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Joseph A. Mazor
P.O. Box 128 E.H.
Chino, California 91710

FILED
AUG 26 1971
C. C. EVENSEN, Clerk

Petitioner in Pro per:

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH A. MAZOR, Petitioner,
vs.
THE CALIFORNIA ADULT AUTHORITY,
et al., Respondents,

Case No. C-71 859 ACW
PETITION FOR
REHEARING ON WRIT
OF HABEAS CORPUS

Petitioner in the abovestated matter petitions the Court for a rehearing of the facts and issues involved bringing before the Court issues of fact and material errors made in the presentation of the case. Petitioner brings this belated petition on the grounds that he is blind and has had to search for assistance from others in the preparation of this document, since all of the material has had to be read to petitioner and typing done for him.

I
PETITIONER WAS NOT GIVEN TIME
TO TRAVERSE THE MATERIAL PRESENTED
BY THE ATTORNEY GENERAL:

At the onset of the Petition for Writ of Habeas Corpus, petitioner was represented by counsel, but when said asked to be substituted out, petitioner wrote to the Clerk of the Court and subsequently followed up said with other letters to the clerk requesting time and also asking what was transpiring since he had not heard from his attorneys. Petitioner also asked his attorneys to request an extension of time. Petitioner refers

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III
PRECARIOUS HEALTH DOES
BAR UNDERSTANDING:

The Court noted that the precarious condition of the petitioner's health did not bar understanding. Petitioner refers the Court to the reports of the Adult Authority on the two occasions of March 5, 1971 and April 14, 1971 which clearly indicate that the petitioner was totally unfit for any type of hearing before any board or pannel.

IV
ELLHAMER v. WILSON NOT
A HOLDING CASE FOR PETITION

The Court has held that the instant case falls under the holding of Ellhamer v. Wilson. In that case the petitioner was convicted of several crimes, tried and returned to prison as a parole violator and new conviction. In the instant case there was no new violations what-so-ever. The Department of Corrections tried to show a felony violation but there was no such charge and petitioner was not tried or charged with any such violation thereby placing the petitioner acts solely in the statis of parole violations, and even these were reduced when the truth was presented and the Adult Authority could not stall any longer when presented with the facts. Therefore, petitioner feels that there are holding cases such as Hester v. Craven; Hunington v. Department of Corrections and others which clearly give ground for the Order to Show Cause.

As a last and further proximate cause, petitioner is blind and severely ill as the court is well aware of with less than two years left to live according to Department of Corrections doctors, and petitioner sees no earthly reason for the actions of the Adult Authority in denying petitioner months upon months.

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WHEREFORE, petitioner prays that this Court reconsider its former order and allow petitioner a rehearing on the matter at bar.

Respectfully submitted,

Joseph A. Mazor
Joseph A. Mazor

I the undersigned, am the petitioner in the foregoing document and know the foregoing to be true and correct to the best of my knowledge and belief.

Executed on August 23, 1971, at Chino, California
Joseph A. Mazor
Joseph A. Mazor

FILED

JUL 9 - 1971

C. G. EVENSEN, Clerk

407
[Signature]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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JOSEPH A. MAZOR,) Petitioner	No. C-71 849 ACW
vs		
THE CALIFORNIA ADULT AUTHORITY, et. al.,) Respondents	SUBSTITUTION OF ATTORNEYS

Please take notice that Petitioner JOSEPH MAZOR substitutes JOSEPH MAZOR in propria persona, California Men's Colony, Chino, California for his present counsel EPHRAIM MARGOLIN and RAMSAY FIFIELD and each of them.

DATED: July 2, 1971

The above substitution accepted and agreed to.

Joseph Mazor

JOSEPH A. MAZOR

Ramsay Fifield

RAMSAY FIFIELD

Ephraim Margolin

EPHRAIM MARGOLIN

DATED: July 6, 1971

5-1-09

OFFICE OF THE ATTORNEY GENERAL
STATE OF CALIFORNIA

CERTIFICATE OF SERVICE BY MAIL BY ATTORNEY (C.C.P. 1013A(2)) -
(Must be attached to original or a true copy of paper served.)

No. C-71 849 ACW

RAMSAY FIFIELD certifies that she is
an active member of the State Bar of California, and not a party to the within action.

That his (her) business address is 445 Sutter Street, Suite 501, San Francisco, CA.

That she served a copy of the attached Substitution of Attorneys

by placing said copy in an envelope addressed to EVELLE J. YOUNGER, Attorney General of the State of California, EDWARD P. O'BRIEN, Deputy Attorney General & GLORIA DeHART, Deputy Attorney General, 6000 State Building, San Francisco, CA. 94102
at his office (residence) address 6000 State Building, San Francisco, CA. 94102

which envelope was then sealed and postage fully prepaid thereon, and thereafter was on July 8, 1971
19 71, deposited in the United States mail at San Francisco, CA.

Ramsay Fifield

1 EVELLE J. YOUNGER, Attorney General
of the State of California
2 EDWARD P. O'BRIEN
Deputy Attorney General
3 GLORIA F. DeHART
Deputy Attorney General
4 6000 State Bldg.
San Francisco, Calif. 94102
5 Telephone: 557-0799

FILED
MAY 12 1971

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JH

6 Attorneys for Respondents

C. G. EVENSEN, Clerk

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 JOSEPH A. MAZOR,

Petitioner,

13 vs.

No. C-71 849 ACW

14 THE CALIFORNIA ADULT AUTHORITY, THE
15 CALIFORNIA DEPARTMENT OF CORRECTIONS,
and RAYMOND PROCUNIER and L. J. POPE,
16 in their respective official capacities,

Respondents.

18 RETURN TO ORDER TO SHOW CAUSE
19 AND POINTS AND AUTHORITIES IN
20 SUPPORT THEREOF

21 Come now, the California Adult Authority, the
22 California Department of Corrections, Raymond K. Procunier,
23 L. J. Pope, and the People of the State of California and for
24 a return to the order to show cause heretofore issued on
May 6, 1971, and returnable on May 10, 1971, state:

25 I

26 That petitioner, Joseph A. Mazor, is properly held
27 in custody pursuant to the judgment and commitment of the
28 Superior Court of Los Angeles County entered on June 25, 1965,
29 following his plea of guilty to violation of Penal Code section
30 476, sentencing him to imprisonment in the state prison for the
31 term prescribed by law. (six months to fourteen years). A copy

1.

1 of the Judgment and Commitment is attached hereto as Exhibit A.

2 II

3 That petitioner was paroled on May 22, 1967, with
4 his term set to expire on July 7, 1970; his parole was
5 suspended and he was returned to prison on May 2, 1969, his
6 term reset at maximum; and on June 27, 1969, his parole was
7 revoked.

8 III

9 That on November 19, 1969, petitioner's term was
10 reset at seven years, to expire on July 7, 1972; he was
11 released on parole on February 15, 1970; that his parole was
12 suspended on January 8, 1971, on the basis of a parole
13 violation report charging eleven parole violations; that his
14 parole was revoked on March 5, 1971, after a parole revocation
15 hearing at which he was found guilty of charges numbered 5, 6,
16 7 and 11, charges numbered 3, 8, and 10 were submitted for
17 further investigation, and charges numbered 1, 2, 4 and 9 were
18 dismissed.

19 IV

20 That petitioner's parole was properly revoked for
21 cause and thus no constitutional issue is raised.

22 V

23 That treatment for petitioner's medical problems
24 has been made available both in Department of Corrections
25 facilities and in outside facilities; that no urgent medical
26 treatment is presently required; and that future medical
27 treatment, if required, will be made available as necessary;
28 thus, no federal question is presented.

29
30 WHEREFORE, it is respectfully requested that the
31 petition be denied, that the order to show cause be discharged

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and that the proceedings be dismissed.

Dated: May 10, 1971.

EVELLE J. YOUNGER, Attorney General
of the State of California

EDWARD P. O'BRIEN
Deputy Attorney General

Gloria F. DeHart
(Mrs.) GLORIA F. DeHART
Deputy Attorney General

Attorneys for Respondents

POINTS AND AUTHORITIES

STATEMENT OF FACTS

A. Conviction; Parole and Revocation

Petitioner is presently incarcerated in the California Medical Facility at Vacaville pursuant to the Judgment and Commitment of the Superior Court of Los Angeles County entered on June 25, 1965, sentencing him to state prison for the term prescribed by law (6 months to 14 years), following conviction on his plea of guilty to violation of Penal Code section 476 (Fictitious checks).^{1/} Exhibit A. Petitioner was parole on May 22, 1967, with his term set to expire on July 7, 1970. This parole was suspended and his term reset at maximum on May 2, 1969 and he was returned to prison where parole was revoked on June 27, 1969. See Exhibit C (Summary of Sentence Data - 1965 Conviction).

On November 19, 1969, petitioner's term was reset at seven years, to expire on July 7, 1972, and on February 15, 1970, petitioner was paroled to the Riverside Unit, Los Angeles County. See Exhibit C. Petitioner was released to a parole program which included employment as a research law clerk for John C. McCarthy of the law firm of Young, Henrie and McCarthy in Pomona, California. Petitioner's parole release had been advanced from March 10, 1970, to accommodate the needs of this employer. See Exhibit D at 2. At his initial interview with petitioner the parole agent explained to petitioner that he could neither open a checking account nor sign any contracts without permission. Petitioner informed the agent that he intended to divorce his wife and continue his relationship with Madelynn Beth Boyum, also known as Mazor and Williams. Id. at 3. The parole agent's

1. This offense was committed while petitioner was on parole for a 1963 Los Angeles County conviction for violation of Penal Code section 476a (insufficient funds check). The sentence on this conviction expired as fully served in March, 1968. See Exhibit B (Judgment and Summary of Sentence Data - 1963 Conviction).

1 continuing summary (2-19-70 to 6-30-70) indicates that peti-
2 tioner received an interlocutory decree of dissolution April 16,
3 1970.

4 The report further notes that petitioner was, at one
5 time, considered near totally blind but had received eye
6 refraction and could read with little or no difficulty.^{2/}
7 Petitioner changed his employment to the law firm of Jaffee and
8 Mallory on May 5, 1970, and Mr. Jaffee indicated he would sponsor
9 petitioner in taking the bar exam. Id. at 5. The agent's
10 summary (7-1-70 to 12-14-70) discloses that petitioner was
11 arrested on November 30, 1970, at the request of the parole agent.
12 Id. at 6.

13 On December 16, 1970, a parole violation report was
14 submitted, recommending parole suspension and revocation on
15 the basis of eleven charges as follows:

- 16 1. Joseph Allen Mazor violated Condition 10 of the
17 Conditions of Parole as evidenced by his obtaining a
18 passport without the knowledge or permission of the
19 Parole Agent.
- 20 2. Joseph Allen Mazor violated Condition 10 of
21 the Conditions of Parole as evidenced by his making reser-
22 vations on a United Airlines flight to New York, without
23 the knowledge or permission of the Parole Agent.
- 24 3. Joseph Allen Mazor violated Condition 10 of the
25 Conditions of Parole when he bought a 1965 Jaguar without
26 the knowledge or permission of the Parole Agent.
- 27 4. Joseph Allen Mazor violated Condition 12 of the
28 Conditions of Parole as evidenced by his forging the
29 signature of his fiancée to her income tax refund check

30 _____
31 2. It should also be noted that petitioner obtained an
automobile for his use and had a valid driver's license.
Exhibit D at 11.

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in the amount of \$693.62.

5. Joseph Allen Mazor violated Condition 12 of the Conditions of Parole by making a fictitious automobile purchase draft in the amount of \$450.00.

6. Joseph Allen Mazor violated Condition 12 of the Conditions of Parole by writing and depositing a \$300.00 check on a closed account.

7. Joseph Allen Mazor violated Condition 12 of the Conditions of Parole by attempting to sell furniture which he had rented from another firm.

8. Joseph Allen Mazor violated Condition 12 of the Conditions of Parole by drawing welfare assistance while he was employed.

9. Joseph Allen Mazor violated Condition 12 of the Conditions of Parole by misrepresenting an automobile, and consequently causing his employer a loss of \$1,795.00.

10. Joseph Allen Mazor violated Condition 11 of the Conditions of Parole as evidenced by his being charged by the District Attorney's Office with failure to provide (270 P.C.).

11. Joseph Allen Mazor violated Condition 13a of the Conditions of Parole by establishing numerous credit accounts without the knowledge or permission of the Parole Agent. Id. at 9/10.

The report also set forth supporting evidence for each charge, Id. at 10-13, a resume of parole adjustment, Id. at 14, and reasons for the recommendation, Id. at 15.

On the basis of this report, petitioner's parole was suspended and his term reset at maximum on January 8, 1971. See Exhibit E. Petitioner was returned to prison on January 14, 1971, and was received at the California Medical Facility at Vacaville

1 on January 25, 1971. See Exhibit C. On March 5, 1971, peti-
 2 tioner appeared at a parole revocation hearing. The panel then
 3 found him guilty of charges 5, 6, 7, and 11; dismissed charges
 4 1, 2, 4, and 9, and submitted charges 3, 8 and 10 for investi-
 5 gation. See Exhibits F and G. On March 10, 1971, additional
 6 information was submitted pursuant to this investigation. See
 7 Exhibit H. In addition this report provided supplemental
 8 information indicating that petitioner cashed a check indorsed
 9 by the named payee and himself, but the named payee returned
 10 the check to the firm which cashed it, denying by affidavit,
 11 that she had indorsed it; and that petitioner had purchased a
 12 typewriter on a 90-day conditional sales contract, had paid no
 13 money (one year had elapsed), and was believed to have sold the
 14 typewriter. See Exhibit H at 2.

15 Subsequently, on April 14, 1971, while at the California
 16 Institution for Men at Chino, petitioner made an unscheduled
 17 appearance before an Adult Authority Panel.^{3/} As a result, his
 18 case was submitted for review on April 20, 1971. No change was
 19 made in his status, the Authority resolved the three charges
 20 which were submitted, finding him guilty of charge 8, and dis-
 21 missing charges 3 and 10, and his case was scheduled for con-
 22 sideration again by the entire board on May 17, 1971. Documents
 23 relevant to this meeting are, or will be when received, attached
 24 as Exhibit J.

25 B. Medical Condition and Treatment.

26 As stated above, petitioner was returned to prison on
 27 January 14, 1971, and on January 25, 1971, was received at the

28 3. We have been informed that two Deputy Attorneys General
 29 from the Los Angeles Office were observing Adult Authority hear-
 30 ings conducted at Chino for informational purposes. They had no
 31 particular interest in nor any connection with petitioner's case.
 Petitioner was informed that they were visitors and gave his
 consent to their presence.

1 California Medical Facility at Vacaville. By letter dated
2 January 26, 1971, Riverside General Hospital forwarded a summary
3 of petitioner's examination and treatment. The report recom-
4 mended an investigation by neurology staff and consideration
5 for angiogram studies. The "final diagnosis" set forth in the
6 report is "Rule out Leptomenigeal cyst, meningioma, vascular
7 disorder." See Exhibit I.

8 Reports dated March 1, 1971, (Dr. Prout) and March 2,
9 1971 (Dr. Wright, Consulting Neurosurgeon), see Exhibit I, reveal
10 that petitioner was under the care of the medical staff almost
11 immediately upon his arrival at Vacaville. For instance, skull
12 x-rays were taken on January 27, 1971, an EEG was made, an
13 ophthalmologist was consulted on February 10, 1971, and a neuro-
14 surgical consultation took place on March 2, 1971. Dr. Prout's
15 letter notes "Our consulting radiologist, R. F. Chambers, M.D.,
16 interprets the recent skull x-rays of January 27, 1971, as
17 "abnormal skull evidence of atrophy involving the right hemisphere
18 with probable vascular malformation. Contrast studies would
19 probably be informative." Subject had contrast studies in
20 Fall, 1970, at UCLA Hospital but refuses to sign a release for
21 these records upon advice of his attorney." Dr. Wright's report
22 also indicates that petitioner refused to make the September
23 studies available to the doctor despite being told no meaningful
24 opinion could be rendered without them. Petitioner also refused
25 to consent to angiography in the institution. Dr. Wright recom-
26 mended further tests. A report dated March 4, 1971, indicates
27 that Dr. Prout concurred in this recommendation. See Petition,
28 Exhibit A.

29 By letter of March 22, 1971, to the California Supreme
30 Court, Dr. Carter Noland of Riverside General Hospital stated
31 that petitioner had been scheduled for additional studies and

1 that, "We have since learned that further studies have shown a
 2 need for immediate surgery in order not to endanger his life."
 3 Petition, Exhibit B. By letter dated April 1, 1971, addressed
 4 to the chairman of the Adult Authority, Dr. Prout indicated that
 5 neurological studies should be undertaken, that they could be
 6 performed within the Department of Corrections; but only with
 7 petitioner's consent, which he refused to give, and that peti-
 8 tioner was willing to be hospitalized at Riverside General
 9 Hospital. Out of concern for petitioner's health status, the
 10 doctor recommended that the Adult Authority review his parole
 11 status and reinstate parole to permit petitioner to return to
 12 Riverside General Hospital. See Exhibit I; Petition, Exhibit C.
 13 No change was made in petitioner's parole status, but
 14 after consultation, the Department of Corrections, pursuant to
 15 Penal Code section 2690, arranged for his treatment at Riverside
 16 General Hospital, and on April 9, 1971, transferred him to the
 17 California Institution for Men at Chino, where he was housed in
 18 the institution hospital. Petitioner was available for whatever
 19 studies or surgery staff at Riverside General Hospital wished to
 20 undertake.

21 The report of the studies conducted at Riverside
 22 General Hospital indicates that petitioner was uncooperative
 23 during the physical examination, and, refused to release to the
 24 hospital the angiograms done at UCLA. The report shows that
 25 SMA, CBC, and EKG tests or studies were within normal limits.
 26 Skull films reveal multiple radiolucent defects in the right
 27 cranial vault, and subtle abnormality, but no gross abnormality.
 28 Apparently, further surgery was unnecessary because petitioner
 29 was discharged with the recommendation that skull films be done
 30 in two years. The report is attached, or will be when received,
 31 as Exhibit K.

1 Petitioner was returned to Vacaville on April 27, 1971.
2 He is presently under a "medical hold" which means that he cannot
3 be transferred to an institution without medical clearance. He
4 will be transferred back to Chino when approved by that insti-
5 tution's medical officer as space becomes available.

6 ARGUMENT

7 PETITIONER'S PAROLE WAS PROPERLY REVOKED
8 AND THERE HAS BEEN NO DENIAL OF ADEQUATE
9 MEDICAL TREATMENT; THUS, NO CONSTITUTIONAL
10 QUESTION IS PRESENTED.

11 Petitioner has filed in this Court a petition for writ
12 of habeas corpus which, although emphasizing his physical con-
13 dition and apparently objecting to the medical treatment afforded
14 him, seeks only a determination that California procedures for
15 revoking parole are unconstitutional, in that/his parole
16 revocation, he was denied counsel, the right to confrontation,
17 the right to present witnesses. See Petition at 12.^{4/}

18 From the facts as stated above, it is obvious that there
19 is no present issue concerning petitioner's treatment. Petitioner
20 does not even suggest what test or procedure is presently necessary
21 and unavailable. There is simply no federal question presented.
22 Cf., Haggarty v. Wainwright, 427 F.2d 1137 (5th Cir. 1970).

23 It is also clear from the records submitted herewith
24 that no federal question is presented by Adult Authority action
25 in revoking petitioner's parole. There is no right to counsel, to
26 confrontation of witnesses, or to call witnesses. All that is
27 constitutionally required is cause for the revocation. See
28 Allard v. Nelson, 423 F.2d 1216 (9th Cir. 1970); Mead v.
29 California Adult Authority, 415 F.2d 767 (9th Cir. 1969); Dunn
30 v. California Department of Corrections, 401 F.2d 340 (9th Cir.
31 1968); Eason v. Dickson, 390 F.2d 585 (9th Cir.), cert. denied,
32 392 U.S. 914 (1968). Ample cause is shown here.

