any other relief this Court deems necessary including Petitioner-Appellant's permanent discharge from custody.

DATED this 1st day of May, 1996.

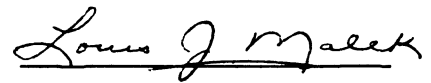


Louis J. Malek
Attorney Pro Se
Utah State Prison
P.O. Box 250
Draper, Utah 84020

Certificate of Mailing

I, the undersigned, do hereby certify that on the 1st day of May, 1996, I mailed, postage pre-paid, a true and correct copy of the foregoing APPELLANT'S BRIEF to:

Norman E. Plate, Esq.
Lorenzo K. Miller, Esq.
Asst. Utah Attys. General
Attorneys for Respondents/Appellees
160 East 300 South. Sixth Floor
P.O. Box 140856
Salt Lake City, Utah 84114



Attachment A

Name _____



140413
USP # _____

BEFORE THE BOARD OF PARDONS OF THE STATE OF UTAH

RATIONALE FOR DECISION ON _____

Hearing Date _____

FOR _____

Hearing Type _____

The Board of Pardons' decision is based on the following factors:

AGGRAVATING

OFFENDER'S BACKGROUND

MITIGATING

_____ Criminal history significantly underrepresented by guidelines
(i.e., more than 4 felony convictions and/or 8 misdemeanors)
_____ History of similar offenses
_____ Pattern of increasingly or decreasingly serious offenses . . .
_____ History of unsuccessful or successful supervisions

CHARACTERISTICS OF THE OFFENSE

_____ Use of weapons or dangerous instrumentalities
_____ Demonstration of extreme cruelty or depravity
_____ Abuse of position of trust, special skill, or responsibility
_____ Multiple incidents and/or victims
_____ Personal gain reaped from the offense

OFFENDER'S TRAITS DURING THE OFFENSE

_____ Motive (intentional, premeditated vs. impulsive, reactionary) .
_____ Role (organizer, leader vs. follower, minimal participant) . .
_____ Obstruction of justice vs. early withdrawal or self-surrender .

VICTIM CHARACTERISTICS

_____ Extent of injury (physical, emotional, financial, social)
_____ Relatively vulnerable victim vs. aggressive or provoking victim
_____ Victim in position of authority over offender

OFFENDER'S PRESENT CHARACTERISTICS

_____ Denial or minimization vs. complete acceptance of responsibility ☒
_____ Repeated, numerous vs. first incarceration or parole revocation ☒
_____ Extent of remorse and apparent motivation to rehabilitate . . . ☒
_____ Timeliness and extent of efforts to pay restitution ☒
_____ Prison programming (effort to enroll, nature of programming) . ☒
_____ Prison disciplinary problems or other defiance of authority . .
_____ Employment possibilities (history, skills, current job, future)
_____ Extent of community fear, condemnation ☒
_____ Degree of meaningful support system ☒
_____ Nature and stability of release plans ☒
_____ Unusual institutional vulnerability (due to age, health, other)
_____ Overall rehabilitative progress and promise
_____ Lengthy history of alcohol/drug abuse vs. apparent rehabilitation
_____ Substantial continuous period in custody on other charges . . .
_____ Likely release to detainer

OTHER

Negative psychological evaluation indicates Mr. Malek
"represents a significant danger to the community."

10/24/94
Date

Curtis L. James
Board Member

Attachment **B**



Name

USP #

BEFORE THE BOARD OF PARDONS OF THE STATE OF UTAH

RATIONALE FOR DECISION ON

8/22/95
Hearing Date

FOR

Hearing Type

The Board of Pardons' decision is based on the following factors:

AGGRAVATING

MITIGATING

OFFENDER'S BACKGROUND

_____ Criminal history significantly underrepresented by guidelines
 (i.e., more than 4 felony convictions and/or 8 misdemeanors)
 _____ History of similar offenses
 _____ Pattern of increasingly or decreasingly serious offenses . . .
 _____ History of unsuccessful or successful supervisions

CHARACTERISTICS OF THE OFFENSE

_____ Use of weapons or dangerous instrumentalities
 _____ Demonstration of extreme cruelty or depravity
 _____ Abuse of position of trust, special skill, or responsibility
 _____ Multiple incidents and/or victims
 _____ Personal gain reaped from the offense

OFFENDER'S TRAITS DURING THE OFFENSE

_____ Motive (intentional, premeditated vs. impulsive, reactionary) .
 _____ Role (organizer, leader vs. follower, minimal participant) . .
 _____ Obstruction of justice vs. early withdrawal or self-surrender .

