

~~For Post Conviction Relief dated 5/6/07~~

Case # 070504852

Memorandum in support of Complaint P1

- It has taken P 5 1/2 months simply to prepare this Complaint.
- P has never litigated a civil rights case.
- P has never litigated any case in U.S. District Court and is not familiar with its Court Rules or Fed Rules.
- P is not familiar with the vast body of civil rights law and the ~~many~~ multiple complex Constitutional law issues arising out of defendant's OUTRAGEOUS conduct.

08-311

at Conference 1

- Title 11 Del. C. §1304 "Hate Crimes" states in pertinent parts:

"Any person who commits, or attempts to commit, any crime as defined by the laws of this state, and who intentionally (1) commits said crime for the purpose of interfering with the victim's free expression or enjoyment of any right, privilege or immunity protected by the first Amendment of the United States Constitution, or commits said crime because the victim has exercised or enjoyed said rights... is Hate Crime

SHU Law Library will not allow copy of complete statute.



This applies to the theft of P's writing instruments, theft of P's envelopes, theft of P's Complaint in #07593, theft of P's letter to David Ledford of the News Journal, P's false imprisonment as described hereinabove, Conspiracy to engage in all of the above acts and crimes all of the Constitutional crimes mentioned herein, theft of P's diary notes, the theft of P's pen when S took it from P's pocket and said "Oh look! You tried to stab me with your pen," JACKASS, bona fide, ipso facto per se res ipsa loquitur JACKASS.

- In the nearly 6 months it has taken to prepare this pleading, P has relied on references to (and over twelve quotes from) many cases. No time to read the case as response from SHU Law

Library takes 4 to 30 days and P is allowed only 5 cases at a time.

- "We must accept as true the factual allegations in the Complaint and all reasonable inferences that can be drawn therefrom" Nam v. Fauver 82 F^{2d} 63, 65 (3^d Cir 1996), Allan v. Serverling, 229 F^{2d} 220 (3^d Cir. 2000). The Court is required to review the alleged facts "in the light most favorable" to the claimant and only dismiss the action if it appears inconceivable that the plaintiff could produce evidence justifying relief under any legal theory. Conley v. Gibson, 355 US 41, 78 S.Ct. 99 2 L.Ed. 80 (1957). A pro se complaint can only be dismissed for failure to state a claim when "it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim, and the complaint, however inartfully pleaded must be held to less stringent standards than... drafted by lawyers." Erickson v. Pardus, 127 S.Ct. 2197 (2007), Smith v. Neisinger, 293 F^{3d} 64 (3^d Cir 2002)

- P's action clearly is not frivolous or malicious, states many claims on which relief may be granted, and does not seek damages from defendants who are immune from such relief because defendants acted with wanton or gross negligence and deliberate indifference (actually, with intent)

- P seeks damages award for the deprivation of the right (on each occurrence) and the consequential injury which resulted. Carey v. Phipps, 435 US 247, 266 98 S.Ct. 1012 (1978), Owen v. Lash, 682 F^{2d} 648, 657 (7th Cir 1982), Herrera v. Valente, 653 F^{2d} 1220 (8th Cir 1981),

- On 11/12/07 Band S acted with corrupt motive, in bad faith, maliciously (Do you think someone who refers to a Federal Judge as "a little cocksucker in a robe" and "a powerless fuckhead" might act maliciously?!) sadistically, intentionally, willfully, wantonly, and with reckless disregard for known rights of P.

- P notes that the other two guards present during the events of 11/12/07 are also liable (see Smith v. Neisinger, 293 F^{3d} 64 (3^d Cir 2002) at ~~pages~~ paragraphs 17)

Memorandum #3

- The "we stick together" factor.

- P also contends, separate and apart from any legal theory he has encountered, that this institution's (C.D., W.P. and many) entrenched, pervasive, policy pattern and practice, widespread so as to occur in nearly every instance, of ignoring the truth, denying, in effect, grievances before they are submitted, ignoring grievances ("See Complaint re statements" & gotta go by these write ups" etc) constitutes a violation of the 14th and 8th Amendments - cruel and unusual punishment. The constant false accusations, the cumulative aggregate effect, with no impartial tribunal to consider recourse (and the manifest PRETEXT thereof), the continuous "rubber stamping" cover up of subordinates' decisions are calculated as punishment (prolonged further punishment - "how dare you complain" "how dare you accuse us of lying" etc calculated to harm. therefore UnConstitutional. It is

★ a System, a Management woefully devoid of ethics, integrity, impartiality, honesty. So EXTREME in its consistency as to rise to Constitutional dimension. This practice, this policy surely contravenes "the evolving standards of decency that mark the progress of a maturing Society," Tropu. Dylles 356 1886, 785.19, 590, 2 LEd. 2^d 630 (1958) Although not the torture and other barbarous modes of physical punishment which perhaps gave rise to the 8th Amendment, it certainly violates "contemporary standards of decency" Hudson v. McMillian, 503 US 1, 1125 of 995, 1000 17 L Ed 2^d 158 (1992)

See next page

Or am I arguing the "deliberate indifference" argument of Wilson v. Sester, 501 US 294, 111 S.Ct. 2321, 2323, 15 L.Ed.2d 271 (1991) Estelle v. Gamble, 429 US 97, 104, 105, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976) and other cases. It is established that allegations of mental anxiety "fear, mental anguish and misery" can cause sufficient pain to violate the 8th Amendment. Schem Engelke, 943 F.2d 921 (8th Circuit 1991), White v. Nappeen, 892 F.2d 103, 111 (3rd Cir 1990), Delany v. Detella, 256 F.3d 677, 677 (3rd Cir 2001). Is not some minimum modicum degree of impartial fairness secured by the 8th Amendment? Here, the profound continuous denial of the truth, suppression of the truth, passes indifference into intentional malice. Such is the deterioration of the operation of the prison.

(A) In any event, punishment in solitary for no offense or for exercise of protected constitutional rights (which P will prove) would be (is), a fortiori, disproportionate and cruel and unusual. Morgan v. Lavalley, 526 F.2d 221 (2^d Cir 1975), Johnson v. Anderson, 370 F.Supp 1373, 1388 n3 (D.Del. 1974), Davidson v. Chestnut, 1998 WL 436527 (S.D.N.Y. 1998) Lack of physical injury is not a bar to an 8th Amendment claim. "The absence of serious injury is therefore relevant to the Eighth Amendment injury but does not end it." Hudson v. McMillan.

Coming back to the liability of CP and WP P contends that the conduct (or lack thereof) of both is at least deliberate indifference, and that a trier of fact can conclude that they (and "Fearing officer" Savage) acted with gross or wanton negligence. "Since conscious indifference is almost never admitted, it may be proved only by the conduct and circumstances". Prosser & Keeton on Torts §34 (5th ed 1984).

No, there is a difference. To describe something more nefarious than any "indifference," there is a custom, a policy, embedded here which is more akin to "cover-up" than indifference.

Memorandum ^{ps}

- theft. P has alleged several instances of theft. P has done no legal research here - The meaning of "theft" is so plain and clear: the wrongful taking the property of another without permission or consent. To dismiss these thefts as "frivolous" P respectfully suggests is to miss the point. The thefts mentioned were calculated to thwart, interfere with, P's exercise of Constitutional rights, when guards (B+S) knew P was engaged in a flurry of activity, writing to News Journal, Sen. Joe Biden, ~~Rep. Mike Castle~~, FBI, US Dept. of Justice, (locally - Wilmington and in DC.), State Dept of Justice, Col. MacLachlan, Del State Police, Dick Wier, Esq., Charlie Oberly, Esq., Gene Flair Esq., Joe Hurley, Esq., Sen. Tom Carper, family members, Tom Neuburger, Esq., The ACLU, trying to "get the ear" of somebody to start an investigation which would lead to the arrest of guards Costello and Mang, and was suing them in Dist Court, they stole all writing instruments and envelopes!! They stole the only copy of Complaint ~~is 07-593~~. Stole out going US Mail!! These thefts are hardly frivolous; they are calculated, malicious Unconstitutional acts!! The thefts which P has not alleged ~~by B+S~~ are "frivolous." They stole Shampoo, deodorant, markers, gloves, hat - frivolous but out and out thefts nonetheless!! they have no concept that the law applies to them!!

P was harmed by the thefts alleged. P lacked a copy of Complaint to respond to the surprise Order of 12/4/07 in

Case 07-593, dismissing most counts, P was in a state of great stress emerging from the hole with no pens, paper or envelopes, trying to respond to said order, trying to attract attention to defendants' OUTRAGEOUS conduct, trying to file a Rule 35 MOT, in Del Superior Court prior to locking (due by 4/12) deadline. The stress is difficult to describe, these lying things "get away with" breaking the law so brazenly. EVERYBODY knows theft of U.S. Mail is a crime!! Hardly frivolous. The thefts complained of in the Complaint are violations of 1st and 14th Amendments. Deliberate, wilful, malicious, calculated to stop and intimidate P. And the institution [see Complaint paragraphs regarding "grievances" Call ignored regarding the thefts] condones all of this!! As the guards are fond of saying: "We stick together!!" The thefts are torts and are unconstitutional civil rights violations.

Amendments

Memorandum

— The FALSE charges concocted by B+S on 11/12/07, putting P in SHU for two years, Hole for 15 days, and removing P from "Greentree Program" are a violation of Due Process. The consequences rise to an "atypical and significant hardship in relation to the ordinary incidents of prison life." Smith v. Desinger, 293 F.3d 1125 (5th Cir. 2002), Griffin v. Vaughn, 112 F.3d 703 (3rd Cir. 1997), Sandin v. Conroy, 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995). This is true due to facts stated above and the fact that defendants' actions triggered a 5 year sentence, as they knew and intended. Quoting ~~Smith v. Desinger~~ at ¶ 21 "Prison disciplinary proceedings may constitute a denial of due process in the context of a civil rights action under § 1983 when they are instituted for the sole purpose of retaliating against an inmate for his/her exercise of a constitutional right, ~~Smith~~. In Allan v. Seiverling, 279 F.3d 220 (5th Cir. 2002) we stated: Sandin instructs that placement in administrative confinement will generally not create a liberty interest. Retaliation may be actionable, however, even when the retaliatory action does not involve a liberty interest. Government actions, which standing alone do not violate the Constitution, may nonetheless be constitutional torts if motivated in substantial part by a desire to punish an individual for exercise of a constitutional right." The conduct on 11/12 and the subsequent refusal to acknowledge the truth throughout

the "grievance" process, all were to punish P for filing case 07-593, seeking to have those guards arrested,

and writing to the News Journal. See also Cole v. Johnson, 861 F^{2d} 943 (6th Cir 1988), Sprouse v. Babcock, 870 F^{2d} 450 (8th Cir 1989), Harbun v. Deutch, 233 F^{3d} 596 (D.C. Cir 2000). The cases of Waffar, McDonnell, 418 U.S. 59, 94 S.Ct. 2963, 41 L.Ed^{2d} (1974), Vitell v. Jones, 445 U.S. 480, 100 S.Ct. 1254, 63 L.Ed^{2d} 532 (1980) and Teachman v. Fans 427 U.S. 2515, 96 S.Ct. 2532, 49 L.Ed^{2d} 451 (1976) also support P's argument here on Due Process. Furthermore, Sandin, while stating that the Due Process Clause standing alone confers no liberty interest in freedom from state action taken within the sentence imposed" clearly states that a violation exists or occurs where the State's action "will inevitably affect the duration of the sentence." Sandin @ 9, p 2302. In P's case,

the wrongful removal of P from "Greentree Program" triggered the 5 year sentence, meant to be suspended. This is the "more" in the phrase: "The filing of, false disciplinary charges and related disciplinary sanctions, without more do not violate his Constitutional rights under the Due Process Clause." (A)

See also Higgason v. Farley, 83 F^{3d} 807 (7th Cir 1996) and Nicholas v. Pataki, 233 A.D.2^d 657, 650 N.Y.S.2^d 317 (1996), Chambers v. Colorado PCC, 205 F^{3d} 1237 (10th Cir 2000).

