

EXHIBIT EA

1 of 4

Side 1

IAB USE ONLY		Institution/Parole Region:	Log #:	Category:
		ISP-B-19-00449		10
FOR STAFF USE ONLY				

You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations (CCR), Title 15, Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that led to the filing of this appeal. If additional space is needed, only one CUCH Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):	CDC Number:	Unit/Cell Number:	Assignment:
Shumate, Branden	B61954	B2-217-U	Comp. Re. Tech, TUMI

State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):

Obstruction of Justice/Racketeering

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A): With careful attention, help from billion \$ Co-Global Tel Link (GTL) et al agencies, CDCR has spun a precise web obstructing my right to reasonable (e.g. untrammelled; confidential; adequate; meaningful; complete; private; effective) opportunity to communicate with legal counsel, i.e. paralegals, experts, (et al) which has and continues to improperly violate my right to counsel on direct appeal/hears from 5/9/18 to 4/10/19, CDCR has

B. Action requested (If you need more space, use Section B of the CDCR 602-A): (1) Install one or four unrecorded and unmonitored non-GTL and nonprogrammable standard telephone(s), each one inside its own one-man plexiglass style phone booth within the dayrooms, allow me daily opportunity to use these phones to communicate with my attorney, investigator, expert, physician, pastor, clergy, attorney referral service, paralegal (et al) in the United States, and my

Supporting Documents: Refer to CCR 3084.3.

☒ Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

CDCR-22 Entitled "The Do Not Record List" (U. Ryala 1/22/19) March 6, 2019 letter (1pg) re 2/14/19 Pub. Rec. Request
CDCR-22 Entitled "Outgoing Call Instructions" (Young 1/24/19) Copy of info. submitted in 3/14/19 dated/mailed 1/4/20 reg.

☐ No, I have not attached any supporting documents. Reason: This is an emergency appeal, please process as emergency appeal.

Inmate/Parolee Signature: Branden Shumate Date Submitted: April 12th, 2019

☐ By placing my initials in this box, I waive my right to receive an interview.

C. First Level - Staff Use Only

Staff - Check One: Is CUCH 602-A Attached? ☒ Yes ☐ No

This appeal has been:

☐ Bypassed at the First Level of Review. Go to Section E.
☒ Rejected (See attached letter for instruction) Date: 4/24/19
☐ Cancelled (See attached letter) Date: 4/24/19
☒ Accepted at the First Level of Review.

Assigned to: AW Programer Title: Date Assigned: 1/2/20 Date Due: 2/10/20

First Level Responder: Complete a First Level response. Include interviewer's name, title, interview date, location, and complete the section below.

Date of Interview: 1-8-2020 Interview Location: B Programs Office

Your appeal issue is: ☐ Granted ☐ Granted in Part ☒ Denied ☐ Other:

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer: [Signature] Title: SVT Signature: [Signature] Date completed: 1/15/2020

Reviewer: [Signature] Title: aww/14 Signature: [Signature]

Date received by AC:

JAN 24 2020

1 of 4

AC Use Only

Date mailed/delivered to appellant: 1, 2, 4, 20

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1, 2, 4, 20

APR 17 2019

APPEALS OFFICE
46P

FEB 24 2020

Appeals Office

REC BY OOA

APR - 9 2019

ISP

DEC 26 2019

REC BY OOA

APR 13 2020

* Received @ I.S.P. From T.L.D. On 3/5/2020, Page (1) of (20).

D. If you are dissatisfied with the First Level response, explain the reason below, attach supporting documents and submit to the Appeals Coordinator for processing within 30 calendar days of receipt of response. If you need more space, use Section D of the CDCR 602-A.

FLR makes the claim that it's "inmate population has had greater access than ever before accomplishing their individual goals of communicating with counsel," but that is simply not true, CDCR does not have a single policy, means or path by which prisoners can request to obtain opportunity to communicate confidentially by telephone with attorneys, investigators, paralegals, et al (ie "to accomplish [the prisoners'] individual goals of communicating with counsel," it does not exist, not in Title 15, not in I.S.P. D.O.M. FLR suggests that a good determination of "good behavior" and "hard work" will at some point qualify me (under strict deadlines) to have CDCR obstructions removed. Nowhere in Constitution, Penal Code, multiple chapters searched behavior translate to the award or loss of effective legal counsel, and it is well established.

Inmate/Parolee Signature: [Signature]

Date Submitted: February 22nd, 2020

E. Second Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? ☒ Yes ☐ No

This appeal has been:

- ☐ By-passed at Second Level of Review. Go to Section G.
☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____
☐ Cancelled (See attached letter)
☒ Accepted at the Second Level of Review

Assigned to: PRW Programs Title: _____ Date Assigned: 3/2/2020 Date Due: 4/07/2020

Second Level Responder: Complete a Second Level response. If an interview at the Second Level is necessary, include interviewer's name and title, interview date and location, and complete the section below.

Date of Interview: 1-8-2020

Interview Location: Facility B Program Office

Your appeal issue is: ☐ Granted ☐ Granted in Part ☒ Denied ☐ Other: _____

See attached letter. If dissatisfied with Second Level response, complete Section F below.

Interviewer: [Signature] Title: IT Signature: [Signature] Date completed: 3-4-2020

Reviewer: [Signature] Title: OK Signature: [Signature]

Date received by AC: MAR 17 2020

AC Use Only

Date mailed/delivered to appellant

MAR 17 2020

F. If you are dissatisfied with the Second Level response, explain reason below; attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

SLR did nothing to address my appeal (of web) besides pointing to unconstitutional Title 15 with FLR (again revealing SLR is another unreasonable delay tool further obstructing my ability to effectively communicate with legal counsel (et al) in the due course of time). On March 19, 2020, my opening appellate brief was filed without me ever once being able to discuss case factors of any kind with retained appellate attorney Roy Archa (opening brief is often referred to as most important document of appeal). Cause of such injustice is ongoing web of what amounts to California's (et al) sanctioned yet illegal Right to Counsel, Attorney-Client's Defense Camp communication obstruction, disruption, eavesdropping.

Inmate/Parolee Signature: [Signature]

Date Submitted: March 25th, 2020

G. Third Level - Staff Use Only

This appeal has been:

- ☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____
☐ Cancelled (See attached letter) Date: _____
☒ Accepted at the Third Level of Review. Your appeal issue is ☐ Granted ☐ Granted in Part ☒ Denied ☐ Other: _____

See attached Third Level response.

Third Level Use Only

Date mailed/delivered to appellant

JUL 31 2020

H. Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because: State reason. (If withdrawal is conditional, list conditions.)

Inmate/Parolee Signature: _____ Date: _____

Print Staff Name: _____ Title: _____ Signature: _____ Date: _____

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*Received @ I.S.P. From T.L.D. on 3/5/2020, Page (2) of (20).

IAS USE ONLY

Institution/Parole Region:

Log #:

Category:

ISP-B-19-00449

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FOR STAFF USE ONLY

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):

Shumate, Branden

CDC Number:

BG1954

Unit/Cell Number:

B2-217-U

Assignment:

Comp. Release

REC BY OOA

A. Continuation of CDCR 602, Section A only (Explain your issue): Isolated me down to 1st floor phones perpetually violating my civil rights whether I use them or not (at every use I am isolated; the countless times I've been discouraged from use due to their "legality" my rights have been/are again violated) (CDCR "GTL phone service" = 1) Illegally records, illegally monitors, analyses, categorizes & warehouses (absent consent of communicating parties (e.g. any of these actions)) all my privileged confidential communications my non-prisoner call recipients (including legal counsel) and I have ever made over them (not one of us has ever consented by my means; all of our communications have been deemed/considered confidential, privileged & private); 2) Offers no consent options (e.g. any of the above); 3) Does not allow me or call recipient know who is on the BPR/CDCR No Not Record List & staff still refuses to confirm if that list exists and is operative; 4) Audibly terrorizes each call several times w/ recording & monitoring threats; 5) Prevents me from paying for my own outgoing calls; 6) Very small % of citizens/law firms have GTL accounts, nobody wants one; 7) Restricts calls to 14 mins & less; 8) Claims party finding account true or not; 9) Additional times raised by inadequate form size. Policy of locating "confidential" prison telephone off-post is key to web of obstruction, worse it's placed inside the Parole Board Hearing Room (BPR) which is a battle-trap (reasonable access requires battle w/ those too close to, or that are making parole suitability decisions). Admitting trap is of the web too big to fight, attorneys abandon their oath-bound duties, hide behind obstructions & blame me; left alone to fight law & faith style battle, brilliant, yet unhelpful. Its location crushes "schedule conflicts" as if feel to justify obstructing counsel & I from comm. Confidentially "by phone" (by far the most cheap, easy, effective & thus most reasonable means of accessing counsel) bolstering obstruction: 1) My req. to CDCR for conf. tel. access cannot mean anything & never has; 2) I must somehow compel counsel to plead to lit. coord. for my access to conf. tel. (a sadistic snake forcing gov. into my defense); 3) CDCR gives staff unconditional power to control (delay, obstruct, abridge, invade, deny) my relations/access to counsel. These have forced irreconcilable conflict within attorney relations & inadequate go. into my direct appeal/habeas process - further devalue & distort of counsel.