4. On March 26, 1971, petitioner filed a nearly identical petition in the California Supreme Court. The Court denied the petition on April 22, 1971. The Court had been informed that petitioner had been transferred for treatment pursuant to Penal Code section 2690, and had available the documents submitted herewith as Exhibits A-I.

1 Petitioner was found guilty of five of the eleven
2 violations charges. The supporting evidence provided for these
3 charges discloses conduct clearly in violation of parole. (Ex.D 10-13;
Ex. H.)

4 Petitioner alleges that he was unable to present
5 documentary evidence of his innocence because of his blindness,
6 that the Adult Authority would not consider this evidence and
7 that counsel now have possession of this documentary evidence
8 of his innocence of all charges.

9 We submit that this record clearly shows that the
10 Adult Authority did consider most carefully the evidence pre-
11 sented to it including petitioner's story and his documents,
12 if any. At the time of the hearing four of the charges were
13 dismissed. Three charges were submitted for further investi-
14 gation. This conclusion is supported, even by petitioner's
15 allegation that Mr. Valachi stated, "I hate this damned paperwork.
16 We cannot support the charges and we will investigate." See
17 Petition at 5. It is a mere conclusion unsupported by facts that
18 because the panel returned the documents they did not consider
19 them.

20 Although petitioner claims that he has documentary
21 evidence that he is not guilty of any of the charges, he has not
22 provided this Court with this evidence nor indicated what it is
23 or to which specific charges it may be relevant. Moreover,
24 although the Adult Authority will not permit counsel to be present
25 at a revocation hearing, counsel is free to present written
26 argument and documentary support to the Adult Authority for their
27 consideration. Apparently, no effort has been made even to do
28 this.

29 Finally, The Adult Authority is routinely provided with
30 a Readmission Summary which includes a medical report. The report
31 in this case, we are informed, included information on both

1 petitioner's blindness and possible brain tumor.

2 CONCLUSION

3 It is obvious from this record that the allegation of
4 the imminence of petitioner's death is overstated, as is the
5 allegation of total blindness. His claim of denial of due
6 process in his parole revocation hearing lacks both legal and
7 factual substance. In fact, the record shows that petitioner
8 has had a most thorough consideration and review of both his
9 condition and his status. In the circumstances shown, no
10 federal question is presented. We respectfully request that
11 the petition for writ of habeas corpus be denied, that the order
12 to show cause be discharged, and that the proceedings be
13 dismissed.

14 Dated: May 10, 1971.

15 EVELLE J. YOUNGER, Attorney General
of the State of California

16 EDWARD P. O'BRIEN
Deputy Attorney General

17 *Gloria F. DeHart*
18 (Mrs.) GLORIA F. DeHART
19 Deputy Attorney General

20 Attorneys for Respondents.

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James

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

5-1-C-3+

JUDGMENT

Department No. 100

June 25

19 65

Present Hon. DAVID W WILLIAMS Judge

THE PEOPLE OF THE STATE OF CALIFORNIA, vs

304175

JOSEPH A MAZOR

216-712

Deputy District Attorney James Johnson and Defendant with counsel
Deputy Public Defender L. Schoenheit present. Probation denied.
Sentenced as indicated.

Whereas the said defendant having _____ duly pleaded _____
guilty in this court of the crime of ISSUING FICTITIOUS CHECK (Sec 476 PC), a felony,
as charged in the information

CLM
1965 JUL -7 AM 10:33
B. GARDNER

It is Therefore Ordered, Adjudged and Decreed that the said defendant be punished by imprisonment in the State Prison for the term prescribed by law.

It is further Ordered that the defendant be remanded into the custody of the Sheriff of the County of Los Angeles, to be by him delivered into the custody of the Director of Corrections at the California State Prison at Chino.

Prob. / Aud. _____ DMV _____
LAPD / Csh. _____ CYA _____
Co. J. / Juv. _____ C. Clk _____
Shor. _____ Psyc. _____ Misc. _____

JUDGMENT — State Prison
(Mon)

163507D-4/63

THIS MINUTE ORDER WAS
ENTERED
JUN 30 1965
WILLIAM G. SHARP, COUNTY CLERK
AND CLERK OF THE SUPERIOR COURT
C. A. R. [Signature]

State of California)
County of Los Angeles) ss

I do hereby certify the foregoing to be a true and correct abstract of
a judgment duly made and entered in the office of the Superior Court
in the above entitled cause, and that the same is correct and true.
Witness my hand and seal of office this 1st day of July 1965
at Los Angeles, California, the Superior
Court of said County, in and for the

JUL 1 - 1965

Deputy
The Honorable David W. Williams

C. I. M.

5-1-C-3 ✓

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

G.C. ADMITTANCE
JUDGMENT

Department No. 100

March 8, 1963 Present Hon. DONALD R. WRIGHT Judge

F. Amick

THE PEOPLE OF THE STATE OF CALIFORNIA, vs 269+21
JOSEPH A MAZOR

Deputy District Attorney Malcom Harris and the Defendant in propria
persona, present. Each count: Probation denied. Sentenced as
indicated.

Whereas the said defendant having duly pleaded
guilty in this court of the crime of ISSUING CHECK WITHOUT SUFFICIENT FUNDS
(Sec 476a PC), a felony, as charged in each of the Counts 1, 2 and
3 of the information

It is Therefore Ordered, Adjudged and Decreed that the said defendant be punished by imprison-
ment in the State Prison for the term prescribed by law, on said Counts.
Sentences as to Counts 1, 2 and 3 are ordered to run CONCURRENTLY with
each other.

It is further Ordered that the defendant be remanded into the custody of the Sheriff of the County
of Los Angeles, to be by him delivered into the custody of the Director of Corrections at the Califor-
nia State Prison at Chino.

original on file in my office.

By WILLIAM G. SHARP, County Clerk
Dated: MAR 13 1963
WILLIAM G. SHARP, COUNTY CLERK
Clerk of the Superior Court of
Los Angeles County, California
CO. J. 7
Sher. _____
Psyc. _____
Misc. _____
JUDGMENT - State Prison
(Man)

This Minute Order has been
entered on file by
WILLIAM G. SHARP, County Clerk and Clerk of
the Superior Court of the State of California, in
and for the County of Los Angeles.
By _____ Deputy

143307D-7/61

State of California)
County of Los Angeles) ss

I do hereby certify the foregoing to be a true and correct abstract of the judgment duly made and entered on the minutes of the Superior Court in the above entitled action as provided by Penal Code Section 1213.

Attest my hand and seal of the said Superior Court this MAR 14 1963
WILLIAM G. SHARP, County Clerk and Ex-officio Clerk of the Superior Court of the State of California, in and for the County of Los Angeles.



By [Signature] Deputy
The Honorable Donald R. Knight
Judge of the Superior Court of the State of California,
in and for the County of Los Angeles

	Credits Ded	Restored Credits	Additional Credits	Discharge Date	Parole Effective Date
CRIME: NSF Check 3 Cts CC 476a PC					
TERM: 6mos-14 3 Cts CC					
COUNTY: Los angeles					
County Case No.: 269421					
JUDGE: D R Wright 3/19/63 REC'D RGC CHINO					
MAY 8 1963 TRANS TO CMC-EAST					
MAR 15 1964 T.F.A. 3 YRS. GRANT LAST 1 YRS. & 9 MOS. ON PAR. (MAY)				3-17-66	6-17-64
APR 11 1964 - Noted - (MAY)					
1-19-64 ROP <i>Los Angeles County</i>					
1-65 PV WNT REC'D RGC CIM				3-17-77	
15-65 REC'D RGC CMC					
23-65 Parole Canceled					
3 1965 PG all Cts. Rev. Den. P.O. <i>1/27 17R</i>					
APR 21 1965					
MAY 18 1967 GTRFA 5 yrs on 3 Cts CC ATEFA 5 yrs CC WPT: Granted last 3 yrs on parole.				3-19-68	2nd Term
1-19-67 Action of A.O. in LA: PD adv. from 7-7-67 to 5-22-67					
1-22-67 Paroled. Riverside Unit 1 San Bernardino Co. Reg. IV					
3-19-68 EXPIRED & REMAINS ON A TERM					
1-20-69 OTC & RET (SAME DATE)					

SUMMARY OF SENTENCE DATA

S-1-C-3 Y

	Forfeited	Restored Credits	Additional Credits	Discharge Date	Effective Parole Date
NAME: Fict Check CC WPT 476 PC					
ERM: 6mo-14 CC WPT					
COUNTY: Los Angeles					
County Case No.: 304175					
JUDGE: D.W. Williams					
7/65 PV WPT REC'D RGC CIM					
15/65 REC'D RGC CMF					
21 1955 CIM					
18 1967 CTRFA 5 yrs. on 9 3cts CC ATFA 5 yrs CC WPT Granted last 3 yrs on parole				7-7-70	7-7-67
-19-67 Action of AD in LA: PD adv from 7-7-67 to 5-22-67					
22-67 Paroled Riverside Unit #1 San Bernardino Co. Region IV					
AY 2 1969 PAROLE SUSPENDED-RETURN TO PRISON FOR REVOCATION PROCEEDINGS. ORDERED			CJ-PUR		
-5-69 PV TFT REC'D RGC CIM	0-0-3		0-0-3	7-7-79	
-15-69 REC'D RGC CMF PB cts 24, 26, 3, PNG cts 1, 4, et. 1 dismissed 7-69 et. 4 submitted. Rev. Con. P.O. 11/63 P.O. 1/67					
JUL 7 '69 rec'd SCC Orient					
-12-68 Rec'd CIM-West					
-22-69 OTC & Ret. (writ)					
-29-69 OTC & Ret.					
-30-69					
-20-69					
-19-69 AREA 7 yrs CC WPT. Granted per off 3-10-70				7-7-72	3-10-70
-12-69 Def. Rec'd and. San Bernardino Co. C 30 1969 CIM					
-13-70 Action of AD in LA: PD adv. from 3-10-70 to 2-15-70					
15-70 Paroled Riverside Unit 26 Co. Region IV					
AN 8 1971 PAROLE SUSPENDED-RETURN TO PRISON FOR REVOCATION PROCEEDINGS. ORDERED			CJ-PUR		
-14-71 PV TFT REC'D RGC CIM	0-0-6		0-0-6	7-7-79	
25-71 REC'D RGC CMF					
AR 5 1971 PNG cts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11. Facts 5, 6, 7, 11. Cts 3, 8, 10 submitted. Cts 1, 2, 4, 9 Dismiss. Rev. Con. P.O. 7/71 RR Cal					
A-77153-A HAZOR, Joseph A.					

5-1-c-4a

CASELOAD # 2811

RELEASE DATE 3-10-70 *	FACILITY CIM
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OFFICIAL RELEASE AUTHORIZATION
FOR: REGIONAL ADMINISTRATOR PAROLE & COMMUNITY SVCS.
BY: <i>[Signature]</i>

*Parole Advancement requested to 2-15-70
 Do Not Release on Weekend or Holidays

RESIDENCE	WITH WISH, STREET, CITY, STATE Mayfair Hotel, Third & Garay, Pomona					
	NAME, STREET, CITY, PHONE Young, Honrio, & Mc Carthy, Attys. 100 Pomona Mill, West, Pomona			Phone 629-2521		
EMPLOYMENT	TYPE OF EMPLOYMENT, SALARY Research Law Clerk			JOB OFFER OBTAINED BY Inmate		
BUDGET	TOTAL	ROOM AND BOARD	INCIDENTALS	LOCAL TRANS.	UNION FEE	OTHER (EXPLAIN IN REMARKS)
	\$ 60.00	\$ 50.00	\$ 10.00	\$ 0.00	\$ 0.00	\$ 0.00
	RELEASE WITH	PAID TO			BALANCE TO	
	\$ 60.00	POMONA			00000000 UNIT COST	
CLOTHING	None <input type="checkbox"/> Standard <input type="checkbox"/> Khaki <input type="checkbox"/> White					
REPORTING INSTRUCTIONS	PAROLE AGENT UNIT OFFICE, ADDRESS, TIME, DATE Report to residence & employment program. Will be contacted by Parole Agent at employment.					
DEVELOPMENT CONTACTS	PERSONS AND RESOURCES USED TO DEVELOP RPS John C. Mc Carthy, Employer Margaret Mazor, Wife Madelyn Boyum, Former fiancee Subject					

NOTE: IF TOOLS NEEDED ITEMIZE IN "REMARKS" WITH COST BREAKDOWN

REMARKS: After lengthy interview with Subject he finally admitted he has no intention of reconciling with wife. Would have left her after two weeks with claim that he tried, but it wouldn't work. Due to near blindness and no transportation, the Mayfair Hotel is recommended as it is one block from his employment.

Employer requests Subject be at work on 2-16-70, therefore Sunday release of 2-15-70 has been requested.

Maximum budget is requested as Subject's wife is on welfare and can be of no assistance.

for *ASA*
 Robert A. Sison
 Parole Agent I

No. A-77153 NAME MAJOR, Joseph A. PEGS/RIV-2 jm 2-6-70 Page 1
 CA 1224 (11/67) F

EXHIBIT D

RELEASE PROGRAM STUDY

S-1-C-46

DEPARTMENT OF CORRECTIONS

Report To:
 From: Parole and Community Services Division Date: February 6, 1970
 Name: MAZOR, Joseph A (2 T) Number: A-77153
 Commitment: Fict. Check, CC WPT Term Set: ATRFA 7 yrs, CC WPT
 Received: 7-7-65 Released: * Paroled: Suspended: Reinstated: Expires: 7-7-72
 Present Location: California Institution for Men (Parole Date 3-10-70)

SUBJECT OF REPORT: * PAROLE ADVANCEMENT

CIRCUMSTANCES: 11-19-69 ATRFA 7 yrs CC WPT. Granted parole effective 3-10-70. Minimum eligible parole date 1-7-66.

Subject has a job offer from John C. McCarthy of the law firm of Young, Henrie, and Mc Carthy, 100 Pomona Mall, West, Pomona, California. Mr. Mc Carthy wishes to employ Subject as a research law clerk at a salary commensurate with one who has a law degree, but is not yet admitted to practice law. Subject obtained this job himself while on a 72 hour pass.

Mr. Mc Carthy states the firm is desperately in need of a research assistant and must fill this position by the middle of February (see attached from the above-mentioned law firm). This agent investigated the above offer for a possible collusion. Mr. Mc Carthy definitely states that he had never met Subject, or heard of him prior to his coming to the law firm regarding a legal matter.

It would appear the program meets policy requirements in that:

1. Advancement originates with the agent at the request of the employer.
2. The opportunity will not be available at the scheduled release date.
3. Request has been investigated and approved by this agent.
4. No collusion appears to be involved.

RECOMMENDATION: That the parole date be advanced from 3-10-70 to 2-15-70, in order to accommodate the employer.

APPROVED: Respectfully submitted,
 J. B. Jones, Supervisor, Parole Unit
 Frederick Galloway, District Parole Admin.
 Robert J. Sloan, Parole Agent I

MAZOR, Joseph A-77153 PEGS/RIV-2 jm 2-6-70 Page 2
 CCC 1521 109 1769 PCL

INITIAL INTERVIEW

Released From CIM Date 2-15-70 Time 10:00 A.M. Transportation Auto Family

Reported 2-16-70 Interviewed _____ Location _____

Balance _____ Delivered N/A

Balance _____ Delivered N/A

Clothing Issue No. None Acceptable? N/A Number of Pre-Release Classes Attended Unknown

INITIAL PROGRAM
(If Different From RPS)SUPERVISION: ConditionalRESIDENCE: Mayfair Hotel, Room 203, 3rd & Garvey, PomonaEMPLOYMENT: Young, Henrie, & Mc Carthy, 100 Pomona Mall Status

West, Pomona

Start 2-16-70 Wage _____ Position _____ Known _____

GENERAL EVALUATION - and listing of apparent problems:

TRANSFER SUMMARY From 2-15-70 to 2-19-70

FACTUAL DATA:

A parole advancement was obtained for Subject on the basis of immediate employment with the law firm of Young, Henrie, & Mc Carthy, who are employing Subject as a research assistant. Most of Subject's work will be conducted at the law library at the Municipal Court's building in Pomona.

On 2-17-70 Subject obtained residence at the Mayfair Hotel for which he pays \$21.00 per week. Subject has no desire for a reconciliation with his wife, who lives in China. However, he will have visitation rights with his six children by her.

Prior to Subject's release he was interviewed at California Institution for Men by this agent. At that time it was thoroughly explained to Subject that he would not be permitted to open a checking account nor sign any contracts without the permission of the Parole Agent.

Subject frankly admits that he intends to divorce his wife as soon as he is financially able to do so. He further intends to continue his romantic relationship with Madelyne Beth Boyum, also known as Mazor, and Williams. Subject has been definitely instructed that he will not be permitted to enter into a common-law relationship with this woman.

MAZOR, Joseph A-77153 P&CS/RIV-2 jm 2-20-70 Page 3

INITIAL INTERVIEW, Continued
Page 2

There are conflicting statements in the Cumulative Summary, Readmission Summary, Parole Violation Report, and the Pre-release Referral. For the clarification of the agent receiving this case it is to be noted that Subject is not, and has not ever been married to Madelynn. Subject has six children by his legal wife, Peta Margaret Masor. There are no children by Madelynn (whom Subject refers to as Beth). Subject claims to be totally blind in the right eye, and 20-450 vision in the left eye. The dormitory officer at C.I.M. reports to have observed Subject reading a newspaper with only the aid of the colored glasses which he wears at all times.

The receiving agent should read the prior parole violation carefully as it will give a clue to Subject's manipulative abilities.

This case was discussed with Parole Agent Collins of the Eagle Rock Work Unit prior to Subject's release, due to his intended residence in Pomona. Case is hereby transferred to Parole Agent Collins, Case-load 1270, of the Eagle Rock Work Unit.

Subject is not indebted to the Cash Assistance Fund. There will be no 2943 P.C. Report due on Subject until 2-15-72.

ROBERT J. SLOAN, PA I/jm 2-19-70

SUMMARIZATION OF ACTIVITIES From 2-19-70 to 6-30-70

Residence: 150 West Foothill, Apt. 31B, Pomona, California
Employment: Jaffee & Malloy, Attorneys, 333 West Mission, Pomona
Supervision: Regular-Open

CASE CONTACTS:

Employment:	3-16	4-4	5-5	5-19	6-24
Phone:	2-16	3-1	6-3		
Collateral:	3-16	5-5	5-18	6-3	
Case Conf:	4-3	6-26			

PRESCRIPTION PROGRAMMING:

Prescription: The prescription in this case is to obtain stable employment, not enter into any business without prior approval of the Parole Agent, and resolve marital problems.

Measurement:

Assess: None.

Residence: Upon release from prison Subject initially resided at the Mayfair Hotel in Pomona. After he became financially solvent Subject rented an apartment in northeast Pomona. Subject never reconciled with his wife after his release. However, he does visit with her and his

CONT. SUMM. OF ACT. From 2-19-70 to 6-30-70

children regularly. Subject filed for a dissolution of marriage on 3-2-70. On 4-16-70 an interlocutory judgement of dissolution of marriage was granted.

Employment: Subject was released to accept work as a legal research assistant for the law firm of Young, Kenzie, and McCarthy. On 5-5-70 Subject moved to the above mentioned law firm of Jaffee and Mallory. Subject is presently receiving \$850.00 a month, plus he does legal research for other attorneys on the side. Mr. Jaffee of the aforementioned law firm feels that it would be beneficial to him and to Subject for Subject to obtain his own business license, and to keep on a retainer by the law firm. They would provide him with free office space and clerical assistance. Mr. Jaffee has written this agent a letter, outlining the foregoing.