P's claim is further supported by Allahu Sulting, 229 F^{3d} 220 (3rd Cir 2000) where the Court states, quoting also Suppan v. Madonna, 203 F^{3d} 228 (3rd Cir 2000), "a fact finder could conclude that the alleged retaliatory conduct was sufficient to deter a person of ordinary firmness from exercising his First Amendment rights." Quoting Bartelkind, 677 F^{2d} 622 (7th Cir 1982). "C.D. & W.F." (A)

Many people, some known, some unknowable - over an extended period of time have contributed to making, or failed to correct this particular prison condition (deliberate indifference to unjust punishments by lying guards), Wilson v. Seiter language.

Memorandum p.9

As also stated in Wilson v Seiter [see also Hope v Pelzer, 240 F3d 975 (11th Cir 2001) Oxendine v Kaplan, 241 F3d 1222 (10th Cir 2001) Johnson v Herman, 132 F Supp 2d 1130 (N.D. Ind. 2001)] If prison officials know, or should know of deprivations of basic human needs in their institutions and have not remedied them, deliberate indifference is established. Thus, when officials proceed with obvious disregard of problems, accountability is established for those with responsibility for the institution. Here, P will prove ample evidence of "CD" and "WP" proceeding with obvious disregard of many unlawful acts by various guards, so a jury certainly can conclude they should have known ~~conditions~~ conditions and duration of solitary confinement, even when not considered cruel and unusual in the abstract, may become so if the punishment is disproportionate to the inmates' offense, of course, this is the heart of the case here, P's only infraction on 11/12 was having some pills out of their containers (which other guards had seen many times and said nothing - equitable estoppel?), No profanity, No "lying to staff", no "attempt to stab Lt with pen" etc. P is in the Hole, in the SHU, for writing to the News Journal, suing guards, writing to others, trying properly to get these guards arrested. Adams v Carlson, 368 F Supp. 1052 (E.D. Ill. 1973)

— P is seeking PUNITIVE damages "to punish the defendants for their outrageous conduct and to deter them and others like them from similar conduct in the future" Smith v Wade, 461 US 1035 (1625, 75 L Ed 2d 632 1983), Stokes v. DeCambre, 710 F.2d 1120 (5th Cir 1983). The very reason these guards do what they do is that they have gotten

away with it for years. Nobody (where is the Federal
 Judiciary?) does anything about it,
 The Commissioner and Warden and the entire
 pathetic "chain of command" tolerate, condone, or encourage it.
 Law enforcement refuses to protect prisoners with legitimate
 complaints. Surely the conduct P alleges, if proven (as it will
 be), against R+S warrants a discussion of significant
 punitive damages, Absolutely necessary for their "Gross reckless
 (actually intentional) disregard for known rights of others." Reiser
v. Dist. of Columbia, 563 F^{2d} 462, 183 US App D, C1375. "Conscious
 indifference to consequences of conduct which defendant knew or
 should have known (had reason to know) was about to inflict injury." King
v. Higgins, 702 F^{2d} 18 (1st Cir 1983), Black v Brown, 524 F^{3d} 858
 (Cir D, Ill 1981), Johnson v. Anderson, 420 F Supp 845 (D. Del 1976).
 As stated, supervisory liability may attach (to "CD + JP") if the
 defendant implemented deficient policies (here the ludicrously
 biased ~~practices~~ "predetermined at scene" "I gotta go by these write ups"
 "grievance pipeops" and the lawless atmosphere) and was
 deliberately indifferent to the resulting risk... "Sample v Brooks",
 885 F^{2d} 1099, 117-18 (3d Cir 1999). City of Canton, Higgan Miller

~~Right to Counsel~~ Request for Counsel. P acknowledges there is no right
 to counsel. The factors to be considered by

The Court in assessing the request include: (1) P's ability to present case
 (2) difficulty of the particular legal issues (3) Degree of need for factual
 investigation + P's ability to investigate (4) P's capacity to retain one
 (5) role of credibility determinations likely at trial, (6) whether expert is
 needed.

Memorandum^{PW}

taking
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in

(1) P has never tried a civil rights case, P is in the SHU where legal research is severely circumscribed as discussed herein above. P has no experience with or working knowledge of Federal Rules. P's request for same has been denied - P was given a "table of contents" which is in itself unclear and confusing. P is unable to communicate with witnesses - other inmates, strictly forbidden by prison policy.

(2) Perhaps the most compelling reason P needs counsel, P has not practiced since 1983. The actions (and inactions) of the defendants give rise to so many complex constitutional and other legal issues that P is truly bewildered. Having mentioned & quoted references to it, read cases about it, & still have no understanding of what "liberty interest" means. We have torts, crimes, constitutional violations, all needing to be explained carefully to the order of fact and argued persuasively to the Court. P cannot do this. Also, we all know there is an advantage to oral argument - actually appearing before the Court to make a point. Though many issues properly are determined without argument, those with counsel are much more able to physically appear when appropriate. Prisoners are practically never asked or permitted to appear & it's a significant difference.

(3) Investigation is necessary, primarily to interview and prepare for trial other inmates similarly punished for the lawful exercise of constitutionally protected rights. This is a HUGE factor, particularly as it relates to the liability of CP and WP (showing a practice, pattern,

policy, custom of indifference to the truth) to establish clearly the requisite "deliberate indifference" to lawless acts by subordinates and as it relates to the need for punitive damages. P cannot communicate with inmates! Investigation is needed, there is long history of rampant false accusations. (4) P is indigent, has asked several counsel for pro bono or contingency fee help, recognizing the necessity to go to court. P cannot retain counsel, My prayer for Tom Neuberger to come to the rescue is unanswered.

with no recourse.

(5) It should be quite obvious from the circumstances alleged that "credibility" will determine this case, P must show that those @ & A defendants are lying! And will.

(6) P requests ~~an~~ an independent, competent expert psychiatrist or psychologist to perform a thorough "mental health evaluation" of P, and to examine B+S. These guys clearly are disturbed - "Bully mentality," anger issues, etc. Other than this P foresees no need for experts, controlling authorities include Tubron, 6 F^{3d} 155-157, Parham, 126 F^{3d} at 127, Montgomery v. Patch 294 F^{3d} 492 (3rd Cir 2002)

- P will present sufficient evidence for a jury to find "CD" and "WP" liable; and it is a jury, 12 ordinary people with common sense, who should make that determination. P suggests that this court cannot conclude otherwise until the evidence is in. Does it support the possibility of a jury finding CD+WP liable in accordance with the court's instructions (re. "deliberate indifference," etc)? It will. P and others will be testifying about unlawful DOC retaliation against those who seek simply to exercise their Constitutional (not an alien set of principles drawn from a distant culture!) Rights!

See last page of this Memo

Memorandum p13

- Furthermore, the discovery process should be allowed to proceed, to determine such things as: (1) how many times have B and S been sued for civil rights violations, eliciting some specifics - details of the allegations, the parties, etc. (2) How many times have EO + WP been sued for civil rights violations - get the pertinent information, (3) How many times have other DOC, DCC guards been sued for such violations - get the pertinent information.

Whatever the numbers may show, ONE case (this one) with the PUNITIVE damages called for will reduce the cause of such suits, the need for such cases, the workload of this Court.

- FALSE IMPRISONMENT

The criminal, wrongful, malicious, removal of P from the Orantia program triggered a 5 year sentence, constituting false imprisonment, P was prevented from completing the "program" in 12 months, which would have led to release or probation. B+S caused P's unlawful restraint without reason or justification. It is well established that law enforcement officers are liable for false imprisonment when they seize or arrest someone without probable cause. Raley v. Kennedy, 349 F.2d 731 (9th Cir 2003), P's situation is analogous. Also, one can be liable for false imprisonment by providing false information to a court. Simon v. US 711 F.2d 740 (5th Cir 1983) The conduct of B+S is precisely the same, making up an account of "assault on staff" in order to imprison P for 5 years.

- Unreasonable delay in releasing an inmate who has a right to be released constitutes false imprisonment. Wilton v. Will, 66 Cal App 507,

- Today is 5/14/08, P is still awaiting 19 sections of APJ Sur 2nd requested on 4/19/08.

152 P^{2d} 639, (2^d Dist. 1944) Tufts v. City of Taconia, Wash 2^d 866, 431 P^{2d} 83 (1967)
 Here, P's right to be released (completing the "program") was maliciously
 prevented.

— Elements of injury to the person imprisoned properly include physical suffering,
 mental suffering and humiliation, loss of earnings and injury to reputation and
 the deprivation of any right caused by the loss of liberty - Kerman v. City of NY 324 F^{2d} 93
 (2^d Cir 2004), Phillips v. Dist of Columbia, 458 A^{2d} 722 (DC 1983) 117 Jur 2^d 5142, 143,
 Humiliation and embarrassment are compensable, also fright and shame. Ives v. Raynor, 89
 Ariz. 257, 361 P^{2d} 1 (1961), Normis v. Gekard, 813 So. 2^d 985 (Fla. Dist. Ct. App. Dist. 2002)
Kraft v. City of Bettendorf, 359 NW^{2d} 466 (Iowa 1984), The jury has considerable discretion
 in determining damages. Washington v. Fairlee, 1 Cal App 4th 266, 2 Cal Rptr. 2^d 60 (2^d Dist. 1991). Here,
 the accusations of "assault on staff", "lying to officer," "The accusations of wild
 uncontrolled profanity all are particularly heinous. Evidence of malice will justify
 PUNITIVE damages. Tolson v. Dist of Columbia, 860 A^{2d} 336 (DC 2004) and P will prove that
 the actions of B+S were malicious Retaliation for exercise of constitutional rights,
 even if a jury does not find intent (which it will) malice may be inferred from a finding that
 defendants acted in reckless disregard of P's rights. Simmons v. Dabala, 254 Ga App 363, 562 S.E.
 2^d 794 (2002), Jenkins v. Baldwin, 801 So. 2^d 485 (La Ct. App 4th Cir 2001). On P's right to
 claim PUNITIVE damages, see also Meyer v. Cordell, 1951 OK 32, 204 OK 253, 228 P^{2d} 645 (1951)
 and 117 Jur 2^d 5146. An officer who transgresses the limits of his authority is responsible
 for all of the consequences, including false imprisonment. Dimmock v. Starnett, 139 Mich 188,
 102 NW 662 (1905) Here, defendants acted maliciously, with corrupt motive, intentionally
 and in bad faith with the specific intent to incarcerate P for 5 years, as punishment
 for P writing to The News Journal, suing other guards, trying to have those guards
 arrested by writing to state and Federal law enforcement officials. Defendants
 are part of an organized pack of lying thugs wearing law enforcement uniforms,
 as P will prove B.