Inmate/Parolee Signature:

Branden Shumate

Date Submitted: April 12th, 2019

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APR 17 2019
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FEB 24 2020
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Appeals Office

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Appeals Office

B. Continuation of CDCR 602, Section B only (Action requested): Spruce, 2) Provide me with the complete CDCR/GTL "No Not Record List" that I've requested by 22 form dated 1/22/19, and by 2/19/19 Public Records Act request form 1433 (this 1432 request was acknowledged by staff in a March 6th, 2019 letter to me, I have not received any documentation regarding my request beyond the one page March 6th, 2019 dated letter); 3) Do not obstruct my use of the above requested non-GTL or any other unrecorded unmonitored telephones by forcing me to first somehow figure out how to compel attorneys (et al) to plead to a litigation coordinator for confidential privileged telephone access to me; 4) Provide me ample use of and daily opportunity to utilize the current BPR "Prison Telephone" in untrammelled; confidential; adequate; meaningful; prompt; private; effective fashion until the unrecorded unmonitored phones/booths are installed in the dayrooms and daily access to them becomes available for my use; 5) Post a permanent printed notice on interior of requested booths citing Penal Code 963.6(a) and warning that any wiretapping recording monitoring of communications from booths is a felony; 6) Stop disrupting, invading and punishing my confidential privileged phone calls by allowing GTL to send off recording monitoring threats during each call; 7) Respond to my 3/14/19 Public Records Act request; 8) Respond to my 1/24/19 request for "Outgoing Call Instructions" (made via 22 form); 9) Stop unreasonably restricting call durations; 10) Allow me to submit attachments extending Section A and B of this inadequate form so I can detail more directly related points of the Sec. A issue.

Inmate/Parolee Signature:

Branden Shumate

Date Submitted: April 12th, 2019

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D. Continuation of CDCR 602, Section D only (Dissatisfied with First Level response): abolished the Right to Effective Assistance of Counsel incl-
udes the right to confer and confide untrammelled in absolute privacy with assistance of the same, in all of my communications with my defense team,
at all times. 6th Amendment rights A.C.P. I have these rights and I expect CDCR has purposefully strayed from duty and still now, his being it's relentless effort to
prevent me from speaking to attorneys at all. There is no particular security threat or safety issue in me communicating with attorneys over the telephone. CDCR's
installation of giant barriers between me and legal counsel is CDCR's only excuse that it's illusive, invasive non-prisoner "process" should exist, it may take
massive delays, send me into an audio recording & eavesdropping studio to speak to attorneys, for an unknown, ineffective, short span of minutes. Even
if CDCR had a path or policy for me to phone my attorney, it could not exist as any less, unconstitutionally invasive, divisive, damaging (if to any degree it
allows for causes, pretexts for or incidentally collects privileged confidential info, disrupts duration of attorney-client conf. as can in any way be used as a
trial to create delays) as Title 15 § 3282 is, which is designed to, and does, 1) Pay for and/or incidentally collect priv. conf. info (aggressively pun-
ishment for requesting more communication), 2) Subject my desire for effective attorney-client communication to severe unpredictable delays, arbit-
rary capricious access throttling, confusion, may anxiety, 3) Force the prisoner's anti-prisoner rights learning legal team/CDCR employees trained
in the law, straight between prisoner (client) and his legal counsel (in essence transmuting the A.C.P. into something like an anti-American
"Custodian of Prisoner-Attorney Privilege/relationship", or C.P.A.P.), 4) Results in ungering my family & friends in public creating & spreading loss of
confidence in gov. systems and devaluing their perception of their worth, or reason for legal counsel at all, 5) Drives a wedge between what would other-
wise be my effective, healthy, confident, info-mediated lawyer-client relationship, 6) Prevent effective screening, negotiating, meeting of minds,
contracting with defense professionals for their services, 7) Drain the bank accounts of my support as attorneys and other defense service pro's
are paid but not able to be effectively utilized, etc. - all of which are an obvious and absurd injustice violating every single law ever created to
keep government out of the attorney-client relationship, out of the "defense camp", and to mandate fair opportunity for the A.C.P. to even be able
to initiate, take it's natural course and be utilized where there is no reasonable (untrammelled, prompt, private, privileged, confidential,
adequate, meaningful, effective) opportunity for prisoner to communicate with legal counsel. THE ATTORNEY-CLIENT PRIVILEGE
IS DEAD, my constitution rendered a dead letter, contrary to public's strong desire for law, not justice system reforms that actually protects justice.

Inmate/Parolee Signature:

[Signature]

Date Submitted: February 22nd, 2020

F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response): audio-recording and illegal data warehousing (selective)
program (cf. motion picture "The Big Short"). In addition to the absence of consent options (see Sec. A, item 2 of 602-A), no CDCR department have been in
displays notice that inmate telephone calls may or will be "recorded" (daily violating it's own unconstitutional 15(f) requirement). CDCR/California cannot
force consent, and even if notice did exist, 1) that does not somehow transform illegal practices into law abiding practices, 2) it will in no way translate to
my consent of gov. making the defenses of my life, nor any other illegal gov. activity. I have attached a declaration reciting verbatim copies of any
and all postings (whether affixed to or painted on the walls) in I.S.P. dayrooms at or anywhere near inmate "telephones" (A.C.P. eavesdropping
and recording devices). No changes to such postings have occurred since we been at I.S.P. There is no constitutionality in CDCR's elimination of my 6th, 1st,
5th, 8th, 14th and 4th Amendment rights, A.C.P., Evid C §§ 952-1035.3, et al (e.g. constantly preventing me the opportunity to engage in effective attorney-client et al
privileged communications) by burying some tiny self-contradicting one-liners in a sub-code such as Title 15 § 3282. Title 15 § 3282 is an evil one-
sided oppressive & damaging obstacle course (applying max. duress and pressure) leaving the momentary prize for some tedious performance (if
they can ever complete it) completely ambiguous, arbitrary with no rights being safeguarded (i.e. what, if, when, where, with who, how much,
device limits & uses, required minimum assurances & safeguards, prohibition of forcing calls to occur in audio-recording & eavesdropping
studio or BPH battle trap, etc.). Prolonged exposure to such [...] interference has forced compounding & irreparable legal trouble & psychological torment.
Dynamic of "web" constitutes psychological waterboarding (upon those who understand the web exists as it does). Web's searing level of perplexing attributes
do not relieve CDCR of responsibility for them. Incentive for gov. to continue retarding & conspiring against me for whistle-blowing remains astr-
onomically high (via CDCR's hyper-active integrations w/ ACSO, ACSA, et al). Rights & Responsibility statement is also attached re CC2 J. Hernandez
et al. It was in earlier appeals abusively rejected by Appeals Court. That banks get robbed, doesn't mean I consent to that going into one, even if it's paid.

Inmate/Parolee Signature:

[Signature]

Date Submitted: March 25th, 2020

* Received @ I.S.P. From TLD on 8/5/2020, Page (4) of (20).