VICTIM CHARACTERISTICS

_____ Extent of injury (physical, emotional, financial, social)
 _____ Relatively vulnerable victim vs. aggressive or provoking victim
 _____ Victim in position of authority over offender

OFFENDER'S PRESENT CHARACTERISTICS

_____ Denial or minimization vs. complete acceptance of responsibility
 _____ Repeated, numerous vs. first incarceration or parole revocation
 _____ Extent of remorse and apparent motivation to rehabilitate . . .
 _____ Timeliness and extent of efforts to pay restitution
 _____ Prison programming (effort to enroll, nature of programming) .
 _____ Prison disciplinary problems or other defiance of authority . .
 _____ Employment possibilities (history, skills, current job, future)
 _____ Extent of community fear, condemnation
 _____ Degree of meaningful support system
 _____ Nature and stability of release plans
 _____ Unusual institutional vulnerability (due to age, health, other)
 _____ Overall rehabilitative progress and promise
 _____ Lengthy history of alcohol/drug abuse vs. apparent rehabilitation
 _____ Substantial continuous period in custody on other charges . . .
 _____ Likely release to detainer

OTHER

Any formal report as alleged by Mr. Melek regarding
 the psychological report are immaterial to the Board's
 decision

8/23/95
Date

Board Member

Attachment C

YACF Movement Document
TIMPANOGOS 4

SCIS DB	NAME OFFENSE	PRISON HOLD	CLASSIFI DATE ASSESS	CELL CSWORK	DIS HEAR	NEXT RHEAR MEDICAL	ASSIGNMENT MVMT DT	REL/PARO DT MVMT CD
0061562 1/28/1969	JORDAN, RANDY T 6-412	21343	C3K 08/04/95	B01B WRIGHT, LEWIS		N	UNEMPLOYED	00/00/00
0014412 2/05/1958	JORGENSEN, KENNETH ALLEN 6-302	23184	C3K 09/22/94	D02T WRIGHT, LEWIS		08/01/1997 N	UCI/SEWING	00/00/00
0029724 1/05/1965	KALAHER, THOMAS REED 6-412B	17454	C3K 08/24/95	A13T WRIGHT, LEWIS		N	ED/HIGH SCHOOL	00/00/00
0994196 2/16/1960	LEE, ALFRED TAYLOR 6-202	17666	B3K 08/16/95	C07B WRIGHT, LEWIS		N	UNEMPLOYED	01/09/96
0059966 3/06/1972	LIMBURG, RYAN GREGORY 6-202	23413	C3K 12/30/94	B01T WRIGHT, LEWIS		N	JANITOR/GEN ARE	01/16/96
0057922 3/22/1971	LOPEZ, CHARLES STEVEN 6-412	22029	C3K 09/15/95	B18T WRIGHT, LEWIS	09/15/95	N	UNEMPLOYED	11/14/95
0075930 3/12/1972	LOPEZ, ROBERTO P 37-8.2A	23933 YES	C3K 07/07/95	A04B WRIGHT, LEWIS		09/26/1995 N	ED/HIGH SCHOOL	00/00/00
0072228 1/22/1959	LOZANO, ROBERTO VILLALN 37-8.1	22923 YES	C3K 06/27/95	B16B WRIGHT, LEWIS		N	LAUNDRY	11/28/95
0051327 1/01/1970	LUCERO, FRANKLIN P 6-202	19887	B3K 08/11/95	C18T WRIGHT, LEWIS		N	ED/HIGH SCHOOL	00/00/00
0914043 1/12/1953	MALEK, LOUIS J 5-202	14043	B3O 11/25/94	D11T WRIGHT, LEWIS		08/01/1998 V	GREENTHUM PROGR	00/00/00
0062801 2/21/1973	MARTINEZ, ANTHONY JOE 6-412	22847	C5K 02/02/95	A08T STONE, JOHN		N	FIREFIGHTER	11/14/95
914994 2/20/1953	MARTINEZ, CARLOS 37-8.1	14994	C4S 05/17/95	D04T WRIGHT, LEWIS		N	UCI/MICROGRAPH	05/14/96
0057655 2/26/1949	MARTINEZ, GILBERT V 37-8.1	23785 YES	C3K 04/19/95	B05B WRIGHT, LEWIS		12/01/1995 N	UNIT MAINTENANC	00/00/00
0075964 2/05/1975	MARTINEZ, TONY LEON 6-412	23979	C3K 06/26/95	C04T WRIGHT, LEWIS		10/01/1995 N	UNEMPLOYED	00/00/00
0050308 2/19/1921	MCCRARY, ELMER CLINTON 5-201	19148	C3S 05/08/95	D07B WRIGHT, LEWIS		04/01/2000 O	MAINTENANCE	00/00/00
0054380 2/16/1970	MCNEIL, QUINN TERRILL 5-401	22122	C3K 08/04/95	B15T WRIGHT, LEWIS		N	UNEMPLOYED	00/00/00
0025192 2/10/1953	MCWAIN, JACK 6-202	24163	C3K 08/10/95	D08T WRIGHT, LEWIS		11/01/1995 N	UNEMPLOYED	00/00/00