Leisure Activities: Subject spends most of his time with his girl friend, Madelynn Beth Boyum. Subject has custody of his children on the weekends, and appears to be a devoted father.

Use of Alcohol and/or Narcotics: No known use of narcotics. Subject admits to an occasional social use of alcohol.

Physical Problems: Subject was, at one time, considered near totally blind. He has received eye refraction and can now read with little or no difficulty.

Financial Matters: Subject's earnings are more than adequate to meet his needs. Subject is paying \$151.00 per month to the welfare department for child support.

CASE EVALUATION AND PLANNING:

Subject has progressed exceedingly fast. The Parole Agent is attempting to watch for manipulations on Subject's behalf. However; all attorneys that Subject has worked for are aware of his criminal record and are aware that he is on parole. Mr. Jaffee has informed this agent that he will sponsor Subject in taking the bar examination, and will accept him as a junior partner in his firm, once he passes the Bar exam. Subject and ex-wife appear to get along well, except when his girl friend appears on the scene. At these times the wife becomes very vindictive and causes a scene. She has admitted to Parole Agent that she still loves Subject and feels that he will eventually return to her. She signed an agreement of non-contestment on the dissolution of marriage, feeling her chances of winning him back are better if she does not fight with him. Subject verbalizes strong feeling for the girl friend, and sees no possibility of a reconciliation with his ex-wife. It is felt program should continue at present supervision level.

Case Conference held on 4-3-70 with Unit Supervisor Dynes who noted: "As we predicted, he is going to require at least Regular supervision. Upgrade accordingly. His letter on firm letterhead to G.I.M. inmate needs follow up."

CONT. SUMM. OF ACT. From 2-19-70 to 6-30-70

Case Conference on 6-26-70 with Assistant Unit Supervisor Fiacco noted: "Good parole adjustment. Continue present program.

ROBERT J. SLOAN, PA I/jm 6-30-70
SUMMARIZATION OF ACTIVITIES From 7-1-70 to 12-14-70

Residence: Riverside County Jail
Employment: Riverside County Jail
Supervision: Regular-Open

CASE CONTACTS:

Home:	10-27	11-24							
Employment:	10-6								
Jail:	11-30	12-1	12-2	12-4	12-11				
Field:	10-22	11-30							
Phone:	8-7	11-13	11-20	11-30					
Collateral:	8-7	8-7	10-2	10-5	10-15	10-21	10-22	10-22	
	10-22	10-22	10-22	10-22	10-22	10-27	10-27	11-6	
	11-23	11-30	11-30	11-30	11-30	11-30	11-30	11-30	
	12-1	12-3	12-3	12-3	12-3	12-4	12-4	12-4	
	12-4	12-4	12-4	12-4	12-4	12-4	12-4	12-4	
	12-4	12-7	12-7	12-11	12-11				
Case Conf:	10-30								

FACTUAL DATA:

Arrests: Subject was arrested on 11-30-70 by the Anaheim Police Department at the request of the Parole Agent on a charge of 3056 P.C. The arrest was the result of the Parole Agent learning that Subject had moved from his apartment, owing 1 1/2 months rent, had three credit cards belonging to his ex-wife, had sold all of his and his wife's furniture, and had airline reservations for New York, instead of Dayton, Ohio. For further details, see attached board report.

Residence: On 4-16-70 Subject was granted an interlocutory judgement of dissolution of marriage from his legal wife, Margaret Mazer. Shortly thereafter Subject moved into a common-law relationship with a Madeline S. Boyum (or Williams). Mrs. Williams is a forty-three year old, twice divorced woman, whom he had been going with on his previous parole. On 11-6-70 Subject and Mrs. Williams were legally married. Throughout the period of this report they resided at the Polynesian Gardens, where they rented a two-bedroom apartment for \$160.00 per month.

Employment: As stated in the previous summarization of activities, Subject went to work for the law firm of Jaffee and Mallory on 5-4-70. On approximately 6-26-70 this agent received a letter from Mr. Jaffee, stating the advantages of Subject maintaining his own identity as a research consultant, and thereby establishing his own business. Mr. Jaffee stated that this would be advantageous to both, as he would not have withholding problems regarding to Subject, and Subject would possibly have more legal deductions from an income tax point of view, plus he might

S-1-C-49

CONT. SUMM. OF ACT. From 7-1-70 to 12-14-70

as being an attorney, they were willing to keep him on and later sponsor him on taking a state bar examination. However, Subject exploited them, their clients, and various businesses in the area. Subject's desire to get ahead, and his need for status, caused him to "burn" almost every person with whom he came in contact. As noted above under Financial Matters, Subject's manipulations will result in a loss of in excess of \$5,000 to various people who trusted him. The amount is such that he cannot make restitution, and the pressure from creditors will only cause him to make further attempts at manipulation. For further details see attached board report.

Case Conference 10-30-70 with Unit Supervisor Dynce noted: "Caught him in time to prevent getting in over his head in business and money. Close scrutiny of his business operation will provide both control and support."

ROBERT J. SLOAN, PA I/jm

5-1-c-5a

DEPARTMENT OF CORRECTIONS

REPORT TO ADULT AUTHORITY

FROM: Parole and Community Services Division Date: December 16, 19 70

Name: MAZOR, Joseph Allen (2 T) Number: A-77153-A

Commitment: Fict Check CG WPT (CIM) Term Set: ATRFA 7 yrs CG WPT

Received: 7-7-65 Paroled: 2-15-70 Suspended: Reinstated: Expires: 7-7-72

Present Location: Riverside County Jail OHO

SUBJECT OF REPORT: VIOLATION - TECHNICAL

REVIEW OF PREVIOUS ACTIONS: 2-13-70 Parole date advanced from 3-10-70 to 2-15-70 to accommodate employer.

REASON FOR REPORT: Subject's manipulations will cause an actual cash loss in excess of \$5,000.00 to victims, plus near accomplishment of criminal acts, and an aborted attempt to abscond.

CHARGES SPECIFIED:

1. Joseph Allen Mazor violated Condition 10 of the Conditions of Parole as evidenced by his obtaining a passport without the knowledge or permission of the Parole Agent.
2. Joseph Allen Mazor violated Condition 10 of the Conditions of Parole as evidenced by his making reservations on a United Airlines flight to New York, without the knowledge or permission of the Parole Agent.
3. Joseph Allen Mazor violated Condition 10 of the Conditions of Parole when he bought a 1965 Jaguar without the knowledge or permission of the Parole Agent.
4. Joseph Allen Mazor violated Condition 12 of the Conditions of Parole as evidenced by his forging the signature of his fiancée to her income tax refund check in the amount of \$693.62.
5. Joseph Allen Mazor violated Condition 12 of the Conditions of Parole by making a fictitious automobile purchase draft in the amount of \$450.00.
6. Joseph Allen Mazor violated Condition 12 of the Conditions of Parole by writing and depositing a \$300.00 check on a closed account.

MAZOR, Joseph A. A-77153-A P&CS/RIV-2 jm 12-16-70 Page 9

REPORT TO ADULT AUTHORITY
Page 2

- 7. Joseph Allen Mazor violated Condition 12 of the Conditions of Parole by attempting to sell furniture which he had rented from another firm.
- 8. Joseph Allen Mazor violated Condition 12 of the Conditions of Parole by drawing welfare assistance while he was employed.
- 9. Joseph Allen Mazor violated Condition 12 of the Conditions of Parole by misrepresenting an automobile, and consequently causing his employer a loss of \$1,795.00.
- 10. Joseph Allen Mazor violated Condition 11 of the Conditions of Parole as evidenced by his being charged by the District Attorney's Office with failure to provide (270 P.C.).
- 11. Joseph Allen Mazor violated Condition 13a of the Conditions of Parole by establishing numerous credit accounts without the knowledge or permission of the Parole Agent.

SUPPORTING EVIDENCE:

Charge 1. On 11-23-70 the Parole Agent learned that Subject had obtained a passport, through a collateral resource. On 11-24-70 Subject was confronted with this fact. Subject rationalized this fact by stating he had previously discussed with Parole Agent the possibility of obtaining employment in a foreign country. He had just taken the preliminary steps to being able to accept overseas employment. It was pointed out to Subject that (1) he had not yet received permission to go overseas, (2) as the passport costs \$12.00, this was an unnecessary expenditure, and (3) this is not the act of a rational person.

Charge 2. After Subject had been arrested on 11-30-70, Parole Agent learned from an attorney in Los Angeles that Subject had reservations on a United Airlines plane for New York. On 12-4-70 Parole Agent talked to a Mr. Morris, reservation operating chief, United Airlines. Mr. Morris verified that Subject had reservations on United Airlines, Flight No. 10, Wednesday, December 2nd, for a party of three, going to New York. Subject and his wife were questioned separately regarding this incident, and both adamantly denied any such reservations. Finally, after the wife was confronted with the flight number and the date, she admitted that they had originally planned to fly, but decided that it was too expensive, and forgot to cancel the reservations. Subject stated he remembered talking to the airlines about the cost of the flight, but does not remember making the reservations. Subject further admitted that he had entertained the idea of absconding to Europe, but dismissed the idea.

Charge 3. On 5-1-70 Subject requested permission to purchase an

REPORT TO ADULT AUTHORITY
PAGE 3

automobile, showing Parole Agent a valid operator's license. Subject was informed of the insurance requirements, and additionally, a limit of \$50.00 a month was set for automobile payments. On 6-24-70 Subject showed the Parole Agent a 1965 Jaguar, with a temporary registration slip on the window registered to the law firm of Jaffee and Malloy. Subject explained that the law firm had purchased this automobile for him to use in his work for them. On 10-22-70, when several other irregularities came to light, Mr. Jaffee informed this agent that Subject was purchasing this automobile with payments of \$105.00 a month, and that it was purchased in their name as Subject's credit would not clear. Due to the various irregularities and the total indebtedness of Subject, Mr. Jaffee took possession of the Jaguar as security.

Charge 4. On 10-21-70 Subject's fiancée, Madeline S. Williams, informed the Parole Agent that they had an argument. She showed Parole Agent Subject's business book, check stubs, and deposits. She further informed the Parole Agent that her income tax refund check had never been received, and she had filed with the Federal Government for a tracer or a re-issue of the check. It was noted that on 5-25-70 Subject had made a deposit of \$643.62, which is the exact amount of her refund check, minus \$50.00. On 10-22-70 Subject was confronted with this fact. At first he denied seeing or forging the check. After being informed that a handwriting expert would be called in on the case, Subject admitted forging the check and depositing it to his account. Subject rationalized this by saying it was her investment in the Research Development Corporation, of which she is a partner. Mrs. Williams and Subject were married on 11-6-70, and she withdrew her claim to the government.

Charge 5. On 10-22-70, during an investigation into Subject's activities, Mr. Arthur Jaffee showed Parole Agent two automobile purchase drafts, given to him by Subject as a request for an extension on payment of a draft. One of these drafts was made in the amount of \$1,000 from Tate Motors, which investigation revealed to be a bonafide draft. The other draft was in the amount of \$450.00, allegedly signed by a William Johnson. The Parole Agent recognized the writing to be that of Subject. Additionally a check with the Security First National Bank revealed to not have an account in the name of William Johnson, the alleged maker. On 10-22-70 Subject was confronted with this fictitious draft. Subject at first, strongly denied writing it. Again, when confronted with its being submitted to a handwriting expert, Subject admitted writing the draft. Subject attempted to rationalize his behavior by stating he got himself overextended, depending upon accounts receivable. Subject was reminded he had been counseled on numerous occasions regarding overextending himself. (See Addendum #1)

Charge 6. On 12-4-70, while checking into Subject's banking activities, Parole Agent learned from a Mrs. Tuttle of the North Gary Branch

REPORT TO ADULT AUTHORITY
PAGE 4

of the Bank of America, that Subject had deposited a \$300.00 check written on a closed account. This check was written on 11-5-70 on the Investment Research Development account at Wells Fargo Bank in Pomona. On 10-22-70 Parole Agent learned that the Wells Fargo account was overdrawn in the amount of \$455.15. At that time Subject was informed that I.R.D. was out of business, and he was not to issue anymore checks, and further he was to make up the overdraws at the bank. Mrs. Tuttle stated that checks had been written on this \$300.00 deposit, which made his account at the Bank of America overdrawn. When confronted with this fact Subject stated that he had "heard" that he still had money in the Wells Fargo Bank, and this was his way of attempting to retrieve it.

Charge 7. On 12-4-70, while talking to a Mr. Jerry Edgar, of Business Interiors, Mr. Edgar informed this agent that Subject had tried to sell his (Mr. Edgar's) rental furniture to Patton Sales. The Parole Agent talked to Eva Miller of Patton Sales. She states Subject called them to sell some furniture to them on or about 10-28-70. The furniture consisted of a large executive desk, a high-backed leather judge's chair, two sofas, a small desk, small occasional tables, lamp, a two drawer legal filing cabinet, and a uni-filer. They gave an extremely low offer of \$300.00. After inquiring at another office, they learned the furniture was rented from Business Interiors, and informed them. At that time Business Interiors came and repossessed their furniture.

Charge 8. On 12-4-70, while investigating Subject's banking activities, it was learned that Subject's wife had deposited a check from the Los Angeles County Welfare Department made out in Subject's name in the amount of \$195.00. Mrs. Mary Anderson of the Department of Public Social Services reported to agent that Subject applied for Aid to the Totally Disabled on 2-12-70, and has been receiving \$195.00 since that date. Inasmuch as Subject received a parole advancement to accept work and was released on 2-15-70, he has been continuously employed or in business for himself during the entire period of his parole, this matter was turned over to the Welfare Fraud Division. They estimate that the amount of Subject's fraud is approximately \$1,950.00. They intend to go through their usual procedures of first attempting to re-claim the money through civil action,

Charge 9. In approximately July, 1970, Subject was employed by the law firm of Jaffee and Malloy. A divorce settlement had been won for one of the firm's clients, a Ruth Ellen Hinze. Mrs. Hinze stated she was looking for a good transportation vehicle. Subject offered to sell her his fiancée's 1966 Thunderbird, and quoted her a price from the Kelly Blue Book of \$2,250.00. Mrs. Hinze bought the automobile. She subsequently learned that the car was not in good running condition and, in addition, had been misquoted in value. She went to the

REPORT TO ADULT AUTHORITY
PAGE 5

law firm and complained to Mr. Jaffee. Not wanting to destroy the relationship of a client, Mr. Jaffee refunded her money out of his pocket, and returned the car to Subject. The Parole Agent checked the Kelly Blue Book and found the retail value of this car to be \$1,990.00 and the wholesale value of the car, \$1,400.00. When questioned regarding this incident, Subject rationalized his behavior by stating that he must have looked at the wrong blue book. Subject has paid some cash and has done some work for Mr. Jaffee to reduce this amount. At the present time Subject still owes Mr. Jaffee \$1,795.00.

Charge 10. Subject is required by the court to pay \$150.00 per month to his ex-wife for the support of his six children. Subject has made no payments since September, 1970. On November 16, 1970, a criminal subpoena was issued to Subject ordering him to appear in court on 12-22-70 on a charge of 270 P.C. (See Addendum Item II)

Charge 11. Without the Parole Agent's knowledge or permission, Subject established credit at numerous places of business, in connection with both his business and personal life. Additionally, Subject skipped out on rent and telephone bills. See below for a listing of these debts and loss to the victims:

H & H Photo Service	\$ 592.00
Chevron Credit Card	71.00
Arco Credit Card	42.62
Mobile Oil Credit Card	731.36
Pomona Valley Stationary	268.73
Lorenz Jewelers	335.45
Don Meyers (Handwriting Expert)	150.00
United States Exchange Corp.	72.32
Business Interiors	305.00
Terry Yarbrough (Wedding Photos)	76.95
Excelsior - Legal Stationary Co.	32.93
Telephone Company	473.00
Polynesian Gardens (Apt. Rent)	<u>210.00</u>
Sub-Total	\$3,363.26
Arthur Jaffee - Attorney	<u>1,795.00</u>
TOTAL	\$5,158.26

The above does not include Welfare payments Subject received in the amount of \$1,950.00, and three weeks rental of a Hertz Rent-A-Car.

RESUME OF PAROLE ADJUSTMENT:

Subject received a parole advancement from 3-10-70 to 2-15-70 to accept employment with the law firm of Young, Henrie, and McCarthy in Pomona. As this area was under the jurisdiction of Region III, the case was referred to Eagle Rock #2 office immediately. On approximately 3-25-70 the case was returned to the Riverside Office due to the reorganization and regional lines realignment. At that time Subject was found to be working for another law firm by the name of Merriman and Lantor. On 5-4-70 Subject went to work for the law firm of Jaffe and Malloy as a research consultant. On 6-23-70 Mr. Jaffe wrote a letter to this agent, suggesting that Subject be allowed to maintain his own identity as a research consultant for hire. This would be advantageous to both in that, as business men, they would not have withholding problems with funds paid to him, and he would have probably more legal deductions from an income tax point of view. Additionally, he could obtain work from other attorneys. Mr. Jaffe further added that all of his actions and functions would be under his supervision, and that they would provide him with office space in their building. Subject appeared to be making very satisfactory progress in all respects. Unknown to this agent, or to Mr. Jaffe, it would appear that approximately this time, Subject became overly ambitious and overextended himself, and consequently became involved in his various manipulations, which were discovered at a later date. These manipulations involved forgery of a signature to his fiancée's income tax check, purchase of a Jaguar, misrepresentation and fraudulent selling of his fiancée's automobile, and purchase of several items on unapproved credit. Issuing a fictitious bank draft on 10-14-70 and the overdraft of his bank account came to the Parole Agent's attention on 10-22-70. At this time, Subject was put out of business and instructed to work out of his apartment. Subject requested permission to look for a job in a foreign country for himself and his wife, which would pay off some of his debts, and leave him a balance of money to go into business upon returning to the United States. Subject was given permission to look for this type of employment, with very definite instructions that the employer must be aware of his parole status and that the job offer be submitted in writing to this office. On 11-24-70 Subject requested permission to go overseas with his wife if she got a job first. This was denied. On 11-30-70 Subject was given permission to go to Dayton, Ohio, in an automobile on a business trip. Later in the day it was learned Subject had moved from his apartment building, owing one and one-half months rent, and had sold all his furniture. Additionally, it was learned Subject had three credit cards, belonging to his ex-wife, and it was felt that Subject's departure was other than as stated. An intensive search was investigated and Subject was located at his wife's mother's home in Anaheim. Subject was placed in custody. After his arrest his many debts and manipulations came to light. His obtaining a passport and having an airplane reservation to New York, plus selling all of the furniture,

ADULT AUTHORITY 5-1-C-6a

Meeting of

January 8, 1971

EXCERPT FROM MINUTES OF MEETING HELD ON THE ABOVE DATE FROM OFFICIAL RECORDS ON FILE IN THE OFFICE OF THE ADMINISTRATIVE OFFICER AT SACRAMENTO, CALIFORNIA. HELD AT LOS ANGELES (P&CS MEETING)

TO WHOM IT MAY CONCERN:

Present were: James H. Hoover, Member; Robert Del Pesco, AA Rep.; Actions reviewed and concurred in by: Manley J. Bowler, Member

PAROLES SUSPENDED - RETURN TO PRISON ORDERED:

The Parole and Community Services Division presented reports in writing in each of the below-listed cases (these reports are now on file in the office of the Adult Authority at Sacramento), charging that the below-named prisoners had willfully violated the terms and conditions of their paroles.