CDCR FORM 602 & 602-A APPEAL COPY

Name: Shumate, Branden | CDCR No. BG1954 | Unit/Cell: B2-217-U
Subject of Appeal: Obstruction of Justice / Racketeering

Section A of CDCR-602, Explain Your Issue: With careful aim, dedication & help from billion \$ Co. Global Tel Link (GTL), and other agencies, CDCR has spun a precise web of obstructing my right to reasonable (e.g. untrammelled, confidential, adequate, unrecorded, meaningful, prompt, private, effective) opportunity to communicate with legal counsel, private investigators, paralegals, experts, (et al) which has and continues to irraparably violate my Right to Counsel on Direct Appeal / Habeas. From 5/9/18 to 4/10/19, CDCR has [Section A of 602-A Begins Here] isolated me down to it's GTL phones perpetually violating my constitutional rights whether I use them or not (at every use I'm violated; the countless times I've been discouraged from their use due to their illegalities, my rights have been/are again violated). CDCR's GTL phone "service": 1) Illegally records, illegally monitors, analyses, categorizes and warehouses (absent consent of communicating parties regarding any of those actions) all my privileged confidential communications my non-prisoner call recipients (including legal counsel) and I have ever made over them (not one of us has ever consented by any means; all of our communications have been deemed and considered confidential, privileged & private), 2) Offers no consent options regarding any of the above, 3) Does not allow me nor call recipient know who is on the GTL/CDCR Do Not Record List and staff refuses to confirm if that list exists and is operative, 4) Audibly terrorizes each call several times with recording and monitoring threats, 5) Prevents me from paying for my own outgoing calls, 6) Very small percentage of Citizens/Law Firms have GTL accounts, nobody wants one, 7) Restricts calls to 14 minutes and less, 8) Claims party is funding an account true or not, 9) Additional items nixed by inadequate form size. Policy

CDCR FORM 602 & 602-A APPEAL COPY

. of locating the "confidential" "prison telephone" off-yard is key to web of obstruction, worse it's placed inside the Parole Board Hearing Room (BPH) which is a battle-trap (reasonable access requires battle with those too close to, or that are making parole suitability decisions). Admitting trap is of the web "too big to fight", attorneys abandon their oath-bound duties, hide behind obstructions and blame me; left alone to fight David & Goliath style battle, brilliant, yet unlawful. It's location gushes "schedule conflicts" as if fuel to justify obstructing counsel and I from communicating "confidentially" by phone (by far the most cheap, easy, effective, environmentally friendly, and thus most reasonable means of accessing counsel). Bolstering obstruction: 1) My request to CDCR for confidential telephone access cannot mean anything, and by policy never has, 2) I must somehow compel counsel to plead to Litigation Coordinator for maybe access to "confidential" telephone (a sadistic snare that forces gov. straight into my defense), 3) CDCR gives staff unconstitutional powers to control (delay, obstruct, abridge, invade, deny) my relations / access to counsel. These have forced irreconcilable conflict within attorney relations and inadequate representation into my Direct Appeal of Wrongful Convictions / Habeas process equalling further devalue and distrust of counsel.

Signature



Date Submitted: March 25th, 2020

Section B of CDCR-602, Action Requested: 1) Install one of four unrecorded and unmonitored non-GTL and unprogrammable standard telephone(s), each one inside it's own one-man plexiglass style phone booth within the dayrooms, allow me daily opportunity to use these phones to communicate with any attorney, investigator, expert, physician, pastor, clergy, attorney referral service, paralegal, and others in the United States, and my [Section B of 602-A Begins Here] spouse, 2) Provide me with the complete CDCR / GTL "DO NOT

CDCR FORM 602 & 602-A APPEAL COPY

RECORD LIST" that I have requested by 22 form dated 1/22/19, and by 2/14/19 Public Records Act request form 1432 (this 1432 request was acknowledged by staff in a March 6th, 2019 letter to me, I have not received any documentation regarding my request beyond the one page March 6th, 2019 dated letter), 3) Do not obstruct my use of the above requested non-GTL or any other unrecorded unmonitored telephones by forcing me to first somehow figure out how to compel attorneys (and others) to plead to a litigation coordinator for confidential privileged telephone access to me, 4) Provide me ample use of and daily opportunity to utilize the current BPH "prison telephone" in untrammelled, confidential, adequate, meaningful, prompt, private, effective fashion until the unrecorded unmonitored phones / booths are installed in the dayrooms and daily access to them becomes available for my use, 5) Post a permanent printed Notice on interior of requested booths citing Penal Code §636(a) and warning that any eavesdropping recording monitoring of communications from booths is a felony, 6) Stop disrupting, invading and punishing my confidential privileged phone calls by allowing GTL to sound-off recording monitoring threats during each call, 7) Respond to my 3/14/19 Public Records Act request, 8) Respond to my 1/24/19 request for "Outgoing Call Instructions" (made via 22 form), 9) Stop unreasonably restricting call durations, 10) Allow me to submit attachments extending Section A and B of this inadequate form so I can detail more directly related points of the Section A issue.

Signature: *Timothy Smith* Date Submitted: March 25th 2020

X Yes, I have attached supporting documents:

CDCR-22 Entitled, "The Do Not Record List" (V. Ayala 1/22/19)

CDCR-22 Entitled, "Outgoing Call Instructions" (Young 1/24/19)

CDCR FORM 602 & 602-A APPEAL COPY

March 6th, 2019 letter (lpg) regarding 2/14/19 Public Records Request

Copy of information in 3/14/19 dated / mailed 1432 request

"This is an emergency appeal, please process as emergency appeal."

Signature  Date Submitted: March 25th, 2020

For CDCR's response to the above, see CDCR's "FIRST LEVEL RESPONSE" (FLR) stamped "JAN 24 2020". My response to FLR is as follows:

Section D of CDCR-602: FLR makes the claim that it's "inmate population has had greater access than ever before accomplishing their individual goals of communicating with counsel...", but that is simply not true, CDCR does not have a single policy, means or path by which prisoners can request to obtain opportunity to communicate confidentially by telephone with attorneys, investigators, paralegals, and others (i.e. "to accomplish [the prisoner's] individual goals of communicating with counsel", it does not exist, not in Title 15, not in ISP's D.O.M. FLR suggest that a government determination of "good behavior" and "hard work" will at some point qualify me (under strict court deadlines) to have CDCR obstructions removed. Nowhere in the Constitution, Penal Code, Evidence Code, etc. does good or bad behavior translate to the award or loss of effective legal counsel, and it is well est- [Section D of 602-A Begins Here] ablished the right to effective assistance of Counsel includes the right to confer and confide untrammelled in absolute privacy, with absolute assurance of the same, in all of my communications with my defense team, at all times. 6th Amendment embraces Attorney Client Privilege. I have those rights on DirectAppeal, but CDCR has perpetually destroyed them from day one till now, including it's relentless effort to prevent me from seeking attorneys at all. There is no particular security threat or safety issue in me com-

CDCR FORM 602 & 602-A APPEAL COPY

municating with attorneys over the telephone. CDCR's installation of giant barriers between me and legal counsel is CDCR's only excuse that it's illusive invasive non-prisoner "process" should exist — to maybe after massive delays — send me into an audio recording and eavesdropping studio to speak to attorneys, for an unknown, ineffective, short span of minutes. Even if CDCR had a path or policy for me to phone my attorney, it could not exist as any less unconstitutionally invasive devisive and damaging (if to any degree it allows for or causes probing of or incidentally collects privileged confidential information, or disrupts duration of attorney-client conversations, or can in anyway be used as a tool to create delays) as Title 15's §3282 is, which is designed to do, and does, 1) Pry for and / or incidentally collects privileged confidential information (progressively as punishment for requesting more communication), 2) Subjects my desire for effective attorney-client communication to severe unpredictable delays, arbitrary capricious access throttling, confusion, max anxiety, 3) Force the prison's anti-prisoners rights leaning legal team / CDCR employees trained in the law, straight between prisoner (client) and his legal counsel (in essence transmorphing the Attorney-Client Privilege into something like an anti-American "Custodian of Prisoner-Attorney Privilege / Relationship", or C.P.A.P.), 4) Results in angering my family and friends in public, creating and spreading loss of confidence in government systems and devaluing their perception their worth, or reason for legal counsel at all, 5) Drives a wedge between what would otherwise be my effective, healthy, confident, informed attorney-client relationship, 6) Prevent effective screening, negotiating, meeting of minds, contracting with defense professionals for their services, 7) Drain the bank accounts of my support as attorneys and other defense service professionals are paid but not able to be effectively utilized etc. — all of which are an obvious and absurd injustice violating every single law

CDCR FORM 602 & 602-A APPEAL COPY

ever created to keep government out of the Attorney-Client relationship, out of the "Defense Camp", and to mandate fair opportunity for the Attorney-Client Privilege to even be able to initiate, take it's natural course and be utilized. Where there is no reasonable (untrammelled, prompt, private, privileged, confidential, adequate, unrecorded, meaningful, effective) opportunity for prisoner to communicate with legal counsel, THE ATTORNEY CLIENT PRIVILEGE IS DEAD, my Constitution rendered a dead letter, contrary to the Public's strong desire for low-cost justice system reforms that actually promote justice. [End of Section D].

