

No. S279269

**In the Supreme Court of the State of California**

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IN RE CEDRIC GREEN,  
ON HABEAS CORPUS.

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First Appellate District, Division Four, Case No. A167033  
San Mateo County Superior Court, Case No. SC041613A, HC-3053  
Elizabeth M. Hill, Judge

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**RESPONDENT'S INFORMAL RESPONSE**

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## INTRODUCTION

While on federal probation in 1997, petitioner Cedric Green robbed a 79-year-old woman as she walked to her car with her 81-year-old husband. Green was sentenced to 25 years to life for the robbery and to an additional 10 years for two previous strike convictions. Green challenges the Board of Parole Hearings' 2021 decision finding him unsuitable for parole. He raises three claims, which all lack merit and should be denied.

First, Green erroneously contends there is confusion in the appellate courts concerning the Board's longstanding public-safety inquiry when determining parole suitability. Second, there is no merit to Green's suggestion that two unrelated United States Supreme Court cases resolving vagueness challenges to the residual clauses of federal statutes apply to California's parole suitability determinations. Third, Green's sufficiency-of-the-evidence challenge to the Board's 2021 decision denying him parole at his initial parole hearing is also meritless. Indeed, some evidence, including Green's recent rule violations and the forensic psychologist's opinion that Green poses a high risk for violence if released, supports the Board's decision. Accordingly, this Court should find that Green has not established a prima facie case for relief and deny the petition.

## FACTUAL AND PROCEDURAL BACKGROUND

### **Life-crime Robbery and Criminal History**

Ludmila Davis, age 79, and her husband were walking to their car after attending a party with her family at a restaurant in Burlingame. (Exh. 1, *People v. Green*, Unpublished Decision,

Case No. A082658, at p. 1 (Sept. 30, 1999).) Mrs. Davis heard a rush of steps, her purse was snatched out of her hand, and she saw Green running away. (*Id.* at pp. 1-2.) Green fled in a waiting car and was soon arrested at the airport. (*Id.* at p. 2.)

Green's criminal activity and drug use began as a child, and he was convicted of many serious crimes as an adult. (Petrn.'s Exh. C, Probation Officer's Report, at pp. 141-142<sup>1</sup>; see also Petrn.'s Exh. E, June 17, 2021 Comprehensive Risk Assessment ("Risk Assessment"), at pp. 698-699.) As a minor, Green began stealing at age five or six, was first arrested at age nine for stealing clothing, and then escalated to burglarizing homes and cars. (Petrn.'s Exh. E, Risk Assessment, at p. 696.) Green also began fighting in grade school, which persisted through adulthood. (*Ibid.*) Green began using mood altering substances at age 12 or 13, and sold cannabis during high school. (*Ibid.*)

At age 21, the Navy discharged Green under other than honorable conditions after testing positive for cocaine. (Petrn.'s Exh. E, Risk Assessment, at p. 696; Petrn.'s Exh. D, Certificate of Discharge, at pp. 676-677.) When he was unemployed, Green stole daily to support his drug habit. (Petrn.'s Exh. E, Risk Assessment, at p. 697.) Thereafter, Green's convictions included possessing a controlled substance, grand theft from a person, attempted robbery, robbery, car theft, evading a police officer, and failing to return to confinement. (Petrn.'s Exh. C, Probation

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<sup>1</sup> Respondent refers to the consecutive pagination affixed by Green to his exhibits.

Officer's Report, at pp. 137, 141-142; see also Petn.'s Exh. E, Risk Assessment, at p. 698; see generally Exh. 2, Nov. 5, 1997 Information.) Green mostly picked elderly people as his victims. (Petn.'s Exh. B, Sept. 15, 2021 Parole Suitability Hearing Transcript, at p. 40.)

In one instance as an alternative to incarceration, Green participated in the rehabilitative Delancey Street program. (Petn.'s Exh. B at pp. 27, 91.) Green was two weeks' shy of successfully completing the program when he relapsed on cocaine by associating with criminally minded people in the "drug area." (*Id.* at pp. 27-28.) After failing Delancey Street, Green entered the Walden House program and again left before graduating. (Petn.'s Exh. C, Probation Officer's Report, at p. 141.) Green failed prior grants of probation and served two prior prison sentences. (*Id.* at pp. 141-142; Petn.'s Exh. E, Risk Assessment, at p. 698.)

Soon before the life crime, Green was working as a chauffeur and making \$2,500 a month. (Petn.'s Exh. C, Probation Officer's Report, at p. 140; Petn.'s Exh. E, Risk Assessment, at p. 705.) Green decided to take a vacation, during which time he returned to a familiar neighborhood, picked up some friends, got a hotel, and went on a drug binge. (Petn.'s Exh. E, Risk Assessment at p. 705.) Green paid for the hotel, food, and drugs, but then ran out of money, began stealing from retail stores, and sold the items to buy more drugs. (*Ibid.*) Once the group ran out of money and drugs and needed gas, they drove to Burlingame, and Green selected 79-year-old Ludmila Davis to rob. (*Ibid.*)

When he committed the crime, Green was on federal probation for providing false statements to federal agents, and was living in a halfway house. (Exh. 3, U.S. Marshals Service Detainer; Petn.'s Exh. B at pp. 29-30, 97-99, 103.)

### **In-prison Behavior**

While in prison on his current life sentence, Green used stimulants until age 46 and alcohol until age 48. (Petn.'s Exh. B at p. 699.) Between 2002 and 2020, Green received numerous rule violations, including two violations for fighting and two for possessing or making alcohol. (Petn.'s Exh. E, Risk Assessment, at p. 702.) Green also incurred many counseling chronos, including for disruptive behavior, evading work, and refusing a direct order. (*Ibid.*)

Green continued violating rules in the 18 months preceding his suitability hearing. (Petn.'s Exh. B at p. 45.) In March 2020, Green was found with a tablet that had been altered and contained video games, and Green admitted he "bought this tablet off the yard." (Exh. 4, Excerpt from Rules Violation Report, log no. 6983258 [dismissed].) In October 2020, Green was found with a tablet on which 68 illegally downloaded videos were found. (Exh. 5, Rules Violation Report, log no. 7036466 [guilty of possessing contraband but reduced to counseling chrono].) The following month in November 2020, Green was again found in his cell with a tablet that was not his, but was "a floater," which contained an unauthorized movie. (Exh. 6, Rules Violation Report, log no. 7044983.) Green was found guilty of a serious rule violation for having a pattern of administrative rule



violations for the same offense. (*Ibid.*) In March 2021, Green was found with two tablets in his cell. (Exh. 7, Rules Violation Report, log no. 7069002 [guilty of possessing contraband but reduced to counseling chrono].)

### **Comprehensive Risk Assessment**

In June 2021—fewer than four months before Green’s initial parole hearing—forensic psychologist J. Louis Armstrong interviewed Green to prepare a comprehensive risk assessment for the Board. (Petrn.’s Exh. E, Risk Assessment, at p. 694.) Dr. Armstrong diagnosed Green as suffering from severe alcohol use disorder, severe cannabis use disorder, and severe stimulant use disorder, all in sustained remission in a controlled environment. (*Id.* at p. 700.) Due in part to his sustained unlawful behavior, Dr. Armstrong diagnosed Green as suffering from antisocial personality disorder. (*Id.* at p. 701.) When assessing Green’s risk of future violence, Dr. Armstrong considered historic, clinical, and risk management factors, as well as Green’s health. (*Id.* at pp. 703-708.) Dr. Armstrong concluded Green “represents a high risk for violence.” (*Id.* at p. 708.)

Dr. Armstrong found that Green significantly deflected culpability when discussing the life crime, and that he only superficially discussed the victims of his crimes. (Petrn.’s Exh. E, Risk Assessment, at p. 709.) Dr. Armstrong further noted Green’s “fairly recent and persistent difficulty maintaining compliance with institutional rules which may signal the presence of pro-criminal attitudes.” (*Ibid.*) Dr. Armstrong recommended that Green continue with self-help programming to

assist in making behavioral changes. (*Ibid.*) And given Green's "extensive history of substance use[,] Dr. Armstrong determined that Green would benefit from more intensive involvement in substance rehabilitative services." (*Ibid.*)

### **2021 Parole Suitability Decision**

In finding Green unsuitable for parole, the Board considered the entire record, identified and weighed the factors mitigating and aggravating his risk to public safety, and gave special consideration to his age, long-term confinement, and physical condition. (See generally Petn.'s Exh. B at pp. 12-19, 121-130.) The Board concluded that the aggravating factors outweighed the mitigating factors, and Green posed "an unreasonable current risk of danger to society if released." (*Id.* at pp. 121-122.) The Board stated that dynamic factors, such as his continued criminal thinking, either standing alone or coupled with historical factors, provided a nexus to his current dangerousness. (*Id.* at pp. 121-124.)

Factors mitigating Green's risk were his age of 54, his imprisonment for 24 years, and his medical conditions that slow him down and make him less mobile than he was before imprisonment. (Petn.'s Exh. B at pp. 126-127.) The Board acknowledged that Green's release plans were good, he had participated in programming relevant to his issues, and he was trying to address his defects, but had not yet succeeded. (*Ibid.*) Factors aggravating Green's risk were his criminal history, crime, institutional behavior, failure to understand the connection between his choices and criminal thinking, and the

psychologist's conclusion that Green was a high risk for re-offense in the community. (*Id.* at pp. 122-126.)