The action in each of the following listed cases was "Parole suspended and return to prison ordered for revocation proceedings, for the causes set forth in the report of which this order is a part."

A 77153 A MAZOR, Joseph A. (RIV 2)

Due cause being shown by the Parole and Community Services Division, it is hereby ordered that the paroles heretofore granted the above-named and numbered prisoners be suspended upon the grounds that the above-named and numbered parolees have violated the terms and conditions of their paroles as more particularly set forth in the Parole and Community Services Division charges which are made a part of this order.

It is further ordered, that the Parole and Community Services Division, shall return said prisoners to the custody of the Director of Corrections to abide further action of the Adult Authority.

It is further ordered in accordance with Resolution 171 adopted by the Adult Authority on March 6, 1951, that the above-listed prisoners who have terms fixed at less than the maximum shall be refixed at the maximum until further order of the Authority.

In the event any of said prisoners shall be found in any State other than California, an application for a requisition for the return of said prisoners is hereby authorized and the Chief or Deputy Chief, Parole and Community Services Division, is hereby authorized to execute such application for and on behalf of the Adult Authority.

A D O P T E D B Y

The affirmative votes of:
James H. Hoover, Member;
Robert Del Pesco, AA Rep.;
Actions reviewed and concurred in by: Manley J. Bowler, Member

(Signed) JOSEPH A. SPANGLER
Administrative Officer

A T T E S T
January 8, 1971

A T T E S T April 7, 1971

Joseph A. Spangler
JOSEPH A. SPANGLER
Administrative Officer

EXHIBIT B

STATE OF CALIFORNIA
ADULT AUTHORITY

S-1-C-66

Meeting of
March 5, 1971

EXCERPT FROM MINUTES OF MEETING HELD ON THE ABOVE
DATE FROM OFFICIAL RECORDS ON FILE IN THE OFFICE OF
THE ADMINISTRATIVE OFFICER AT SACRAMENTO, CALIFORNIA,
HELD AT CALIFORNIA MEDICAL FACILITY-RECEPTION GUIDANCE CENTER
TO WHOM IT MAY CONCERN:

Present were: Warren Ballachey; Frank O'Brien; Actions
reviewed and concurred in by: Manley J.
Bowler; Daniel R. Lopez

**ORDER OF THE ADULT AUTHORITY
5 MARCH 1971 PAROLE VIOLATOR CALENDAR**

IT APPEARING THAT THE following named and numbered inmates,
having been duly charged with wilfully violating the terms
and conditions of their paroles and Tickets of Leave, and
the Chief State Parole Officer having presented written
charges with recommendations that the paroles heretofore
granted to said inmates be suspended, cancelled, and/or revoked
and it further appearing that written copies of the charges,
notices of time of hearings, and notices of consideration
of revocation of all or a portion of credits earned or to
be earned, have been duly served in all cases; and the
Adult Authority, having considered each case, following the
submission of oral and documentary evidence supporting such
charges of parole violations, finds that the following in-
mates have violated the terms and conditions of their
paroles and Tickets of Leave.

IT IS THEREFORE ORDERED THAT the paroles heretofore granted
are hereby revoked and/or the credits earned or to be
earned by each of the below-named and numbered inmates,
under Section 2920 and 2921 of the Penal Code, shall be, and
hereby are forfeited, and the specific charges as stated by
the Chief State Parole Officer are made a part of the
revocation and/or the forfeiture of credits in the manner
hereinbelow set forth opposite the inmates' respective names:

A 77153 A MAZOR, Joseph A. (PV TFT 1-14-71) Plead not guilty
to counts 1,2,3,4,5,6,7,8,9,10,
11. Found guilty of counts 5,6,
7,11. Counts 3,8,10 submitted
for additional information.
Counts 1,2,4,9 dismissed.
Revoked. Denied. Place on
July 1971 RR Calendar.

A D O P T E D B Y

The affirmative votes of:
Warren Ballachey; Frank O'Brien;
Actions reviewed and concurred
in by: Manley J. Bowler;
Daniel R. Lopez

(Signed) L. ROBERTSON, Correctional
Counselor II

A T T E S T
March 5, 1971

A T T E S T April 7, 1971

Joseph A. Spangler

JOSEPH A. SPANGLER
Administrative Officer

EXHIBIT F

EVALUATION AT TIME OF ADULT ADULTILITY HEARING

1. Observations by Staff Representative: *nearly blind - was led to hearing - claims he had permission - and assistance in getting past - very bitter - claims he only saw the parole agent 4 times in ten months - alleged parole agent was "partner" of last parole agent and didn't want him back in the district - had applied for aid to be blind - fund case dropped - claims credit accounts were with company (I.R. 9) - plays on physical problems - claims he needs operation - the report scheduled for June 71 -*

2. Comments by A.A. Panel: *P.N. 6 - all (11 acts) ^{act 3-8-70 admitted P.E. 5-6-7-11} but 1-2-4-9 dismissed July 71 K.A. S. adamantly denies any wrongdoing - He openly claims collusion between past & present Parole agents - although intelligent, skilled and admit he is emotionally disturbed over vision problem & tends to engage in excessive rationalizing & Minimizing - However, he did not, according to P.A., come any "closer" to crime than Welfare fraud & Failure to provide. P.A. states also his "coming closer" to crimes include forging financial & Income Tax checks -*

3. Program Considerations: Classification *Special Condition* *ban close acct.*
Institutional/Release *Priority*
Major Problems appear to be O.S. proclivity for manipulating people & situations to his advantage & @ has physical condition - 1d states he needs surgery (Cranial) because of

4. Panel Members: (INT) *Bullbecky* *again* 5. *Stanton*

Co-Signer: (MBR) _____ RGC CMF _____
Institution _____ Date _____

Number: A-77153-A Name: MAZCR, Joseph A. Calendar: _____

news (staff adv in he will be seen by
Nursesunion this a.m.)

Name	Number	Location	Send By Teletype Mail

SEND COPY OF CDC 279 FOR CRIME PARTNER'S FILE PER SR 8-03
TO RECORDS OFFICER:

Date: _____ Place: _____ Signature and Title: _____

6. Post-Hearing Follow-up: _____

S-1-C-64

5-1-C-6c

State of California

Department of Corrections

~~MEMORANDUM~~

To: Dr. L. J. Pope, Superintendent
Vacaville, California
95688

Date: March 19, 1971

File No.: A-77153

Attention: L. H. Robertson, CC II

Subject: MAZOR, Joseph A.

From: Parole and Community Services Division
Riverside, Unit 2
3759 Elizabeth Street
Riverside, California 92506

On 3-5-71 a GDC 247 request was submitted to this office for further information regarding parole violation charges 3, 8, and 10, which were submitted on 12-16-70. Results of this investigation are as follows:

Charge 3. See attached letter from law firm of Jaffee & Mallory, dated 3-15-71, signed by Richard Mallory. This letter clearly defines the business arrangement Subject had with the law firm to purchase the car, and fully substantiates this charge. (See Addendum Item #1)

Charge 8. On 3-12-71 this agent contacted James M. Lancaster, Special Investigator, County of Los Angeles, Department of Public Social Services. Mr. Lancaster provided this agent with the following documents which are attached: Computation of Overpayment in amount of \$1926.00; his Special Investigation Report, dated 2-18-71, and Supplemental Investigation Report, dated 2-23-71. In accordance with Departmental policy, the matter has now been referred to the Bureau of Resources and Collections, for reimbursement of aid obtained illegally. Should reimbursement fail, the matter will be referred to the District Attorney's Office for prosecution under the Welfare & Institution Code. (See Addendum Item #2)

Charge 10. On 12-22-70 a hearing was held in Department "A", Municipal Court County of San Bernardino, Judge Roy E. Chapman presiding. People of the State of California vs. Joseph Allen Mazor, Case #93442, on charge of 270 P.C. (Failure to Provide). On motion of the District Attorney, the case was dismissed, due to Subject's being in county jail and District Attorney's knowledge that

EXHIBIT H

Parole Agent had submitted recommendation for PV-TFT.

The foregoing information was obtained from the court clerk.

SUPPLEMENTAL INFORMATION

The following criminal activities have been brought to this agent's attention since Subject's return to prison.

1. On 3-2-71 this agent was contacted by the Montclair Police Department, regarding Joseph A. Mazor. Apparently, on 3-30-70, Subject presented a \$300.00 check to Lorenz Jewelers, for which he received cash and merchandise. This check was made out to a Mrs. Velma Rasha, allegedly endorsed by Mrs. Velma Rasha, and a second endorsement by YRD Corporation, Joseph Mazor.

The check was subsequently returned to Lorenz Jewelers as a forged document. Accompanying this check was a notarized affidavit from Mrs. Velma Rasha, that the check was not endorsed by her nor with her authority endorsed, etc.

The District Attorney declined to issue a complaint, as Mrs. Rasha is presently living in St. Louis, Missouri, and the cost to bring her to California to testify would be too expensive.

It is to be noted at the time the check was dated, Mrs. Rasha was employed at the same law firm as Subject and received her mail there. The check was a child support payment from her husband, who works in Saudi Arabia. (See attached Addendum Item "A")

2. On 2-8-71 this agent was contacted by a Paul Willoughby of Royal Typewriter Company, 1931 South Manchester, Anaheim, California. Mr. Willoughby informed this agent that Subject had purchased a Royal Typewriter on 2-25-70 for \$341.25, on a 90 day conditional Sales Contract, with no money down. The serial number 9383-380. No money had been received as of this date. Mr. Willoughby was informed that Subject had been returned to prison, and it was believed Subject had sold the typewriter on or about 11-30-70, to a used furniture store in Pomona. On or about 3-5-71 the typewriter was located at Hart's Furniture, 835 West Holt Avenue, Pomona. Mr. Willoughby was notified. He stated he intended to file a charge of 487 P.C. with the Pomona Police Department. Complaint was filed 3-12-71.

APPROVED:

J. S. Dyncs
 J. S. Dyncs, Unit Supervisor

Robert J. Sloan
 Robert J. Sloan, Parole Agent I
 Riverside, Unit 2

S-1-C-6g



RONALD REAGAN
GOVERNOR

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814
MAR 29 10 52 AM '71
CALIF. MED. FACILITY

March 23, 1971

Re: MAZOR, Joseph A.
A-77153-A

C
O
P
Y

Superintendent Lester J. Pope, M.D.
California Medical Facility
Box 2000
Vacaville, California 95688

Dear Superintendent Pope:

Please inform your inmate, Joseph A. Mazor, A-77153, that his recent letter to the Governor has been received. Please also inform the subject that the subject matter of his letter is the responsibility of the Department of Corrections and the Adult Authority.

I am informed by the Adult Authority that the subject's parole violation charges are extensive and very criminal in nature. I am also informed by the Adult Authority that the Medical Director of the Department of Corrections, John E. Gorman, M.D., has recently written to the subject in regard to his physical difficulty and that the medical staff of your institution are fully aware of the subject's medical problem.

To the end that you may follow through appropriately, this subject's letter is called to your personal attention.

Sincerely,

Herbert E. Ellingwood
Legal Affairs Secretary

✓ JAS:deb
cc: T.M.McDonald, C&PR-CHF
gjm

COPIES TO MY MAR 9 1971

CALIF. MED. FACILITY
MAR 29 11 52 AM '71

EXHIBIT I

S-1-C-7a *Residual File*



RIVERSIDE GENERAL HOSPITAL • UNIVERSITY MEDICAL CENTER
9851 MAGNOLIA AVENUE • RIVERSIDE, CALIFORNIA • 92503 • TELEPHONE 689-2211

To: Northern Reception Guidance Center
California Medical Facility
Vacaville, California 95688

Date: January 26, 1971
Patient: Mazor, Joseph A.
Birthdate:
Your No: A77153
Our No: 190-866

Your request concerning the patient named has been received and appropriate action taken as checked below:

. XXX* The requested information is enclosed. *NOTE: DR. STELLER ASKED THAT WE SEND THIS INFORMATION ON TO YOUR CENTER IN THE HOPE THAT IT WOULD BENEFIT THE PATIENT BY PROPER TREATMENT.

— This patient is in the hospital. The requested information will be sent after the discharge date.

— Since this patient is a minor, it is necessary that we have an authorization signed by the parents or legal guardian before information can be released.

— We are unable to identify this patient. Please furnish additional information such as: Hospital number, birthdate, approximate dates of admission and discharge, and verify spelling of the name (please type or print).

— Since medical information is confidential by law, it may be released only on written consent of the patient. Please return the enclosed authorization form after it has been dated and signed in ink by the patient or his authorized representative. Below the signature, please type or print the patient's name.

— The charge for copying the enclosed medical record is \$. Please make your check payable to the Riverside General Hospital.

Sincerely,

[Signature]
Richard M. Butler
Records Management Supervisor

1b

S-1-C-7h

RIVERSIDE GENERAL HOSPITAL
University Medical Center
Riverside California

CITY GENERAL HOSPITAL
TELEPHONE

DISCHARGE SUMMARY

Dr. Dictating: Robert Staller, MD Signature:

Patient's Name: MAZOR, Joseph A.
PP Number: 190-866
Admitted: 1-5-71 - outpatient clinic visit
Discharged: 1-23-71
Dictated: 1-23-71

Trans: 1-25-71/aw

Final diagnosis: Rule out Leptomenigeal cyst, meningioma, vascular disorder.

HISTORY: This patient was first seen in the Ophthalmology Clinic at Riverside General Hospital on 1-5-71 with chief complaint of pain and sensitivity to light in the left eye for approximately one month. The patient is a 36 year old Caucasian male with history of macular degeneration in both eyes since 1955, which has limited his vision to count fingers vision at 3 feet. The patient's main problem now is pain in the left side of his head which patient seems to localize in his left eye which is accentuated by light and motion. He further states that the vision in his left eye has decreased over the last month.

FAMILY HISTORY: The patient has a 9 year old daughter who also has macular degeneration and count fingers vision since approximately 6 years of age.

PHYSICAL EXAMINATION: Patient had marked photophobia in both eyes, but more so in the left eye and shows moderate pain on movement in the left eye. Brows, lids and lashes clear. Cornea and conjunctiva media clear. Lens clear. Extra ocular muscles exotropia, left eye dominant; approximately 30 prism diopters. Pupils equal, round, regular and react to light and accommodation. Fundus - vessels 2-3, discs clear; ^{herpetic} mottling was present. Impression was macular degeneration both eyes, possible optic neuritis in the left eye.

HOSPITAL COURSE: Patient was put on Prednisone 8 tablets q.o.d. and given a retrobulbar injection of 1/2 cc. of steroids. On 1-7-71, the patient returned to the clinic essentially unchanged and was reviewed by the staff who could see no objective reason for the patient's pain at that time. Routine skull series was ordered with views of the orbit and the patient was felt to have a large degree of psychological overlay and was put on Valium 10 mg. daily. Consequently the skull x-rays were reviewed by Radiology and Neurology staff and there was noted to be a large, radiolucent area in the right side of the brain and it was felt that this could be Leptomenigeal cyst, meningioma, a vascular disorder and the Neurology Staff felt that the patient deserved the following workup:
1. Investigation by the Neurology staff. 2. Consideration for angiogram studies.

(continued on next page)

MAZOR, Joseph A.
190-866

S-1-C-7c

RIVERSIDE GENERAL HOSPITAL
University Medical Center
Riverside California

SUMMARY

cont'd

HAZOR, Joseph A.

page 2

Although our acquaintance with Mr. Hazor was brief, he proved to be an alert and cooperative patient and I believe further investigation in his case is warranted.

cc: Prison where patient is
now confined.

HAZOR, Joseph A.

190-866

CONSULTANT'S RECORD

HOSPITAL...CMF: RGC.....

5-1-C-7J

me ...MAZOR, Joseph G..... No. A-77153..... Date March 1, 1971

Reason for Consultation: Interview for medical evaluation.

CENTRAL FILE CHARGE

CONSULTANT'S REPORT

R. E. Prout, M. D.

(Signature of Referring Doctor)

This 36 year old MRGC inmate was interviewed in B-2 Doctor's office at my request, in response to his letter to the Superintendent, Dr. Pope, of February 10, 1971, and his letter to me of February 18, 1971, both of which are filed in the central file. The patient is bitter in attitude, and is frank in expressing his plans of litigation against the Department of Corrections for sending him to a camp center following his last guidance center processing. He states that he fell down stairs on July 11, 1969, while at Sierra Conservation Center and that his condition has been aggravated because of this. His current diagnosis is hereditary Macular degeneration involving primarily the left eye for which there is no known treatment. I quote our consulting ophthalmologist, Dr. Frank Hull, M. D., in his consultation of February 10, 1971, "No therapy indicated other than wearing a patch over left eye". This is being carried out. There is also a history of abnormality on skull X-rays and the possibility of cyst, tumor, or vascular disorder have been considered by neurologists in the past. In conversation with our consulting neurologist, Robert Herrick, M. D., who interpreted Mazor's recent EEG, Dr. Herrick tells me that other CNS congenital abnormalities sometimes accompany this disorder, and that it is unlikely that the skull X-ray changes represent a complication of his alleged fall. Our consulting radiologist, R. F. Chambers, M. D., interprets the recent skull X-rays of January 27, 1971, as "abnormal skull evidence of atrophy involving the right hemisphere with probable vascular malformation". Contrast studies would probably be informative". Subject had contrast studies in fall, 1970, at UCLA Hospital but refuses to sign a release for these records upon advise of his attorney. It is highly unlikely, in my judgement, that a surgically correctable lesion is present, since in all likelihood they would have proceeded upon such a course at UCLA if such had been the case. He is to be seen by our consulting neurosurgeon Dr. John Wright, M. D., tomorrow, but has pointedly stated that he will not consent to any arteriograms or similiar procedures, here or anywhere in the Department of Corrections. In summary, his medical condition is stable, and although he is not camp qualified by medical reasons, he can be adequately cared for at other institutions. His needs are mainly domiciliary type care due to his visual limitations.

cc: Medical Jacket *SM*
 Mr. Kane
 MRGC Case Manager
 Neuro Dept., Dr. Wright
 B-2 File

R E Prout, M.D., M.D.

(Consultant's Signature)

R. E. Prout, M. D.
Chief Medical Officer

CONSULTANT'S RECORD

HOSPITAL CMC: RGC

S-1-C-2c

Name MAZOR, Joseph G. No. A-77153 Date March 1, 1971

Reason for Consultation: Interview for medical evaluation.