Signature: Brian D. Smith Date Submitted: March 25th, 2020

For CDCR's response to Section D above, see CDCR's "SECOND LEVEL RESPONSE" (SLR) stamped "MAR 17 2020". My response to SLR is as follows:

Section F of CDCR-602: SLR did nothing to address my appeal (of web) besides pointing to unconstitutional Title 15 with FLR (again revealing SLR is another unreasonable delay tool further obstructing my ability to effectively communicate with legal counsel (et al) in the due course of time). On March 19, 2020, my opening appellate brief was filed without me ever once being able to discuss case factors of any kind with retained appellate attorney Fay Arfa (the opening brief is often referred to as most important document of appeal)! Cause of such injustice is ongoing web of what amounts to California's (and other's) sanctioned yet illegal Right to Counsel, Attorney-Client, and Defense Camp communication obstruction, disruption, eavesdropping, audio-recording, and illegal data-warehousing (selective) program (cf. motion picture "The Big Short"). In addition to the absence of consent options (see Section A, item 2 of 602-A), no CDCR dayroom I have been in displays notice that inmate tele-

CDCR FORM 602 & 602-A APPEAL COPY

phone calls may or will be "recorded" (daily violating it's own unconstitutional Title 15 (f) requirement). CDCR / California cannot force consent, and even if notice did exist, 1) that does not somehow transform illegal practices into law-abiding practices, 2) would in no way translate to my consent of government nuking the defenses of my life, nor any other illegal government activity. I have attached a declaration reciting verbatim copies of any and all postings (whether affixed to or painted on the walls) in ISP dayrooms at or anywhere near inmate "telephones" (Attorney-Client eavesdropping and recording devices). No changes to such postings have occurred since I've been at ISP. There is no constitutionality in CDCR's elimination of my 6th, 1st, 5th, 8th, 14th, and 4th Amendment rights, Attorney-Client Privilege, Evidence Code §§ 952-1035.8, et al (e.g. constantly preventing my opportunity to engage in effective Attorney-Client et al Privileged Communications) by burrying some tiny self-contradicting one-liners in a sub-code such as Title 15's § 3282. Title 15 § 3282 is an evil one-sided oppressive & damaging obstacle course (applying max pressure) leaving the momentary prize for somebody elses performance (if they can ever complete it) completely ambiguous and arbitrary with no rights being safeguarded i.e. what, if, when, where, with who, how much, device limits and uses, required minimum assurances and safeguards, prohibition of forcing calls to occur in audio-recording and eavesdropping studio or BPH Battletrap, etc.). Prolonged exposure to such [...] and interference has forced compounding and irreparable legal trouble and psychological torcher... Dynamic of "web" constitutes pscological waterboarding (upon those who understand the web exists as it does). Web's soaring level of perplexing attributes do not relieve CDCR of responsibility for them. Incentive for government to continue retaliating and conspiring against me for whistle-blowing remains astronomically high (via CDCR's hyper-active integrations with Orange County Sheriff, Orange County District Att-

CDCR FORM 602 & 602-A APPEAL COPY

orney, et al). Rights and Responsibility Statement is attached regarding CC2 J.Hernandez and others, it was in earlier appeals abusively rejected by ISP appeals coordinator. That banks get robbed, doesn't mean I consent to that going into one, even if Notice is posted. [End of Section F].

Signature: Bruno Duarte Date Submitted: March 25th, 2020

DECLARATION OF BRANDEN E. SHUMATE REGARDING I.S.P.'S B-YARD
POSTINGS AT OR ANYWHERE NEAR INMATE DAYROOM "TELEPHONE"

I, Branden E. Shumate, declare as follows:

1. The Ironwood Prison's (ISP) inmate dayroom telephone on B-Yard are arranged as follows. Two telephones on opposite sides of each building's dayroom. To the upper side of one telephone on both sides of each dayroom are two red plastic postings (18" x 20", one Spanish, one English), and two green plastic postings (8" x 9", one Spanish, one English). Although two additional telephones were added to each side of each dayroom in each building on B-Yard on August 15th, 2019, the postings remain unchanged with it still unclear which posting applies to which telephone, if any at all. e.g. There is no language to correlate which telephone the random language applies to, if any — the postings say "this telephone", and the postings are not directly above or "at" (cf. Title 15 §3282 (f)) any particular telephone, nor are they "at" or above "each" telephone (cf. Title 15 §3282(f)). According to Title 15 §3282 (f), the purpose of the postings are to inform inmates which particular telephone is "capable of recording and monitoring" (cf. Title 15 §3282 (f)), yet that cannot be determined. The above mentioned postings (a verbatim copy of such postings will be recited below) have remained in place and unchanged for at least between the dates of July 20th, 2018, and March 25th, 2020.

2. The following is the English language stated (verbatim) in small white letters within the red plastic postings mentioned above:

"All telephone calls placed from this telephone are subject to monitoring. This telephone automatically brands each call as originating from a State Prison. In addition, this phone will automatically disconnect 15 minutes after your connection. Your first warning will occur 13 minutes into the call and alert you that you have 2 minutes remaining. A second warning 14 minutes into the call will inform you have one minute remaining. A third warning 14½ minutes into the call

* Received @ I.S.P. From T.L.D. On 8/5/2020, Page (9) of (20).

will state that 30 seconds remain. After 15 minutes, a recorded message states that the 15 minutes has been exceeded and that your phone will disconnect."

3. The following is the English language stated (verbatim) in small white letters within the green plastic postings mentioned above:

"Any calls placed on this telephone may be monitored without prior notice to the caller or person called. The caller is responsible for notifying the person called that their conversation may be monitored."

4. The following is the English language stated (verbatim) in large black block lettering painted on each side of the dayroom in each building on B-Yard:

"COACHELA VALLEY SEXUAL ASSAULT SERVICES • 78370 HWY
111 SUITE 130 LA QUINTA CA 92253 • TOLL FREE 760-
568-9071"

I, Branden E. Shumate, declare under penalty of perjury that the foregoing is true and correct.

Date: March 25th, 2020

Signature: 

* Received @ I.S.P. From TLD On 8/5/2020, Page (10) of (20)

RIGHTS & RESPONSIBILITY STATEMENT

Citizen's Complaint Rights & Responsibility Statement:

"YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZEN'S [or inmate's / parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate / parolee] COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS."

Date: March 25th, 2020

Signature: 

*Received @ I.S.P. From T.L.D. On 8/5/2020, Page (11) of (20).

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF APPEALS
P. O. BOX 942883
SACRAMENTO, CA 94283-0001
THIRD LEVEL APPEAL DECISION

ISP

FEB 24 2020

Appeals Office

Date: **OCT 28 2019**

In re: **Branden Shumate, BG1954
Ironwood State Prison
P.O. Box 2229
Blythe, CA 92226**

TLR Case No.: 1909643

Local Log No.: ISP-19-00632

This matter was reviewed on behalf of the Secretary of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner D. Foston, Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that the Ironwood State Prison (ISP) inappropriately cancelled appeal log #ISP-19-00449. The appellant request that the cancelled appeal be accepted for processing; written authorization to attach three pages of documentation detailing mistakes made by the ISP Appeals Office; and written authorization to attach four pages of information relative to qualifying a cancelled appeal for processing.