The Board noted that Green began committing crimes and using drugs at a young age, he associated with negative peers who engaged in criminality and drug use, he did not consider or care about the consequences for himself or his victims, and his addictions led to poor decision making and resulted in the life crime. (Petn.'s Exh. B at p. 122.) The Board considered Green's life crime to reflect greed, cruelty, and dispassion, and was done in a calculated manner reflecting disregard for human suffering. (*Id.* at pp. 122-123.) The Board noted it was fortuitous that Green's actions did not cause the 79-year-old victim to fall or be pulled to the ground, where she could have sustained serious injuries. (*Id.* at p. 125.) Just as his life crime could have escalated in violence, Green was gambling in prison and, although the behavior was not violent itself, the Board recognized it could have led to violence. (*Ibid.*)

The Board found that Green lacked the necessary understanding of the connection between his criminal thinking and his choices. (Petn.'s Exh. B at p. 123.) For example, Green was addicted to drugs and, although he participated in lengthy rehabilitation at Delancey Street, he was unable to use the skills he had learned to avoid relapse, or to recover from a relapse. (*Ibid.*) Similarly, although Green was close to his parole hearing date, he broke the rules to play video games. (*Ibid.*) In both instances, Green had neither the tools nor the control to keep himself from participating in activities that were against the

rules, and could lead to adverse consequences. (*Id.* at pp. 123-124.)

The Board concluded that Green needed a further and deeper exploration into his criminality so that he does not resort to the addictive and criminal thinking he displayed during the commitment offenses. (Petrn.'s Exh. B at p. 124.) To overcome these shortcomings, the Board found Green needed additional self-help programming to identify his character defects, and gain tools and coping skills to avoid repeating past mistakes or resorting to former bad habits. (*Ibid.*) The Board considered Green's programming to be incomplete because, although he had participated in some programming, his criminal thinking remained. (*Ibid.*)

In addition to the individual acts of misconduct, the Board was also concerned with Green's pattern of misconduct. (Petrn.'s Exh. B at p. 125.) For example, Green impermissibly possessed unsanctioned tablets on four separate occasions in the 18 months leading up to his initial parole hearing. (*Id.* at p. 45.) In light of Green's testimony that he broke the rules to satisfy his passion for video-gaming, the Board was concerned Green's tablet-related transgressions were akin to an addiction. (*Id.* at pp. 45, 48, 125.) Similarly, Green previously engaged in other prohibited activities within prison, like gambling and video gaming, which the Board noted are different types of addictive behavior. (*Id.* at pp. 123, 125, 128.)

Given that Green frequently broke the prison's rules soon before his initial parole hearing, the Board concluded that

Green's behavior might reflect his own self-sabotage due to a fear of succeeding. (Petn.'s Exh. B at p. 125.) Just as Green relapsed two weeks from completing the Delancey Street program, the Board observed he was caught multiple times with unauthorized tablets not long before his parole hearing. (*Id.* at pp. 125-126.) The Board advised Green to reflect on what the underlying reasons might be for this behavior. (*Ibid.*)

To help him in this endeavor, the Board reminded Green, who qualifies for mental health services, that he could talk one-on-one with a mental-health professional and explore these issues. (Petn.'s Exh. B at p. 126.) The Board encouraged Green to do so because its decision to deny parole fundamentally stemmed from his recent institutional behavior, not his life crime committed years ago. (*Ibid.*) The Board attributed the psychologist's assessment that Green is a high risk for violence to his recent conduct. (*Ibid.*)

The Board deferred Green's next parole hearing for five years, and encouraged him to do the work that needs to be done and "bring the rehabilitation to the table" at his next hearing, which is currently scheduled for September 2026. (Petn.'s Exh. B at pp. 129-130.)

## **ARGUMENT**

### **I. GREEN'S ATTEMPTS TO UNDERMINE THE EXISTING PAROLE SUITABILITY STANDARD LACK MERIT**

Green first alleges there is confusion among the courts about the public-safety inquiry the Board makes when determining parole suitability. Green then analogizes two unrelated cases to ultimately contend that the parole suitability standard is

unconstitutionally vague. Green’s allegations are baseless. Indeed, there is no split requiring resolution, and there is no basis for applying the void-for-vagueness doctrine in the parole suitability context.

Parole determinations have always involved wrestling with the myriad of relevant, reliable evidence to best predict if the inmate can live in society without posing a risk to public safety. That the Board’s decisions emphasize certain aspects when evaluating one inmate and different aspects when evaluating another inmate does not reflect confusion among the courts or an unconstitutionally vague standard. The differences inherently reflect the individual circumstances of each inmate when determining their risk to public safety, which is the heart of parole determinations.

**A. No split exists in the Court of Appeal regarding the scope of the Board’s public-safety inquiry.**

Green unsuccessfully attempts to manufacture a split in the Courts of Appeal in an effort to cast doubt on the longstanding public-safety inquiry the Board and Governor make when determining parole suitability. Green compares *In re Hunter* (2012) 205 Cal.App.4th 1529, 1536 (*Hunter*), and *In re Reed* (2009) 171 Cal.App.4th 1071, 1082 (*Reed*), as support for his contention that there is a conflict between appellate courts in determining parole suitability. (Petn. at pp. 6, 24-25.) Green asserts that the *Hunter* court concluded parole suitability “turns on” an inmate’s “risk of future violence,” whereas the *Reed* court “reject[ed] that violence is critical to parole” and held that parole suitability “turns on any potential ‘antisocial’ outcome.” (*Id.* at p.

6.) Green's assertions are not supported by the appellate decisions and disregard the underlying facts in each case. Instead, the cases consistently address the Board's public-safety inquiry and no conflict requires resolution.

In *Hunter*, the court held that the Board's decision did not provide a rational basis for concluding that Hunter posed an unreasonable risk to public safety if paroled. (205 Cal.App.4th at p. 1544.) Hunter killed an eight-month pregnant woman in her home after the victim refused to allow Hunter access to her brother's cocaine. (*Id.* at pp. 1532-1533.) The court summarized the Board's decision as primarily resting on Hunter's lack of remorse, insight, and incredible explanation of the crime. (*Id.* at pp. 1538-1539.) The court addressed the other factors the Board mentioned, including Hunter's recent rule violation for not reporting to work to avoid violence during a work strike. (*Id.* at pp. 1542-1543.) The court found the record lacked support for each of the issues identified by the Board, and held that no evidence supported the Board's decision that Hunter "will pose an unreasonable danger" or "a risk of future violence." (*Id.* at p. 1544.)

In *Reed*, the court held that Reed incurring a counseling memorandum after his last parole suitability hearing was some evidence that he posed "an unreasonable risk of danger to society." (171 Cal.App.4th at p. 1075, quoting Cal. Code Regs., tit. 15, § 2402, subd. (b), and citing Pen. Code, § 3041, subd. (b).) Reed had been found unsuitable for parole in February 2005 and, despite the Board's express direction not to receive any more

counseling memoranda, Reed received another memorandum two months later in April 2005 for leaving work without permission. (*Reed*, at pp. 1079, 1084.) Reed’s April 2005 memo was not an isolated incident and, instead, “was part of an extensive history of institutional misconduct.” (*Id.* at p. 1085.) The court found Reed’s misconduct to be some evidence supporting the Board’s decision, and assumed without deciding that the Board’s reliance on Reed’s life crime was error. (*Id.* at pp. 1085-1087.)

In upholding the Board’s finding of unsuitability, the *Reed* court recognized that, per this Court’s decision in *Rosenkrantz*, “a denial of parole is appropriate when there is an unreasonable risk that the prisoner, if paroled, will commit antisocial acts.” (*Reed*, *supra*, 171 Cal.App.4th at p. 1081, citing *In re Rosenkrantz* (2002) 29 Cal.4th 616, 655 (*Rosenkrantz*).) The court noted that “[a]ntisocial acts include . . . crimes of violence,” but the Board was also entitled to deny parole if “an inmate poses an unreasonable risk of causing personal or financial harm to others,” of violating the criminal law, or of “fail[ing] on parole through noncompliance with the reasonable restrictions imposed by his or her parole agent.” (*Reed*, at p. 1081.)

The courts’ decisions in *Hunter* and *Reed* do not inconsistently apply the parole suitability standard. Reed was found unsuitable for parole because of his inability to follow the rules in prison. It follows that the court in *Reed* necessarily focused on the scope of antisocial behaviors on which the Board could base its parole suitability decision. There was no need for the court to address Reed’s potential for violence. And *Hunter*



was found unsuitable primarily for his lack of remorse, insight, and credible recitation of the extremely violent life crime. Thus, the court had no reason to address the scope of possible antisocial acts on which the Board could base its decision, and rationally focused more on Hunter’s discussion of the life crime. Green highlighting the courts’ use of different phrases does not reflect inconsistency, when the phrases inherently reflect the same public-safety inquiry. (See *Hunter*, *supra*, 205 Cal.App.4th at pp. 1532, 1536-1540, 1542-1544 [referencing the parole suitability standard no fewer than 28 times and in various iterations, including “unreasonable risk to public safety,” “current threat to public safety,” “current dangerousness,” and “unreasonable risk of future violence”].)

In summary, the *Hunter* court’s varied descriptions of the parole suitability standard do not reflect an inconsistency with *Reed* or this Court’s precedent. (Compare *In re Shaputis* (2011) 53 Cal.4th 192, 220 (*Shaputis II*) [“The essential question in deciding whether to grant parole is whether the inmate currently poses a threat to public safety”] with *id.* at p. 221 [“The reviewing court does not ask whether the inmate is currently dangerous. That question is reserved for the executive branch”].) The Board’s longstanding public-safety inquiry—whether the inmate poses a risk to society if released—can necessarily include evaluation of and reliance on “antisocial acts,” such as an inability to follow society’s rules, and/or on acts of violence. This inquiry is not in dispute and Green has not established a *prima facie* case for relief.

**B. Green’s contention that California’s parole standard is unconstitutionally vague and violates due process is without merit.**

This Court should also reject Green’s related assertion that the Board uses a vague standard to determine parole suitability and thus violates due process according to *Johnson v. United States* (2015) 576 U.S. 591 (*Johnson*) and *Sessions v. Dimaya* (2018) 138 S.Ct. 1204 (2018) (*Sessions*)—two cases unrelated to parole suitability determinations. (Petr. at pp. 7, 26-31.)