Memo in support of Complaint ^{P.15} ~~P.15~~

- Interference with contract

P's plea agreement was a contract.

P's sentencing was a contract.

- On Sept 19/07, P agreed to plead guilty to one count of felony theft and the State agreed to drop two charges, with the agreement being that P agreed to complete Greentree Program and the balance of the sentence, thereupon would be suspended. The plea was entered, P was sentenced, that day, to 5 years level 5, suspended for "Greentree" program. See P's status sheet, attached.

- Most prisoners in Greentree are court-ordered there with some portion of incarceration suspended upon completion, as all guards in Victor Bldg are aware.

The contract was: P agreed to complete "Greentree program" in exchange for which, the State agreed to suspend the bulk of the level 5 sentence, this was the consideration needed to create an express or implied contract.

- P was intentionally and maliciously prevented from completing ~~the~~ the contract by the actions of B and S removing him from it (the "program")

- B and S knew full well that a false charge of "assault on staff" would force P out of the program, put him in the SHU for at least 2 years (following 15 days in the hole), as this is prison procedure or policy.

(B+S) They also knew full well that their false

charge would trigger P's 5 year sentence because:

- most enrolled in the "program" have sentences which are suspended for or upon "completion" and
- it is readily apparent in the prison computer system (ie in the office of Victor building where Bands concocted their nefarious scheme) - at a glance - that P was sentenced to 5 years, suspended for "Oranree". This appears on P's status sheet.

- The usual duration of "Oranree" is 6 to 18 months. It takes 18 months maximum to complete.

- P was "placed" by "counselor" Thompson in the program for 18 mos at the same time being told by said "counselor" and by the inmate actually running the program (see P's action for Declaratory Judgment dated April →) that P would be "graduated" within 12 months.

- P was doing fine in the program, attending more "classes" than required, and had been asked to "teach" one of the classes (although in the program only 4-5 weeks) by the inmate running it, when he was wrongfully removed from the program.

- The interference with contract was intentional. Brown v Romero, 922 So. 2d 742 (La. Ct. App 3d Cir 2006). Band S acted with the specific purpose of causing interference with a known contract. Lightening Lube Inc, v Witco Corp, 473 F.3d 1153 (3d Cir 1993) Indeed, said interference was the heart of their scheme - get this guy in the SHU - away from the law library where he can do legal work and type his paperwork, shut him up, limit his contacts, commissary, ability to communicate, intimidate him, and trigger his 5 year sentence.

Memo ^{P. 17} ~~17~~

- When S took P's pen from P's pocket, while P was handcuffed behind his back, and said "Oh look! You tried to stab me with your Pen" S also maliciously quipped "Oh, Daddy won't be home for Christmas 'cause he got new charges."

B+S's conduct was intentional, but even if a finder of fact might conclude that they lacked intent to interfere with Contract, a finding of negligence might suffice to impose liability for tortious interference. AT 5ur 2d § 11

B+S acted maliciously, intentionally without justification or excuse. Singer v. Beach Trading Co., Inc., 379 N.S. Super 63, 876 A.2d 885 (App. Div. 2005) Indeed, it was retaliation for P's suing guards, writing to The News Journal, and attempting to have guards arrested.

P was in fact damaged. See paragraphs 49, 53, 47, 48, 54 of P's Complaint. Systrends v. Group, LLC, 206 WL 2925323 (Ala. 2006) AT 5ur 2d § 14.

B and S were strangers, interlopers, meddlers to the Contract. AT 5ur 2d § 26. B and S acted maliciously intentionally, in bad faith and with corrupt motive.

P seeks Positive damages for this claim of interference, as well as compensatory damages. The issue of Punitive damages is for the trier of facts. Ross v. Twinbogo Co., 232 A.D.2d 266, 648 N.Y.S.2d 97 (1996). AT 5ur 2d § 58, § 62, Golden v. Golden, 382 F.3d 348 (3rd Cir 2004)

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Memorandum P's

- Libel - The SHU Law Library could find no law to the effect that a convicted felon, perse, cannot be libeled. See Exhibit V. Research clearly indicated libel is possible.

- "Disciplinary Report" # 1035914 Exhibit 2, contains 7 libelous statements, "Disciplinary Report" # 1035912 Exhibit 3, contains 9 libelous statements.

- Both reports are completely fabricated, alleging use of profanity, threats, and physical assault toward a law enforcement officer. These reports create a stigmatizing effect and label P as a violent troublemaker within the institution. They are entered into DOC computer system. The allegations (FALSE reports) are so wildly wrong in characterizing P and any possible behavior by P that they are libelous.

- P stopped swearing when his son was born 14 years ago, unbeknownst to fool defendants. P would never (a) lie to or (b) assault a law enforcement officer, as character witnesses will attest. In fact, during the incident on 4/12 P did not "become disorderly" at all!! P did, calmly, forthrightly and honestly tell Guards that they are a DISGRACE to law enforcement.

- These fabrications are published to be seen by other guards, "counselors," other DOC personnel, and judges, grossly misleading all who read them. D.O.C. personnel rely on such false reports in making many decisions. See, for example Exhibit L, referring to P's "disciplinary history" (which was more false reports!!) and Exhibit M where P was denied opportunity to work and earn some money toward restitution due to "extensive write-up history" (More false reports).

P seeks PUNITIVE damages as well as compensatory for these libels. Perhaps the most OBTROUS aspect is that lying by D.O.C. personnel is systemic, a routine practice. Perhaps they are trained to lie, lie, lie. - While P was in "the Hole" for 15 days "Assault on Staff" was written in large letters on P's cell door, further disseminating FALSE accusations made against P for exercising First Amendment rights. - A charge of assault is libel per se. Weldex, Piedmont Air Res, Inc., 985 F.2d 672 (CA-11, 1993) See Exhibit J.

(*)

Memorandum P. 21

- The Libel extant in B and S's false reports is virtually every type of libel. Malice described, 2 AM Jur 2d, Libel and Slander § 5, with numerous supporting cases:
 - Malice, defined as ill will or an absence of good faith
 - actual malice, defined as traditional common-law malice as knowledge of its falsity or reckless disregard of the truth, or as ill will, recklessness, wantonness, or conscious indifference to the plaintiff's rights
 - common law malice, defined as actual ill will, or intent to causelessly and wantonly injure the plaintiff, or as hate, spite, or ill will toward the person about whom a statement has been published
 - express malice, defined as ill will or improper purpose, or with the primary motive of injuring the plaintiff
 - malice in fact, defined as a planned purpose and motivation to cause injury to the reputation of the plaintiff
- Has P been harmed? Read the complaint! With more yet to come from D.O.C. personnel who judge, "classify" P; any real judge who reads these ludicrous reports, etc.
- The libel is libel per se; words which impute the commission of a crime (a) assault or law enforcement officer and (b) lying to same. Republic Tobacco Co. v. North Atlantic Trading Co., Inc., 381 F.2d 717 (7th Cir 2004), Green v. Priority Intern. University, 344 Ill App 3d 1079, 801 N.E.2d 1208, 144 Ed Law Rep 473, (2d Dist 2003), Phelan v. Day Department Stores Co., 443 Mass. 52, 819 N.E.2d 550 (2004), Wilkinson v. Carlo, 101 Mich App 629, 300 N.W.2d 658 (1980), Auto West Inc. v. Baggs, 678 P.2d 286 (Utah 1984), Garratt v. Judy Corp., 295 F.2d 94 (1st Cir 2002), Landry v. Duncan, 902 So.2d

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1098, (La Ct App 5th Cir 2005), Meloff v. New York Life Ins Co, 240 F3d 138 (2^d Cir 2001), Grubow v. King Media Enterprises, 156 Ohio App 3^d, Hoffman v. Ramsey, 312 F3d 1222 (11th Cir 2002), Hearst Corp v. Sheen, 130 SW 3^d 910 (Tex App Fort Worth 2004), Wells v. Piedmont Airlines, 985 F2d 57 (2^d Cir 1993)

— If a statement is defamatory per se, injury to reputation is presumed from the bare fact of the publication, and does not require any allegation of special damages or actual damages; malice will be presumed, and PUNITIVE damages may be awarded. See § 362 of ATI Sur 2^d Libel & Slander, § 139 and 138, and 100 and the scores of cases cited therein; I'm short on ink, get out, one pen per month.

— Calling someone a "liar", even a single such charge, is actionable on its face. See ATI Sur 2^d Libel and Slander, § 193 and cases cited therein.

— Whether P has been libeled is for the trier of fact, the jury.

— P has been visually libeled by B+S; wearing orange, being taken out in public by DOC wearing orange 3 times so far. See ATI Sur 2^d Libel and Slander.

— The libel by B and S is qualitatively very different from the actual crimes which bring P to jail; using cocaine and stealing money to buy more, to which P admits. Even DOC's own policies ^{confirm} acknowledge this, with the numerous punishments received (see paragraph 49 of complaint!) as a result of false statements made and published on 11/12/07!

→ P's alleging 4 acts of libel, distinct and each one actionable and compensable: (a) spewing profanity

(b) lying to staff

(c) assault on staff

(d) visual libel

STH Law Library
-SL

Memorandum p 23

— Back to the need for counsel, discussed on pages 10-13 of this memo — P is allowed only 5 cases at a time from STH Law Library. It takes 30+ days to over a month to get a response from L (usually 7-12 days) & P has had to rely on secondary references to nearly all cases cited herein.

— P is still (today, 5/10/08) awaiting sections of A's Jur (over a dozen) requested on 4/19/08 which will lead to scores of cases.

Assuming that P can review and outline all 5 cases received in one day, it would have been impossible to file this case within the statute of limitations had P read cases (— the proper, necessary, way to do legal research), and, indeed, it could take over Seven Years for P to review the cases cited or mentioned herein!!

Do I need to explain to a judge or law clerk that this is no way to prepare a case? — One virtually cannot locate cases directly on point, pursue cross references, quote the precise holding of a case, quote the most persuasive and compelling language on the issue, etc. etc.