Attachment D

YACF Movement Document
TIMPANOGOS 4

IS	NAME OFFENSE	PRISON HOLD	CLASSIFI DATE ASSESS	CELL CSWORK	DIS HEAR	NEXT RHEAR MEDICAL	ASSIGNMENT MVMT DT	REL/PARO DT MVMT CD
1990 1/1949	JOHNSON, ANTHONY HUGH 5-404.1	22742	C3S 03/31/95	D04B WRIGHT, LEWIS	09/19/95	01/01/1998 N	LAUNDRY	00/00/00
1862 3/1968	JONES, RAYMOND WARREN 6-501 <i>JONES RAYMOND 21761</i>	21761	C3K 09/11/95	B09B JAMES WRIGHT, LEWIS <i>CS WORK</i>		N	UTILITY CREW	00/00/00
1412 5/1958	JORGENSEN, KENNETH ALLEN 6-302	23184	C3K 11/11/95	D02T WRIGHT, LEWIS		08/01/1997 N	UCI/SEWING	00/00/00
1724 5/1965	KALAHAR, THOMAS REED 6-412B	17454	C3K 08/24/95	A13T WRIGHT, LEWIS		06/01/1996 N	ED/HIGH SCHOOL	00/00/00
1864 3/1960	KEEL, THOMAS L 5-402	15843	C5K 07/26/94	B13T THOMAS STONE, JOHN <i>REED</i>		N	UCI/ASBESTOS	02/18/97
1935 5/1971	KITCHEN, RYAN PAUL 6-412	22817	C3K 11/17/95	B12T <i>ASBESTOS</i> WRIGHT, LEWIS <i>SUBORN 23347</i>		N	UNEMPLOYED	00/00/00
1769 3/1971	KOEHLER, CHARLES SAMUEL 6-412	21901	B3K 10/10/95	A05T WRIGHT, LEWIS		N	UNEMPLOYED	04/30/96
5930 2/1972	LOPEZ, ROBERTO R. 37-8.2A	23933 YES	C3K 07/07/95	A04B WRIGHT, LEWIS	11/28/95	11/28/1995 N	ED/HIGH SCHOOL	00/00/00
1390 3/1961	LOYA, GREG DEAN 6-302	15741	B3K 11/15/95	A13B THOMAS WRIGHT, LEWIS <i>REED</i>		N	UNEMPLOYED	09/24/96
1043 2/1953	MALEK, LOUIS J 5-202 <i>MAYES WADE 16214</i>	14043	B3O 11/25/94	D13T WRIGHT, LEWIS <i>4-03-T</i>		08/01/1998 V	UNEMPLOYED	00/00/00
1994 3/1953	MARTINEZ, CARLOS 37-8.1	14994	C5S 10/06/95	D04T WRIGHT, LEWIS		N	UCI/MICROGRAPH	05/14/96
1165 4/1962	MARTINEZ, DAVID 6-302	15767	C3K 10/17/95	B03T WRIGHT, LEWIS		N	UNEMPLOYED	00/00/00
7655 6/1949	MARTINEZ, GILBERT V 37-8.1	23785 YES	C3K 04/19/95	B06B 605 WRIGHT, LEWIS		12/12/1995 N	ED/HIGH SCHOOL	00/00/00
7671 3/1956	MARTINEZ, JERRY MICHAEL 5-207	23086	C5K 08/14/95	C01T STONE, JOHN	11/21/95	V	UCI/ASBESTOS	07/14/98
1308 9/1921	MCCRARY, ELMER CLINTON 5-201	19148	C3S 05/08/95	D07B WRIGHT, LEWIS		04/01/2000 0	MAINTENANCE	00/00/00
4380 6/1970	MCNEIL, QUINN TERRILL 5-401	22122	C3K 08/04/95	B15T WRIGHT, LEWIS	10/31/95	N	UNEMPLOYED	00/00/00
5192 0/1953	MCWAIN, JACK 6-202	24163	C3K 08/10/95	D06B WRIGHT, LEWIS	10/31/95	04/01/1996 N	UNIT MAINTENANC	00/00/00