Green unpersuasively analogizes the reasoning of the two irrelevant cases, where the underlying vagueness challenges were to federal statutes addressing criminal sentencing and deportation, respectively. In *Johnson*, a defendant convicted of a federal crime faced a longer sentence if he had a number of violent felony convictions. (576 U.S. at p. 593.) The issue was whether the statutory definition of “violent felony survives the Constitution’s prohibition of vague criminal laws.” (*Ibid.*) The Court held it did not, and due process was violated, because the criminal law at issue “both denies fair notice to defendants [of the conduct it punishes] and invites arbitrary enforcement by judges.” (*Id.* at pp. 595, 597.) The Court noted that these principles of due process “apply not only to statutes defining elements of crimes, but also to statutes fixing sentences.” (*Id.* at p. 596.)

Similarly, in *Sessions*, a section of the Immigration and Nationality Act rendered deportable any alien convicted of an aggravated felony, including a crime of violence. (138 S.Ct. at pp. 1210-1211.) Dimaya challenged the definition of “crime of violence” as unconstitutionally vague, and the Court agreed. (*Id.*

at p. 1210.) In reaching its decision, the Court repeated that the void-for-vagueness doctrine “guarantees that ordinary people have ‘fair notice’ of the conduct a [criminal] statute proscribes.” (*Id.* at p. 1212, quoting *Papachristou v. Jacksonville* (1972) 405 U.S. 156, 162.) The Court added that “the doctrine guards against arbitrary or discriminatory law enforcement by insisting that a statute provide standards to govern the actions of police officers, prosecutors, juries, and judges.” (*Ibid.*) The holdings of *Johnson* and *Dimaya* cannot, however, be analogously applied to parole suitability decisions.

Holdings regarding the vagueness of criminal statutes where “fair notice” is an issue do not apply to the subjective decision making in parole suitability proceedings—subjective decision making this Court has sanctioned. (See, e.g., *Shaputis II*, *supra*, 53 Cal.4th at p. 219 “[I]t has long been recognized that a parole suitability decision is an attempt to predict by subjective analysis whether the inmate will be able to live in society without committing additional antisocial acts”], internal quotation marks omitted.) As explained by the United States Supreme Court, “the [parole] decision differs from the traditional mold of judicial decisionmaking in that the choice involves a synthesis of record facts and personal observation filtered through the experience of the decisionmaker and leading to a predictive judgment as to what is best both for the individual inmate and for the community.” (*Greenholtz v. Neb. Pen. and Correctional Complex* (1979) 442 U.S. 1, 8.)

Moreover, unlike a criminal statute prohibiting conduct, a parole suitability determination is not based on prohibited conduct; indeed, no conduct is prohibited or automatically disqualifies an inmate from a suitability determination. (See, e.g., Cal. Code Regs., tit. 15, § 2282, subds. (b) [all relevant, reliable information shall be considered], (c) [circumstances tending to show unsuitability], (d) [circumstances tending to show suitability].) Rather, the Board decides “whether the inmate currently poses a threat to public safety,” based on “the entire record, including the facts of the offense, the inmate’s progress during incarceration, and the insight he or she has achieved into past behavior.” (*Shaputis II*, *supra*, 53 Cal.4th at pp. 220-221.)

Green offers no persuasive reason why holdings addressing federal criminal statutes prohibiting criminal conduct, fixing sentences, or defining deportation criteria would apply in the parole suitability context. Nor should they. Due process protections for criminal defendants when being convicted or sentenced do not apply equally to an inmate like Green, who has already been convicted and sentenced to prison for life with the possibility of parole. (See, e.g., *Morrissey v. Brewer* (1972) 408 U.S. 471, 480 [“revocation of parole is not part of a criminal prosecution and thus the full panoply of rights due a defendant in such a proceeding does not apply to parole revocations”].) Green’s vagueness challenge to the Board’s parole standards should be rejected.

## **II. THE BOARD’S 2021 DECISION DENYING GREEN PAROLE IS SUPPORTED BY SOME EVIDENCE OF HIS CURRENT DANGEROUSNESS**

Green’s sufficiency-of-the-evidence challenge to the Board’s 2021 decision fails to state a prima facie claim for relief. Therefore, this Court should deny the petition.

### **A. Challenges to Board decisions are subject to a highly deferential standard of judicial review**

To guarantee a prisoner’s due process rights have been satisfied, courts review a parole suitability decision to confirm some evidence supports the Board or Governor’s decision that the inmate poses a current threat to public safety. (*Shaputis II*, *supra*, 53 Cal.4th at p. 209.) The court’s role is limited so as to not “impermissibly shift the ultimate discretionary decision of parole suitability from the executive to the judicial branch.” (*Id.* at p. 215, quoting *In re Lawrence* (2008) 44 Cal.4th 1181, 1212.) It follows that courts reviewing parole suitability decisions may not reweigh the evidence or independently evaluate an inmate’s suitability. (*Shaputis II*, at p. 210, citing *Rosenkrantz*, *supra*, 29 Cal.4th at p. 677, *Lawrence*, at p. 1204, and *In re Shaputis* (2008) 44 Cal.4th 1241, 1260-1261 (*Shaputis I*.)

Instead, under the “extremely deferential” some-evidence standard of review, “a court must consider the whole record in the light most favorable to the determination before it, to determine whether it discloses some evidence—a modicum of evidence—supporting the determination that the inmate would pose a danger to the public if released on parole.” (*Shaputis II*, *supra*, 53 Cal.4th at p. 214, quoting *Rosenkrantz*, *supra*, 29 Cal.4th at p. 665.) “[I]t is not for the reviewing court to decide

which evidence in the record is convincing” (*Shaputis II*, at p. 211), and the court is not limited to reviewing only “the evidence specified by the parole authority” (*id.* at p. 214, fn. 11).

Indeed, “[a]ny relevant evidence that supports the parole authority’s determination is sufficient to satisfy the ‘some evidence’ standard.” (*Shaputis II, supra*, 53 Cal.4th at p. 214.) Moreover, “[i]t is irrelevant that a court might determine that evidence in the record tending to establish suitability for parole far outweighs evidence demonstrating unsuitability for parole.” (*Id.* at p. 210, quoting *Rosenkrantz, supra*, 29 Cal.4th at p. 677.) Accordingly, “the ‘some evidence’ standard is easily satisfied,” and a reviewing court may not overturn a parole denial unless “the evidence reflecting the inmate’s present risk to public safety leads to but one conclusion.” (*Shaputis II*, at pp. 211, 214, fn. 11.)

**B. Some evidence, including Green’s continued malbehavior and assessment as a high risk for violence if released, supports the Board’s decision**

Given the deferential standard of judicial review governing parole decisions as outlined above, Green fails to state a prima facie claim for relief.

Here, in light of the record, the Board reasonably concluded Green was not suitable for parole because he posed “an unreasonable current risk of danger to society if released.” (Petrn.’s Exh. B at pp. 121-122.) In short, Green’s continued failure to abide by the prison’s rules, and insistence to do what he wanted regardless of the consequences, was some rational evidence that he remained a threat to public safety if released. (See *id.* at pp. 123-128.) These actions reflect his continued

criminal thinking and, considering the psychologist's conclusion that "Green represents a high risk for violence" if released, a rational nexus to his current dangerousness exists. (Petrn.'s Exh. E, Risk Assessment, at p. 708.)

It is indisputable Green has engaged in lifelong antisocial actions and criminal thinking. Green has had multiple opportunities to take advantage of rehabilitative services and learn pro-social habits, without success. (See, e.g., Petrn.'s Exh. B at pp. 26-31; Petrn.'s Exh. C, Probation Officer's Report, at pp. 138-139.) For example, even though Green was a mere two weeks from completing the Delancey Street program, he decided to test his sobriety by going to the same neighborhood and associating with the same people he used to run around with. (Petrn.'s Exh. B at pp. 27-28.) After five or six times of making the same poor decision to hang out with them, Green decided to get high and, after that first hit, "it was over." (*Id.* at p. 28.) When asked what triggered his relapse, Green identified having "[t]oo much free time," and "testing my sobriety for some dumb reason," despite "never [having] been more powerless [over] anything in my life." (*Id.* at pp. 27, 31.) He then entered another rehabilitation program and again left before completing it. (Petrn.'s Exh. C, Probation Officer's Report, at p. 141.)

While in prison on his current life sentence, Green used stimulants until age 46 and alcohol until age 48—within seven to nine years of his 2021 parole suitability hearing— and he last sold marijuana in prison in 2006. (Petrn.'s Exh. B at p. 57; Petrn.'s Exh. E, Risk Assessment, at p. 699.) The Board rightfully

confronted Green about his purported parole plan to be employed driving a limousine again. (Petrn.'s Exh. B at pp. 75-76.) With much prompting from the Board, Green eventually realized that the drugs and alcohol inevitably consumed in the limousine would be a risky and unhealthy environment for an "ex-addict or somebody with a substance abuse problem." (*Ibid.*)

It is also indisputable Green is aware he needs to change his thinking and behavior, but has not yet been able to. For example, Green asked to be part of the mental health program so he could keep his sobriety and recovery, "try to learn some coping skills," and learn why he "continue[s] to do the same things, [and] why [he] was a failure." (Petrn.'s Exh. B at p. 33.) At his 2021 hearing, Green acknowledged he has an impulse problem and previously minimized, justified, and did not understand criminal thinking. (*Id.* at pp. 44-45.) Green suggested these deficiencies led him to think it was okay to break the rules. (*Ibid.*) For instance, in the 18 months leading up to his initial parole hearing, Green improperly possessed unsanctioned tablets on four separate occasions. (*Id.* at p. 45.)

It is further indisputable that Green's thinking reflects deficiencies contrary to success on parole. Green justified his rule-breaking by admitting he simply thought he could get away with it, and he did not think these recent rule violations were going to affect his parole chances until after he had already accumulated three violations. (Petrn.'s Exh. B at pp. 46-47.) When asked why he still violated the rules when he had taken a group addressing criminal thinking, Green said he put things off



and did not adhere to the rules and regulations that were taught. (*Id.* at p. 83.)