II SECOND LEVEL'S DECISION: The reviewer found that there was no basis to grant the appeal. On April 24, 2019, appeal log #ISP-19-00449 was cancelled as the appellant was attempting to appeal access to legal counsel, current telecommunication provider, and augmentation of current housing unit structure. The Second Level of Review (SLR) determined these issues were contained in appeal log #ISP-19-00038 which was previously filed by the appellant. The appellant received multiple rejection notices for appeal log #ISP-19-00038 and advisements on how to correct the appeal deficiencies to allow for processing. The appellant chose to disregard the advisements; therefore, on April 24, 2019, appeal log #ISP-19-00449 was cancelled as a duplicate to appeal log #ISP-19-00038 upon which a decision was rendered or is pending. The appeal was denied at the SLR.

III THIRD LEVEL DECISION: Appeal is granted in part.

A. FINDINGS: The Third Level of Review (TLR) has conducted a thorough and comprehensive review of the appellant's appeal issue. The TLR does not concur with the decision rendered by the SLR. The California Code of Regulations, Title 15, Section (CCR) 3084.6(a) states in part, "Appeals may be rejected pursuant to subsection 3084.6(b), or cancelled pursuant to subsection 3084.6(c), as determined by the appeals coordinator. (1) Unless the appeal is cancelled, the appeals coordinator shall provide clear and sufficient instructions regarding further actions the inmate or parolee must take to qualify the appeal for processing. (2) An appeal that is rejected pursuant to subsection 3084.6(b) may later be accepted if the reason noted for the rejection is corrected and the appeal is returned by the inmate or parolee to the appeals coordinator within 30 calendar days of rejection." The CCR 3084.1(f) states, "An inmate or parolee has the right to file one appeal every 14 calendar days unless the appeal is accepted as an emergency appeal. The 14 calendar day period shall commence on the day following the appellant's last accepted appeal." As appeal log #ISP-19-00038 was never accepted for processing and was not returned by the inmate for processing, the examiner finds that appeal log #ISP-19-00449 is not a duplicate issue as there was no appeal regarding the issue being processed. Review of appeal log #ISP-19-00449 revealed the appellant is appealing the phone service provided and the lack of confidentiality. The examiner finds that this appeal can be processed as currently written. The appeal is granted in part at the TLR.

B. BASIS FOR THE DECISION:

CCR: 3001, 3084.1, 3084.3, 3084.5, 3084.6

* Received @ I.S.P. From TLRD. On 8/5/2020, Page (12) of (20).

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FEB 24 2020

Appeals Office

C. ORDER: The ISP shall accept appeal log #ISP-19-00449 for processing at the TLR, provided the appellant's submission is in accordance with the mandates of the CCR 3084.8. The appellant is instructed to attach this decision letter with his submission of appeal log #ISP-19-00449 to the ISP Appeals Office.

This issue was discussed with the office of the Chief Deputy Warden via fax.

This decision exhausts the administrative remedy available to the appellant within CDCR.



D. FOSTON, Appeals Examiner
Office of Appeals

cc: Warden, ISP
Appeals Coordinator, ISP

* Received @ ISP From TLD on 8/5/2020, Page (13) of (20).

DIVISION OF ADULT INSTITUTIONS

IRONWOOD STATE PRISON
19005 Wiley's Well Road
P.O. Box 2226
Blythe, CA 92226-2226

ISP

FEB 24 2020

Appeals Office



March 6, 2019

Branden E. Shumate
CDCR# BG1954
Ironwood State Prison
B2 - 217U

Dear Inmate Shumate:

This letter is in response to your request for public records dated February 14, 2019 and received by J. Hernandez, CCH on February 25, 2019, for records regarding the following:

- 1). The complete list of names and their correlative telephone numbers of all attorneys, investigators, paralegals, experts, all other defense service providers attorney referral services, clergy, government agencies, and all other professionals and entities that when any of their telephone numbers are dialed on CDCR's Global Tel Link telephones immediately disables the system's automatic call recording mechanism and does not record any portion of any communication associated with numbers on list.

Your request is under review and a 14-day extension of time is necessary under Government Code 6253(c) to determine whether the requested documents may be publicly disclosed. Additional time is necessary to make the determination due to the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

I expect to provide you with a determination by March 20, 2019.

For future correspondence send your request to Ironwood State Prison, Litigation Coordinator, P.O. Box 2229, Blythe, CA 92226.

Sincerely,

J. Hernandez, CCH
Litigation Coordinator/PRA Coordinator
Ironwood State Prison

ISP

APR 17 2019

APPEALS OFFICE

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* Received @ I.S.P. From TLD on 3/5/2020, page (5) of (20).

Received 6pm March 7th, 2019

SECTION A: INMATE/PAROLEE REQUEST

1 of 1

NAME (PRINT): (LAST NAME) (FIRST NAME) Shumate, Branden	CDC NUMBER: BQ1954	SIGNATURE: <i>[Signature]</i>
HOUSEHOLD NUMBER: B4-215-U	ASSIGNMENT: Comp. Lit, TUMI	HOURS FROM _____ TO _____ TOPIC (E.G. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): The Do Not Record List

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I am requesting the complete list of names and their correlative telephone numbers of all attorneys, investigators, paralegals, experts, all other defense service providers, attorney referral services, clergy, government agencies, and all other people, professionals and entities that when any of their telephone numbers are dialed on the CDCR's Global Tel Link (GTL) telephones immediately disables the system's automatic call recording mechanism and therefore does not record any portion of any communication associated with any telephone number(s) on the above requested list. Neither Wasco State Prison or Inman State Prison law library or floor staff have any knowledge of this list I've been requesting and they are not in possession of it.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: **CCII J. Hernandez** *[Signature]* DATE MAILED: **Jan 23, 2019**
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: V. Ayala	DATE: 1/22/19	SIGNATURE: <i>[Signature]</i>	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES <input type="radio"/> NO <input checked="" type="radio"/>
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON <input type="radio"/> BY US MAIL <input type="radio"/>

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: Draszt, Litco OT	DATE: 1/31/19	SIGNATURE: <i>[Signature]</i>	DATE RETURNED: 2/01/19
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Inspection or disclosure of any record, which is not exempt from disclosure under the Public Records Act, may be requested via CDCR 1432 "Request to Inspect Public Records."

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

The vague Section B staff response does not answer section A question above. Section B staff response suggests that no Inman State Prison staff knows what the above requested list is. Please answer section A question, and if you are not aware of the above requested list, please confirm either way. Your prompt response will be greatly appreciated.

SIGNATURE: <i>[Signature]</i>	DATE SUBMITTED: February 4th, 2019
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME): J. Hernandez, CCI	DATE: 2/13/19	SIGNATURE: <i>[Signature]</i>	DATE RETURNED: 2/13/19
--	-------------------------	----------------------------------	----------------------------------

I am not aware if such list exist.

See Original
Stamped
"ESP APR 17 2019"
APPEALS OFFICE
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1 of 1

REQUEST TO INSPECT PUBLIC RECORDS
CDCR 1432 Form (rev. 09/07)

NAME OF RECORD(S) OR DESCRIPTION OF SUBJECT MATTER:

A complete copy (with accurate reference to all revisions and the dates in which compliance to them became operative between January 1st, 2012 and March 14th, 2019) of CDCR's set of guidelines, policies and procedures which manage and have managed how the CDCR's current and past telecommunication(s) provider(s) (between January 1st, 2012 and March 14th, 2019) processes inmate telephone calls.

FACILITY OR OFFICE WHERE THE RECORD IS MAINTAINED: Ironwood State Prison; California Department of Corrections & Rehabilitation; or any of its field facilities or other establishments separate from the office processing this request.

☒ Reproduce a complete copy of the above named record for my use.
I agree to pay postage and 12 cents for each page photocopied.