CENTRAL FILE CHRG:O

CONSULTANT'S REPORT

R. E. Prout, M. D.

(Signature of Referring Doctor)

This 36 year old NRCG inmate was interviewed in B-2 Doctor's office at my request, in response to his letter to the Superintendent, Dr. Pope, of February 10, 1971, and his letter to me of February 18, 1971, both of which are filed in the central file. The patient is bitter in attitude, and is frank in expressing his plans of litigation against the Department of Corrections for sending him to a camp center following his last guidance center processing. He states that he fell down stairs on July 11, 1969, while at Sierra Conservation Center and that his condition has been aggravated because of this. His current diagnosis is hereditary Macular degeneration involving primarily the left eye for which there is no known treatment. I quote our consulting ophthalmologist, Dr. Frank Hull, M. D., in his consultation of February 10, 1971, "No therapy indicated other than wearing a patch over left eye". This is being carried out. There is also a history of abnormality on skull X-rays and the possibility of cyst, tumor, or vascular disorder have been considered by neurologists in the past. In conversation with our consulting neurologist, Robert Herrick, M. D., who interpreted Mazor's recent EEG, Dr. Herrick tells me that other CNS congenital abnormalities sometimes accompany this disorder, and that it is unlikely that the skull X-ray changes represent a complication of his alleged fall. Our consulting radiologist, R. F. Chambers, M. D., interprets the recent skull X-rays of January 27, 1971, as "abnormal skull evidence of atrophy involving the right hemisphere with probable vascular malformation". Contrast studies would probably be informative". Subject had contrast studies in fall, 1970, at UCLA Hospital but refuses to sign a release for these records upon advise of his attorney. It is highly unlikely, in my judgment, that a surgically correctable lesion is present, since in all likelihood they would have proceeded upon such a course at UCLA if such had been the case. He is to be seen by our consulting neurosurgeon Dr. John Wright, M. D., tomorrow, but has pointedly stated that he will not consent to any arteriograms or similiar procedures, here or anywhere in the Department of Corrections. In summary, his medical condition is stable, and although he is not camp qualified by medical reasons, he can be adequately cared for at other institutions. His needs are mainly domiciliary type care due to his visual limitations.

cc: Medical Jacket *SM*
 Mr. Kane
 NRCG Case Manager
 Neuro Dept., Dr. Wright
 B-2 File

R. E. Prout, M.D., M.D.

(Consultant's Signature)

R. E. Prout, M. D.
Chief Medical Officer

S-1-C-7-f

NEUROSURGICAL CONSULTATION

MAZOR, Joseph A-77153

REC

Nov 2, 1971

The patient is Caucasian male, 36 years old, who is seen in consultation for the following symptoms. Long standing visual difficulty beginning in 1956 or 1957, for which he first saw an ophthalmologist and was not told of any particular diagnosis and no specific therapy was offered until 1963 at which time an ophthalmological examination did reveal what was felt to be macular degeneration involving both eyes and the patient was told that he had a degenerative condition that would not be benefited by specific treatment. He had at that time noticed progressively falling vision. In July of 1969 the patient, who at that time was at Sierra Conservation Camp, having previously been told by ophthalmological consultation as he recalls, that he had 20/200 vision in his left eye and 10X in the right eye and not feeling he was visually able to negotiate stairs, however, was assigned to second floor quarters and while negotiating the stairs downward slipped on some wet stairs and fell head long down approximately ten stairs striking his head believing he was for a very short period of time unconscious and then being assailed to his feet at which time he felt he did not have any broken bones or obvious injuries. He states that shortly following this episode, not within the next day, but within the next 90 days, he noticed further deterioration in his visual acuity. The patient, however, was then 2 to 3 days following the fall did have severe headaches. These headaches were vertex and sub-occipital in location. At this time the patient was hospitalized and he continued to have headaches on a daily basis and the patient states that these headaches have continued in the intervening two years, not on a daily basis, but two to three times a week lasting several hours at a time. There's been no associated dizziness, vertigo or vomiting or other neurological signs with the headaches. The patient states that thereafter there was some litigation attempt, but that physicians were unable to associate any progression in his visual loss with trauma. The patient does state that prior to his fall in 1968 he was examined by a private physician in Los Angeles an electroencephalogram was obtained as were skull films. The patient was told that these examinations were perfectly normal. Then in September of 1970 he went on parole. The patient had re-examination and again by a private physician in Los Angeles in September of 1970 and at this time he had skull x-rays, electroencephalogram, and a left sided paravenous carotid angiogram. The patient states he does not have a family history of hereditary retinal problems, however, he has four children, the youngest a girl age seven years and she is blind at the present time presumably from macular degeneration.

Physical examination at this time reveals the patient to be alert and coherent to give a reasonably detailed history. The general physical examination reveals the patient to wear a patch over the left eye because of increased light sensitivity in the left eye manifested by blepharospasm tearing and apparent discomfort when light impinges upon the retina from this side. As far as vision in the left eye is concerned the patient can count fingers at two feet and vision in the right eye appears to be even less than finger counting at two feet. The patient perceiving motion and larger objects than the finger at one to two feet. Examination of the optic fundi do not indicate papilloedema or vascular abnormalities. Palpation of the cranium revealed relative bony prominence in the right frontal parietal approximately 7 cm superior to the pterion. This was relatively localized about 3 to 4 cm in diameter and was non tender. The prominence appeared to be smooth and bony hard. Auscultation of the skull and neck reveal no bruits. The extra ocular movements were intact with nystagmoid movements present in the straight ahead gaze position probably secondary to the decreased visual acuity. There did not appear to be marked diminution in gaze direction. The patient was able to elevate and depress the eyes into adduct and abducting well. Hearing was grossly intact. Facial sensation was grossly intact. There appeared to be full range of motion of the cervical spine. The examination of the peripheral sensory modality and reflexes, gait, and ability to stand on one foot at a time and ability to perform rapid alternating movements was all within normal limits. There appeared to be no limb ataxia. The reflexes were symmetrical and intact. Review of the patient's most

J. G. M. C.

MAZOR, Joseph: A-77153

(Continued)

March 2, 1971

recent electroencephalogram report available to me as interpreted by Dr. Maxrick, indicated no focal abnormality rather some increase in artifact from high movement plus general slowing centrally and temporally, low voltage theta. There is nothing specifically interpreted concerning this EEG. The review of the skull films and the report by Dr. Richard Chambers indicates some definite cranial abnormalities. These consist of apparent asymmetry of the skull contours with prominence on the right with also appearance of enlarged areas of decreased bone density in the right frontal parietal area with contours suggesting vascular channels, the above is the radiologist's interpretation. My own impression is that such dull appearance is abnormal and I would think it very important to have previous skull films for comparison but that if this abnormality did indeed develop in the intervening few years from what was otherwise normal skull films before that this probably represents either an intracalvaria AV fistula perhaps on a traumatic basis or it might represent a leptomeningeal cyst. The possibility of congenital abnormality of the skull and dura is certainly something to consider but without previous skull films for comparison I can not be sure about this. Not having the report and not having direct information from the angiography that the patient's states was performed on the left side, I am unable to be fully sure that no traumatic lesion exist. I have made the patient fully aware of this and he is at present reluctant to undergo further angiography here although he readily admits he was told he had a lesion which needed surgical correction he believes on the left side of his head but he is not sure about the location. He was told this lesion was some type of a cyst which might lead to his demise if surgical correction were not undertaken. At the present time in his examination I am unable to confirm the presence of any space occupying mass causing compression of neuro tissues. At least from the standpoint of gross neurological examination. I do not feel that his visual difficulty represents any intra-cranial pathology, however, macular degeneration is a condition which may be associated with other conditions not traumatic etiology.

The problem as I interpreted it at this time particularly involves the question of what the patient's studies as recently as September of 1970 showed and if the patient is unwilling to allow this information to be presented to me specifically then I can only advise him that I am unable to render a meaningful opinion at this time on the basis of the information presented to me but that I would recommend to him from the standpoint of treatment as long as he is presently in this institution that such information be made available to me. Pending this and since he will not consent to angiography I could only recommend one further thing--I do believe that the present skull films, although they are quite definitely abnormal, might be further amplified by a repeat examination of the skull with a basal view to show vascular channels in the base to be added as well as more attention paid to appropriate positioning because I notice there is some mild degree of rotation on his present skull films. This makes it difficult for me to interpret completely the skull contours and calcifications.


JOHN H. WRIGHT, JR., M.D.
Consulting Neurosurgeon

JHW:reb/jg

cc: Usual
Dr. Prout

S-1-C-74

RM

WZOR, Joseph 1-77153

(Continued)

March 2, 1971

recent electroencephalogram report available to me as interpreted by Dr. Horvick, indicated no focal abnormality rather some increase in activity when high frequency gamma stimuli elicited, especially but temporarily, low voltage theta. There is nothing specifically interpreted concerning this EEG. The review of the skull films and the report by Dr. Richard Chambers indicates some definite cranial abnormalities. These consist of apparent asymmetry of the skull contours with prominence on the right with also appearance of enlarged areas of decreased bone density in the right frontal parietal area with contours suggesting vascular channels, the above is the radiologists interpretation. My own impression is that such dull appearance is abnormal and I would think it very important to have previous skull films for comparison but that if this abnormality did indeed develop in the intervening few years from what was otherwise normal skull films before that this probably represents either an intracalvarian AV fistula perhaps on a traumatic basis or it might represent a leptomeningeal cyst. The possibility of congenital abnormality of the skull and dura is certainly something to consider but without previous skull films for comparison I can not be sure about this. Not having the report and not having direct information from the angiography that the patients states was performed on the left side, I am unable to be fully sure that no traumatic lesion exist. I have made the patient fully aware of this and he is at present reluctant to undergo further angiography here although he readily admits he was told he had a lesion which needed surgical correction he believes on the left side of his head but he is not sure about the location. He was told this lesion was some type of a cyst which might lead to his demise if surgical correction were not undertaken. At the present time in his examination I am unable to confirm the presence of any space occupying mass causing compression of neuro tissue. At least from the standpoint of gross neurological examination. I do not feel that his visual difficulty represents any intra-cranial pathology, however, macular degeneration is a condition which may be associated with other conditions not traumatic etiology.

The problem as I interpreted it at this time particularly involves the question of what the patient's studies as recently as September of 1970 showed and if the patient is unwilling to allow this information to be presented to me specifically then I can only advise him that I am unable to render a meaningful opinion at this time on the basis of the information presented to me but that I would recommend to him from the standpoint of treatment as long as he is presently in this institution that such information be made available to me. Pending this and since he will not consent to angiography I could only recommend one further thing—I do believe that the present skull films, although they are quite definitely abnormal, might be further simplified by a repeat examination of the skull with a basal view to show vascular channels in the base to be added as well as more attention paid to appropriate positioning because I notice there is some mild degree of rotation on his present skull films, this makes it difficult for me to interpret completely the skull contours and calcifications.

John H. Wright, Jr.
 JOHN H. WRIGHT, JR., M.D.
 Consulting Neurosurgeon

JHW:at/fg

cc: Usual
Dr. Front

S-1-C-7

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
CALIFORNIA MEDICAL FACILITY
SAC, SAC, CALIFORNIA STATE

August 1, 1972

Mr. W. K. Kerr, Chairman
California State Board of Corrections
1000 West Tower 513
Sacramento, CA 95834

Re: WILLIAM SPANGLER (A-77153) CAC
Request for information
regarding medical records

Attention: Mr. Joseph Spangler

Dear Mr. Kerr:

Pursuant to a telephone conversation with Mr. Spangler this subject's record in this State, I am writing to advise you that a certain medical information which was not available to the Adult Authority when they were last heard here by a parole violation board in March 1972.

These notes were seen this morning in follow-up neurological consultation with neurologist, Robert Ferrick, M.D. Dr. Ferrick and I reviewed the man's neurological condition at the present time, along with a review of his current and accumulated medical records to date at this institution. The medical notes to be compared to, but brief, as he has blindness in both eyes due to bilateral retinal degeneration of several years standing, complicated by a ray and neuro-vascular findings of an intracranial lesion in the right occipital. On January 5, 1972, he was seen for this problem at the Lakeside General Hospital, Livermore, California and plans were to proceed for his hospitalization there with investigation by the neurology staff and consideration for a shunt (diagnostic neurosurgical) and so. These studies are to be performed within the Department of Corrections, in accordance with consent, which is to be available to him. He is willing and able to be hospitalized at Lakeside General Hospital, and has received written assurance of further medical help which is agreed that they are willing to assist in the medical care. Private medical care is also available for assistance and to assist in the financial obligation of this hospitalization, should his parole be recommended.

I am not in a position to comment on the status, or likelihood, of future medical attention or further diagnosis and treatment in the Department of Corrections, as I am not a physician. I am, however, a medical officer, and I am sure that if there is any medical care necessary while the man's further medical care is being handled, that he has to be handled by those doctors who have produced the medical care to date. I am sure that the medical staff will agree to what is requested, and I am sure that the man is for this reason, that the Adult Authority is mainly interested to request for his

S-1-C-7j

Mr. Henry W. Kerr, Chairman
Adult Authority
4/1/71
Page #2

case be reviewed, with the hope that the Adult Authority will see fit to re-instate his parole and release him to the Riverside General Hospital for medical care.

If there are any further questions which I have not covered in this case please feel free to phone me.


Yours very truly,

R. E. Prout, M.D.

R. E. PROUT, M.D.
Chief Medical Officer

REP:ld
cc: Central File ✓
CSIP
Medical Jacket

APPROVED:


K. L. [unclear]
Acting Superintendent

S-1-C-7K

C E R T I F I C A T I O N

I hereby certify that my name is D. H. Francisco and that I am employed in the Capacity of Records Officer at the California Medical Facility at Vacaville, California, an institution of the California Department of Corrections; by virtue of such capacity I am custodian of the official records of said institution; that the attached documents bearing the official seal of the Department of Corrections are true and correct photocopies of the official records of said institution for:

JOSEPH A, MAZOR A-77153-A

Done at Vacaville California, County of Solano,
California on this 6th day of April, 1971.

D.H. Francisco
D. H. FRANCISCO
RECORDS OFFICER III

ADULT AUTHORITY *S-1-C-2*

Meeting

April 14, 1971

EXCERPT FROM MINUTES OF MEETING HELD ON THE ABOVE DATE FROM OFFICIAL RECORDS ON FILE IN THE OFFICE OF THE ADMINISTRATIVE OFFICER AT SACRAMENTO, CALIFORNIA. HELD AT CALIFORNIA INSTITUTION FOR MEN

TO WHOM IT MAY CONCERN:

Present were: Leland M. Edman, Member; Robert R. Miller, Rep.; Actions reviewed and concurred in by: James H. Hoover, Member

A-77153-A MAZOR, Joseph A. Submit to Adult Authority En Banc for discussion.

A D O P T E D B Y The affirmative votes of: Leland M. Edman, Member; Robert R. Miller, Rep.; Actions reviewed and concurred in by: James H. Hoover, Member

(Signed) C. M. BRETT, Classification & Parole Representative

A T T E S T April 14, 1971

A T T E S T May 7, 1971

Joseph A. Spangler
JOSEPH A. SPANGLER
Administrative Officer

EXHIBIT I

ADULT AUTHORITY

571-C-86

Meeting of

April 20, 1971

EXCERPT FROM MINUTES OF MEETING HELD ON THE ABOVE DATE FROM OFFICIAL RECORDS ON FILE IN THE OFFICE OF THE ADMINISTRATIVE OFFICER AT SACRAMENTO, CALIFORNIA. HELD AT SACRAMENTO (SPECIAL MEETING)

TO WHOM IT MAY CONCERN:

Present were: Curtis Lynum, Vice-Chairman; Leland M. Edman, Member

A 77153 MAZOR, Joseph A. (CIM) Parole violation charges 3 and 10 in report dated December 16, 1970 dismissed. Found guilty charge #3.

A D O P T E D B Y The affirmative votes of: Curtis Lynum, Vice-Chairman Leland M. Edman, Member

(Signed) JOSEPH A. SPANGLER Administrative Officer

A T T E S T April 20, 1971

A T T E S T May 7, 1971

Joseph A. Spangler

JOSEPH A. SPANGLER Administrative Officer

EVALUATION OF TIME OF ADULT AUTHORITY HEARING

M.R. Review

Name: MAZOR Number: A-77153 Calendar: 1/14/71

1. Observations by Staff Representative: Was informed of visitors by C.S.P.R. No. 110. Visitors of his trouble talking. Panel expressed his hope to resolve 3 counts of P.V. & N.C. & Con. new looking him from he worked for owned car. Welfare regarding. He got points out investigation was made & evidence will be interpreted when panel decides. Boy never worked for Jaffe & Malson. He worked for separate corporation F.R.D. He explains his corporation worked and his pay. Men's guilt to fracture on records. Panel says a complaint of PC 270 has been filed. Boy H.A. office did order him to make welfare payment to wife & children.

2. Comments by A.A. Panel:

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3. Program Considerations: Classification
 Institutional/Release Special Condition
 Priority

4. Panel Members: (INT) EDNA W. MILLER
 Co-Signer: (MBR)
 Institution: P.I.M.
 Date: 1-14-71

PERMANENT ADDENDA

6. Post-Hearing Follow-Up: _____

Date: _____ Place: _____ Signature and Title: _____

to say he made payments to wife altho has no receipts.
 denies knowledge of scheduled hearing which culminated in
 complaint of PC 270. asks panel to explain why he is
 here at CIM, in the guidance center. Panel says
 info will be given & clarified in near future. Panel
 informs they heard he wanted treatment at Riverside
 Hospital. He wishes to discuss medical problems. Panel
 says they do not handle medical problems. Says
 Mr. Voller told him he belonged in the
 "Main Line"

S-1-C-F-e
RETURNED TO...
CMF 4-27-71

RIVERSIDE GENERAL HOSPITAL
University Medical Center

DISCHARGE SUMMARY

Dr. Dictating: Fred M. Favre, M.D. Signature: *Joseph A. Spangher*
Patient's Name: Mazor, Joseph A.
P.F. Number: 19-08-66
Date Admitted: 4-21-71
Date Discharged: 4-23-71
Date Dictated: 4-23-71 Date Trans: 4-23-71 m.r.

- Final diagnosis: (1) Radiolucent area, right side of skull, etiology undetermined.
(2) Headaches, etiology undetermined.
(3) Macular degeneration, probably Best's.
(4) Aggressive paranoid personality disorder.
(5) No definite progressive abnormalities of nervous system.
(Skull films in two years recommended.)

The patient is a 36 year old Caucasian lawyer presently confined in prison with abnormal skull films and history of macular degeneration x 15 years with decreased vision in both eyes and history of right headache for the past two years.

The patient states he had an episode of paralysis on the left side six weeks ago which lasted three days and left residual weakness of left leg. The patient's daughter is blind and several ophthalmology consultations in the past have stated that his visual defect is probably secondary to a hereditary type macular degeneration. The patient fell while in prison in 1969. He had angiograms done at U.C.L.A. in 1970 and he refuses to have these released. He had a thorough neurology work-up by Dr. Harris, Dr. Prout and Dr. Wright which are also on this chart, done in the prison with a probable diagnosis of probable left meningeal cyst; rule out vascular abnormality; rule out tumor.

The patient fell down the stairs while at Sierra Conservation Center on 7-11-69 and is apparently suing the ~~Attorney~~ Department of Corrections for sending him to a camp center following his last guidance center processing. I think he feels that he should not have been sent there after a camp-incurred injury.

The physical examination revealed a man with a patch over his left eye who was quite uncooperative, throughout. Both fundi were visualized eventually, although he claimed marked photophobia of the left eye and the ophthalmology consultant noted some physical findings of macular degeneration, although these were not apparent on my examination. The ophthalmology consultant could not explain his photophobia on the basis of the physical findings. The patient refused to stand up for me, but on other examinations by Dr. Peterson he was able to stand and able to walk, although part of the time he dragged his left leg. No evidence of actual weakness was noted by Dr. Peterson, although the findings were definitely variable on the motor examination. The Romberg was also quite variable. The patient was able to stand and do finger-to-nose with eyes closed, but when told his balance was being tested he promptly fell over when the formal Romberg was done. His visual acuity was counting fingers, only at approximately one foot. The sensory examination was also quite variable. Reflexes and arteries were intact throughout and equal, bilaterally. Sensory examination was also extremely variable.

Mazor Joseph A. 19-08-66

EXHIBIT K

S-1-C-87

(cont. disch. sum. on Mazor, Joseph A. 19-08-66)

(2)

X-ray and laboratory examinations: The SMA was entirely within normal limits, done fasting. The CBC was within normal limits. The hemoglobin was 16. The urinalysis was normal and the electrolytes were normal. The EKG was interpreted as within normal limits. Skull film report is not on the chart at present, but was reported to show multiple radiolucent defects in the right cranial vault. The chest film was within normal limits.

A cerebral angiography was done for vessel study from the right femoral approach with no immediate complications. The findings were subtle abnormality, only, if any except for mild ventricular dilatation, greater on the left but without shift to midline structures. No gross abnormality was present. This was done at Loma Linda University.