Although Green's parole-hearing testimony identified various coping skills and tools to remove himself from risky situations, he has never successfully implemented these tools. Rather, he has continued to break the prison's rules for his own gratification, including by selling marijuana until 2006, using stimulants until 2012, drinking alcohol until 2014, betting on football in 2015 and 2016 and, more recently, using illegal tablets in the year before the parole hearing. (Petrn.'s Exh. B at pp. 53-54, 57, 83-84; Petrn.'s Exh. E, Risk Assessment, at p. 699; Exhs. 5-6.) According to Green, he continued breaking the rules because he felt entitled and was doing good in his program, he could minimize that he was not hurting anyone, he could justify that everyone around him was doing it, and a couple of times he blamed it on peer pressure. (Petrn.'s Exh. B at p. 71.) Green rightfully agreed his behavior did not convey to the Board that he was suitable for release. (*Id.* at p. 84.) Instead, Green agreed his behavior reflected that he (1) has not "learned," (2) has not "got[ten] it," and (3) is "[a]bsolutely" "dangerous." (*Id.* at pp. 84-85.)

In summary, Green's criminal thinking remains, and the Board's decision is not arbitrary simply because Green highlights factors that allegedly support his rehabilitation. (*Shaputis II, supra*, 53 Cal.4th at p. 214.) Green has not demonstrated he has learned how to use the tools and coping skills to prevent his criminal thinking from fueling antisocial behavior. To the

contrary, Green continues to disregard the consequences of his actions. Combined with the forensic psychologist's opinion that Green poses a high risk of violence if released, some evidence supports the Board's conclusion that he remains a current unreasonable risk to public safety.

### CONCLUSION

The petition should be denied without issuance of an order to show cause.

Respectfully submitted,

ROB BONTA

*Attorney General of California*

LANCE E. WINTERS

*Chief Assistant Attorney General*

SARA J. ROMANO

*Senior Assistant Attorney General*

BRIAN C. KINNEY

*Supervising Deputy Attorney General*

*S/DENISE A. YATES*

DENISE A. YATES

*Deputy Attorney General*

*Attorneys for Respondent*

September 15, 2023

## **CERTIFICATE OF COMPLIANCE**

I certify that the attached RESPONDENT'S INFORMAL RESPONSE uses a 13 point Century Schoolbook font and contains 5,375 words.

ROB BONTA  
*Attorney General of California*

S/DENISE A. YATES  
DENISE A. YATES  
*Deputy Attorney General*  
*Attorneys for Respondent*

September 15, 2023

SF2023304349  
43871165.doc

**In the Supreme Court of the State of California**

---

IN RE CEDRIC GREEN,  
ON HABEAS CORPUS.

---

**EXHIBIT INDEX**

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# Exhibit 1

Unpublished Decision, *People v. Green*,

First District Court of Appeal,

Case No. A082658, Sept. 30, 1999

ORIGINAL

NOT TO BE PUBLISHED IN OFFICIAL REPORTS  
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,  
Plaintiff and Respondent,  
v.  
CEDRIC TYRONE GREEN,  
Defendant and Appellant.

A082658

(San Mateo County  
Super. Ct. No. C41613)

**FILED**  
Court of Appeal - First App. Dist.

SEP 30 1999

RON D. BARROW, CLERK  
BY  BPH/TV

Cedric Tyrone Green (appellant) appeals from a judgment upon a jury verdict finding him guilty of second degree robbery (Pen. Code<sup>1</sup>, § 212.5, subd. (c)) and finding the allegation that the victim was 60 years old or older to be true (§ 1203.09, subd. (f)). In a bifurcated proceeding, the court found that appellant suffered two prior "strike" convictions and that he served two prior prison terms (§§ 1170.12, subd. (c) (2); 667, subd. (a); 667.5, subd. (b)). The trial court sentenced appellant to a term of 35 years to life in prison. Appellant contends that he was denied his constitutional right to be present during a conference between the court and counsel and during the readback of witness testimony to the jury during deliberations. He also argues that the CALJIC No. 2.90 instruction on reasonable doubt is unconstitutional. We affirm.

**FACTS**

On the evening of September 18, 1997, Ludmila Davis, who was 79 years old, attended a party with her family at the Alpine Inn Restaurant in Burlingame. Davis left the restaurant with her husband and walked to their car which was parked in front of the Burlingame Garden Center. As they approached their car, Davis heard a rush of steps

<sup>1</sup> All further statutory references are to the Penal Code.

and then her purse was snatched out of her hand. She saw appellant run away with her purse.

Davis' husband ran after appellant but was unable to catch him. Appellant fled in a white Camaro. In the meantime, Davis' daughter, Tatiana Isaeff, also left the restaurant and went to her car when she noticed two men driving in a white Camaro toward the area where Davis had parked. Isaeff observed that the passenger in the Camaro was trying to scoot down in his seat and this alarmed her. She decided to check on her mother. She drove toward the area where her mother had parked. She passed the Camaro which was driving quickly in the opposite direction. Isaeff reached her mother and learned that her purse was stolen. Isaeff decided to follow the Camaro.

Isaeff pursued the Camaro to the San Francisco Airport where the Camaro eventually stopped in front of the Delta terminal. On the way to the airport, she called 911 and reported the incident. The police arrived at the airport and detained appellant and another man. Davis and her husband identified appellant at the airport as the person who stole Davis' purse. They also later identified appellant in a police station line-up.

The police found Davis' purse in the Camaro. Several of Davis' credit and identification cards were in her purse while others were under the passenger seat. Upon his arrest, appellant had \$103 in his possession in the same denominations that Davis had in her purse when it was stolen.

#### DISCUSSION

During deliberations, the jury sent four inquiries to the court requesting a readback of certain testimony and evidence. The jury requested: (1) "the initial description of the accused [sic] taken from the Davis's by the first Burlingame Police officer on the scene. Read back from Sgt. Nakiso"; (2) "how the law defines 'use of force'"; (3) "the description as broadcast from Burlingame Police Department and used by Dan Dower of the BPD in his Area search"; and (4) "the actual dispatch from the BPD that details the description of the perpetrator". The clerk's transcript indicates that the trial court responded to these inquiries by informing the jury that "[t]here was no testimony from the first Burlingame police officer on the scene -- re the description of the person who

committed this offense given by the Davis's", that the law did not define the use of force, that the readback testimony requested was being prepared and finally that the actual dispatch from the police department was not part of the evidence. The court proceedings regarding the jury's questions during deliberations were not reported.

Appellant contends that his constitutional right to be present at trial was violated because he was not present during the trial court's conferences concerning the inquiries from the jury. This contention, however, is not supported by the record.

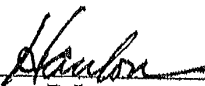
It is well settled that an appellant has the burden of perfecting the appeal and showing prejudicial error in the record. (*People v. Chessman* (1950) 35 Cal.2d 455, 462; *People v. Coley* (1997) 52 Cal.App.4th 964, 972.) " "Such error is never presumed, but must be affirmatively shown, and the burden is upon the appellant to present a record showing it, any uncertainty in the record in that respect being resolved against him." " (*People v. Green* (1979) 95 Cal.App.3d 991, 1001.) Here, appellant fails to support his claim that he was not present at the proceedings in question. The proceedings were not reported and the clerk's transcript does not note an absence of the defendant from the courtroom. Finally, appellant, although informed that a transcript of the proceedings was not available, failed to seek a settled record of the proceedings to support his claim. Under these circumstances, the uncertainty in the record must be resolved against him. (See *People v. Fuentes* (1955) 132 Cal.App.2d 484, 488 [appellant has burden of furnishing settled statement on appeal when reporter's transcript is unavailable]; *People v. Malabag* (1997) 51 Cal.App.4th 1419, 1423 [where clerk's minutes support validity of court's orders, defendant has burden to seek a settled statement].)

*People v. Bloyd* (1987) 43 Cal.3d 333, 359, does not mandate a different result. There, the court considered and ultimately rejected a defendant's claim that his right to be present at trial was violated. (*Id.* at pp. 359-360.) In *Bloyd*, like the case here, the defendant claimed he was not present during a court conference in which requests from the jury during deliberations were considered. (*Id.* at pp. 358-359.) In *Bloyd*, however, a reporter's transcript of the proceedings was available and it specifically noted the presence of both counsel but did not mention the defendant. (*Id.* at pp. 358-359 and fns.

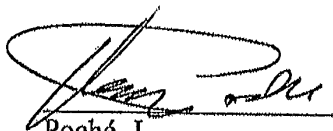


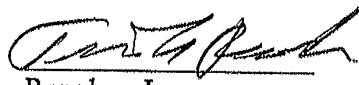
12 and 13.) In addition, the clerk's transcript indicated the presence of the defendant at proceedings before and after the two incidents in which the defendant claimed he was absent. (*Id.* at p. 359.) On that record, the court assumed that the defendant was absent during those occasions. (*Ibid.*) Here, the record fails to rebut the presumption in favor of the regularity of the proceedings. (See *People v. Green*, *supra*, 95 Cal.App.3d at p. 1001.)

Appellant also contends that the court erred by giving the CALJIC 2.90 instruction on reasonable doubt. He argues that the instruction's omission of the term, "moral certainty" unconstitutionally lessened the prosecution's burden of proof. This argument has been conclusively rejected by every appellate court that has considered it. (See *People v. Craig* (1998) 65 Cal.App.4th 1082, 1093, and cases cited therein.) We are satisfied that the trial court did not err by giving the instruction.

  
Hanlon, P.J.

We concur:

  
Poché, J.

  
Reardon, J.