In addition to all the other reasons counsel is necessary, it should be manifestly apparent that proper research is one,

And this is just the complaint!! The State is sure to exploit this problem by filing motions and objections, probably all dealing in areas unfamiliar to P, requiring responses which require much more research.

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Exhibit A

4/13/08

Letter to D A R assigned this case.

From: Kenneth Abraham, DAG 1974 to 1979.
in note 173040 and Plaintiff in this case.

Dear Sir or Madam,

Why represent these criminals wearing D.O.C. uniforms?! Do the D.O.C., the State, and the Courts a favor by doing the right thing!!

You have sworn to protect and defend the Constitution and the laws. You can do so by prosecuting the defendants. Your duty is not to these scoundrels, it is to do JUSTICE. Department of JUSTICE!

You could start by asking Bards to take a simple polygraph exam. Questions might include:

Did Mr Abraham curse and swear on 11/12/07?

Did " " attack Lt. Smith with a pen on 11/12/07?

Did " " state on 11/12 that he had bought pills from commissary?

Did " " attack or attempt to strike anyone with anything on 11/12/07?

Did anyone (Officer Nannum?) grab Mr. Abraham and "wrestle him to the ground" on 11/12/07?

They will refuse the exam, If they answer yes to any of the above you will see their lies!!

You must know that a trial is designed to elicit the truth, and BY God, it is just a matter of time before

I took that oath in '74, didn't I, you when you were hired?

I make the truth known, if you do not seek it out yourself. I will prove to you, and more importantly to the jury, that these guys are lying, and they must take you, the Court and the jury for fools! I was in your shoes for 5 years, tried 300+ cases.

Interrogate the 4 named guards (Bryan, Smith, Hannum, Journey) separately, or offer them a polygraph. NO way they can pass!!

You're going to save yourself a lot of work and considerable embarrassment, and more importantly, do JUSTICE.

Respectfully;

[Signature]
Kenneth Abraham

Perhaps you've been there 20 years and you're the Department's BEST Investigator; you cannot change the facts (or win ^{should not} to)!

P.S. Little could these fools have known that I stopped swearing when my son was born!! Which I also will prove!

(I might have "slipped" 2 or 3 times in 18 years!)

Compare this truth with their ridiculous fabricated "Disciplinary Reports"

Oh yeah, they look quite "official" as do the guards in their uniforms!

Jurors are not stupid, and they will see the TRUTH.

Having been blessed with a great practice for 40 years, it's just hard to believe and sad to see that the system has deteriorated to the point that you represent people like these?

Memorandum ^{p. 28}

— last page of memo ^{Support Petition}
 — P knew this was going to be an uphill fight (getting something done about the wildly lawless, repetitive criminal conduct of guards and managements — from Ramberg on down — complete acquiescence in it), but the degree (slope) of this mountain is ridiculous! This is true because Justice Brennan did not realize the depth of understatement in these words when he wrote:

"Prisoners are persons whom most of us would rather not think about. Banished from everyday sight, they exist in a shadow world, that only dimly enters our awareness... When prisoners emerge from the shadows to press a Constitutional claim, they invoke no alien set of principles drawn from a distant culture. Rather, they speak the language of the charter upon which all of us rely to hold official power accountable. They ask us to acknowledge that power exercised in the shadows (I add: against virtually helpless individuals) must be restrained at least as diligently as power that acts in the sunlight."

O'Leary v. Estate of Shabazz, 482 US 342, 354-55, 107 S.Ct. 2400, 96 L.Ed 282 (1987).

Indeed, the problem is — no accountability. This Court is the only hope for justice.

11/7/07

From Kenneth Abraham
Deputy Attorney General 74-79
inmate 173046, Victor B-1
DCC 1181 Paddock Rd, Smyrna, DE 19977

To: Agent in Charge
FBI

Exhibit B

Re: Pressing charges to have two D. O.C. guards arrested, tried and convicted. Assault and battery, violation of constitutional rights, conspiracy. The problem is so entrenched, maybe even RICO. And, once an investigation begins, probably obstruction of justice. Yes, I'm serious!

Greetings. Inasmuch as I am an inmate, below are four people who know me at least well enough to vouch for my veracity. Moreover, I am more than willing to take a polygraph exam concerning anything I have to say. The four are:

Myron Steele
Chief Justice – Supreme Court of Delaware
302-739-4214

Dick Wier
former Attorney General of Delaware
302-888-3222

Henry DuPont Ridgely
Justice- Supreme Court of Delaware
Hank at home: 302-697-1551

Charlie Oberly
former Attorney General of Delaware
302-576-2000

And Joe Biden, Mike Castle, Tom Carper

Were it not for the **EGREGIOUS, OUTRAGEOUS**, pattern or practice of what I have seen and experienced; the systemic problem, I would not go through what I am about to go through. There are some very rotten apples in the barrel- a disgrace to law enforcement! The problem is serious and ongoing, no doubt because they have gotten away with it so many times. When the police prey upon the nearly helpless, who will bring them to justice? You can help do exactly that.

Having heard that guards at SVOP in Sussex County spray and beat inmates "for sport", I arranged to be sent to the "sanction pod" at SVOP in Georgetown. It worked; I was there from April 29 through May 14 of this year. I have kept detailed notes since my arrival in the institution on Jan 3, 07.

On May 9, I saw two guards approach an inmate from behind, as he was walking away from them, spray him with pepper spray, hit him, and slam him into the steel door. This attack was unprovoked and unjustified, and all too typical! The unusual thing about this incident is that the "mean spirited little men in a uniform" lost their cool before so many witnesses. About 20 others saw this and I can put you in touch with several. Such attacks usually are conducted out of sight of non DOC witnesses in a well orchestrated procedure.

On May 10, a Cpl. Mann and a Lt. Costello attacked me. With no (zero, zip, none, nada) justification or provocation. Indeed, my reaction to their verbal abuse (guards routinely call inmates "asshole" and "shithead" and try to provoke them) was so unusual that they were puzzled, called the Lieutenant, and then proceeded. While I was handcuffed, silent, and seated in a chair, they sprayed me with pepper spray, picked me up – snatched me out of the chair- threw me to the asphalt, kicked me in the head and deliberately injured my arm. After the attack, when I tried to wipe my eyes, Lt Costello shouted: "If you raise that arm again, I'll tear it off." To which I replied "nothing will surprise me." They then threatened to repeat this behavior every hour: they changed their minds when I let them know that I have ^{cross} examined thousands of lying witnesses and was looking forward to introduce them to a jury. Lt. Costello said: "you can't prove shit."

It is with great shame, remorse, and guilt that I tell you I am here for using cocaine and, worse, stealing money to get more poison. It is a powerfully pernicious poison. I shall answer candidly any questions.

This is the tip of a not melting iceberg. Please contact me to have these two arrested.

Please.

Injury to head, arm, neck, back, leg, shoulder, WRA

Most Sincerely,



Kenneth Abraham

copies to others

See U.S. Dist. Ct Case # 07-593

I have some credible witnesses and ways to (for you) to reach them. One responsible person who can shed light on significant D.I.C.C. and S.V.O.P. abuses, including those he experienced, is Charles Cardone, #098159.

Another person kicked and beaten, while handcuffed, at S.C.C. in Georgetown, sustaining two 2 broken ribs - ~~I~~ saw medical ~~records~~ records - is Curtis Collins now in SAU at OCC.

KRA

To: Mr. Carl Danberg
Commissioner, DOC

From: Kenneth A. Sauer
inmate 123942 SHU 1000
Deputy Attorney General '4 to '59.

11/28/07
Gamb G

re: in the "hole" from 11/12 through 11/26 and Five (5) YEAR sentence, based on
OUTRAGEOUS, UNLAWFUL RETALIATION FOR CONTACTING
The FBI, and more.

Dear Mr. Danberg,

IT is more than a little disappointing to see law enforcement officers of my home state, your employees, acting like this. Write an understatement, One of 2 things is going on: ① You are part of the problem, or ② You have lost control of your Department. Either way, it is a sorry, serious, mess. You used to be A.G. I knew three fine Attorneys General: Laird Stabler, Dick Curen, and Charley Oberly.

As you know despite your internal affairs "investigation" ^(M) I was attacked by 2 of your guards in Georgetown on Day 10. ~~IT~~ is what they do: "spray" people for sport and beat them, as most people who work at SVOT and all who have passed through it very well know.

Since Day, despite submitting 4 separate times the correctly completed form listing phone #s to be called using my "pin #," none has been returned to me "approved." So I have been able to make no phone calls since Day, ^{bio. records} will verify.

When I returned to my cell from the infirmary on 11/13, and my property (taken by DOC guards in Victor Bldg.) was returned about 10 days later, the only item missing from all my papers was my copy of the Complaint I have filed in U.S. District Court. My property obviously was searched meticulously and this item removed. I have not yet received my property (taken again on 11/12) and nothing will surprise me.

Perhaps I should have guessed the depth of the problem when I got my first "write-up" (hereinafter "wu") days after arrival. A FALSE report, and my complaints about the guard lying Fell on completely deaf ears. "Grievance" and "appeal" ignored. More relatively little lies (compared to 11/12) (lies) ^(11/2) followed, followed by more "grievances" and "appeals," all ignored. So if you constantly get away with telling LAR/ lies, why not tell a WHOLE LIE when you feel like it? [I'm going to show why not!] (over)

A²
10/10/09

Shortly before 11/12 a reliable inmate (rare but extant) said to me: "I seen the COs fucking with your mail!" On 11/10 I SAW in the COs' office of Victor Bldg an envelope I had mailed to David Ledford, executive editor of The News Journal. It was empty. It had contained copies of my 3 page typed letter to the FBI and other correspondence (Not ~~signed~~ to D.O.C.) relating observations of what I've seen, i.e. CRIS (M3) and the ^{Flattering} "treatment programs". I think they also intercepted and threw away a pleading I had mailed to US District Court that weekend and other mail. I'll know soon enough. Next... if I did not know all too well what is happening I might think I was caught in an episode of "The Twilight Zone" - we came to 11/12.

On 11/12 I encountered some guards (MS) ~~was~~ bright idea of a good way to respond to what they have seen, probably even in collaboration with their buddies in Georgetown, hand in the letter to FBI: A 100% FICTITIOUS, MALICIOUS account of an "assault on staff." Give them a polygraph!! It began with "wu" # 10359⁰⁵, which I have never read or received. Keptate with loaded with lies. May I please have a copy of wu # 10359⁰⁵? Thank you. Then we have two more wus - # 1035912 - Twelve Sentences with 22 LIES, and # 1035914, Six Sentences with 11 LIES.

These guys must practice a lot to achieve such "jam packed with lies" results!! The truth is in the "statement", 1 full page, which I wrote in "the hole" about 45 minutes after the incident, Lt. Porter told me the next morning he had read my statement but "I gotta go on the wire - ps" it has "disappeared". Where is my statement? At the "hearing" yesterday Lt. Larry Savage had not read and did not have a copy of it, and did not know how I can get a copy. May I please have a copy of my statement? Thank you.