Hospital course - the patient tolerated the studies well and was discharged back to jail with recommendation to use Codeine for pain, only when extreme pain was noted, and the above diagnosis. It was recommended a skull film be done in two years.

Mazor Joseph A. 19-08-66

5-7-C-9a

FILED

MAY 6 1971

C. D. EVENSEN, Clerk

2/2

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOSEPH A. MAZOR,
Petitioner,

vs.

THE CALIFORNIA ADULT AUTHORITY, THE
CALIFORNIA DEPARTMENT OF CORRECTIONS,
and RAYMOND PROCUNIER and L. J. POPE,
in their respective official capacities,
Respondents.

No. C-71 849 ACW

ORDER TO SHOW CAUSE

Based upon the petition filed herein and good cause appearing:

IT IS HEREBY ORDERED that respondents file a return with this Court on or before the 10th day of May, 1971, to show cause, if any there be, why a writ of habeas corpus should not be issued herein;

IT IS FURTHER HEREBY ORDERED that counsel for petitioner shall forthwith serve a copy of this order upon respondents.

IT IS FURTHER HEREBY ORDERED that respondents or counsel for respondents appear in person before this Court on the 10th day of May, 1971, at 11:00 a.m. to complete compliance with this order to show cause.

DATED: MAY 6, 1971.

[Signature]
United States District Judge

FILED

1971

E. G. EVENSEN, CLERK

in proc. Act

1/9

IN THE UNITED STATES DISTRICT COURT FOR

THE NORTHERN DISTRICT OF CALIFORNIA

11 JOSEPH A. MAZOR,

12 Petitioner,

13 vs.

14 THE CALIFORNIA ADULT AUTHORITY, THE)
15 CALIFORNIA DEPARTMENT OF CORRECTIONS,)
16 and RAYMOND PROCUNIER and L.J. POPE,)
17 in their respective official capacities,)

18 Respondents.

C-71 849 ACW

No.)
IN THE MATTER OF THE)
APPLICATION OF JOSEPH)
MAZOR FOR A WRIT OF)
HABEAS CORPUS)

12

19 1. JOSEPH A. MAZOR, on whose behalf this application for
20 Writ of Habeas Corpus is filed, is illegally and unconstitutionally
21 confined and restrained of his liberty at the California Medical
22 Facility at Vacaville, California, by the Adult Authority of the
23 State of California and by Raymond Procunier, Director of the
24 Department of Corrections and L. J. Pope, Superintendent of the
25 California Medical Facility at Vacaville.

26 2. Name and location of court which imposed sentence:
27 Los Angeles Superior Court, Los Angeles, California.

28 3. The offense or offenses for which sentence was imposed:
29 (a) criminal case;
30 (b) the indictment numbers are not known.

31 4. The date upon which sentence was imposed and the terms
32 of the sentence:

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(a) March 8, 1963;

(b) Petitioner confined to Department of Corrections for period provided by law.

5. Check whether a finding of guilty was made:

(a) after a plea of guilty x

(1) Petitioner entered a plea of guilty to two counts of P.C. 476(a) in the Municipal Court which pleas were certified to the Superior Court for sentencing as above.

(b) after a plea of not guilty;

(c) after a plea of nolo contendere.

6. Check whether hearing was by:

 Jury

 X Judge without jury.

7. Did you appeal from the judgment of conviction or the imposition of sentence? No.

8. Not applicable.

9. If the answer to (7) was "no" state the reasons for not so appealing: Petitioner did not and does not now challenge any aspect of the trial or preconviction hearing procedures.

10. State concisely the grounds on which you base your contention that you are being held in custody unlawfully:

(a) On or about June 27, 1969, Petitioner was declared by the State of California to be 100% legally blind. Thereafter, while in the custody of the Department of Corrections, Petitioner was ordered to work in the California Conservation Center at Jamestown, California. This order was issued by the Department of Corrections over the contrary recommendation of the Department's medical officer who examined Petitioner prior to such assignment. While at the Jamestown facility and on or about July 11, 1969, Petitioner sustained a fall, aggravating a pre-existing congenital brain condition and proximately resulting in injuries variously diagnosed as a cystic clot which formed at the base of Petitioner's

1 brain and appeared to endanger his life, or as a "radio-lucent"
2 area of unknown etiology on the right side of his skull. Enclosed
3 herewith and marked Exhibit A is an extract from Petitioner's
4 medical file in Vacaville substantiating the fact that Petitioner
5 needed exploratory surgery long before the time when Habeas Corpus
6 proceedings were brought in the State Supreme Court.

7 Prior to the filing of a Petition for Habeas Corpus
8 in the Supreme Court of California, Petitioner was informed that
9 in the absence of immediate exploratory brain surgery, his then
10 life expectancy was approximately six months. Petitioner advised
11 the medical authorities at Vacaville of this fact. The medical
12 authorities at Vacaville acknowledged that there were no medical
13 facilities within the correctional system available for such
14 exploratory test. (See Exhibit B.) Since Petitioner was unwilling
15 to have brain surgery performed on him at Vacaville, prior to
16 the filing of the Habeas Corpus petition in the Supreme Court of
17 California, Petitioner was simply wasting away in anticipation of
18 death.

19 Four days after the filing of said Petition for Habeas
20 Corpus, the medical authorities at Vacaville again examined
21 Petitioner's medical file and recommended immediate release of
22 Petitioner and his restoration to parole on medical grounds.
23 (See letter of Dr. Prout dated April 1, 1971, attached hereto
24 and marked Exhibit C.) Insofar as Exhibit C states that testing
25 on Petitioner could be performed within the correction system of
26 California, it contradicts the statement of Exhibit B, suggesting
27 that such testing be carried out in San Francisco.

28 Following the filing of Dr. Prout's letter (Exhibit C),
29 and in consonance with the Pendenta Litae relief required by
30 Petitioner, Respondents transferred Petitioner to Chino, Califor-
31 nia, from where Petitioner was taken to a private facility at
32 Riverside General Hospital for exploratory testing and surgical

1 prair and appeared to endanger his life, or as a "radio-lucent"
 2 procedures. Said testing resulted in three different diagnoses.
 3 The common denominator underlying all the diagnoses is that the
 4 etiology of Petitioner's condition remains uncertain, his condition
 5 is extremely serious and further tests and close medical observa-
 6 tion of Petitioner will be required. Petitioner was then returned
 7 to Vacaville prior to the filing of a Petition for Habeas Corpus
 8 in the Superior Court. Petitioner's parole was formally suspended by the
 9 Parole and Community Service Division of the Adult Authority on
 10 November 30, 1970, and was subsequently revoked by the Adult
 11 Authority on or about March 5, 1971, after Petitioner had been
 12 confined for a period of approximately 90 days in various penal
 13 institutions pursuant to the order suspending his parole. While
 14 in said penal institutions, Petitioner brought his medical
 15 condition to the attention of the authorities, who ^{sought} ~~sought~~ to
 16 confirm his diagnosis, and did nothing further other than placing
 17 a medical hold on Petitioner. At no time during said period was
 18 Petitioner afforded a hearing or an opportunity to convey to the
 19 Adult Authority the urgency that his need for surgery and possibly
 20 imminent death lent to the proceedings. The State of California
 21 does not have provisions to expedite hearings of revocation of
 22 parole so that every arbitrary action of any parole officer who
 23 "violates" a parole automatically results in incarceration for
 24 approximately ninety days. Petitioner was given a list of eleven allegations on
 25 which the revocation hearing was based, but the actual revocation
 26 was made on the grounds that Petitioner has violated one or more
 27 of the conditions of his parole--which condition was not made
 28 known to Petitioner for approximately 45 days after said hearing.
 29 This determination of revocation pursuant to Penal
 30 Code Section 3060 and Adult Authority Resolution 279 was made
 31 summarily, in violation of Petitioner's right to counsel and due
 32 process provided by the Fifth, Sixth and Fourteenth Amendments to

1 the United States Constitution.

2 The common (c) Petitioner's sentence was redetermined auto-

3 matically at the maximum, pursuant to P.C. 3020 and Adult

4 Authority Resolution 171 and in violation of Petitioner's rights

5 to due process and counsel as aforesaid.

6 (d) Because Petitioner was denied counsel, a full and

7 fair hearing, opportunity to present witnesses in support of his

8 contentions, and the right to confront his accusers (particularly

9 under circumstances where Petitioner was at the time of the

10 purported hearing blind and in pain), a material error was made

11 in the proceedings, namely: Petitioner presented to the Adult

12 Authority representative documentary and other evidence conclu-

13 sively exonerating him from the eleven violations brought against

14 him. In response to the tender of the documentary evidence, Mr.

15 Valachi of the Adult Authority stated: "I hate this damned

16 paperwork. We cannot substantiate the charges and we will

17 investigate." There was no parole officer present to explain the

18 charges to the hearing officer, or to attempt to substantiate

19 them. Petitioner was unable to read this documentary evidence

20 to the representatives due to his blindness. Petitioner's

21 evidence was thereupon returned to the Petitioner and was not

22 examined by the Adult Authority. Despite the statement that the

23 Adult Authority will "investigate" the charges, they did not

24 retain copies of evidence which would have exonerated the

25 Petitioner. This evidence is at present in possession of

26 Petitioner's present counsel who stands ready to present it to

27 and to call witnesses before the Adult Authority in a proper

28 hearing.

29 Even while the Petition for Habeas Corpus was pending

30 in the Supreme Court of California, Respondents conducted another

31 parole hearing at Chino, at which two Deputy Attorney Generals

32 were present. Petitioner's counsel was neither advised of the

1 hearing nor invited to attend it, although all the evidence of
2 Petitioner's innocence was in counselor's possession, and both
3 the Adult Authority and the Attorney General of California had
4 knowledge thereof by virtue of a statement to that effect in the
5 Petition for Habeas Corpus in the California Supreme Court.

6 11. State concisely the facts supporting each of the
7 grounds set forth in (10).

8 One central fact in the case of this Petitioner is his
9 medical condition. His illness and imminent death colors both
10 the present urgency of the relief sought in this matter and the
11 impropriety of the time and form of hearing afforded to Petitioner
12 by the Adult Authority.

13 Petitioner was originally convicted in 1963 on the basis
14 of his plea of guilty to one count of P. C. 476(a) which provides
15 a sentence of not more than fourteen years. He was paroled from
16 that conviction in 1964, was in 1965 charged with a second count
17 arising out of the same transaction. Petitioner was again
18 paroled in 1966. At no time since the 1965 conviction has
19 Petitioner been charged with or convicted of the commission of
20 any criminal act. In 1969, Petitioner's parole was violated on
21 the basis of technical charges of non-cooperation with his
22 parole officer. At that time, Petitioner's sentence was
23 summarily reset to the maximum and he was returned to the
24 California Medical Facility at Vacaville, California. There he
25 was examined and because of his blindness, the examining physician
26 Dr. Hull, ordered a white cane for Petitioner and recommended
27 that he be sent to the California Men's Colony West or Chino,
28 which had facilities to provide safe care for a blind prisoner.
29 In spite of this recommendation, Petitioner was sent to the Sierra
30 Conservation Camp on or about July 7, 1969. Upon arrival
31 Petitioner reported his medical condition to the persons in charge
32 of said facility but they refused to take any steps for his

1 hearing not invited to attend it, although all the evidence of
 2 safety. On or about July 11, 1969, Petitioner fell and was
 3 Petitioner's innocence was in counselor's possession, and both
 4 injured, as above stated.
 5 the Adult Authority and the Attorney General of California had
 6 Petitioner attempted repeatedly to obtain proper medical
 7 knowledge through by virtue of a statement to that effect in the
 8 care through the Department of Corrections, but was unable to do
 9 petition for Habeas Corpus in the California Supreme Court.
 10 so. This deprivation led to his filing of actions both in the
 11 United States District Court for violation of his civil rights
 12 and in the San Luis Obispo County Superior Court, petitioning
 13 --One central fact in the case of this Petitioner is his
 14 for investigation. After the hearing on this action and while
 15 medical condition. His illness and imminent death colors both
 16 the decision therein was under submission, Petitioner was advised
 17 the present urgency of the relief sought in this matter and the
 18 by CMC West that his parole would be reinstated if he dropped the
 19 proceedings of the time and hour of hearing afforded to Petitioner
 20 pending cases. On the basis of this representation, Petitioner
 21 to the Adult Authority.
 22 did file a dismissal and was in fact forthwith restored to parole.
 23 Petitioner was originally convicted in 1968 of the title
 24 Upon being paroled, Petitioner sought private treatment
 25 of his plea of guilty to one count of P. C. 4761a, which provides
 26 for what at the time had manifested itself as severe headaches and
 27 dizziness. In or after September of 1970, this condition was
 28 medically diagnosed as a cystic clot apparently resulting from the
 29 bursting out of the safe transaction. Petitioner was again
 30 fall described hereinabove. Petitioner was told by a qualified
 31 physician in 1971. At no time since the 1968 conviction has
 32 his condition been cleared with an exception of the possibility of
 33 exploratory surgery was approximately six months. Petitioner was
 34 in the process of consultation of specialists and preparing for
 35 surgery when his parole was violated.
 36 The violating charges involved no criminal activity on
 37 the part of the petitioner. Their falseness would be easily
 38 demonstrable in an impartial hearing.
 39 Petitioner was picked up "for investigation" of parole
 40 violations on or about November 30, 1970. He was confined to
 41 the Riverside County Jail from December 1, 1970, to January 4,
 42 1971. Thereafter, he was transferred to the Medical Facility at
 43 Vacaville, whence he was transferred to the California Men's
 44 Colony at Chino, and then returned to the Medical Facility at
 45 Vacaville, where he is presently in custody. Approximately 90
 46 days after Petitioner had first been picked up he met for the

1 first time with representatives of the Adult Authority. At that
 2 meeting, Petitioner entered pleas of not guilty to all charges and
 3 requested the aid of counsel since the factual issues to be deter-
 4 mined were numerous and complex, and particularly since Petition-
 5 er's condition made it difficult, if not impossible, to present
 6 a complete case within the time allowed for his own defense.
 7 At that meeting, in March of 1971, the representatives of the
 8 Adult Authority were still unaware of Petitioner's physical
 9 condition, although the staff at Vacaville had ordered a medical
 10 hold placed on him with the intention of performing exploratory
 11 brain surgery at the earliest possible date. Petitioner's
 12 medical jacket was not made available to the Board representa-
 13 tives nor was Petitioner able to present any further evidence in
 14 substantiation of his medical condition despite the fact that
 15 Petitioner had requested in writing two weeks before the hearing
 16 that the Vacaville doctors provide said information to the hearing
 17 officers.

18 Petitioner did attempt to present documentary and other
 19 evidence of his complete innocence of the violations charged
 20 against him. This evidence is presently in the hands of counsel
 21 retained by Petitioner for the purposes of this writ. Upon
 22 presentation of the evidence, Mr. Valachi, one of the board
 23 representatives, stated, "I hate this damned paperwork. We
 24 cannot substantiate the charges and will investigate." Since the
 25 evidence was returned to Petitioner, it is unclear how this
 26 "investigation" was to proceed. Petitioner's blindness precluded
 27 his reading and explaining the evidence to the Board representa-
 28 tives within the time allotted for this hearing. The hearing
 29 procedure was additionally handicapped by the absence of the
 30 parole officer to substantiate or at least explain the charges to
 31 the hearing officer--and to your Petitioner. At the conclusion
 32 of the 23 minute hearing, Petitioner was told to wait in the

1 hallway, which he did. His tendered evidence was returned
2 unaccepted by the hearing officer and unread by him. Petitioner
3 was not advised of the specific findings of the Adult Authority
4 as to his guilt or innocence of the charges. He has been advised
5 only that his parole was revoked and denied, and that he is to
6 be placed on the July, 1971, parole calendar. On the basis of
7 knowledge then available to the Adult Authority, this resulted in
8 a life sentence as to your Petitioner; this sentence was imposed
9 by the Adult Authority without full knowledge by the hearing
10 officer either of the exonerating evidence tendered by Petitioner
11 or of the fact that the sentence as in fact re-set by the Board
12 was unwittingly set at a term of life.

13 12. Have any other applications, motions or petitions
14 been made or filed in regard to this same detention or restraint?

15 Petitioner filed two actions after the initial revocation
16 of his parole and prior to the revocation proceedings on which
17 the within Petition is based; Petitioner has also filed one action
18 in the Superior Court of California challenging the present parole
19 revocation.

20 13. If you answered "yes" to any part of (12), list with
21 respect to each petition, motion or application:

- 22 (a) the specific nature thereof:
 - 23 (1) Civil Rights Action
 - 24 (2) Petition for investigation
 - 25 (3) Application for Writ of Habeas Corpus.
- 26 (b) Name and location of court in which each was
27 filed:
 - 28 (1) Federal District Court of the Central
29 District of California at Los Angeles, California
 - 30 (2) Superior Court of the State of California
31 in and for the County of San Luis Obispo
 - 32 (3) Supreme Court of the State of California.

1 ... (c) The disposition thereof: ... was returned ...
 2 unaccepted by the (1) ... The case was dismissed on the motion of ...
 3 defendants based on the specific findings of the Adult Authority ...
 4 ... (2) ... The case was dismissed by Petitioner on ...
 5 the basis of a representation made by the Adult Authority that ...
 6 if he dismissed the action, parole would be forthwith restored.
 7 Upon dismissal of said action, parole was in fact restored ...
 8 ... (3) ... The application was denied on a four to ...
 9 two vote (see Exhibit B), upon full knowledge by the hearing ...
 10 officer ... (d) The date of each disposition: ...
 11 ... (1) ... September ... , 1969 ...
 12 ... (2) ... February 6, 1970 ...

13 11. Have (3) ... April 22, 1971 ...
 14 been made or (e) Citations of any written opinions: ...

15 Petitioner None: two actions after the initial revocation ...
 16 (14) Has any ground in this Petition been presented before
 17 to any court? See below ...
 18 (15) If you answered "yes" to (14), identify: ...

19 (a) Which grounds have been previously presented:
 20 Petitioner's physical condition was the basis of the
 21 1969-70 actions, which were specifically directed at his inability
 22 to obtain medical aid within the institution to which he was then
 23 confined. At the time of said actions, however, petitioner's
 24 condition (other than blindness) had not been diagnosed, nor was
 25 he aware of the terminal nature of his injury in the absence of
 26 prompt corrective surgery. ... The grounds set forth in the within
 27 petition were presented only to the California Supreme Court.

28 16. If any ground set forth in (10) has not previously
 29 been presented to any court, state or federal, set forth the
 30 ground and state concisely the reasons why such ground has not
 31 previously been presented: not applicable.

32 17. In the proceeding resulting in confinement was

1 there representation by an attorney at any time during the course

2 of: (1) The case was dismissed on the motion of

3 defendants. (a) proceedings prior to trial No.

4 (b) trial or hearing, dismissed by Petitioner No.

5 on the basis of (c) sentencing, made by the Adult Authority No.

6 if he dismiss (d) appeal, if any, made or forwarded No.

7 Upon dismissal (e) preparation, presentation, or restoration

8 consideration of any petitions, motions or applications a four to

9 tions with respect to this conviction, which you filed No.

10 18. Name and address of each such attorney:

11 None. (1) September, 1961

12 19. Is the person in custody presently represented by

13 an attorney in any way relating to this confinement?

14 Yes. Ephraim Margolin and Ramsay Fifield, 445

15 Sutter Street, Suite 501, San Francisco, California.

16 20. Has any ground in this Petition been presented before

17 any court? Petitioner has no plain, adequate or speedy remedy

18 other than by this application for a Writ of Habeas Corpus.

19 There is no appeal from the decision of the Adult Authority and,

20 unless the said decision is set aside, Petitioner will be subjected

21 to what amounts to a life sentence.