(A082658, *People v. Cedric Green*)

# **Exhibit 2**

Information, People v. Green,  
San Mateo County Superior Court,  
Case No. SC41613, Nov. 5, 1997

1 JAMES P FOX  
DISTRICT ATTORNEY  
2 SAN MATEO COUNTY  
STATE BAR NO. 45169  
3 BY: MARY L ALLHISER  
DEPUTY DISTRICT ATTORNEY  
4 401 MARSHALL ST  
REDWOOD CITY, CA 94063  
5  
6 TELEPHONE: (415) 363-4636  
7  
8 ATTORNEYS FOR PLAINTIFF

FILED  
SAN MATEO COUNTY

NOV 5 - 1997

CLERK OF THE SUPERIOR COURT  
By: *[Signature]*  
FILED/CLEK

9 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO  
10 THE PEOPLE OF THE STATE OF CALIFORNIA, )  
11 ) DA CASE: INF 0161164  
12 PLAINTIFF, ) ( FELONY )  
13 )  
14 V. ) INFORMATION  
15 )  
16 \*CEDRIC TYRONE GREEN )  
17 111 TAYLOR ST )  
18 SAN FRANCISCO, CA 94102 ) SC41613  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )  
DEFENDANT(S). )

1 THE SAID DEFENDANT(S) IS/ARE ACCUSED BY THE DISTRICT  
2 ATTORNEY OF THE COUNTY OF SAN MATEO OF THE STATE OF CALIFORNIA.  
3 BY THIS INFORMATION, OF THE FOLLOWING CRIME(S) IN SAN MATEO  
4 COUNTY:

5  
6 COUNT: 001, ON OR ABOUT 09/18/1997, CEDRIC TYRONE GREEN DID  
7 WILLFULLY, UNLAWFULLY, AND BY MEANS OF FORCE OR FEAR TAKE  
8 PERSONAL PROPERTY FROM THE PERSON, POSSESSION, OR IMMEDIATE  
9 PRESENCE OF LUDMILA DAVIS,, IN VIOLATION OF PENAL CODE SECTION  
10 212.5(C), A FELONY.

1 COUNT: 002, OR ABOUT 09/18/1997, CEE C TYRONE GREEN DID  
2 WILLFULLY AND UNLAWFULLY STEAL, TAKE OR CARRY AWAY THE PERSONAL  
3 PROPERTY OF ANOTHER, TO WIT: LUDMILA DAVIS SAID DEFENDANT HAVING  
4 BEEN PREVIOUSLY CONVICTED OF THE FOLLOWING CRIME(S), AND HAVING  
5 SERVED A TERM THEREFOR IN A PENAL INSTITUTION OR HAVING BEEN  
6 IMPRISONED THEREIN AS A CONDITION OF PROBATION FOR SAID OFFENSE,  
7 IN VIOLATION OF PENAL CODE SECTION 666, A FELONY DEFENDANT'S  
8 PREVIOUS CONVICTION(S) IS/ARE AS FOLLOWS: (1) CONVICTED OF PENAL  
9 CODE SECTION 487.2 ON 03/10/1989 IN THE SUPERIOR COURT OF THE  
10 STATE OF CALIFORNIA, FOR THE COUNTY OF SAN FRANCISCO, DOCKET NO.  
11 130972; (2) CONVICTED OF PENAL CODE SECTION 487.2 ON 04/11/1990  
12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY  
13 OF SAN FRANCISCO, DOCKET NO. 135947; (3) CONVICTED OF VEHICLE  
14 CODE SECTION 10851 ON 01/20/1993, IN THE SUPERIOR COURT OF THE  
15 STATE OF CALIFORNIA, FOR THE COUNTY OF SAN FRANCISCO, DOCKET NO.  
16 142466-02.

17 IT IS FURTHER ALLEGED THAT DEFENDANT CEDRIC TYRONE GREEN  
18 WAS CONVICTED OF THE FOLLOWING FELONIES, TO WIT: (1) HEALTH AND  
19 SAFETY CODE SECTION 11350 ON OR ABOUT 03/10/1989, IN THE  
20 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF SAN  
21 FRANCISCO, 1130776, (2) PENAL CODE SECTION 487.2 ON OR ABOUT  
22 03/10/1989, IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
23 FOR THE COUNTY OF SAN FRANCISCO, 130972, (3) PENAL CODE SECTION  
24 487.2 ON OR ABOUT 04/11/1990, IN THE SUPERIOR COURT OF THE STATE  
25 OF CALIFORNIA, FOR THE COUNTY OF SAN FRANCISCO, 135947, (4)  
26 PENAL CODE SECTION 664/212.5(A), ON OR ABOUT 05/01/1991, IN THE  
27 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN  
28 FRANCISCO, 139713, (5) PENAL CODE SECTION 4530(C), ON OR ABOUT

1 01/20/1993, IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
2 FOR THE COUNTY OF SAN FRANCISCO, 147466-02, (16) PENAL CODE  
3 SECTION 664/212.5(B), ON OR ABOUT 01/20/1993, IN THE SUPERIOR  
4 COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF SAN  
5 FRANCISCO, 147466-02, (7) VEHICLE CODE SECTIONS 10851 AND  
6 2800.2, ON OR ABOUT 01/20/1993, IN THE SUPERIOR COURT OF THE  
7 STATE OF CALIFORNIA FOR THE COUNTY OF SAN FRANCISCO, 147466-02,  
8 WITHIN THE MEANING OF PENAL CODE SECTION 1203(E)(4).

9 IT IS FURTHER ALLEGED DEFENDANT CEDRIC TYRONE GREEN  
10 COMMITTED THE ABOVE OFFENSE ON LUDMILA DAVIS, WHO WAS OVER THE  
11 AGE OF 60 YEARS, WITHIN THE MEANING OF PENAL CODE SECTION  
12 1203.09(F).

13 PRIOR 1  
14

15 IT IS FURTHER ALLEGED THAT THE DEFENDANT CEDRIC TYRONE  
16 GREEN PRIOR TO THE COMMISSION OF THE ABOVE OFFENSE(S) DID SUFFER  
17 A CONVICTION OR JUVENILE ADJUDICATION ON OR ABOUT 05/01/1991 OF  
18 THE CRIME OF PENAL CODE SECTION 664/212.5(A) IN THE COUNTY OF  
19 SAN FRANCISCO, STATE OF CALIFORNIA, CASE NO. 139713, WITHIN THE  
20 MEANING OF PENAL CODE SECTION 1170.12(C)(2).

21 PRIOR 2  
22

23 IT IS FURTHER ALLEGED THAT THE DEFENDANT CEDRIC TYRONE  
24 GREEN PRIOR TO THE COMMISSION OF THE ABOVE OFFENSE(S) DID SUFFER  
25 A CONVICTION OR JUVENILE ADJUDICATION ON OR ABOUT 01/20/1993 OF  
26 THE CRIME OF PENAL CODE SECTION 664/212.5(B) IN THE COUNTY OF  
27 SAN FRANCISCO, STATE OF CALIFORNIA, CASE NO. 147466-02, WITHIN  
28 THE MEANING OF PENAL CODE SECTION 1170.12(C)(2).

PRIOR 3

1  
2  
3 IT IS FURTHER ALLEGED AS TO DEFENDANT CEDRIC TYRONE GREEN  
4 THAT SAID DEFENDANT WAS ON OR ABOUT 05/01/1991 IN THE SUPERIOR  
5 COURT, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, CONVICTED  
6 OF A SERIOUS FELONY WITHIN THE MEANING OF PENAL CODE SECTION  
7 667(A), TO WIT: PENAL CODE SECTION 664/212.5(A) (DOCKET NO.  
8 139713).

PRIOR 4

9  
10  
11 IT IS FURTHER ALLEGED AS TO DEFENDANT CEDRIC TYRONE GREEN  
12 THAT SAID DEFENDANT WAS ON OR ABOUT 01/20/1993 IN THE SUPERIOR  
13 COURT COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, CONVICTED OF  
14 A SERIOUS FELONY WITHIN THE MEANING OF PENAL CODE SECTION  
15 667(A), TO WIT: PENAL CODE SECTION 664/212.5(B) (DOCKET NO.  
16 147466-02).

PRIOR 5

17  
18  
19 IT IS FURTHER ALLEGED THAT SAID DEFENDANT CEDRIC TYRONE  
20 GREEN WAS ON OR ABOUT 03/10/1989, IN THE SAN FRANCISCO COUNTY  
21 SUPERIOR COURT OF THE STATE OF CALIFORNIA, CONVICTED OF THE  
22 CRIME OF PENAL CODE SECTION 487.2, CASE NO. 1138776 AND HEALTH &  
23 SAFETY CODE SECTION 11350, CASE NO. 130972, AND ON OR ABOUT  
24 04/11/1990, IN THE SAN FRANCISCO COUNTY SUPERIOR COURT OF THE  
25 STATE OF CALIFORNIA, CASE NO. 135947, CONVICTED OF THE CRIME OF  
26 PENAL CODE SECTION 487.2, A FELONY, AND THAT HE/SHE THEN SERVED  
27 A SEPARATE TERM IN STATE PRISON FOR SAID OFFENSE, AND THAT  
28 HE/SHE DID NOT REMAIN FREE OF PRISON CUSTODY FOR, AND DID COMMIT

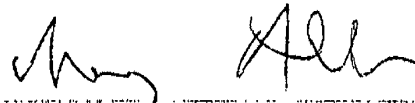
1 | AN OFFENSE RESULTING IN A FELONY CONVICTION DURING A PERIOD OF  
2 | FIVE YEARS SUBSEQUENT TO THE CONCLUSION OF SAID TERM, WITHIN THE  
3 | MEANING OF PENAL CODE SECTION 667.5(B).

4 | PRIOR 6

5 |  
6 | IT IS FURTHER ALLEGED THAT SAID DEFENDANT CEDRIC TYRONE  
7 | GREEN WAS ON OR ABOUT 05/01/1991, IN THE SAN FRANCISCO COUNTY  
8 | SUPERIOR COURT OF THE STATE OF CALIFORNIA, CASE NO. 139713,  
9 | CONVICTED OF THE CRIME OF PENAL CODE SECTION 664/212.5(A) A  
10 | FELONY, AND THAT HE/SHE THEN SERVED A SEPARATE TERM IN STATE  
11 | PRISON FOR SAID OFFENSE, AND THAT HE/SHE DID NOT REMAIN FREE OF  
12 | PRISON CUSTODY FOR, AND DID COMMIT AN OFFENSE RESULTING IN A  
13 | FELONY CONVICTION DURING A PERIOD OF FIVE YEARS SUBSEQUENT TO  
14 | THE CONCLUSION OF SAID TERM, WITHIN THE MEANING OF PENAL CODE  
15 | SECTION 667.5(B).