Attachment E

YACF Movement Document
TIMPANOGOS 4

IS	NAME OFFENSE	PRISON HOLD	CLASSIFI DATE ASSESS	CELL CSWORK	DIS HEAR	NEXT RHEAR MEDICAL	ASSIGNMENT MVMT DT	REL/PARO DT MVMT CD
1631 1/1942	LARRY, JOHN LAMONT 6-602	12615	C3K 12/13/95	C10B WRIGHT, LEWIS		V	UNEMPLOYED	00/00/00
1081 1/1930	LARSON, GEORGE PHILLIP 6-13.5	14081	C3K 11/24/95	C13B WRIGHT, LEWIS		V	UNEMPLOYED	00/00/00
1442 3/1968	LAWS, DONALD G 10-109	21200	C5S 12/22/95	D04T STONE, JOHN		N	UNEMPLOYED	11/28/97
1898 3/1952	LEE, MAURICE A 5-402.1	21523	C3O 09/28/95	D11B WRIGHT, LEWIS	01/29/96	09/01/2004 N	UCI/FURNITURE	00/00/00
1071 3/1951	LINDSAY, WILLIAM RANDALL 5-402	24382	C3K 10/27/95	C11T WRIGHT, LEWIS		10/01/1998 N	UNEMPLOYED	00/00/00
1390 3/1961	LOYA, GREG DEAN 6-302	15741	B3K 11/15/95	A13B WRIGHT, LEWIS		N	UTILITY CREW	09/24/96
3026 3/1967	MAIN, MICHAEL BENJAMIN 6-501	22419	B3K 11/08/95	A10T WRIGHT, LEWIS		03/01/1997 N	O/C COUNTY JAIL	00/00/00
1043 2/1953	MALEK, LOUIS J 5-202	14043	B3O 12/01/95	D13T WRIGHT, LEWIS		08/01/1998 V	CLERK/SCHOOL	00/00/00
1581 7/1970	MARLOW, JOHN B 37-8.4	24164	P5K 12/06/95	A07B WRIGHT, LEWIS		N	UNEMPLOYED	04/23/96
1430 5/1974	MARQUIS, SHANE ANTHONY 10-508	24682	00K	B08T WRIGHT, LEWIS		05/01/1996 N	RECEP & ORIEN	00/00/00
7655 6/1949	MARTINEZ, GILBERT V 37-8.1	23785	C3K 04/19/95	B05B WRIGHT, LEWIS		N	ED/HIGH SCHOOL	04/09/96
7671 3/1956	MARTINEZ, JERRY MICHAEL 5-207	23086	C5K 08/14/95	C01B WRIGHT, LEWIS	11/21/95	V	ED/HIGH SCHOOL	07/14/98
10308 9/1921	MCCRARY, ELMER CLINTON 5-201	19148	C3S 05/08/95	D07B WRIGHT, LEWIS		04/01/2000 O	MAINTENANCE	00/00/00
5192 0/1953	MCWAIN, JACK 6-202	24163	C3K 08/10/95	D06B WRIGHT, LEWIS	10/31/95	04/01/1996 N	UNIT JANITOR	00/00/00
9517 9/1937	MECHAM, JERRY J 5-406	21429	C3S 06/27/95	D10B WRIGHT, LEWIS		02/06/1996 V	UCI/SEWING	00/00/00
7176 9/1972	MENDOZA, SELIOS 6-408	23135	C3K 12/18/95	B13T WRIGHT, LEWIS	01/30/96	N	UNEMPLOYED	00/00/00
9823 4/1955	MEYER, GARRY FRANCIS 6-302	19761	C4K 10/31/94	D05B WRIGHT, LEWIS		N	CULINARY WORK	08/26/97