22 21. By reference the accompanying Brief is made a part

23 hereof.

24 WHEREFORE, Petitioner respectfully prays:

25 1. That a Writ of Habeas Corpus issue out of this

26 Court to Raymond Procunier, Director of the Department of

27 Corrections and L. J. Pope, Superintendent of the California

28 Medical Facility at Vacaville, commanding them to bring Joseph

29 Mazor before this Court and to show cause at a time and place

30 to be set by this Court why the said JOSEPH MAZOR is so detained,

31 all in accordance with the requirements of Penal Code Section

32 1480;

1 2. Petitioner be restored to his liberty. In the
2 alternative,

3 3. A hearing be held to examine all the records and
4 proceedings in this case and to inquire into the cause and
5 legality of the imprisonment of Petitioner;

6 4. Petitioner be admitted to bail, or released on his
7 own recognizance pending a final determination of the issues
8 raised in this Petition;

9 5. The Adult Authority be required to hear the issue
10 of Petitioner's suspension and revocation of parole, providing
11 him with full constitutional protections including a speedy
12 hearing, due process and counsel under the Fifth, Sixth and
13 Fourteenth Amendments to the United States Constitution;

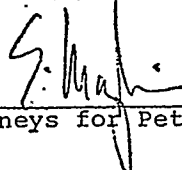
14 6. The medical hold placed on Petitioner be dissolved;

15 7. The Court declare whether the present California
16 system of parole revocations is constitutional on its face and
17 as applied to this Petitioner;

18 8. Petitioner be granted such other and further relief as
19 to the Court seems just.

20 Dated: May 4, 1971.

21
22 EPHRAIM MARGOLIN
23 RAMSAY FIFIELD

24
25 By 
26 Attorneys for Petitioner

51-C-10a

Memorandum

To: E. P. McLarney, M.D., Chief Medical Officer
 California Mens Colony West, Box A.W., San Luis Obispo, California 93401
 Date: November 17, 1969
 File No.: JAZOR A-77153
 Subject: Requested Transfer of Petitioner to State Medical Examination and Retention Facility

From: California Medical Facility, Vacaville - 95688
 raised in this Petition:

The adult authority be required to meet the requirements of your memo of November 10, 1969 requesting neurological examination, electroencephalogram, and electroretinogram examination on the above-named inmate of your institution. We do have facilities for neurological examination and electroencephalogram at this institution, and I would be glad to receive the inmate on a medical and return basis for these examinations. We do not have facilities for performing an electroretinogram, but I have discussed this subject with our ophthalmologic consultant, Frank W. Hull, M.D., who advises me that the closest hospital for this examination is in San Francisco. The necessity for this examination can be re-evaluated here, after the neurological examination and EEG are performed.

The Court declare whether the present California system of parole revocations is constitutional in its fact and as applied to these Petitioners.

E. Prout M.D.

Permittees be granted K. E. PROUT, M.D. Surgeon called as Chief Medical Officer

REP:ld
 cc: Dr. Gordon
 Central File
 Medical Jacket

EXHIBIT A

MAZOR, Joseph A-77153-A NRC Central File

This supersedes my previous recommendations. Inmate was seen by our consulting neurosurge Dr. Wright, who feels that further studies and previous records should be obtained. Inmate possibly (or probably) will refuse these recommendations, but for the completion of our neurological evaluation they should be offered to him. If an institutional disposition decision is necessary to be made at this time, I recommend C or category D neuro.

REP: id
cc: Medical Jacket
Mr. Eane
Neurology Dept. (Dr. Wright)
Mr. Boling
From: California Medical Facility, Vacaville - 95685

R. N. PROUT, M.D.
Chief Medical Officer

March 4, 1971

I am in receipt of your memo of November 11, 1970, regarding the inmate's request for an electroencephalogram (EEG) and electroretinogram (ERG). The inmate has been advised that the facility does not have the facilities for performing these tests. The necessity for this examination can only be determined after a physical examination and EEG are performed.

REP: id
cc: Mr. Eane
Mr. Boling
Medical Facility

EXHIBIT A

S-1-C-10c



RIVERSIDE GENERAL HOSPITAL • UNIVERSITY MEDICAL CENTER
9851 MAGNOLIA AVENUE • RIVERSIDE, CALIFORNIA • 92503 • TELEPHONE 689-2211

March 22, 1971

RE: MAZOR, JOSEPH A.
PF 19-08-66

To the Supreme Court of California:

The records disclose that Joseph Mazor was seen in the Riverside General Hospital Out-Patient Clinic. A possible diagnosis of leptomenigeal cyst or hemangioma was made and the patient was scheduled for additional studies because of the probability of a surgical condition which would require prompt attention. We have since learned that further studies have shown a need for immediate surgery in order not to endanger his life. The medical staff at Riverside General Hospital are willing to give the patient the necessary medical treatment if the court will so allow.

• The above statement is signed on pain of perjury at Riverside General Hospital, March 22, 1971.

CN:pwj

Carter NoLand, M.D.

EXHIBIT 9

MENT OF CORRECTIONS
 CALIFORNIA MEDICAL FACILITY
 SACRAMENTO, CALIFORNIA 95833

5-1-C-102



April 1, 1971

Mr. Henry W. Kerr, Chairman
 Adult Authority
 Department of Corrections
 714 P Street, Room 523
 Sacramento, CA 95814.

Re: MAZOR, Joseph (A-77153) CMZ
 Request for consideration of
 parole for medical reasons

Attention: Mr. Joseph Spangler.

Dear Mr. Kerr:

Pursuant to my telephone conversation with Mr. Spangler this morning concerning this CMZ inmate, I am writing to bring to your attention medical information which was not available to the Adult Authority when his case was heard here by the Parole Violator's Board on March 5, 1971.

Inmate Mazor was seen this morning in follow-up neurological consultation with our consulting neurologist, Robert Herrick, M.D. Dr. Herrick and I reviewed the man's neurological condition at the present time, along with a review of his x-rays and accumulated medical data to date at this institution. The medical history is complicated, but briefly he has blindness in both eyes due to bilateral macular degeneration of several years standing, complicated by x-ray and neurological findings of an intracranial lesion of the right skull. On January 5, 1971 he was seen for this problem at the Riverside General Hospital, Riverside, California and plans were in progress for his hospitalization there with investigation by the neurology staff and consideration for angiogram (diagnostic neurosurgical) studies. These studies can be performed within the Department of Corrections, but only with his consent, which he is unwilling to give. He is willing and able to be hospitalized at Riverside General Hospital and has received written assurance from Carter Noland, M.D. of that hospital that they are willing to admit him to the hospital there. Inmate Mazor has hospitalization insurance and is willing to assume the financial obligation of this hospitalization, should his parole be reinstated.

I am not in a position to comment on the wisdom, or lack thereof, of inmate Mazor's refusal to accept further diagnosis and treatment in the Department of Corrections. However, I do have an overriding concern for his health status, and feel that this is one of those rare instances where the inmate's delicate medical and surgical problems can best be handled by those doctors who have previously cared for him, and in whom he has the confidence and willingness to agree to whatever neurosurgical procedures are indicated in his case. It is for this reason that I request that the Adult Authority favorably consider my request that his

EXHIBIT C

Mr. Kerr, Chairman
Adult Authority Facility

S-1-C-10e

4/1/71
Page 32

Case be reviewed, with the hope that the Adult Authority will see fit to re-
instate his parole and release him to the Riverside General Hospital for medical

Carement of Counselors

Est. 10000; Branch 44-77153; 400

If there are any further questions which I have not covered in this case of,
please feel free to phone me.

Attention: Mr. Joseph Spangler

Yours very truly,

Dear Mr. Kerr:

R. E. Prout, M.D.

Pursuant to my telephone conversation with you regarding the case of the
Chief Medical Officer - Information
which was the subject of the Adult Authority's Board on March 5, 1971.

REP: id

cc: Central File

with a GSIF... the Medical Jacket... Dr. Gorman, Medical Director... Ephraim Margolin...
logical findings of an intracranial lesion of the right skull. On January 5, 1971
was seen for this problem at the Riverside General Hospital, Riverside, Calif.

APPROVED: [Signature] and [Signature]...
K. D. BRITT

Acting Superintendent

It is not to a decision by...
California...
Department of
California...
Department of

Mr. Meyer, Chairman
Adult Authority
4/1/72
Page 42

1
2

case be reviewed, with the hope that the Adult Authority will see fit to re-
instate his parole and release him to the Invercreek General Hospital for medical
care.

If there are any further questions which I have not covered in this case
please feel free to phone me.

SS:

Yours very truly,

Joseph G. Mason

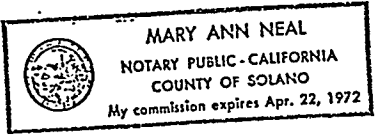
being first sworn under oath,
presents that he has subscribed to the foregoing petition and
does state that the information therein is true and correct to
the best of his knowledge and belief.
Chief Medical Officer

Joseph G. Mason
Signature of Affiant

cc: Central File
COP
Medical Section
Dr. Gordon, Medical Director
Ms. Evelyn Margolin
SUBSCRIBED and SWORN to
before me this 4th day
of May, 1971.
(month) (year)

Mary Ann Neal
Notary Public
My commission expires:

4-22-72
(Month, day & year)



6.

31
32

Mr. W. W. Kerr, Chairman
Adult Authority
4/1/71

S-1-C-709

Page 22

April 1, 1971

Case be reviewed, with the hope that the Adult Authority will see fit to re-instate his parole and release him to the Riverside General Hospital for medical care.

If there are any further questions which I have not covered in this case of please feel free to phone me.

Yours very truly,

R. E. Provt, M.D.

H. E. PROVT, M.D., Chief Medical Officer - Inpatient

Attention: Mr. Joseph Spangler
Dear Mr. Kerr:

Reference is made to the above-mentioned case concerning this individual, who was admitted to the Adult Authority on March 1, 1971. The case was heard here by the Adult Authority's Board on March 1, 1971.

cc: Central File
The individual in question has a history of neurological consultation with a CSF analysis, abnormal EEG, and a CT scan. The CT scan revealed the presence of a lesion in the posterior horn of the lateral ventricle. Dr. Gorman, Medical Director of the hospital, has reviewed the case. Dr. Ephraim Margolin, who has reviewed the case, has indicated that the findings of an intracranial lesion of the brain, as seen for this patient at the Riverside General Hospital, Riverside, California, were in progress of his neurological workup.

APPROVED: [Signature]
These studies can be interpreted as indicating a lesion of the posterior horn of the lateral ventricle, which is an abnormality. The findings are consistent with a diagnosis of a lesion of the posterior horn of the lateral ventricle.

K. D. BRITT
Acting Superintendent

The above information is being furnished to you for your information and for your use in the review of the case. It is requested that you advise the Bureau of any further information received regarding this case.

S-1-6-11c

ORDER DENYING WRIT OF HABEAS CORPUS

Criminal No. 15486

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA
IN BANK

FILED

In re MAZOR

APR 22 1971

G. E. BISHEL, Clerk

on Habeas Corpus.

S. F. Deputy

Wright, C.J., did not participate.

Petition for writ of habeas corpus DENIED.

Peters, J., and Tobriner, J., are of the opinion that the respondent should be ordered to show cause why the relief prayed for should not be granted.

I, G. E. BISHEL, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court, as shown by the records of my office.

Witness my hand and the seal of the Court this

22nd day of April A.D. 1971

By *[Signature]*
Deputy Clerk

[Signature]
Acting Chief Justice

EXHIBIT D

1 EPHRAIM MARGOLIN
RAMSAY FIFIELD
2 445 Sutter Street, Suite 501
San Francisco, California 94108
3 Telephone: (415) 421-4347
4
5

6
7
8 IN THE UNITED STATES DISTRICT COURT FOR
9 THE NORTHERN DISTRICT OF CALIFORNIA
10

11 JOSEPH MAZOR,
12 Petitioner,
13 vs.
14 THE CALIFORNIA ADULT AUTHORITY, THE
15 CALIFORNIA DEPARTMENT OF CORRECTIONS,
16 and RAYMOND PROCUNIER and L. J. POPE,
17 in their respective official capacities,
Respondents:

No.

18
19 BRIEF IN SUPPORT OF THE APPLICATION
20 OF JOSEPH MAZOR FOR A WRIT OF HABEAS
CORPUS
21
22
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TEXTS

Discretionary Justice, K.C. Davis
Baton Rouge, 1969

3-1-c-119

1 EPHRAIM MARGOLIN
RAMSAY FIFIELD
2 445 Sutter Street, Suite 501
San Francisco, California 94108
3 Telephone: (415) 421-4347

4 Joseph v. Commonwealth
5 1975

6 Marshall M. Gerner
7 2 F.Supp.

8 Joseph v. P.H.C.

9 IN THE UNITED STATES DISTRICT COURT FOR
10 THE NORTHERN DISTRICT OF CALIFORNIA

11 JOSEPH MAZOR,

12 Petitioner,
13 vs.

14 THE CALIFORNIA ADULT AUTHORITY, THE
15 CALIFORNIA DEPARTMENT OF CORRECTIONS,
and RAYMOND PROCUNIER and L. J. POPE,
16 in their respective official capacities,

17 Respondents.

No.

BRIEF IN SUPPORT OF
THE APPLICATION OF
JOSEPH MAZOR FOR A
WRIT OF HABEAS CORPUS

18 I. INTRODUCTION

19 Having stated his facts in the verified petition
20 herein, petitioner will make no extensive effort to re-state
21 them in this brief. As to the law petitioner seeks to apply to
22 these facts, we draw this court's particular attention to the
23 following cases of recent vintage: Judge Zirpoli's square
24 holding on right to counsel in Ellhamer v. Wilson, 312 F.Supp.
25 1245, Sept. 12, 1969; and Mays v. Nelson, N.D. Calif. No.
26 C-70-1029, February 16, 1971. See also: Hinnington v. Department
27 of Corrections, N.D. Cal., C-69-149, April 17, 1970; Wilburn
28 v. Nelson, N.D. Cal., C-70-1402, November 25, 1970, and Judge
29 Warren Feynson's square holding on right of confrontation in
30 Hester v. Craven, C.D. Cal., 70-832-F, February 17, 1970;

31 ///

///

32 ///

///

1 Scarpelli v. Gagnon, 317 F.Supp. 72; Commonwealth v. Tinson
2 247 A 2d 549 (Penna.); Copy of the as yet unpublished opinions
3 in Mays and Hester cases are enclosed herein for the convenience
4 of the court.

5 II. LEGAL CONSEQUENCES OF REVOCATION OF PAROLE

6 In 1871, the Virginia Court stated that a prisoner
7 "is for the time being the slave of the State." Ruffin v.
8 Commonwealth, 62 Va. 790, 1871. During the succeeding century
9 it became axiomatic that prisoners retain a core of fundamental
10 rights, e.g. In re Brown, 67 Cal. 2d 339 (1967) holding that a
11 revocation of parole cannot be based on a subsequent conviction
12 found to be illegal; Cooper v. Pata, 378 U.S. 546--deprivation
13 of religious freedom. Nolan v. Scafati, 430 F.2d 548 (1st
14 Circ. 1970); U.S. ex rel Schuster v. Herold, 410 F.2d 1071
15 (2d Circ. 1969) cert. den. 396 U.S. 847 (1970); Jackson v. Bishop,
16 404 F.2d 571 (8 circ. 1968). Compare: Revocation of probation
17 based on violations of illegal condition of probation: In re
18 Allen, 71 AC 409 (1969); In re Scarborough, 76 C.A.2d, 648;
19 Hewett v. North Carolina, 415 F.2d 1316. Parolees are a class
20 of citizens whose freedoms have been conditioned, but whatever
21 the State's obligation on granting a parole in the first place,
22 once parole is granted it cannot be revoked or suspended "without
23 a cause" (P.C. Sec. 3063) and California courts will scrutinize
24 such a "cause" on habeas corpus and release the prisoner if the
25 "cause" is nonexistent (In re O'Malley, 101 C.A.2d 80) or
26 inadequate (In re Brown, 67 Cal.2d 339; In re Schoongarth, 66

1 Cal.2d 295, 302 (1967).) See also, generally, K.C. Davis,
2 Discretionary Justice, Baton Rouge 1969, pp. 126-133.

3 We submit that the petitioner did not have a right to
4 have his sentence reduced to less than the maximum, once it is
5 so reduced he acquired a right to have his sentence terminate on
6 the earlier date established absent some change which justifies
7 redetermination. In the language of In re McLain, 55 Cal.2d
8 78 (1960),

9 "Even though a legally convicted person has no
10 vested right to the determination of his sentence
11 at less than maximum, his liberty, or denial
12 thereof, may not be made to turn upon mere whim,
13 caprice, or rumor. Thus in redetermining sentence,
14 although no 'cause' need be stated in the order,
15 the conclusion is inescapable that such action
16 cannot be taken in the absence of good cause."
17 55 Cal.2d at 87 (citations omitted).

18 and again, in Cafeteria Workers v. McElroy, 367 U.S. 886 (1961)
19 --a case involving summary denial of access to plaintiff's place
20 of former employment--the court stated that:

21 "This question cannot be answered by easy assertion
22 that, because she has no constitutional right
23 to be there in the first place, she was not
24 deprived of liberty or property by the
25 Superintendent's action. One may not have a
26 constitutional right to go to Baghdad, but the

1 Government may not prohibit one from going
2 there unless by means consonant with due process
3 of law." 367 U.S. at 894.

4 This position was reaffirmed in Goldberg v. Kelly, 397 U.S.
5 254, 262 (1970), when the Court stated that "[t]he constitu-
6 tional challenge cannot be answered by an argument that
7 public assistance benefits are a "privilege" and not a "right."
8 See also, Shapiro v. Thompson, 394 U.S. 618, 627 n.6 (1969).

9 It is important to keep in mind that termination of
10 continuance of a "conditional freedom" is not the only conse-
11 quence of a parole revocation hearing in California.

12 The first thing which happens after an alleged
13 parole violation is reported and a decision is made to "suspend"
14 the parole and take the parolee in custody pending a revocation
15 hearing is that his term is refixed at maximum. See In re Brown,
16 67 Cal.2d 339 (1967). This procedure, we submit, has so many
17 of the attributes of the "sentencing" at which counsel is
18 required under Mempa v. Rhay, supra, discussed infra, as to
19 require re-examination of due process rights at revocation
20 proceedings.

21 It should also be noted that determination of sentence
22 at less than the maximum is the almost universal disposition
23 in cases involving indeterminate sentences. Far from being an
24 unusual, special favor granted to a particular individual by a
25 forgiving government, it is the usual mode of disposition and
26 the penal system depends upon it as much as the inmates do.

1 The weakness of relying upon the right-privilege
2 distinction in deciding due process questions was pointed out
3 by the Supreme Court in Cafeteria Workers v. McElroy, 367 U.S.
4 886.

5 Before we move to the requirements of due process of
6 law in parole revocation hearings we wish to make clear one
7 matter which we are not arguing. We do not contend in this case
8 that there must be a due process hearing. (by this term we
9 encompass representation by counsel, confrontation of evidence
10 and the right to present witnesses) on the question of whether
11 parole should be granted or not granted to a person in prison.
12 This is a decision as to whether parole, once granted, should
13 be revoked. The former decision involves the judgment of
14 intangibles of human character and behavior. We are not being
15 critical but merely descriptive when we describe the decision to
16 grant parole as an amorphous process. However, revocation of
17 parole is a matter of entirely different character. A factual
18 decision must be made as to whether a specific condition of
19 parole has been violated. A decision in this area will almost
20 always be made on factual evidence. In other words, the
21 revocation decision is exactly that kind of decision which is best
22 made within the truth-finding safeguards of those procedures gen-
23 erally characterized as the basic guarantee of due process of
24 law. Specht v. Patterson, 385 U.S. 605 (1967).