16 |  
17 | DATED: OCTOBER 29, 1997

JAMES V. FOX, DISTRICT ATTORNEY

18 |  
19 | 

20 | MARY L. ALLHISER  
DEPUTY DISTRICT ATTORNEY

TMG



# **Exhibit 3**

U.S. Marshals Service Detainer, Oct. 1, 1997

U.S. GOVERNMENT PRINTING OFFICE: 1979 206-537

**UNITED STATES MARSHALS SERVICE  
DETAINER**

(See USMM 622.04)

**UNITED STATES MARSHAL  
NORTHERN DISTRICT OF CALIFORNIA****OAKLAND SUB-OFFICE (510) 637-3650****TO: SAN MATEO COUNTY JAIL  
300 BRADFORD STREET  
REDWOOD CITY, CA 94063****DATE: 10/1/97****SUBJECT: GREEN, CEDRIC T.  
SMCJ# 1054475  
FED CASE # CR-94-369-SHA  
CHG: VIOLATION OF CONDITIONS OF PROBATION  
\*\*\*\*\*NO BAIL\*\*\*\*\***

Please accept this Detainer against the above-named subject who is currently in your custody.

When the subject is to be released from your custody, please notify this office at once so that we may assume custody if necessary. If subject is transferred from your custody to another detention facility, we request that you forward our Detainer to said facility at time of transfer and advise this office.

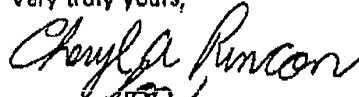
The notice requirements of the Speedy Trial Act of 1974 (P.L. 93-619) apply if the Detainer is based on pending Federal criminal charges which have not yet been tried. The notice requirement provisions do not apply to Detainers lodged for charges which have already been tried or for which no trial is required, such as parole revocation Detainers or sentencing Detainers. Further, the notice requirement provisions would not apply to Detainers lodged against prisoners who have not yet been sentenced at the time the Detainer is lodged. If there is an "X" mark in the following space, the notice requirements of the Speedy Trial Act apply and you are requested to give a copy of the Detainer to the prisoner and to complete the attached Form USM-17, NOTIFICATION REQUIREMENTS-SPEEDY TRIAL ACT, in duplicate, and return both copies of the Form USM-17 to this office with receipted copies 2 and 3 of this Detainer. ☐

Special instructions also apply when the Detainer is based on a warrant issued by the U.S. Parole Commission. If there is an "X" mark in the following space, please follow the instructions on the reverse of this form, acknowledge receipt on copies 2 and 3 of this Detainer and return them to this office in the enclosed self-addressed envelope. ☐

If there are no "X" marks in the above blocks, no further action is required except you are requested to give a copy of the Detainer to the Prisoner and to acknowledge receipt of this Detainer on copies 2 and 3 and return them to this office in the enclosed self-addressed envelope.

RECEIPT	
Date:	October 1 <sup>st</sup> 1997
Signed:	Alyssa Kelly
Title:	Legal Office Specialist - Court Desk

Very truly yours,

**JAMES J. MOLINARI  
United States Marshal**

650-599-7350

# Exhibit 4

Excerpt from Rules Violation Report,

Possession of Contraband,

Log No. 6983258, Mar. 25, 2020



*RCC*

## RULES VIOLATION REPORT

CDC NUMBER K93505	INMATE'S NAME GREEN, CEDRIC T.	MEPD 05/12/2026	FACILITY CTF-Facility A	HOUSING LOCATION CTF-A - A RA A1 - 138001L
VIOLATION DATE 03/14/2020	VIOLATION TIME 07:30:00	VIOLATION LOCATION CTF-Facility A - YARD		WITH STG NEXUS No
Did the reporting employee ensure the inmate understands (to the best of his/her ability) the consequences of the continued misconduct? N/A				
Did the reporting employee take into consideration the severity of the inmate's disability and the need for adaptive support services when determining the method of discipline? N/A				
<b>CIRCUMSTANCES OF VIOLATION</b> On March 14, 2020 at approximately 0730 hours, while conducting my duties as Facility A Program Sergeant, I conducted a clothed body search of Inmate Green, K93505, RA128L, (later identified using identification card) with negative results for contraband. While inspecting Inmate Green's Hiteker tablet, I noticed his name and CDC# was engraved on the back along with another name that was sanded off which I was unable to read. I asked Inmate Green if the tablet was his and if it had been altered. Inmate Green said the tablet was his and that it was not altered. I navigated through the tablets application and noticed an unauthorized game, Battle of warships, and grand theft auto-San Andreas therefor making it an unauthorized memory storage device. I secured the Hiteker tablet in the program office pending adjudication of this RVR and provided Inmate Green with a property receipt. On March 21, 2020, I conducted a follow up interview with Inmate Green at which point he admitted his original tablet broke and bought this tablet off the yard. Inmate Green signed, dated and printed his CDC# on the original property receipt electing to have the Hiteker tablet destroyed.				

REPORTING EMPLOYEE M. Sanchez	TITLE Sergeant	ASSIGNMENT A Program	RDO	DATE: 03/25/2020
----------------------------------	-------------------	-------------------------	-----	---------------------

RVR LOG NUMBER: 000000006983258	VIOLATED RULE NUMBER: 3006(c)
SPECIFIC ACT: Possession of Contraband	

CLASSIFICATION	
LEVEL: Administrative	OFFENSE DIVISION:
REFERRED TO: Hearing Officer	FELONY PROSECUTION LIKELY:

REVIEWING SUPERVISOR R. Gregory	TITLE sgt	DATE 03/25/2020
------------------------------------	--------------	--------------------

# **Exhibit 5**

Rules Violation Report, Possession of Contraband,

Log. No. 7036466, Oct. 10, 2020

ISS003B - Rules Violation Report	
Name: GREEN, CEDRIC TYRONE	CDC#: K93505
Violation Date: 10/10/2020	Violation Time: 15:30:00
Facility Where Inmate Housed: CTF-Facility A	
RVR Log #: 00000007036466	
Rule Violation #: 3006(c)-[01]-Possession of Contraband	
Facility Where RVR Occurred: CTF-Facility A	
Location: CELL	
Watch: 3rd Watch	With STG Nexus: No
Lab Results ID Number:	
Alleged behavior was bizarre or unusual for any Inmate: No	
Alleged behavior was uncharacteristic for this Inmate: No	
Incident Parameters	
Related Incident Report #:	Violence: No
Inmate Characteristics (on date of Violation)	
MH LOC: CCCMS	DDP Status: NCF
Inmate Housing Location: CTF-A - A RA A1 - 138001L	DPPV: DLT/.../.../...
Learning Disability:	Reading Level: 07.9
Did the reporting employee ensure the Inmate understands (to the best of his/her ability) the consequences of the continued misconduct?: N/A	
Did the reporting employee take into consideration the severity of the Inmate's disability and the need for adaptive support services when determining the method of discipline?: N/A	
RVR Status: Final/Concluded	As of Date: 11/07/2020

## Circumstances of Violation

On 10-10-2020, while assigned as Rainier A Tier Officer #1, I conducted a cell search of RA-138, which currently houses inmates Donaldson, AE3869, RA-138U and GREEN, K93505, RA-138L. While searching the cell I discovered a Hiteker tablet, with the name "GREEN" and CDC number "K93505" engraved on the back, on the lower bunk which is assigned to Inmate GREEN. While searching through the applications stored on the tablet I discovered what appeared to be hidden applications. After completing the search of the cell, I returned to the Rainier A-side office with the confiscated Hiteker tablet to continue searching through the tablet's contents. While looking through the applications, I discovered that the applications named "Tic-Tac-Toe" and "Pac-Man" were actually applications made to look like the video game applications. Looking through the "Tic-Tac-Toe" and "Pac-Man" applications, I discovered that they were being used to hide and store approximately 68 illegally downloaded video files, including multiple movies such as: Kill Bill Volume 1 & 2 and episodes of South Park and Into the Badlands. I issued Inmate GREEN a property receipt for the altered Hiteker tablet and the rest of the items confiscated during the search. The altered Hiteker tablet was placed in the Rainier Hall Sergeants Office pending disciplinary disposition and/or appeal.

PERNR 52838

## Classification of Violation

Level: Administrative	Offense Division:
Referred To: Hearing Officer	Felony Prosecution Likely:
Initial Copy Actual Occurrence 3 Day:	Hearing Clock Actual Occurrence Day: 4

## Related Electronic Documents (1 - 2 of 2)

Type	Date	Title	Source	Nbr of Pages
<a href="#">Other-Discipline</a>	10/13/2020	Property receipt	CDCR Staff 1	
<a href="#">Other-Discipline</a>	10/15/2020	Property Receipt/updated	CDCR Staff 1	

## Actions Taken (1 - 13 of 13)

Date	Time	Type	Staff	Assigned To	Elapsed Days
11/07/2020	09:24:00	RVR Documents Sent to Records	Sanchez, Agustin [SAAG002]		28
11/07/2020	08:28:00	Inmate Copy Served	Sanchez, Agustin [SAAG002]		28
11/06/2020	15:39:18	Disciplinary Hearing Results			
11/06/2020	15:39:18	Approved by CDO	Green, Kelly [GRKE003]		27
11/05/2020	12:46:08	Approved by Captain	Mak, Torrance [MATO003]	Green, Kelly [GRKE003]	26
10/18/2020	11:55:31	Hearing Results Ready for Review	Sanchez, Manuel S [SAMA053]	Mak, Torrance [MATO003]	8
10/17/2020	20:10:00	Hearing Held	Sanchez, Manuel S [SAMA053]		7
10/15/2020	12:05:00	Inmate Copy Served	Gomez, Edgar [GOED015]		5
10/13/2020	17:15:00	Other			
10/13/2020	17:15:00	Ready to Hear	Torres, Andre [TOAN027]		3
10/13/2020	17:11:00	Inmate Copy Served	Torres, Andre [TOAN027]		3
10/13/2020	17:11:00	Other			
10/13/2020	17:10:00	Inmate Copy Served	Torres, Andre [TOAN027]		3
10/13/2020	17:10:00	Initial Rules Violation Report			
10/12/2020	16:12:53	RVR Classified	Mak, Torrance [MATO003]	Gomez, Edgar [GOED015]	2
10/12/2020	15:29:31	RVR Approved by Supervisor	Alcala, Jaime G [ALJA039]	Mak, Torrance [MATO003]	2
10/12/2020	15:17:12	RVR Ready for Review by Supv.	Ramirez, Eduardo [RAED004]	Gracey, James [GRJA006]	2