All 11/12 wus are OUTRAGEOUS, CRIMINAL, MALICIOUS, FICTITIOUS, FALSE "B.S."!! When Smith ("S") started reading ⁰⁵ full of lies and false accusations, I asked Dryan ("B") a few questions (ie what is this nonsense?) He said nothing, just kept the smokes on his face - that's when I know - he had read my letter to the FBI. And I did say, calmly and with no profanity to B: "You are quite a liar." And I did say to Band to S: "If you guys care a DISGRACE to law enforcement. And both are both. And these lying thugs must take you, if it is not the case, for a FOOL to think they are going to get away with it!!"
next page

23 to Danborg

Exhibit 16

I enjoyed five years as Deputy Attorney General and five years in private practice. Over 300+ trials (of all sorts), cross-examined thousands of lying witnesses (mostly criminal-like these guards). They will never get away with this. Never. Why don't you MAKE IT SIMPLE - give them a polygraph exam. They'll never pass a properly administered test (and they will never fool a jury - jurors aren't stupid) because they are lying!! I see, reading in #12, they have now involved an off. Hamun, who in fact said and did NOTHING during incident of 11/12. Just give him a lie detector on "wrestling me to the floor" and watch their entire story crumble; and start to see the truth and the nature of your problem. Mr. Danborg, you used to be A.G. for God's sake!! Get these lying thugs under control!!

Here, their contemptuous arrogance parallels their criminal conduct.

It is a sad day when Delaware law enforcement officers, your guards, refer to a Federal judge as "a powerless fuckhead. That fuckhead can't do shit," and "Ain't no little cocksucker in a robe gonna tell us what to do. We do what we want in here." Indeed they do. And we have B's snarled memorable remark: "FAT, huh? You don't fuck with us, we stick together."

As a direct result of these intentional, malicious, unlawful lies (all of which they knew would happen):

① I was wrongly removed from Greentree, triggering "the 5 year (5 YEAR) sentence which had been suspended for completion of Greentree" (enrolled on 9/28, I was actively participating, attending more classes than required, and the "head facilitator" (C.W.B.) had given me the materials and asked me to teach a class commencing the following week! Frustration ventillation - experiential)

② Thrown (literally) into the "hole" for 15 days - nothing but under wear, socks and toilet paper left. I'm still in a "holding cell" in the SHU - near equivalent of "the hole." No TV, requests for forms ignored, communication severely restricted - as B's intended.

③ All these lies are posted as fact on the A.O.C. computer system, grossly

ALTO
Hamburg

misleading everybody who reads them, including the sentencing judge or any judge who might modify a sentence.

(4) I am falsely portrayed as a "super troublemaker," classified as such, wearing orange.

(5) "Good Time" taken away and 5 year sentence in the SHU imposed (I must be in the SHU protective custody, having been proscribed 5 years)

(6) Cannot use law library, go to church, use library, find out from others what's really going on, communication extremely restricted.

The fact is that at all times, even when the situation (their conduct) was so OUTRAGEOUS that I did tell guards what they are - a liar - a disgrace - I did so with no profanity and never became "disruptive," "yelled" etc. Give me a polygraph!! I'm betting 5 years I'll pass, it - only your guards will fail!

I could tell when Lt. Porter spoke to me in "the hole" that he is beginning to get the picture. Here's the picture: the metaphorical popoola is about to "hit the fan" and splatter all over some D.O.'s uniforms, as Dad knows, it should. You should be the "splatterer," not the "splatteree."

Do the right thing, read my statement if you can find it. Closely examine B, S, and Hannum separately, give them a polygraph exam. If (D) is not the case, you're not part of the problem, you'll get quite an eye opener!!

(N1) I am mindful that I'm dealing with an institution which beat a person nearly to death and then said "He fell off his bunk" when your own doctors said such injuries could not possibly be sustained in such a fall!!

(N2) All "w's" are at least liberally sprinkled with (at least in my case) FALSE adjectives like "hostile, rude, belligerent, aggressive, disruptive, etc!" Total BS. I just "tell it like it is" - and will!

(N3) Far too frequently, taking a serious medical problem to crisis "treated" with procrastination, prevarication, and perfectly preposterous poppycock! For example, Bill, a not atypical patient, he complained of a small tumor - a corn size & I ignored for months, it grew until... they cut off his leg! 10 days prior Bill told me CMS told him he'd be "getting a new knee." From new knee to no knee!

next page

Steve's
Hampshire
Client

PS To
Darius
Exhib C

It seems that much of Delaware Officialdom is content to keep pushing people through these (2 of which I've experienced) so-called "Treatment programs," blind to reality, or masking reality with naked proclamations of "success." It is "convenient" for the system. Looks good (superficially). Sounds good. Accomplishes nothing. The reason that you need hundreds of new beds is these "programs" are a huge failure - no surprise to anyone who knows what goes on. What goes on? In "Greentree" for example, inmates, with no qualifications or training (many with serious anti-social values, thinking and behaviors) (a) control daily life on the street. When we slept, when we could move, shower, etc. (b) control recreation, recreation, pure nonsense - imagine the result - you cannot. (b) Teach all classes, and (c) even - oh yes! - determine which other inmates "graduate" or complete the program. The "professionals" have abrogated all responsibilities! The "counselors" are in the building maybe 3 hours per week, doing administrative paperwork, reclassifying people, moving them in and getting out. There is no counseling going on, can't prove this? Only with a few hundred witnesses who've passed through the "program" and a few honest AAC, personnel.

Here's a copy of my letter to Judge Kang shortly after a "class" on 11/12
"Your Honor,

Just a note to let you know my progress in Greentree. My last class began with the "facilitator" (inmate teacher) saying: "OK, this morning we just gonna kick it but the cop got shot in Philly."

A lively discussion ensued, including the merits (desirability) of killing cops, when killing cops might be "necessary"; what ~~uses~~ uses might be made of the weapon stolen from the dead officer, etc.

The class ended with the "facilitator" saying: "Fuck the cop, let's go eat!"
Respectfully submitted,
KAT

(NS) I find it hard to believe that RES concocted this scheme on their own. You have more than a couple of rotten apples in the barrel. I'm not paranoid, but it wasn't born yesterday. In fact, please give me

a real, thorough psychiatric exam by a well known, independent "expert" any day. And a polygraph. I'm 60, "clean" (no cocaine use) for a year, and just getting warmed up. Ask Hank Ridgely or Myron if you should underestimate me or ignore and disregard what I'm telling you. Hank has known me well for over 30 years.

MS, NY, NS etc.
This is some of what your guards read (and the FBI letter) and OH BOY, they did not like that! "Got to shut this guy up, punish him (maybe 5 years will slow him down), discredit him, invalidate him, cover our buddies' wrongdoing!" Hence, the incident of 4/12/02.

God Bless our little great State of Delaware, and get the muck out of the system!

Very Sincerely
Ken Abramo

Do the right thing instead of trying to keep someone wrongly imprisoned for five years! KRA

Your guards say when they get angry: "Nobody cares. Nobody cares about you in here, nobody gives a shit about you." That's part of what they count on in their misdeeds.

I believe somebody will care about this!
KRA

12/20/07 when property was returned ^{± 11/30} all writing instruments, envelopes, and months (May through Sept.) of daily notes had been taken - gone!

(2 pens & pencil)

STATEMENT written on 11/2/07 - 45 minutes after incident.

11/14/07 It is more than a little disappointing to see law enforcement officers of my home state acting this way, quite an understatement. I had 4 pills out on table to remember to take them, Bryan & Hain come in for shake down. Basked about pills and I told him 3 red were corocid and I had 3 more boxes in drawer from Doctor. Pain pill given by Nurse and I had not taken it because pain comes & goes, would take when pain recurs, I said nothing about allergy in commissary. Roommates Clark & Ken said maybe write up because pills not in orig. container - so that's what I expected write up to be. Wife (several cos had seen same pills (3,4) thus arrayed in prev. days and said nothing). Called to office 7:30 and Lt starts reading "lying, displaying order, etc and I said what's this nonsense? No answer. I say "that's not right at all, what's this nonsense?" Bryan comes in from day room. I say "what's this?" No ans, I say: "are you sure you're not mistaking our conversation for another one in another cell?" Smith says "shut the fuck up and let me finish" Bryan only smirks - says nothing. That's when I knew. He had seen my FBI letter copy and other stuff - cross programs" which I had sent to News Journal, I said to Bryan "you're quite a liar" "No profanity, yelling, disruptive" etc. He says nothing, then they both exploded when I said "you'll never get away with this." Smith says shut the fuck up. I said "this is too funny." Both use a disgrace to law enforcement, Smith laughed. I say "you saw my letter to the Bldg and you didn't like it?" Bryan smirks again. Smith "shut the fuck up. go to your cell." I start to walk saying I will introduce them to Fed Ct. they'll never get away with this, Smith says hold it - takes my pen out of my pocket and says "cut him" and call code red. Bryan or I cuff me + Bryan calls code red. Victor Bldg. Smith says "you tried to stab me." gesturing, I say "what?" this is outrageous. You must be into to think you'll get away with this. I disgrace to law enf + to FBI. This is why God made Fed. judges for Bryan's powerless Fuck Head. Federal Fuck Head ~~you tell us~~ can't do shit. Smith "No little cocksucker in a robe gonna tell us what to do - we do what we want in here." "store troops" arrive - I say "good evening" they say shut the fuck up. Smith "FBI, huh. You don't fuck with us, we stick together." shut up. I don't think I will shut up to stand me out. This is why God made anyway with this!

Smith "Nobody cares about you in here. Nobody gives a shit about you in here."

K-D A-T-173040

See "letter to Danberg" of 11/28/07.

Exhibit

I am here for using cocaine, and, worse, stealing money to buy more. Been sentenced and being punished. No argument with that. However, due solely to malicious lies by D.O.C. guards I now face being incarcerated until '2012, instead of 2008. These lies are retaliation for my efforts to contact the press and law enforcement authorities about criminal conduct of guards. OUTRAGEOUS, and compounded by the culture of cover-up. I will prove in any court of law, where the law and rules of evidence apply, everything I say, in a trial or hearing of ± 2 hours, the trier of facts will see the truth.

On 5/10/07 I was physically attacked by guards at S.U.O.P. in Georgetown without provocation or cause. It is what they do there. The brutality at S.U.O.P. is an open secret and I have many witnesses. It is widespread, systemic, inexcusable.

Guards here at Off. in Snyrna saw that I was suing those at S.U.O.P., and I was attempting to reach federal and state authorities and the press regarding the situation and other problems here. They stole legal documents and outgoing mail.

On or about 11/10/07 these guards in Victor building stole an outgoing piece of mail to The News Journal. This envelope contained a copy of my 11/2/07 letter to the FBI and correspondence describing other serious problems in this institution.