25 The facts of the present case involve an ill man,
26 possibly dying for lack of surgery, who must wait 90 days before

1 anyone passes on whether or not he ought to have been pulled in
2 to custody immediately prior to planned hospitalization; the
3 facts of his illness were not presented to the representative
4 of the Adult Authority despite his timely written request that
5 they be made available. His evidence--exonerating him of any
6 wrongdoing, appeared incomprehensible to the representative of
7 Adult Authority, who then decided to rule against the petitioner
8 until he could ascertain the meaning of petitioner's defenses;
9 yet, neither originals nor copies are retained by the Adult
10 Authority, petitioner's request for counsel to prepare and
11 present his testimony is denied; petitioner was incapable of
12 reading aloud his contentions to the Adult Authority representa-
13 tive; the witnesses against him cannot be questioned by him at
14 any point. The whole "hearing" is a mechanistic exercise in
15 subterfuge in which what we don't know becomes a cause for
16 violation of parole so that "investigation" can be had but no
17 one cares to examine what is known, what conceivably could
18 exonerate the petitioner on the spot. When the Adult Authority
19 acts not because it is convinced that petitioner acted in a
20 manner requiring revocation but because it did not bother to check
21 whether he so acted; when the Adult Authority postpones a matter
22 "for investigation" (on top of the original delay of 90 days)
23 without considering petitioner's health condition--clearly
24 injustice is done.

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1 ANYONE PLACED IN THE PAROLE REVOCATION DECISION AND HELD IN
 2 FALLS WITHIN THE CATEGORY OF DECISIONS
 3 TO CUSTODY WHICH REQUIRING A DUE PROCESS HEARING. THE
 4 TWO elements must be present for the Fourteenth Amendment
 5 Due Process Clause to apply. There must be both state action and
 6 a deprivation of "life, liberty, or property." Since the
 7 redetermination of sentence clearly involves state action, the
 8 only question is whether the procedure followed by California
 9 deprived the parolee of a protected right. The defendant's
 10 Since the United States Supreme Court's decision
 11 on the right to counsel in Gideon v. Wainwright, 372 U.S. 335
 12 (1963), the Court has extended the right to counsel and other
 13 procedural guarantees of a fair hearing to several proceedings
 14 other than the criminal trial itself. These proceedings
 15 include: all pre-trial interrogation, Escobedo v. Illinois,
 16 378 U.S. 478 (1964), Massiah v. United States, 377 U.S. 201
 17 (1964), Miranda v. Arizona, 384 U.S. 436 (1966); any proceedings
 18 in juvenile court which might result in incarceration, In re
 19 Gault, 387 U.S. 1; (see below) and sentencing, even when deferred
 20 and handled at the time of revocation of parole, Mempa v. Rhay,
 21 supra; McConnell v. Rhay, 393 U.S. 2 (1968). See also Goldberg
 22 v. Kelly, 397 U.S. 234 (1970), right to continuing welfare
 23 payments, and Wisconsin v. Constantineau, 39 USLW 4128, January
 24 19, 1971, right to keep one's name off the list of excessive
 25 drinkers. See also Scarpelli v. Gagnon, 317 F.Supp. 72 (right
 26 to counsel at parole revocation hearing) and Commonwealth v.
Finson, Supra, to the same effect.

III. THE BARGAIN CONCEPT

1 Many of these decisions, we believe, may be traced to
 2 language of the United States Supreme Court in a case involving
 3 another formerly well-established proceeding which was thought
 4 to allow the denial of due process of law, a one-man grand jury.
 5 This language occurs in In re William Oliver, 333 U.S. 257, 273:

6 A person's right to reasonable notice of a charge
 7 only against him, and an opportunity to be heard in his
 8 defense - a right to his day in court - are basic
 9 elements in our system of jurisprudence; and those rights
 10 include, as a minimum, a right to examine the
 11 witnesses against him, to offer testimony, and
 12 to be represented by counsel.

13 This language was echoed in a case involving an administrative
 14 proceeding, Hannah v. Larche, 363 U.S. 420, 442:

15 [W]hen governmental agencies adjudicate or make
 16 binding determinations which directly affect the
 17 legal rights of individuals, it is imperative
 18 that those agencies use the procedures which have
 19 traditionally been associated with the judicial
 20 process.

21 In another decision involving administrative rights, the right to
 22 a security clearance for access to classified information, the
 23 United States Supreme Court held:

24 [W]here governmental action seriously injures an
 25 individual, and the reasonableness of the action
 26 depends on fact findings, the evidence used to
 prove the government's case must be disclosed to
 the individual so that he has an opportunity to
 show that it is untrue. Greene v. McElroy, 360
 U.S. 474, 496 (1959) (emphasis added)

See also Willner v. Committee on Character and Fitness, 373 U.S.
 96, 103. And see Jenkins v. McKeithen, ___ U.S. ___, 23 L.Ed.
 2d, 404 (1969); Townsend v. Burke, 334 U.S. 736, 741 (1946);
William v. New York, 337 U.S. 241 (1949).

1 In California our courts have evidenced an increasing
 2 concern with procedural due process rights in administrative
 3 hearings. The right to telephone service may not be removed
 4 without a due process hearing including confrontation, cross-
 5 examination and counsel. See Sokol v. Public Utilities Commission,
 6 65 Cal.2d 247. In Endler v. Schutzbank, 68 Cal.2d 162 (1968),
 7 the court had before it a claim to a due process hearing on the
 8 basis that the Commissioner of Corporations was injuring the
 9 plaintiff's right to make a living. The court upheld this right
 10 to a hearing, stating:

11 Fundamental fairness requires that an indivi-
 12 dual be permitted to defend himself publicly
 13 against official charges, however informal,
 14 which threaten to stain his personal and profes-
 15 sional future. 68 Cal.2d at 180.

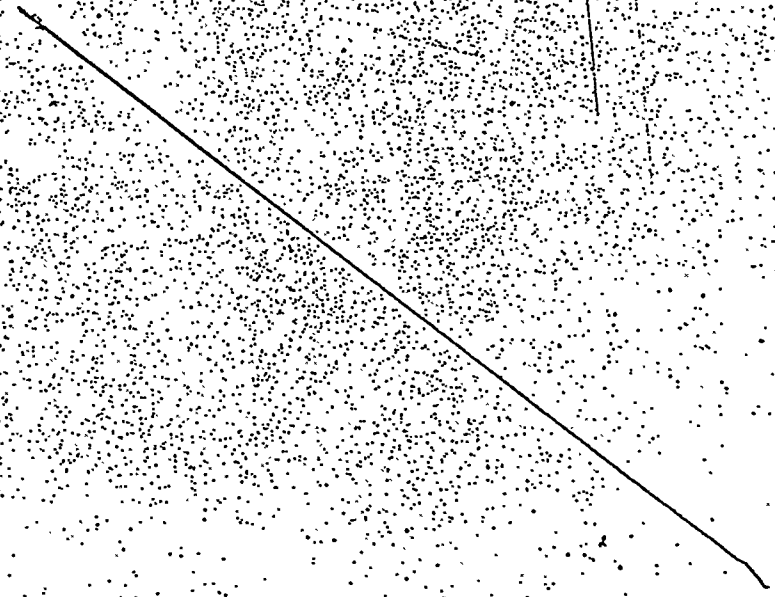
16 Any person whose freedom to pursue his profes-
 17 sion is seriously restricted by an official
 18 action or course of conduct designed to dis-
 19 courage his employment may compel the government
 20 to afford him a hearing complying with the
 21 traditional requirements of due process.
 22 Id. at 178.

23 Procedural due process requires notice, confron-
 24 tation and a full hearing whenever action by a
 25 state significantly impairs an individual's
 26 freedom to pursue a private occupation.
 Id. at 172.

We submit that the concern with due process rights
 in the cases we have described must influence and be applied in
 the revocation of parole proceedings since these are of equal if
 not greater significance than the proceedings which have already
 been accorded the benefit of due process hearings.

1 In the case of In re Gault, 387 U.S. 1 (1967), the
2 court pierced the benevolent venter of parens patriae, looked
3 at the substance of juvenile court proceedings and their con-
4 sequences, and determined that the "[f]ailure to observe the
5 fundamental requirements of due process has resulted in instances,
6 which might have been avoided, of unfairness to individuals and
7 inadequate or inaccurate findings of fact and unfortunate
8 prescriptions of remedy." 387 U.S. at 19-20.

9 The impact of Gault in analogous areas was emphasized
10 by the Tenth Circuit's decision in Heryford v. Parker, 396
11 F.2d 393 (10th Cir. 1968). This case involved a habeas corpus
12 proceeding brought by a mother on behalf of her son who had
13 been committed to a state training school for the feeble-minded
14 and epileptic. The court noted that:



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"[W]e have a situation in which the liberty of an individual is at stake, and we think the reasoning in Gault emphatically applies. It matters not whether the proceedings be labeled 'civil' or 'criminal' or whether the subject matter be mental instability or juvenile delinquency. It is the likelihood of involuntary incarceration -- whether for punishment as an adult for a crime, rehabilitation as a juvenile for delinquency, or treatment and training as a feeble-minded or mental incompetent -- which commands observance of the constitutional safeguards of due process. Where, as in both proceedings for juveniles and mentally deficient persons, the state undertakes to act in parens patriae, it has the inescapable duty to vouchsafe due process, . . ." 396 F.2d at 396.

This statement is illuminated by the concurring opinion of Judge Browning in Sturm v. California Adult Authority, 395 F.2d 446, 449 (9th Cir. 1967):

"No doubt the State of California may adopt a system of indeterminate sentencing and create a non-judicial agency to administer the system without violating the Constitution of the United States. But the existence of this power does not imply a further power in the State to immunize its acts, through its administrative agency, from the strictures of the Fourteenth Amendment.

The judicial imposition of a life sentence upon appellant is no more than a legislatively mandated device for transferring the sentencing function from the state court to the State administrative agency with a grant of jurisdiction over appellant's person for a period sufficiently long to enable the agency to perform its functions under the State's indeterminate sentencing law. Use of that device cannot be seized upon as a means to validate whatever action the administrative agency might subsequently choose to take, no matter how seriously the appellant might be injured, and without regard to whether the agency's action was arbitrary, basically unfair, or individually discriminatory.

When the California Adult Authority entered its order of July 3, 1962, refixing appellant's sentence at ten and one-half years, it substantially extended

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the prison term which appellant would be required to serve. Appellant's challenge to the constitutionality of that order cannot be answered by pretending that nothing really occurred, merely because a state court, five years earlier, had entered an order fixing appellant's maximum term at life. The action of the Board was State action. It deprived appellant of liberty; if it did so 'without due process of law,' or denied appellant 'the equal protection of the laws,' it offended the Fourteenth Amendment."

It must be noted that the Supreme Court refuses to decide constitutional questions such as this on the basis of "labels". Instead, the Court looks at the following elements:

"The precise nature of the interest that has been adversely affected, the manner in which this was done, the reasons for doing it, the available alternatives to the procedure which was followed, . . . and the balance of hurt complained of and good accomplished . . ." Anti-Fascist Committee v. McGrath, 341 U.S. 123, 163, (1951) Justice Frankfurter, concurring).

There can be no question that the precise interests involved here are life and liberty. But for the Adult Authority's action the Petitioner would not now be incarcerated, nor would his sentence have been reset to a longer term, based upon a factual determination of events which occurred outside the prison. The Adult Authority should not isolate from judicial review the decision to redetermine sentences by the procedural device of making it an automatic occurrence upon the happening of some other event, namely parole revocation.

We would like once again to turn to Mempa v. Rhay, supra. The Washington procedure there under scrutiny required the trial judge to sentence the convicted felon to the maximum term provided

1 by law in every case. Since this was the judge's only function at
 2 sentencing, and since this could well be described as ministerial,
 3 the state argued in the U.S. Supreme Court that the right to counsel
 4 at this proceeding was a mere formality. The U.S. Supreme Court
 5 rejected this argument, pointing out that the sentencing judge made
 6 a recommendation to the Board of Parole as to the actual maximum
 7 term and, for the effect it would have on this decision alone,
 8 counsel was advantageous and required to be appointed for an
 9 indigent. If Mempa is correct it cannot be argued that counsel is
 10 not required where a decision is made re-fixing a sentence at
 11 maximum and revoking a conditional freedom previously granted.

12 See also: Burns v. U.S., 287 U.S. 216 (1932)-revocation of
 13 probation; and Eleanor v. Hammond, 116 F.2d 982 (5th Circ. 1941)-
 14 revocation of conditional pardon by a Governor. See also,
 15 Scarpelli v. Gagnon, supra, Commonwealth v. Tinson, supra.

16 In Wilburn v. Nelson, N.D. Calif. No. C-70 1402,
 17 conviction of the use of a stolen card while on parole did not
 18 justify re-setting of Wilburn's sentence, the Court holding that:

19 " . . . any proceedings which, in essence may
 20 [. . .] enhance the possibility of incarceration
 21 must be attendant with principles of due process,
 including representations of counsel." (At. p. 2)

22 In Mays v. Nelson, N.D. Calif. No. C-70 1029, Feb. 16,
 23 1971, defendant was convicted of a misdemeanor while on parole and
 24 pleaded guilty to one charge of violating his parole conditions but
 25 the Court found that the Adult Authority had before it erroneous
 26 information concerning the petitioner, and stated:

1 . . . Had petitioner been afforded basic procedural
2 safeguards including right to counsel, he could have
3 advised the Adult Authority that he had not been
4 charged with assault with a deadly weapon, could have
argued that although a technical violation of his
parole contract, the altercation was really in the
nature of a family dispute . . ." (At p. 2).

5 In Elhamar v. Wilson, 312 F.Supp. 1245 (1969) defendant
6 was accused of commission of a robbery while on parole. The Court
7 set aside the revocation of his parole stating that California's
8 arguments to the contrary "partake of the mystical . . . if sub-
9 stance is to have any influence on legal conclusions, then the
10 extension of a previously fixed sentence to life must be deemed
11 a penalty." (Note 5).

12 By contrast, in the present case, Petitioner was not
13 convicted of any act done during his parole. Thus, it could not
14 be argued that he had a "trial" establishing his guilt of an offense
15 which would also suffice to cause revocation of his parole. Further
16 Petitioner did not plead guilty to the charges. Petitioner had
17 physical evidence refuting and explaining all of the charges. He
18 had witnesses to prove his case where his documentary evidence was
19 not conclusive. In the words of Mempa v. Rhay, 389 U.S. 128, at
20 137, his predicament resulted in " . . . imposition of sentence
21 . . . based on the alleged commission of offenses for which the
22 accused [was] never tried."

23 In Hoster v. Craven, supra, evidence against petitioners
24 consisted solely of a written report submitted by a parole officer
25 (p. 4) (We do not know whether in the present case, even that was
26 available against Petitioner. Only a list of charges was given

1 to him) The court characterized the issue:

2 "Whether the California Adult Authority, consistent
3 with the Due Process Clause of the Fourteenth
4 Amendment, can redetermine the sentence of a
5 parolee to a longer term based upon a factual
6 determination of events which occurred outside
7 the prison without giving the parolee the
8 right to confront and cross-examine the witnesses
9 against him." (p. 5)

7 There, as here, petitioner challenges the procedure invoked to
8 arrive at the re-determination; the factual determination of
9 events upon which the decision was based and the right to a
10 due process hearing. The court cited Green v. McElroy, 360
11 U.S. 474, 496 (1959) as follows:

12 "Certain principles have remained relatively
13 immutable in our jurisprudence. One of these
14 is that where governmental action seriously in-
15 jures an individual, and the reasonableness of
16 the action depends on fact findings, the evidence
17 used to prove the Government's case must be dis-
18 closed to the individual so that he has an
19 opportunity to show that it is untrue. While
20 this is important in the case of documentary
21 evidence, it is even more important where the
22 evidence consists of the testimony of individuals
23 whose memory might be faulty or who, in fact,
24 might be perjurers or persons motivated by
25 malice, vindictiveness, intolerance, prejudice,
26 or jealousy. We have formalized these protec-
tions in the requirements of confrontation and
cross-examination."

21 To similar effect is Workman v. Turner, D. Utah No. C-23068,
22 August 12, 1969, holding that "a parolee has constitutional
23 rights to examine witnesses under oaths," be confronted by his
24 accusers and to have a subpoena power during parole revocation
25 hearings--and to have public hearing rather than star chamber
26 proceedings.

1 Lastly, under this section we wish to deal with the
2 argument that a due process hearing on parole revocation would be
3 impracticable. This is frequently the only excuse put forward to
4 block procedural rights and is particularly inadequate in the con-
5 text of parole revocation hearings since federal prisoners and
6 those of a number of states now have due process hearing rights in
7 revocation of parole proceedings. The development of the federal
8 law is particularly illuminating. Congress enacted a scheme very
9 similar to that which we have in California stating that a parolee
10 who is alleged to have violated a condition of his parole "shall
11 be given an opportunity to appear before said Board [of parole]."
12 In the case of Reed v. Butterworth, 297 F.2d 776 (1961 D.C. Cir.),
13 the Court held that this wording means that the appearance right
14 mentioned in the statute means an "effective appearance" and since
15 this was a fact-finding process the parolee had the right to
16 appear with counsel and had the right to present witnesses. Ever
17 since this decision the federal parole proceedings have operated
18 within this procedure, and no particular complaint has been heard
19 concerning the difficulty in managing federal parolees. The claim
20 of rights of confrontation, cross-examination and compulsory
21 process for witnesses resulted in a split decision in Hyser v.
22 Reed, 318 F.2d 255 (D.C. Cir.), but appears vindicated in Hester
23 v. Craven, Supra, decided only last month. The State of Michigan
24 allows full procedural rights to a person accused of a parole
25 violation (Michigan Statutes Annot. Sec. 28.2310 (1954)) and still
26 has one of the highest rates of parole of all states. See Sklar,

1 Law and Practice in Probation and Parole Revocation Hearings,
 2 55 Journal of Criminal Law 175 (1964). Among other states
 3 allowing full procedural rights in such hearings is Alaska
 4 (Hoffman v. State, 404 P.2d 739). The Report of the President's
 5 Commission on Law Enforcement and Administration of Justice titled
 6 "The Challenge of Crime in a Free Society" states at P. 150:

7 The criminal trial process is not the only one
 8 in which a person may be deprived of his liberty.
 9 The revocation of probation and parole presents
 10 an equal threat, and though the legal issues in
 11 such proceedings are seldom complicated, the
 12 factual issues may be . . . legal assistance should
 13 be provided in parole and probation revocation
 14 proceedings. . . .

15 For a thorough discussion of current law in the area see the
 16 dissenting opinion of Judge Celebrezze in Rosa v. Haskins, 388
 17 F.2d 91 (1968).

CONCLUSION

18 At his parole revocation hearing petitioner was
 19 entitled to those basic procedural rights which insure the
 20 integrity of the fact-finding process. Petitioner was entitled
 21 to counsel, the right to a speedy hearing, the right effectively
 22 to present evidence and to compel testimony and documents,
 23 the right to confront accusers by hearing evidence against
 24 him and cross-examining his accusers, and the right to a
 25 reasoned basis for the decision to revoke his paroles.

26 These basic rights were not accorded petitioner, who
 was placed in grave danger by reason of this denial. Accordingly,
 petitioner respectfully submits that the relief prayed for should

S-1-C-11x

1 be granted.

2 DATED: May 4, 1971.

3 Respectfully submitted,

4 EPHRAIM MARGOLIN
5 RAMSAY FIFIELD

6 By Ramsay Fifield
7 RAMSAY FIFIELD

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