## Effective Communications (1 - 5 of 5)

Interaction Date	Interaction Time	Interaction Type	Required
11/07/2020	08:28:00	Delivered Copy of Hearing Results	

Offender Name: GREEN, CEDRIC TYRONE | CDC#: K93505

Interaction Date	Interaction Time	Interaction Type	Required
<a href="#">10/17/2020</a>	20:10:00	Conducted RVR Hearing	
<a href="#">10/15/2020</a>	12:05:00	Other	
<a href="#">10/13/2020</a>	17:11:00	Other	
<a href="#">10/13/2020</a>	17:10:00	Delivered Copy of Initial RVR	

Mental Health Assessment

Completed Date	Completed Time
No Rows Found	

Hearing											
Actual Hearing Date: 10/17/2020	Time: 20:10:00										
Inmate Pled: Guilty	Inmate Found: Guilty but Reduced to Counselling Chrono										
Charge Found Guilty of #: 3006(c)-[01]-Possession of Contraband											
Offense Occurrence: 2-2nd Occurrence											
Level: Counseling Only	Offense Division:										
CDO Summary: Affirming The Hearing Results											
Referred To Cls. Comm.: N/A											
SHU Term Assessment: No	Program Review: No										
Un-Assignment: No	Substance Abuse Treatment: No										
STG Nexus: No	Counseled Regarding Misconduct:										
AVSS Available: No	AVSS Impact: N										
Disposition											
<table><thead><tr><th>Sanction Type</th><th>Quantity</th><th>Start Date</th><th>End Date</th><th>Status</th></tr></thead><tbody><tr><td colspan="5">No Rows Found</td></tr></tbody></table>		Sanction Type	Quantity	Start Date	End Date	Status	No Rows Found				
Sanction Type	Quantity	Start Date	End Date	Status							
No Rows Found											

Related Standard Forms (1 - 2 of 2)

Date Prepared	Time Prepared	Type of Form	Staff Prepared By	Awaiting Review By	Status
<a href="#">10/17/2020</a>	20:10:00	Disciplinary Hearing Results	Sanchez, Manuel S [SAMA053]		Printed - Reviewed
<a href="#">10/12/2020</a>	15:17:12	Rules Violation Report	Ramirez, Eduardo [RAED004]		Printed - Reviewed

Pending Scanned Documents

C-File Section Code	Document Type	Document Date
No Rows Found		

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# Exhibit 6

Rules Violation Report,  
Pattern of Administrative Rule Violations  
for Same Offense, Log No. 7044983, Nov. 15, 2020



ISSS003B - Rules Violation Report	
Name: GREEN, CEDRIC TYRONE	CDC #: K93505
Violation Date: 11/15/2020	Violation Time: 17:10:00
Facility Where Inmate Housed: CTF-Facility A	
RVR Log #: 000000007044983	
Rule Violation #: 3315(a)(3)(M)-Pattern of administrative rule violations for same offense	
Facility Where RVR Occurred: CTF-Facility A	
Location: CELL	
Watch: 3rd Watch	With STG Nexus: No
Lab Results ID Number:	
Alleged behavior was bizarre or unusual for any inmate:	No
Alleged behavior was uncharacteristic for this inmate:	No
Incident Parameters	
Related Incident Report #:	Violence: No
Inmate Characteristics (on date of Violation)	
MH LOC: CCCMS	DDP Status: NCF
Inmate Housing Location: CTF-A - A RA A1 - 138001L	DPPV: DLT/.../.../...
Learning Disability:	Reading Level: 07.9
Did the reporting employee ensure the inmate understands (to the best of his/her ability) the consequences of the continued misconduct?: N/A	
Did the reporting employee take into consideration the severity of the inmate's disability and the need for adaptive support services when determining the method of discipline?: N/A	
RVR Status: Final/Concluded	As of Date: 01/03/2021

## Circumstances of Violation

On November 15, 2020 at approximately 1710 hours while working as Rainier Hall Officer #3 I was conducting the Institutional count, I approached RA cell 138 occupied solely by Inmate Green, K93505, RA-138L, and saw Inmate Green laying on his assigned bunk watching a tablet. When Inmate Green saw me standing at his door he startled and laid the tablet face down against his stomach in order to try and conceal the tablet. At the completion of the Institutional count I returned to RA-138, opened the door and ordered Inmate Green to hand me the tablet to which he complied. I asked him who the tablet belonged to and he stated "It's a floater". While navigating through the Tablet I discovered an application titled "VLC Mini Player", when opened it contained a movie titled "EVO". I then issued a property receipt to Inmate green and secured the tablet in the Rainier Hall Sergeants Office.

PERRR#97035

## Classification of Violation

Level: Serious	Offense Division: Division F
Referred To: Senior Hearing Officer	Felony Prosecution Likely: No
Initial Copy Actual Occurrence 1 Day:	Hearing Clock Actual Occurrence Day: 20

## Related Electronic Documents (1 - 1 of 1)

Type	Date	Title	Source	Nbr of Pages
Other-Discipline	11/17/2020	Property Receipt CDCR Staff 1		

## Actions Taken (1 - 13 of 13)

Date	Time	Type	Staff	Assigned To	Elapsed Days
01/03/2021	18:36:28	RVR Documents Sent to Records	Schoch, Matthew W [SCMA045]		49
01/03/2021	18:15:55	Inmate Copy Served	Schoch, Matthew W [SCMA045]		49
12/29/2020	15:47:38	Disciplinary Hearing Results	Green, Kelly [GRKE003]		44
12/10/2020	15:45:14	Approved by CDO	Mak, Torrance [MATO003]	Green, Kelly [GRKE003]	25
12/07/2020	18:14:55	Approved by Captain	Pedone, Steven [PEST008]	Mak, Torrance [MATO003]	22
12/06/2020	09:15:00	Hearing Results Ready for Review	Pedone, Steven [PEST008]		21
11/16/2020	13:37:59	Hearing Held	Gomez, Edgar [GOED015]		1
11/16/2020	12:46:00	Ready to Hear	Gomez, Edgar [GOED015]		1
11/16/2020	12:46:00	Inmate Copy Served	Gomez, Edgar [GOED015]		1
11/16/2020	12:46:00	Other	Gomez, Edgar [GOED015]		1
11/16/2020	12:45:00	Inmate Copy Served	Gomez, Edgar [GOED015]		1
11/16/2020	12:00:00	Initial Rules Violation Report	Gomez, Edgar [GOED015]		1
11/16/2020	12:00:00	Notice of Pending Charges Sent to Rcds.	Gomez, Edgar [GOED015]		1
11/16/2020	11:02:15	Notice of Pending Charges Sent to Rcds.	Mak, Torrance [MATO003]	Gomez, Edgar [GOED015]	1
11/15/2020	20:48:22	RVR Classified	Lockhart, David C [LODA052]	Mak, Torrance [MATO003]	0
11/15/2020	19:23:07	RVR Approved by Supervisor	Rivera, Ashley M [NAAS002]	Lockhart, David C [LODA052]	0
11/15/2020	19:23:07	RVR Ready for Review by Supv.	Rivera, Ashley M [NAAS002]	Lockhart, David C [LODA052]	0

## Effective Communications (1 - 4 of 4)

Interaction Date	Interaction Time	Interaction Type	Required
01/03/2021	18:15:55	Delivered Copy of Hearing Results	
12/06/2020	09:15:00	Conducted RVR Hearing	
11/16/2020	12:46:00	Other	

Interaction Date Interaction Time Interaction Type Required  
11/16/2020 12:45:00 Delivered Copy of Initial RVR

Mental Health Assessment

Completed Date Completed Time  
 No Rows Found

Hearing	
Actual Hearing Date: 12/06/2020	Time: 09:15:00
Inmate Pled: Not Guilty	Inmate Found: Guilty as Charged
Charge Found Guilty of #: 3315(a)(3)(M)-Pattern of administrative rule violations for same offense	
Offense Occurrence: 3-3rd (or more) Occurrence	
Level: Serious	Offense Division: Division F
CDO Summary: Affirming The Hearing Results	
Referred To Cls. Comm.: UCC	
SHU Term Assessment: No	Program Review: Yes
Un-Assignment: No	Substance Abuse Treatment: No
STG Nexus: No	Counseled Regarding Misconduct:
AVSS Available: No	AVSS Impact: N
Disposition (1 - 8 of 8)	
<u>Sanction Type</u>	<u>Quantity</u> <u>Start Date</u> <u>End Date</u> <u>Status</u>
<u>Credit Loss</u>	30 Imposed
<u>Privilege Group C</u>	60 12/06/2020 02/04/2021 Imposed
<u>Canteen Privileges</u>	60 12/06/2020 02/04/2021 Imposed
<u>Phone Privileges</u>	60 12/06/2020 02/04/2021 Imposed
<u>Yard Recreation Privileges</u>	60 12/06/2020 02/04/2021 Imposed
<u>Packages Privileges</u>	60 12/06/2020 02/04/2021 Imposed
<u>Property Restrictions</u>	60 12/06/2020 02/04/2021 Imposed
<u>Day Room Privilege</u>	60 12/06/2020 02/04/2021 Imposed