REQUESTOR'S NAME (PRINT): BRANDEN EDWARD SHUMATE

SIGNATURE: *Branden Shumate*

DATE: March 14th, 2019

REQUESTOR'S ADDRESS: IRONWOOD STATE PRISON (See address below)

BG1954 : B2-217-U | P.O. Box 2199 Blythe, CA 92226

REQUESTOR'S PHONE NUMBER: N/A (Prisoner)

ISP

FEB 24 2020

Appeals Office

ISP

APR 1-7 2019
APPEALS OFFICE

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*Received @ I.S.P. From TLD On 8/5/2020, Page (6) of (20).

ISP

FEB 01 2019

ISP

DEPARTMENT OF CORRECTIONS AND REHABILITATION

MAR 07 2019

STATE OF CALIFORNIA

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE

CDCR-0022 (10-08)

SECTION A: INMATE/PAROLEE REQUEST

APPEALS OFFICE

APPEALS OFFICE

NAME (PRINT): LAST NAME FIRST NAME S. M. T. - J. M. D. - N.	CDC NUMBER: 1234567	SIGNATURE: [Signature]
HOUSING NUMBER: 123456	ASSIGNMENT: C. M. J. - J. M. D. - N.	TOPIC (U.S. MAIL, CREATION OF COMPASSIONATE PAROLE, ETC.): The Do Not Reco. List

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I am requesting a copy of the Do Not Reco. List for my inmate. I have been on the list for a long time and I want to know why. I have been on the list for a long time and I want to know why. I have been on the list for a long time and I want to know why.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED**

☒ SENT THROUGH MAIL: ADDRESSED TO: CCI J. M. D. - N. DATE MAILED: 3/1/19

☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: [Name]	DATE: 3/1/19	SIGNATURE: [Signature]	FORWARDED TO ANOTHER STAFF (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
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ISP

FEB 24 2020

Appeals Office

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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ISP

ISP

MAR 07 2019

STATE OF CALIFORNIA

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE FEB 01 2019

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CDCR-0022(10-09)

APPEALS OFFICE

SECTION A: INMATE/PAROLEE REQUEST

APPEALS OFFICE

NAME (FNU) (LAST NAME) (FIRST NAME)	CDC NUMBER	SIGNATURE
Shumate, Tranden	BS1754	[Signature]
HOUSEHOLD NUMBER	ASSIGNMENT	TITLE (P.E. MAIL, CONDITION OF COMPLAINT/PAROLE, ETC.)
84-215-U	Comp. Lit., Tumi	Outgoing Call Instructions

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I am requesting written instructions on how to pick up the dayroom cell link telephone and pay for my own outgoing calls. Like the Orange County Jail telephone there is no number to make and pay for my own outgoing calls to reach the cell link telephone and pay for my own outgoing calls to reach the cell link telephone. I have never been able to pick up the dayroom cell link telephone and pay for my own outgoing calls to reach the cell link telephone. I have never been able to pick up the dayroom cell link telephone and pay for my own outgoing calls to reach the cell link telephone.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED

☐ SENT THROUGH MAIL: ADDRESSED TO:☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: (PRINT STAFF NAME)	DATE	SIGNATURE	DATE MAILED
[Signature]	1-24-19	[Signature]	1-24-19
IF FORWARDED TO WHOM	DATE DELIVERED/MAILED	METHOD OF DELIVERY (CIRCLE ONE) IN PERSON BY US MAIL	
[Signature]	1-24-19		

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME	DATE	SIGNATURE	DATE RETURNED
			ISP

FEB 24 2020

Appeals Office

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE	DATE SUBMITTED

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME)	DATE	SIGNATURE	DATE RETURNED

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DIVISION OF ADULT INSTITUTIONS

IRONWOOD STATE PRISON
19005 Wiley's Well Road
P.O. Box 2229
Blythe, CA 92226-2229

ISP

FEB 24 2020

Appeals Office



JAN 24 2020

Appellant: Shumate, Branden
CDCR#: BG1964
Housing Unit: Facility B Building 3 Cell 125
Ironwood State Prison
PO Box 2199
Blythe, CA 92226

Dear Mr. Shumate

FIRST LEVEL RESPONSE APPEAL LOG # ISP-B-19-00449

SUMMARY OF APPEAL

You are appealing the issue of not being able to discuss confidential legal matters with your attorney over the state contracted Global Tel Link (GTL) phone service offered to you in your housing unit.

You are requesting the installation of an unrecorded, unmonitored, non-GTL and un-programmable standard telephone within the dayroom to allow you the daily opportunity to communicate with any attorney.

EFFECTIVE COMMUNICATION:

Was additional assistance required to achieve effective communication? ☐ Yes ☒ No.
A review of the Disability and Effective Communication System revealed that you have a TABE Score of 9.9, you are not a participant in the Mental Health Service Delivery System and you have no physical or developmental disabilities, which would preclude you from being able to communicate your concerns in an interview without assistance.

SUMMARY OF INQUIRY

An interview was conducted with you for the purpose of this response on Wednesday, January 8, 2020. During the interview, you reiterated your appeal complaint with nothing further to add.

A thorough inquiry has been conducted for the purpose of this response.

Due to changing laws, department policies and the rehabilitation goals of California the Department of Corrections and Rehabilitation (CDCR), our inmate population has had greater access than ever before accomplishing their individual goals of communicating with counsel to fight past and current cases. CDCR has made unprecedented progress in recognizing hard work and good behavior set forth by inmates who are serious about their rehabilitation goals and returning to society.

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* Received @ I.S.P. From T.L.D. on 8/5/2020, Page (14) of (20).

Appellant: Shumate, Branden
CDCR# BG1954
First Level Appeal Response
Log # ISP-B-19-00449
Page 2 of 2

ISP

FEB 24 2020

Appeals Office

A review of your appeal determined you are dissatisfied with the current requirements set forth in the California Code of Regulations (CCR), Title 15, Section 3282(g)(1), which states in part, "Confidential calls may be approved on a case-by-case basis by the institution head or designee, upon written request from an attorney on the attorney's office letterhead stationery. The request shall be made by written request via U. S. Postal Service or facsimile to the Institution Litigation Coordinator or designee..."

In order for you to have placed or received an attorney/inmate confidential phone call, it must have already received approval/clearance in accordance with subsections (g)(1), (g)(2) and (g)(4) of CCR, Title 15, Section 3282.

APPEAL RESPONSE

For the reasons stated above your appeal is **DENIED** at the First Level.

If you are dissatisfied with the First Level of Response, complete Section D of the CDCR 602 and explain the reason. Attach supporting documents and submit to the Appeals Coordinator within 30 calendar days of the response date for further processing. If you need more space, use Section D of the CDCR 602-A.

G. MADRIGAL

Facility B Yard Sergeant
Ironwood State Prison

W. HAWKINS

Associate Warden Programs (A)
Ironwood State Prison

*Received @ I.S.P. From T.L.D. On 8/5/2020, Page (15) of (20).

DIVISION OF ADULT INSTITUTIONS
IRONWOOD STATE PRISON
19005 Wiley's Well Road
P.O. Box 2229
Blythe, CA 92226-2229



MAR 17 2020

** Received @ ISP From TLD On 8/5/2020, Page (16) of (20).*
Appellant: Shumate, Branden
CDCR#: BG1954
Housing Unit: BFB3-125
Ironwood State Prison
P. O. Box 2199
Blythe, CA 92226

Dear Inmate Shumate:

SECOND LEVEL RESPONSE APPEAL LOG # ISP-B-19-00449

SUMMARY OF APPEAL

You are appealing the issue of being able to discuss confidential legal matters with your attorney over the state contracted Global Tel Link (GTL) phone service to you in your housing unit.

You are requesting the installation of an unrecorded, unmonitored, non-GTL and un-programmable standard telephone within the dayroom to allow you the daily opportunity to communicate with an attorney.

EFFECTIVE COMMUNICATION

Was additional assistance required to achieve effective communication? ☐ Yes ☒ No. A review of the Disability and Effective Communication System revealed that you have a TABE Score of 9.9, you are not a participant in the Mental Health Service Delivery System and you have no physical or developmental disabilities, which would preclude you from being able to communicate your concerns in an interview without assistance.

SUMMARY OF INQUIRY

An interview was conducted with you on the First Level Response by Correctional Sergeant G. Madrigal on Wednesday, January 8, 2020, within the Facility B Program Office. During the interview, you reiterated your appeal complaint with nothing further to add. This concluded the interview with you.