On 11/12/08 they retaliated. One glance at my "status sheet" in the D.O.C. computer system tells the reader that I have a 5 year sentence, suspended for the completion of "Greentree program." I was in the program, doing better than fine (see Danberg letter), on track to be released in late '08.

But, on 11/12/08 guards Bryan and Smith, probably in collusion with their buddies in Georgetown, concocted three totally FALSE "write-ups" or "disciplinary reports".

of 'assault on staff', 'this', of course, removed me from the
Greentree program, and triggered the balance of the 5 year
sentence!! It also placed me here in SHU (solitary
confinement) with other sanctions. As it now stands, I am to
be here until the end of 2012!! (or until I can get justice).

There is no recourse here - the 'hearing officer' said that he was
not interested in the truth, and Commissioner Danberg refuses to
investigate, acknowledge, or solve the problems. The institution will not admit its wrongs.

Again, I have kept detailed notes since my arrival here on
1/3/07 when I refused probation and asked for treatment. I can prove
what I am saying, including that guards here scorn the law, think
they can break the law with impunity, and lie like crazy to cover up
wrongdoing. It is a culture of cover-up, ingrained.

While the "letter to Danberg" of 11/28/07 mentions many
problems here, it is the outrageous retaliation which I deem
most outrageous, and I am trying to get authorities to begin
an investigation which will lead to the firing, arrest and
conviction of those involved.

Please, somebody charge me with a **KRA**
crime for this "assault on staff"!! It would be the quickest way to a courtroom to expose the KRA!!

I ask YOU, after reviewing enclosed documents, to contact:

Ms. Rona J. Comisac
Assistant Attorney General
Special Litigation Section - Civil Rights
U.S. Department of Justice
950 Pennsylvania Ave, N.W. PHB
Washington, D.C. 20530

Crimes and
violations of
1st, 4th, 6th
8th and 14th
Amendments
clearly.

These guards need to be prosecuted!!! Organized pack of lying thugs
I shall answer any questions with complete candor. I disagree to
will take polygraph exam, etc. **KRA.** Delaware!!

1/27/00
To

Col. Thomas F. MacLeish
Superintendent - Delaware State Police
P.O. Box 430
Dover, DE 19903

From: Ken Abraham
173040 SHU-19-Buell
D.C.C. 1181 Paddock Rd
Smymna, DE 19977

re: criminal conduct of law enforcement officials.

Dear Sir,

I contacted you as early as July, '07, and heard nothing.

I am writing to you again to ask to press charges to have some criminals arrested. They're among the worst kind of criminals; they wear law enforcement uniforms!

If you are the caliber of person and policeman of some Delaware State Troopers (I have had the privilege of working with in the past (John Bisbee, Bob Collison, Bruce Pearce, among others) you will do something.

Thank you for your attention to this matter.

Sincerely,

K. J. A.
Kenneth Abraham

enclosures 26 pages
Copies to others.

|||||

- Letter to Castle
- SUMMARY of PROBLEM
- "Dabney letter" of 11/20/07
- "POE letter" of 11/7
- "DOC" write ups of 11/12
- "Statement of 11/12
- "Exam not staff page.

[The body of this page contains extremely faint and illegible text, likely due to a very low quality scan or significant fading. The text is arranged in approximately 30 horizontal lines across the page.]

Resume
Exhibit F

MARKETING/SALES Within two years of acquiring a dormant printing company I had hundreds of new local and national accounts including (nationally) Red Lobster, Burger King Corporation, Shoney's, Sea Escape, Atlanta Braves and other teams, Waste Management, National Plastics Council and more. By the end of the first year we had won the Business of the Year award from the Seminole County Chamber of Commerce. I created and marketed the "Recyclesourous" program, an award winning educational Funbook for children, which we produced for companies and communities nationwide.

During each of my four years as a business broker I was the firm's top producer, and I suggested and helped to create the Florida Better Business Brokers' Association.

In my law practice I pioneered (tasteful) legal advertising, and in timeshare sales I achieved a 12% closing ratio.

MANAGEMENT/LEGAL My printing and publishing company grew from two to 23 employees within two years. Quality improved immensely. We started two related print businesses and a nationwide catalog business. As an attorney I managed my law firm, emphasizing criminal, domestic, personal injury and business litigation. I won over 300 jury trials and handled thousands of cases in all courts. As Deputy Attorney General I established a police education program.

CIVIC/OTHER I have been active in United Way, Rotary International, Board of Realtors, Episcopal Church, Legal Aid, and the Delaware ~~Sea Bear Association~~ Ethics and Criminal Law committees. I enjoyed teaching business law and criminal law at local colleges. I won the American Jurisprudence Award for Excellence in Contract Law.

EDUCATION

The Dickinson School of Law - J.D. 1973
Carlisle, Pa.

Kenyon College B.A. 1969
Gambier, Oh.

The Pettie School- Honors 1965
Hightstown, N. J.

References available upon request.

Myron T. Steele
Chief Justice
Supreme Court of Delaware
302-739-4214

Dave Poole
Dave Poole Marketing
Orlando, FL
407-699-0758

Henry dePout Rodgely
Justice
Supreme Court of Delaware
Home: 302-697-1531

EMPLOYMENT

Dave Poole Marketing 1996-now (2006)
Orlando, FL.

Self employed 1992-now (2006)
Orlando, FL.

Owner, Paragon Inc. 1988-1991
Longwood, FL.

Business Investment Consultants
1984-88 Orlando, FL.

Attorney at Law 1979-83
Dover, De.

Deputy Attorney General-Delaware
1974-79 Dover, De.

Law Clerk, Delaware Supreme Court
1973-74 Dover, De.

Have not
practiced
since '83

Bank of New York
939
4622

Personal or (Exhibits)

4/2/08 To: Joseph " Beau " Biden
Attorney General - State of Delaware
Carvel State Ofc. Bldg.
820 N. French St.
Wilmington, DE 19801

From: Ken Abraham, 173040
5H019 B-U-4, D.C.
1181 Paddock Rd.
Smymona, DE 19977

Re: Criminal Complaint

Dear Mr. Biden,

I know from experience the discomfort in having to investigate and prosecute fellow law enforcement officers. I also know the critical value and benefits of doing so when necessary.

The officers named are a DISGRACE to law enforcement and the people of Delaware, and all those officers who do their jobs properly are tarred by these few.

Some benefits, far more significant than redressing the personal wrongs done to me, include:

(A) Sending the message which this institution sorely needs to receive: "the law applies inside these walls!"

(B) Successful prosecution of the criminals wearing D.C. uniforms will no doubt deter others, hopefully put a dent in the "culture of cover up" and effect some change in the current D.C. attitude of absolutely no interest in the truth.

(C) The U.S. District Court for the District of Delaware is besieged with burdensome complaints from inmates. Some no doubt are spurious; sadly for Delaware, too many have merit. Successful prosecution of matters addressed herein will reduce the necessity for such Federal actions.

(Over)

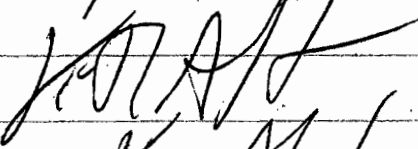
I am aware too of the "unpopularity" of "helping" inmates, Justice Brandeis eloquently described the plight of abused inmates by noting that prisoners "live in society's shadow," with most not wanting to "get involved."

It is because inmates are so relative helpless that you should administer justice. It is precisely because others with the power to intervene and ensure justice have turned their heads that the current problems persist.

With this letter, my Affidavit, and the other enclosures I implore you to begin a genuine investigation. (A)

Thank you for your consideration.

crimes: assault & battery, false reports (inmate 12453(x))
false imprisonment, Hate crime 1102(C)(3)(D),
in the opening of US Mail toabus & retaliation
for lawsuit & correspondence. Numerous civil rights
violations

Respectfully,

Ken Abraham

P.S, internal "grievance" process, which I have exhausted, is a wildly ridiculous joke - a farce. Were you here to witness it you would agree!!!

KRA

- (A) Give Bryan & Smith a polygraph;
 - (B) Did Mr A cause & suffer at all on 11/12?
 - (C) Did anyone attempt to stab anyone w/ anything?
 - (D) Did anyone "wrestle Mr A to the floor" 11/12?
- If they answer Yes to any you'll see their Lies.

Exhibit H

To: "Beau" Biden, III
4/2/08

Affidavit
I, Kenneth Abraham, on this 2^d day of April, 2008, do swear and affirm that every statement of fact in the following documents (attached and hereby incorporated as part of this Affidavit by reference) is true and correct, under penalty of perjury or other law:

- ① "Letter to FBE" of 1/2/02
- ② "Letter to Rosenberg" of 4/28/07
- ③ "Statement" of 11/15/07
- ④ "Summary of Problem" of 1/20/08
- ⑤ letter to Col. Maderich of 1/27/08

Further, I am willing to answer any and all questions posed by the office of the Attorney General and am willing to take a polygraph exam in connection with this matter.

This Affidavit is submitted with my letter to Mr. Biden (Joseph "Beau" Biden, III) of 4/2/08 seeking a full investigation of these matters, consistent with his oath of office and 29 Del. C. § 2504(4).

I, K-MAK, swear and affirm that
Kenneth Abraham

The above (and incorporated) information is true and correct and is made under penalty of perjury.
Dated: 4/2/08

Brian D. Engrom
Notary Public, State of Delaware
My Commission Expires June 14, 2008

SWORN TO AND SUBSCRIBED before me
this 2nd day of April, 2008,
Brian D Engrom
Title - Notary

Disciplinary# 1035914

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 11/13/2007

Exhibit

DISCIPLINARY REPORT

Disciplinary Type: Class 1 Housing Unit: Bldg. C IR#: 1047421

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00173040	Abraham, Kenneth R	DCC	Bldg. V Office	11/12/2007	22:00

Violations: 1.06/200.203 Disorderly or Threatening Behavior, 2.05 Disrespect, 2.06/200.108 Failing to Obey an Order, 2.14 Unauthorized Communication

Witnesses: 1. N/A 2. N/A 3. N/A

Description of Alleged Violation(s)

In Above Date And Time Lieutenant Patrick Smith, Unit 13, Responded To V-Building To Perform A Hearing On I/M Abraham, Kenneth Sbi #00173040, For A Write Up That Writer, Sgt. Michael Bryan, Had Conducted On I/M Abraham During The Course Of The Hearing. Lieutenant Smith Was Reading The Report To I/M Abraham, When I/M Abraham Began Yelling That This Was Bullshit, This Is Trumped Up Charges. I/M Abraham Then Looked At Writer And Stated That You Are A Disgrace To Law Enforcement, And A Lying Piece Of Shit. Lieutenant Smith Advised I/M Abraham That He Needed To Calm Down And Let Lieutenant Smith Continue. At That Point I/M Abraham Began Stating That Sgt. Bryan Was A Lying Piece Of Shit And That I/M Abraham Would Get Sgt. Bryan And That I/M Abraham Would See Sgt. Bryan And Lieutenant Smith In Court As We Were A Disgrace To Law Enforcement. At That Point Lieutenant Smith Ordered I/M Abraham To Return To The Tier, And I/M Abraham Again Stated That He Would Get Writer And Lieutenant Smith And That He Would Sue Us In Federal Court And That We Were Pieces Of Shit.