Related Standard Forms (1 - 2 of 2)

Date Prepared	Time Prepared	Type of Form	Staff Prepared By	Awaiting Review By	Status
<u>12/06/2020</u>	09:15:00	Disciplinary Hearing Results	Pedone, Steven [PEST008]		Printed - Reviewed
<u>11/15/2020</u>	19:23:07	Rules Violation Report	Rivera, Ashley M [NAAS002]		Printed - Reviewed

Pending Scanned Documents

C-File	Section Code	Document Type	Document Date
No Rows Found			

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# **Exhibit 7**

Rules Violation Report, Possession of Contraband,

Log. No. 7069002, Mar. 2, 2021

ISS0038 - Rules Violation Report	
Name: GREEN, CEDRIC TYRONE	CDC#: K93505
Violation Date: 03/02/2021	Violation Time: 14:45:00
Facility Where Inmate Housed: CTF-Facility A	
RVR Log #: 00000007069002	
Rule Violation #: 3006(c)-[01]-Possession of Contraband	
Facility Where RVR Occurred: CTF-Facility A	
Location: CELL	
Watch: 3rd Watch	With STG Nexus: No
Lab Results ID Number:	
Alleged behavior was bizarre or unusual for any Inmate: No	
Alleged behavior was uncharacteristic for this Inmate: No	
Incident Parameters	
Related Incident Report #:	Violence: No
Inmate Characteristics (on date of Violation)	
MH LOC: CCCMS	DDP Status: NCF
Inmate Housing Location: CTF-A - A RA A1 - 108001L	DPPV: DLT/.../.../...
Learning Disability:	Reading Level: 07.9
Did the reporting employee ensure the Inmate understands (to the best of his/her ability) the consequences of the continued misconduct?: N/A	
Did the reporting employee take into consideration the severity of the inmate's disability and the need for adaptive support services when determining the method of discipline?:	
RVR Status: Final/Concluded	As of Date: 04/30/2021

## Circumstances of Violation

On March 2, 2021, at approximately 1445 hours, while assigned as Rainier Hall tier officer #1, I conducted a cell search of RA-108, which currently houses inmates Reynolds, K40797, RA-108U and GREEN, K93505, RA-108L. While searching the lower bunk, which is assigned to Inmate GREEN, I discovered a Hiteker tablet with the name "GREEN", CDC number "K93505" engraved on the back. Continuing my search of the cell I discovered a second Hiteker tablet with the name "GREEN", CDC number "K93505" engraved on the back. Maintaining possession of both tablets I completed the search of the cell with no further significant discoveries. I asked Inmate GREEN if both Hiteker tablets were his. Inmate GREEN replied "Yeah, someone messed up and gave me a second tablet." I issued Inmate GREEN a property receipt for the both of the confiscated Hiteker tablets. Both Hiteker tablets were secured in the Rainier Hall sergeant's office pending ownership verification, disciplinary disposition or appeal.

PERNR 52838

## Classification of Violation

Level: Administrative	Offense Division:
Referred To: Hearing Officer	Felony Prosecution Likely:
Initial Copy Actual Occurrence 9 Day:	Hearing Clock Actual Occurrence Day: 9

## Related Electronic Documents (1 - 1 of 1)

Type	Date	Title	Source	Nbr of Pages
Other-Discipline	03/11/2021	Property Receipt CDCR Staff 1		

## Actions Taken (1 - 12 of 12)

Date	Time	Type	Staff	Assigned To	Elapsed Days
04/30/2021	12:14:19	RVR Documents Sent to Records	Sanchez, Agustin [SAAG002]		59
04/30/2021	12:10:51	Inmate Copy Served	Sanchez, Agustin [SAAG002]		59
04/29/2021	20:59:29	Disciplinary Hearing Results			
04/29/2021	20:59:29	Approved by CDO	Green, Kelly [GRKE003]		58
04/05/2021	10:49:16	Approved by Captain	Mak, Torrance [MATO003]	Green, Kelly [GRKE003]	34
03/28/2021	08:32:41	Hearing Results Ready for Review	Sanchez, Manuel S [SAMA053]	Mak, Torrance [MATO003]	26
03/20/2021	11:15:00	Hearing Held	Sanchez, Manuel S [SAMA053]		18
03/11/2021	21:09:04	Ready to Hear	Torres, Andre [TOAN027]		9
03/11/2021	20:21:00	Inmate Copy Served	Torres, Andre [TOAN027]		9
03/11/2021	20:21:00	Other			
03/11/2021	20:20:00	Inmate Copy Served	Torres, Andre [TOAN027]		9
03/11/2021	20:20:00	Initial Rules Violation Report			
03/11/2021	11:43:27	RVR Classified	Mak, Torrance [MATO003]	Gomez, Edgar [GOED015]	9
03/10/2021	20:25:03	RVR Approved by Supervisor	Gracey, James [GRJA006]	Mak, Torrance [MATO003]	8
03/10/2021	20:02:58	RVR Ready for Review by Supv.	Ramirez, Eduardo [RAED004]	Gracey, James [GRJA006]	8

## Effective Communications (1 - 4 of 4)

Interaction Date	Interaction Time	Interaction Type	Required
04/30/2021	12:10:51	Delivered Copy of Hearing Results	
03/20/2021	11:15:00	Conducted RVR Hearing	
03/11/2021	20:21:00	Other	
03/11/2021	20:20:00	Delivered Copy of Initial RVR	

## Mental Health Assessment

Offender Name: GREEN, CEDRIC TYRONE | CDC#: K93505

Completed Date Completed Time  
No Rows Found

Hearing	
Actual Hearing Date: 03/20/2021	Time: 11:15:00
Inmate Pled: Not Guilty	Inmate Found: Guilty but Reduced to Counseling Chrono
Charge Found Guilty of #: 3006(c)-[01]-Possession of Contraband	
Offense Occurrence: 1-1st Occurrence	
Level: Counseling Only	Offense Division:
CDO Summary: Affirming The Hearing Results	
Referred To Cls. Comm.: N/A	
SHU Term Assessment: No	Program Review: No
Un-Assignment: No	Substance Abuse Treatment: No
STG Nexus: No	Counseled Regarding Misconduct: with reprimand
AVSS Available: No	AVSS Impact: N
Disposition	
<u>Sanction Type</u> <u>Quantity</u> <u>Start Date</u> <u>End Date</u> <u>Status</u>	
No Rows Found	

Related Standard Forms (1 - 2 of 2)

Date Prepared	Time Prepared	Type of Form	Staff Prepared By	Awaiting Review By	Status
03/20/2021	11:15:00	Disciplinary Hearing Results	Sanchez, Manuel S [SAMA053]		Reviewed, but not yet printed
03/10/2021	20:02:58	Rules Violation Report	Ramirez, Eduardo [RAED004]		Printed - Reviewed

Pending Scanned Documents

C-File Section Code	Document Type	Document Date
No Rows Found		

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**DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL**

Case Name: **In re Cedric Green on Habeas Corpus**

No.: **S279269**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On September 15, 2023, I electronically served the attached **RESPONDENT'S INFORMAL RESPONSE; Exhibits 1 to 7** by transmitting a true copy via this Court's TrueFiling system.

Michael S. Romano  
Attorney at Law  
[mromano@law.stanford.edu](mailto:mromano@law.stanford.edu)

First Appellate District  
Court of Appeal of the State of California  
[first.district@jud.ca.gov](mailto:first.district@jud.ca.gov)

Susan Champion  
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The Honorable Stephen Wagstaffe  
District Attorney  
San Mateo County District Attorney's  
Office  
[smda@smcgov.org](mailto:smda@smcgov.org)

Executive Director  
First District Appellate Project  
[eservice@fdap.org](mailto:eservice@fdap.org)

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on September 15, 2023, at San Francisco, California.

N. Kochiya  
Declarant for eFiling

/s/ N. Kochiya  
Signature

Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on September 15, 2023, a true copy thereof enclosed in a sealed envelope has been placed in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

San Mateo County Superior Court  
Main Courthouse-Hall of Justice  
400 County Center  
Redwood City, CA 94063-1655

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on September 15, 2023, at San Francisco, California.

T. Pham  
Declarant for U.S. Mail

/s/ T. Pham  
Signature

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **GREEN (CEDRIC) ON  
H.C.**

Case Number: **S279269**

Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **Denise.Yates@doj.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
INFORMAL RESPONSE	S279269 _IHC_ Green

Service Recipients:

Person Served	Email Address	Type	Date / Time
Susan Champion Three Strikes Project 295598	schampion@law.stanford.edu	e-Serve	9/15/2023 11:57:57 AM
Caitlin Andersen Stanford Law School Three Strikes Project	caitand@law.stanford.edu	e-Serve	9/15/2023 11:57:57 AM
Office Office Of The Attorney General Court Added	sfagdocketing@doj.ca.gov	e-Serve	9/15/2023 11:57:57 AM
Denise Yates Office Attorney General	yatesd@hdcdojnet.state.ca.us	e-Serve	9/15/2023 11:57:57 AM
Denise Yates California Dept of Justice, Office of the Attorney General 191073	Denise.Yates@doj.ca.gov	e-Serve	9/15/2023 11:57:57 AM
Michael S. Romano 232182	mromano@law.stanford.edu	e-Serve	9/15/2023 11:57:57 AM
First District Appellate Project	eservice@fdap.org	e-Serve	9/15/2023 11:57:57 AM
First Appellate District, Court of Appeal	first.district@jud.ca.gov	e-Serve	9/15/2023 11:57:57 AM
San Mateo County District Attorney's Office	smda@smcgov.org	e-Serve	9/15/2023 11:57:57 AM
Brian Kinney 245344	Brian.Kinney@doj.ca.gov	e-Serve	9/15/2023 11:57:57 AM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.



I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9/15/2023

Date

/s/Nga Kochiya

Signature

Yates, Denise (191073)

Last Name, First Name (PNum)

California Dept of Justice, Office of the Attorney General

Law Firm