Correctional Sergeant G. Madrigal reviewed your appeal and determined the current requirements set forth in the California Code of Regulations (CCR), Title 15, Section 3282(g)(1), which states in part "Confidential calls may be approved on a case-by-case basis by the institution head or designee, upon written request from an attorney via U.S Postal Service or facsimile to the Institution Litigation Coordinator or designee".

Appellant: Shumate, Branden
CDCR#: BG1954
Second Level Appeal Response
Log #: ISP-B-19-00449
Page 2 of 2

A thorough inquiry has been conducted for the purpose of this response. Based on the aforementioned information and a review of the appeal and supporting documentations, I concur with the outcome of the First Level of Review.

APPEAL RESPONSE

For the reasons stated above your appeal is **DENIED** at the Second Level of Review.

If you are dissatisfied with the Second Level of Response, complete Section F of the CDCR 602. Explain reason; attach supporting documents and submit by mail for Third Level Review. The Inmate Appeals Branch must receive the appeal within 30 calendar days of the response date. Mail all documents to Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, PO Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

Sincerely,



P. HERNANDEZ
Correctional Lieutenant
Ironwood State Prison



R.W. SMITH
Chief Deputy Warden
Ironwood State Prison

* Received @ I.S.P. From T.L.D. on 8/5/2020, Page (17) of (20).

OFFICE OF APPEALS

P. O. BOX 942883

SACRAMENTO, CA 94283-0001

**OFFICE OF APPEALS (THIRD LEVEL) DECISION**

Date: JUL 30 2020

In re: Branden Shumate, BG1954
Ironwood State Prison (ISP)

Local Log No.: ISP-19-00449

TLR Case No.: 2005876

I. **ISSUE ON APPEAL:** The appellant asserts that he should be allowed to make confidential legal telephone calls with his lawyer within his housing unit. The appellant requests that the institution install unrecorded and unmonitored telephones in his housing unit to allow for the opportunity to make daily telephone calls to his attorney.

II. RULES AND REFERENCES:**CONTROLLING AUTHORITY:**

- California Code of Regulations (CCR) Title 15, Section: 3001, 3084.1, 3282(g)(1)

DOCUMENTS CONSIDERED:

- CDCR Form 602 ISP-19-00449 and attachments

III. REASONING AND DECISION: Denied

After a thorough review of all documents and evidence available at the time of this written decision, it is the order of the Office of Appeals that the appeal is **DENIED**. As the appellant was informed by the institution, the CCR 3282(g)(1) specifically outlines the Department's approved policy on obtaining confidential legal telephone calls. The appellant is afforded access to confidential telephone calls if he follows established procedures as well as access to the courts. Despite the appellant's dissatisfaction, this review finds no evidence of a violation of existing policy or regulation by the institution based upon the arguments and evidence presented. The appellant has failed to demonstrate any material adverse effect upon his welfare as mandated within the CCR 3084.1(a). This decision exhausts the administrative remedies available to the appellant within the CDCR.

IV. REMEDY

Your appeal has been denied. Therefore, there is no applicable remedy.

Original Signed by:

K.J. ALLEN, Appeals Examiner
Office of Appealscc: Warden, ISP
Grievance Coordinator, ISP

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* Received @ ISP From T.L.D. on 8/5/2020, page (18) of (20).

ISP

FEB 24 2020

INMATE APPEAL ROUTE SLIP Appeals Office

To: AW PROGRAMS

Date: January 2, 2020

From: INMATE APPEALS OFFICE

Re: Appeal Log Number ISP-B-19-00449 By Inmate SHUMATE, BG1954

Please assign this appeal to appropriate staff for FIRST level response.

Appeal Issue: LIVING CONDITIONS

Due Date: 02/10/2020

Special Needs:

STAFF INSTRUCTIONS: Per California Code of Regulations (CCR), Title 15, Section 3084.7(e)(2), first level appeal review requires a personal interview with the inmate unless the appeal is granted. This policy is not within the institution's jurisdiction and cannot be waived. CCR, Title 15, Section 3084.7(e)(4) provides that a telephonic interview may be conducted if the inmate is not available in person.

Begin response with GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return appeal to the Appeals Office. All first level appeals require signature of the Division Head. Appeals that are incomplete will be returned for appropriate completion.

Refer to D.O.M. 54100 for instructions.

P. Birdsong
Appeals Coordinator
Ironwood State Prison

*Received @ I.S.P. From T.L.D. on 8/5/2020, Page (19) of (20).

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INMATE APPEAL ROUTE SLIP

To: AW PROGRAMS

Date: March 2, 2020

From: INMATE APPEALS OFFICE

Re: Appeal Log Number ISP-B-19-00449 By Inmate SHUMATE, BG1954

Please assign this appeal to appropriate staff for SECOND level response.

Appeal Issue: LIVING CONDITIONS

Due Date: 04/07/2020

Special Needs:

STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

P. Birdsong
Appeals Coordinator
Ironwood State Prison

* Received @ I.S.P. From T.L.D. on 8/5/2020, Page (20) of (20).

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BRANDEN EDWARD SHUMATE
CDC No BG1954 • B3-125
Ironwood Prison
P.O. Box 2199
Blythe, Ca 92226

REC BY OOA

JAN 21 2020

January 15th, 2020

Chief Inmate Appeal Branch
Cal. Dept. of Corr. & Rehab.
P.O. Box 942883
Sacramento, Ca 94283-0001

Re: TLR 1909643

Dear Appeals Examiner D.Foston,

Thank you for your time and consideration. Attached is your two page THIRD LEVEL APPEAL DECISION dated "OCT 28, 2019". On page two is item C.ORDER, which essentially determined ISP was to accept appeal log #ISP-19-00449 (Obstruction of Justice/Racketeering) within 30 days of the date of the order ("OCT 28, 2019"). Following my compliance with such instruction, ISP appeals coordinator P.Birdsong refused to comply, instead sending me a vague, confusing, and impossible to have complied with modification order dated "Dec 20, 2019", which I received on December 24th, 2019. This modification order had a due date of December 27th, 2019. On December 26th, 2019, I informed the ISP appeals office that they already had appeal log #ISP-19-00449 (Obstruction of Justice/Racketeering) due to my compliance with the "OCT 28, 2019" dated THIRD LEVEL APPEAL DECISION, and therefore I was unable to send it. I did however include a copy of the modification order within such correspondence. P.Birdsong appears to suggest I did not comply with the instruction for me to have sent ISP-19-00449 to the ISP appeals office within 30 days, and therefore he's going to try and send me through the whole appeals process again, starting at square one. I object to P.Birdsong's failure to comply with the "OCT 28, 2019" dated THIRD LEVEL APPEAL DECISION, and I object to any claim of me not specifically complying with the instruction stated in item C.ORDER of that decision. My compliance with such instruction was by USPS mail, which relies on an unreliable prison mail delivery system. In addition to routine invasion of my privileged confidential legal mail, disappearing and significantly delayed mail delivery, I am also attaching a December 12th, 2019, M.A.C. meeting minutes copy as more evidence of my claim against the prison mail delivery system responsible for interfering with my direct appeal and compliance with item C.ORDER of THIRD LEVEL APPEAL DECISION dated "OCT 28, 2019".


Branden Edward Shumate

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*Page (2) of (5) received by Shumate from OOA on 2/12/2020

Memorandum

1 of 1



Date : January 31, 2020

To :
Branden Shumate, BG1954
ISP

Subject: **APPEAL ACTIVITY**

This is in response to correspondence received January 21, 2020. You are encouraged to contact the Appeals Coordinator at Ironwood State Prison (ISP) with questions regarding the action taken relative to the Third Level modification order for appeal ISP-19-00632 (TLR 1909643). Be advised, any dissatisfaction with appeals processing conducted by institutional staff at ISP may be directed to the hiring authority.