Reporting Officer: Bryan, Michael (Booking/Receiving Room Officer)

Immediate Action Taken

Immediate action taken by: Bryan, Michael -Booking/Receiving Room Officer

404 Was Completed And Lieutenant Smith Was Notified

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured: No

Reason: N/A

Disposition Of Evidence: N/A

Approval Information

Approved: Disapproved: Approved By: Cessna, Christopher (Staff Lt./Lt)

Comments: N/A

Shift Supervisor Details

Date Received: 11/13/2007 Time: 19:43 Received From: Cessna, Christopher

Shift Supervisor Determination:

- Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)
- Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.

[Signature]
Cessna, Christopher (Staff Lt./Lt)

I have received a copy of this notice on DATE: 11/13/07 TIME: 1945 and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing Officer:

[Signature]
Cessna, Christopher

Offender:

REFUSED TO SIGN
Abraham, Kenneth R

[Signature]

Disciplinary#
1035912

Exhibit 5

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 11/13/2007

DISCIPLINARY REPORT

Disciplinary Type: Class 1 Housing Unit: Bldg C IR# 1047417

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00173040	Abraham, Kenneth R	DCC	Bldg V Day Room	11/12/2007	22:21

Violations: 1.02/200.201 Assault 1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.05 Disrespect

Fitnesses: 1. N/A 2. N/A 3. N/A

Description of Alleged Violation(s)

On The Above Date And Time While Lt. Patrick T. Smith Was In V Building To Do A Preliminary Hearing On I/M Abraham Kenneth 0173040 For An Offense That Happened Earlier In The Shift, Inmate Abraham Became Disorderly And Began Calling Sgt. Bryan Disgrace To Law Enforcement And Lying Piece Of Shit. Lt. Smith Informed Inmate Abraham That The Hearing Was Over And That His Actions Constituted A Refusal To Sign. Inmate Abraham Continued To Be Disorderly. Lt. Smith Ordered Inmate Abraham To Return To His Tier, Inmate Abraham Continued His Disorderly Behavior Towards Sgt. Bryan. Lt. Smith Gave Inmate Abraham A Second Order To Return To His Tier, As Lt. Smith And C/O Hannum Were Escorting Inmate Abraham To The Tier Door Inmate Abraham Made The Comment " I've Taken Many A Piece Of Shit Correctional Officers To Court, I'll See You In Court. Lt. Smith Informed Inmate Abraham That His Name Was Lt. Patrick Smith. At The Tier Door Inmate Abraham Made The Comment " I'll Get You Inmate Abraham Then Pulled A Pen Out Of His Pocket And Lunged Toward Lt. Smith Attempting To Stab Lt. Smith. Lt. Smith Grabbed The Wrists Of Inmate Abraham To Prevent Himself From Being Stabbed. Officer Hannum Grabbed Inmate Abraham From Behind, Lt. Smith And C/O Hannum Wrestled Inmate Abraham To The Floor, C/O Hannum Hand Cuffed Inmate Abraham. Lt. Smith Called A Code 1 In V Building, Sgt. Bryan And C/O Toomey Who Were Assigned To The Building Responded, Sgt. Roland Wiley, Lt. Chris Cessna, C/O Lancaster, C/O Turner, C/O Mitchell, C/O Price, And C/O Overmeyer Responded To The Code And Escorted Inmate Abraham Out Of V Building.

Reporting Officer: Smith, Patrick (Staff Lt./Lt)

Immediate Action Taken

Immediate action taken by: Smith, Patrick -Staff Lt./Lt

Hand Cuffed Inmate, Called Code 1 in V Building

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured? No

Reason: N/A *Baloney, D.O.C. "Reports" are serious competition for Oscar Payer!*

Disposition Of Evidence: N/A *It's Baloney, Baloney, and more Baloney*

Approval Information

Approved: Disapproved: Approved By: Cessna, Christopher (Staff Lt./Lt)

Comments: N/A

Shift Supervisor Details

Date Received: 11/13/2007 Time: 19:40 Received From: Cessna, Christopher

Shift Supervisor Determination:

- Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges (see reverse side) for _____ hours not to exceed 24 hours)
- Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.

Christopher Cessna

Cessna, Christopher (Staff Lt./Lt)

This Document is a complete falsification by Smith - part of a fabrication for contacting press and FBI

KRA

Disciplinary#
1035905

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 11/27/2007

Lies
Didn't even have any funds for commissary!
FOOL

John K

DISCIPLINARY REPORT

Disciplinary Type: Class 1 Housing Unit Bldg 18 IR#: 1047410

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00173040	Abraham, Kenneth R	DCC	Bldg. V B Tier	11/12/2007	19:00

Violations: 1.18/200.218 Possession of Dangerous Contraband, 2.01/200.105 Abuse of Privileges, 2.03/200.106 Creating a Health Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order, 2.10/200.213 Lying, 2.13/200.111 Possession of Non-Dangerous Contraband

Witnesses: 1. N/A 2. N/A 3. N/A

Description of Alleged Violation(s)

On Above Date And Time Writer, Sgt. Michael Bryan, Conducted A Shakedown On B-Tier Cell #1. Upon Checking The Area Of The Single Bunk, Writer Observed Four Pills Laying On The Table, Located At The Foot Of The Single Bunk. Three Pills Were Oblong And Red In Color, One Pill Was A Small Round, And White In Color. Writer Made Contact With I/M Kenneth Abraham, Sbi # 00173040, Which Is Assigned To Cell # Single Bunk. I/M Abraham Stated That The Three Oblong Pills, Red In Color, Are Allergy Pills That He Had Purchased From The Commissary. The Small Round White Pill Is A Pain Killer That Is Administered By The Nurse. I/M Abraham Stated That He Only Takes The Pill When Needed. Writer Advised I/M Abraham That He Was Receiving A Write Up For The Three Oblong Red Pills For Same Not Being In The Proper Container, And For The Small Round White Pill For Not Taken Same When Administered By The Nurse. Writer Confiscated The Four Pills And Completed A 537 On Same. Write Also Made Contact With Lieutenant Patrick Smith And Made Same Aware Of The Infraction.

Reporting Officer: Bryan, Michael (Booking/Receiving Room Officer)

FALSE

Immediate Action Taken

Immediate action taken by: Bryan, Michael -Booking/Receiving Room Officer

Pills Were Confiscated A 537 From Was Completed, A 404 Was Completed, I/M Abraham Was Made Aware Of The Write Up. Writer Contacted Lieutenant Smith And Made Same Aware Of The Infraction.

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured? No

Reason: N/A

Disposition Of Evidence: A 537 From Was Completed And Fowarded To The Shift Commander Along With The 404

Approval Information

Approved: [] Disapproved: [] Approved By: Smith, Patrick (Staff Lt./Lt)

Comments: N/A

Shift Supervisor Details

Date Received: 11/12/2007 Time: 21:16 Received From:

Shift Supervisor Determination:

- Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)
- Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.

*Of course you do!
You can't admit what's going on!!*

Smith, Patrick (Staff Lt./Lt)

Learned after 11/28 when property returned with writing not returned and notes.

Lies, lies and more lies. There is no interest in the truth in here. To my utter amazement, the "hearing officer" said on 12/2 that he had no interest in the truth!!

Disciplinary # 1035045

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 10/19/2007

DISCIPLINARY REPORT

Disciplinary Type/Class	Housing Unit/Blk	IR#	104342		
SBI#	Inmate Name	Inst Name	Location Of Incident	Date	Time
00173040	Abraham, Kenneth R	DCC	Others	09/23/2007	13:00

Violations: 1.29 Refusal to Participate In Classified Treatment Programs

Witnesses: 1. Thompson, Diana 2. Ingram, Norman 3. N/A

Description of Alleged Violation(s)

On 09/26/2007 Date At Approximately 1300 Hrs, I/M Abraham Met With This Reporter To Discuss Treatment Goals And Objectives He Appeared To Be Guarded When Engaged. He Repeatedly Stated, That He Requested The Judge To Order Him To Treatment and He Is Willing To Do Whatever It Takes To Stay Clean. Based On This Reporter Initial Assessment, Time Remaining On I/M Abraham Sentence, And His Disciplinary History While At Level 4 Crest Work Release Long Term Greentree Is The Recommendation For This Client. I/M Abraham Immediately Became Abrasive Demanding An Accelerated Contract. This Reporter Explained To I/M Abraham Her Reasoning For This Decision. With An Escalated Tone He Stated, He Is Not Going To Do The Program If He Is Not Given An Accelerated Contract, and Demanded To Be Classified Back To The SHU, and Stormed Out Of The Office.

Reporting Officer: Thompson, Diana (L5 Correctional Counselor)

Immediate Action Taken

Immediate action taken by: Thompson, Diana -L5 Correctional Counselor

Informed Security Personal, Supervisor, And Program Coordinator Of Client Refusal To Participate In A Classified Treatment Program.

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured: No
Reason: N/A
Disposition Of Evidence: N/A

Approval Information

Approved: [x] Disapproved: [] Approved By: Salas, John (Staff Lt/Lt)

Comments: N/A

Shift Supervisor Details

Date Received: 10/15/2007 Time: 15:54 Received From: []

Shift Supervisor Determination:

- Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours
- Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.

Are they trained to reject this language and so distort reality?
10/20/07 8:10 PM instead of 6 due to RDC false reports!

I have received a copy of this notice on DATE: _____ TIME: _____ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing Officer:

Salas, John

Offender:

Abraham, Kenneth R

Total
BS
stormed out
Total BS

Most of which of
FALSE
The first thing
of

I said this is BS and I refuse to sign it!!

10/19/07

Set Phelps free to provide me
they don't care
when did you put me in
you will be off for a while
lala la la la
make me successful!!

Exhibit 19

Response to request to work.

DELAWARE CORRECTIONAL CENTER

TO: KENNETH ABRAHAM SBI# 00173040 V-BLDG B1
FROM: COUNSELOR D. THOMPSON, BSW
SUBJECT: JOB REQUEST
DATE: 10/17/2007
CC: MASTER COUNSELOR D. SPENCE, GREENTREE COORDINATOR

As per your records it is recommended that you only remain program active at this time. Based on this reporter's initial assessment and your extensive write up history at level 4 in the Crest program, you will not be considered for a job at this time.

10/20

Who is she kidding??

The first words out of her mouth were, "Bein' you got 5 years suspended for the program, I'm putting you in it for 18 mos."

No discussion of prior treatment

No mental health evaluation

No assessment of need.

No testing of understand of addiction issues, treatment, or problems.

90% of which is totally false.

No job. No chance to begin restitution.