M. Harder, SSMI
Office of Appeals

Delivered Wed, February 12, 2020 at 9:34 PM PST by mic.
* Page (1) of (5) received by Shumate from Office of Appeals (OOA) on 2/12/2020

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MEETING MINUTES



Subject: Monthly Meeting on December 12, 2019

This meeting started with Sgt. Barrara on hand to answer any questions. Sgt. at Arms Anderson called the meeting to order, then gave the floor over to IAC Chairman Wicker.

Chairman Wicker started off by informing the MAC body that the mail room has been contact over ongoing concerns of missing mail; Such as stamps and letters. Letters that have been sent in with visiting forms have not all been sent on to the inmate after being received. P. the mail room Sgt. this is all now being looked into. Mail room staff stated they were not aware of these issues. Sgt. Barrara informed Both Chairman Wicker and Secretary Johnson, of the phone call she made to the mail room and the response she was gave.

Chairman Wicker then gave the floor over to V. Chairman Jackson; Who then took the time to read off to the MAC Body the minutes from the last Warden's meeting. These minutes were post in all units on Dec. 5th.

V. Chairman Jackson then called on Parliamentarian Cura to speak on any kitchen issues. Cura stated that a meeting was held with all the food management staffers on hand. Issues that were spoke on by all executive body members. Cold food, short portions, bad fruit and vegetable produce being passed out. Large portions of vegetable meals with very little if at all meat portions. Lastly that we're still not being allowed to take out our fruit or vegetable as part of our lunch.

Statement gave by food service staff members. "We were unaware of these issues. We'll look into trying to fix these problems. With the cold food and portions." At this time it was also said that due to the fruit and or vegetable not being covered by way of bag or wrapping food staffers can't allow for it to leave the kitchen. This is one of the many pass the buck ongoing issues between officers and food staffers. At this time one of the body members has a 602 in SAC. and is waiting the response. Lastly food management staff said they'll respond to all written concerns. As they are saying they were unaware of any problems concerning the food issues here on Bravo Yard:

Yard Issues

Due to the ongoing chapel issues, and the modified use of it. It is being asked to find a time-slot within the week for A2B inmates. As they are being left out. Sgt. Barrara will be looking into this problem.

Unit Issues

Unit (1) MAC member Stephens stated that the drinking fountains need to be fixed or replaced as they are broke and hardly working; For months now. Also he asked for cell #126 to be condemned due to poor conditions of this cell. And as to when cell #250 will be receiving the parts needed in order to reopen it. As it has been condemned since January 17, 2017. Lastly he wanted to know when the air will be fixed. As there is no air or just low air throughout the building.

* Unit (2) MAC members stated that showers were now on track. Through they too have water fountains that need to be looked at and fixed. Also that not all their building staff are following the unlock release. And that Lt. Moore is delaying the 3rd/W release everyday. And with his officers not being on point this is leading to more problems with their buildings releases.

[Signature]
(IAC) Chairman Wicker

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[Signature] (177)
(IAC) Secretary Johnson

Page (3) of (5) received by Shumate from OOA on 2/12/2020

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF APPEALS
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

THIRD LEVEL APPEAL DECISION

Date: **OCT 28 2019**

In re: **Branden Shumate, BG1954
Ironwood State Prison
P.O. Box 2229
Blythe, CA 92226**

TLR Case No.: 1909643

Local Log No.: ISP-19-00632

This matter was reviewed on behalf of the Secretary of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner D. Foston, Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that the Ironwood State Prison (ISP) inappropriately cancelled appeal log #ISP-19-00449. The appellant request that the cancelled appeal be accepted for processing; written authorization to attach three pages of documentation detailing mistakes made by the ISP Appeals Office; and written authorization to attach four pages of information relative to qualifying a cancelled appeal for processing.

II SECOND LEVEL'S DECISION: The reviewer found that there was no basis to grant the appeal. On April 24, 2019, appeal log #ISP-19-00449 was cancelled as the appellant was attempting to appeal access to legal counsel, current telecommunication provider, and augmentation of current housing unit structure. The Second Level of Review (SLR) determined these issues were contained in appeal log #ISP-19-00038 which was previously filed by the appellant. The appellant received multiple rejection notices for appeal log #ISP-19-00038 and advisements on how to correct the appeal deficiencies to allow for processing. The appellant chose to disregard the advisements; therefore, on April 24, 2019, appeal log #ISP-19-00449 was cancelled as a duplicate to appeal log #ISP-19-00038 upon which a decision was rendered or is pending. The appeal was denied at the SLR.

III THIRD LEVEL DECISION: Appeal is granted in part.

A. FINDINGS: The Third Level of Review (TLR) has conducted a thorough and comprehensive review of the appellant's appeal issue. The TLR does not concur with the decision rendered by the SLR. The California Code of Regulations, Title 15, Section (CCR) 3084.6(a) states in part, "Appeals may be rejected pursuant to subsection 3084.6(b), or cancelled pursuant to subsection 3084.6(c), as determined by the appeals coordinator. (1) Unless the appeal is cancelled, the appeals coordinator shall provide clear and sufficient instructions regarding further actions the inmate or parolee must take to qualify the appeal for processing. (2) An appeal that is rejected pursuant to subsection 3084.6(b) may later be accepted if the reason noted for the rejection is corrected and the appeal is returned by the inmate or parolee to the appeals coordinator within 30 calendar days of rejection." The CCR 3084.1(f) states, "An inmate or parolee has the right to file one appeal every 14 calendar days unless the appeal is accepted as an emergency appeal. The 14 calendar day period shall commence on the day following the appellant's last accepted appeal." As appeal log #ISP-19-00038 was never accepted for processing and was not returned by the inmate for processing, the examiner finds that appeal log #ISP-19-00449 is not a duplicate issue as there was no appeal regarding the issue being processed. Review of appeal log #ISP-19-00449 revealed the appellant is appealing the phone service provided and the lack of confidentiality. The examiner finds that this appeal can be processed as currently written. The appeal is granted in part at the TLR.

B. BASIS FOR THE DECISION:

CCR: 3001, 3084.1, 3084.3, 3084.5, 3084.6

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* Page (4) of (5) received by Shumate from OOA on 2/12/2020

C. ORDER: The ISP shall accept appeal log #ISP-19-00449 for processing at the TLR, provided the appellant's submission is in accordance with the mandates of the CCR 3084.8. The appellant is instructed to attach this decision letter with his submission of appeal log #ISP-19-00449 to the ISP Appeals Office.

This issue was discussed with the office of the Chief Deputy Warden via fax.

This decision exhausts the administrative remedy available to the appellant within CDCR.



D. FOSTON, Appeals Examiner
Office of Appeals

cc: Warden, ISP
Appeals Coordinator, ISP

* Page (5) of (5) received by Shumate from OOA on 2/12/2020

Division of Adult Institutions
Office of Appeals

DEC 20 2019

THIRD LEVEL MODIFICATION ORDER

Ironwood State Prison
P.O. Box 2229
Blythe, CA 92226

RE: SHUMATE, BRANDEN BG1954
ISP
LEGAL; Processing of Appeals
Institution Log #(s): ISP-19-00632
TLR Log #: 1909643

Please be informed that as a result of a Third Level Decision, the above referenced appeal has been Granted / Granted-In-Part. Please complete this modification order to comply with the decision. You must attach a copy of any documents proving compliance, such as CDC Form 128-G, Classification Chrono; CDC Form 128-C, Medical Chrono; CDC Form 115, Rules Violation Report, etc.

The modification order is as follows:

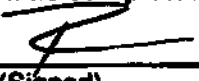
The ISP shall accept appeal log #ISP-19-00449 for processing at the TLR, provided the appellant's submission is in accordance with the mandates of the CCR 3084.8. The appellant is instructed to attach this decision letter with his submission of appeal log #ISP-19-00449 to the ISP Appeals Office.

DUE DATE: 12/27/2019

The modification was completed in the following manner:

<i>Per Third level Modification Order Appeal log #ISP-19-00449 will be reinstated, assigned, and addressed appropriately.</i>
<i>Timote Shumate CDC#BG1954 needs to submit original appeal along with this modification order to ISP Timote Appeals Office</i>

Certified as completed by:

	<u>CCU</u>	<u>ISP</u>
Name (Signed)	Title	Location
<u>P. Birdsong</u>	<u>12-20-19</u>	
Name (Printed)	Date	