Punished again by DOC falsehoods.

This is cruel and unusual punishment.

"Only remain program active" does she not know that, from 5:00 AM to 10:00 PM every day is at least 15 hours of dead time. No "programming" go, go, go whatsoever

"Counselor" does no (zero, none) counseling.

KRA

These falsehoods cost me one year, at least on 9/23/07?

DR#
1035912

Exhibit N

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA, DE, 19977
Phone No. 302-653-9261

Date: 12/14/2007

19

Inmate : Abraham, Kenneth R SBI#: 00173040 Type: Class 1
Institution: DCC Delaware Correctional Center Hearing Date: 11/27/2007 Time: 10:21

MEMORANDUM

To : Abraham, Kenneth R
From : Chief, Bureau of Prisons
RE : APPEAL DECISION

1. Isolated Confinement

Your appeal Accepted Denied
The decision of hearing Affirmed Reversed Remanded for further proceedings
The sanction imposed by hearing officer will Remain as imposed by the Hearing Officer Reduced

The basis of this decision is as follows :

A review of your lengthy appeal raises numerous issues and allegations. However, there is only one brief reference to this incident, and it was merely a claim against staff. You have not provided any information to warrant a change in the decision. However, the guilty finding on 2.03 is reversed, that violation is not supported by the report. No other changes are warranted.

This report has been reviewed by Rendina, Anthony J

[Handwritten initials]

Date Reviewed 12/14/2007

12/13/07
Surprise, 17
Surprise!
They have no interest in it.
Got to cover their
lying BATS!

What?!
Included were "letter to
Denberg of 1/28
and "statement of 1/12.
More cover-up!

2/15/08

Exhibit 0

To: Warden Perry Phelps
ACC.

From: Kenneth Abraham
173040 SHU 190-V-4

RECEIVED

FEB 22 2008

DCC Warden's Office

Re: incident of 11/12/07.

Dear Sir,

I submitted, months ago 2 grievances and a note to you which have been completely ignored.

I write again - Please consider this an Appeal or further Grievance concerning the OUTRAGEOUS conduct of your employees, Smith and Bryan.

Enclosed is my "Statement" of 1/12 and 2 my 11/28/07 "letter to Dauberg" ^{Exhibit 0} They accurately describe the situation. Also enclosed is "FBI letter of info" as Dauberg letter refers to it.

So, I ask you to review these, (submit your lying thug employees to a polygraph exam) and take action appropriate to correct ~~the~~ the injustice, including firing these two guards.

Copies

Over

Most Sincerely,
K. M. A. H.

Note: ^(Exhibit 0) The enclosed ~~is~~ "Statement" of 11/12 is reconstructed immediately after I got out of "the hole," when I discovered I did not have a copy of the original. Lt. Porter read the original one.

If you have or can locate the original ^{"Statement"} you will see it corresponds nearly verbatim to the one enclosed.

KRA

PS. I had the ^{privilege} ~~privilege~~ ^{COOP} of working once with Warden Redman, who did the right thing in a sticky situation many years ago. If you're in touch, give him my regards! KRA

Or, perhaps you too are part of the problem. I recall Bryan's arrogant remark: "FBI Huh, you don't fuck with us. We stick together." They either (1) know that you condone their conduct, or (2) they ~~are~~ ^{are} ~~I~~ ^{am} ~~tempted~~ ^{tempted} to add: "This cocky fool will ~~not~~ ^{not} think you a fool. ~~got what's coming to him!~~ You bet I will!"
These guys, Smith & Bryan, are a DISGRACE to law enforcement and to the hundreds of DOC employees who come to work and simply do their jobs. When I filed a grievance asking for a copy of my statement of 11/12 I received a note back saying "Records indicate you received it on 11/19". Dave BS. Records indicate plenty which is FALSE.

Exhibit P

Never received any Housing rules or any other rules
Despite numerous requests for prison rules



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
DELAWARE CORRECTIONAL CENTER
1181 Paddock Road
SMYRNA, DELAWARE 19977

More B.S.

Rec'd 4/1/08 BU-4

MEMORANDUM

TO: Abraham, Kenneth #173040 / SHU 19 BU 4

FROM: Capt. Michael J. McCreanor
Office of Warden Phelps

DATE: March 31, 2008

RE: Letter dated February 15, 2008

Total B.S. ourselves. Nobody spoke to me!

Clearly was inspired by OUTRAGED acts of Bryan & Smith you idiot.

The matter you wrote about has been investigated. It is clear your letter was inspired by the disciplinary action you received from Sgt. Bryan and Lt. Smith on November 12, 2007. Medications dispensed by the nurse are to be immediately taken, not saved for a later time. Housing rules clearly state items purchased at the Commissary are to be kept in their original container. You admit in your letter that you knowingly violated this rule on more than one occasion. The other officers were remiss in their duties by not correcting your behavior.

Your complaint about the restricted movement and privileges in the SHU is without merit. SHU is Maximum Security. Movement is restricted and privileges diminished because of behavior. However, you still have access to the Library, Law Library, newspapers and phone calls, but not with the frequency as the inmates in medium and minimum security.

I can find no justification to grant your request for staff to be given a polygraph.

None were!

NOT TRUE

of guards B+S O

Not true Not at all. And this guy is a "captain"!!

You don't dare! 0
give them a polygraph 0

attached - statement of 12/07
Reubens letter 11/28/07
P&P 11/1/07
Summary

CAPT. MICHAEL J. MCCREANOR

DR# 1035912

Exhibit

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 12/29/2007

19

DISCIPLINARY HEARING DECISION

Inmate: Abraham, Kenneth R. SBI#: 00173040 Type: Class I
Institution: DCC Delaware Correctional Center Hearing Date: 11/27/2007 TIME: 10:21

Inmate Present: Yes Reason (If No): N/A
Violation: , 1.02/200.201 Assault, 1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.05 Disrespect

Inmate PLEA: Not Guilty
Inmate Statement: Never happened. They took pen out of my pocket after I was handcuffed.

Decision: Guilty *Surprise, surprise. Also NOT True*
Rational: Per report inmate found guilty of all charges. Inmate didn't want to confront accuser. Sanctioned to 15 days isolation already served.
Sanctions: N/A *And 2 years in SHU!! And they hope, 5 years in prison.*

HEARING OFFICER'S SIGNATURE
Savage, Larry

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

DO DO NOT INTEND TO APPEAL
INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- Inmate does not wish to appeal Appeal has been denied by Commissioner or Designate
- Sanctions have been modified Time Limit (72 Hours since hearing) for appeal has expired

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Isolated Confinement		15	

These "Disc. Reports" look like so official, yet they are complete BS!! Loaded with lies!

more BS

rec'd 1/5/08

As I wrote to Fed Ct, there is nothing unjust about the guilty being in accordance with a judge's sentence here, imprisoned, for what they have done. There is some thing grossly unjust about being wrongly imprisoned due to this outrageous, totally FALSE, BS by the custodians, retaliating, trying to cover up crimes!!

Dear God, please, just get me before 12 ordinary people. Me and the bying

2/26/08 Exact copy - Law Library refused photocopy.

To: Todd Kramer
SHU19 Counselor
Office of Treatment Services
ACC

Exhibit A

From: Ken Abraham
173040 SHU19 B-U-4

Mr. Kramer,

Despite several requests, including one previous to you, I have never received the details or been informed of the consequences (penalties) of the "write-ups" I received on 11/12/07. (which, by the way, are 100% FALSE!!)

I need to know, for the lawsuit I'll be filing in February, what are all of the sanctions, punishments, consequences, loss of privileges, etc, and for what length of time. All I know is I'm in isolation wearing orange.

If you do not have this information, where can I get it? I have written to counselor Aiello, you, Lt. Porter in "classification", without response.

Thank you.

Sincerely,

K. Abraham

Also - in your note of 1/16 you mentioned "AC" - will you please explain that?

copy

Thank you,
KRA

2/5 - He says he'll let me know

Over Certificate of Service

BLDG ✓ B-1 Exhib
Offender Status Sheet

Date: 10/10/2007

SBI #: 00173040 Name: KENNETH R ABRAHAM Sex: M
 Location(s): DCC Level(s): 5 Race: WHITE DOB: 04/24/1947 Sex Offender:
 AKA: KENNETH ABRAHAM
 Offender Type: Sentenced Officer(s):

Level: 5										
Start Date: 05/16/2007		MED: 05/15/2012		STRD: 11/29/2011		ADJ: 11/29/2011		PED:		Statutory Days Earned: 168.00
CASE#	CRA#	Charge Desc	Status	Length	Start Dt	MED	STRD	Adj Date	CR	Wk
Court Type	Judge	Sen. Type / Sentence Date	Eff. Date	Y M D						
0705004852	IK07052026	THEFT \$1000 OR>	Current	5 0 0	05/16/2007	05/15/2012	11/29/2011	11/29/2011		
U8	Robert B Young	STANDARD	09/19/2007	05/16/2007						

Special Conditions:

CRA#	Level	Code	Condition Description	Condition Comments
IK07052026	5	CRT1	Other Conditions:	SENTENCED TO 5 YEARS AT LEVEL 5 GREENTREE. UPON SUCCESSFUL COMPLETION OF LEVEL 5 GREENTREE BALANCE OF SENTENCE IS SUSPENDED FOR 18 MONTHS AT LEVEL 3. DEFENDANT SHALL REMAIN IN PROTECTIVE CUSTODY UNTIL PLACEMENT IN THE GREENTREE PROGRAM. MENTAL HEALTH EVALUATION SHALL BE PERFORMED. STILL HAS LEVEL 4 TO FINISH ON CASE NUMBER 0605019004. JC

Feb. 25, 2008

Exhibit

TM

Ken Abraham:

- ① File a civil rights complaint under 42 USC 1983. Make sure you exhaust institutional remedies (grievance procedure). Stress in the complaint the "retaliation for exercising your constitutional rights." Specifically, your free speech rights to contact the media and your access to the courts right to file civil actions. The case law is mixed, but start your research with: Booth v. King, 346 F.Supp.2d 751 (E.D. Pa 2004); Johnson v Litscher, 260 F.3d 826 (7th Cir. 2001); Misenar v. McKinna, 210 F.3d 390 (10th Cir 2000); 175 F.3d 378 (6th Cir. 1999); Frazier v. Dubois, 922 F.2d 560 (10th Cir. 1990); 929 F.2d 419 (8th Cir. 1991); Rausser v. Horn, 241 F.3d 330 (3rd Cir. 2001); and Homez v. Vernon, 255 F.3d 1118 (9th Cir 2001).

Must
be
making
D

- ② I was not able to find any case, statute or rule that states that one cannot libel or slander a convicted felon. See 10 Del. C. § 3919 for general defenses in civil libel actions. Also see 10 § 4001 - § 4005 for limitations on civil liability on state tort claims.

The cases and statutes listed above are available to you from the SHU law library.

Sincerely,

Lawrence F. Fuchs

