

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WESLEY CHANCE,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 13-0350
KULIK, SUHAN, BOGDEN, MCCANVILLE,)	
FOLINO, AND WETZEL,)	
)	JURY TRIAL DEMANDED
Defendants.)	
)	

SECOND AMENDED COMPLAINT

Plaintiff, Wesley Chance (“Chance”), by and through his counsel, K&L Gates LLP, respectfully files the following Second Amended Complaint and states as follows:

NATURE OF THE ACTION

1. This action arises under the Eighth Amendment of the Constitution of the United States and under 42 U.S.C. § 1983. This action seeks damages caused by the Defendants’ violation of Chance’s constitutional rights, specifically, Chance’s Eighth Amendment right to be free from cruel and unusual punishment. Chance seeks compensatory and punitive damages, as well as attorneys’ fees and costs, as authorized by 42 U.S.C. § 1988.

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1343 and 28 U.S.C. § 1331.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims asserted by Chance occurred in the judicial district.

PARTIES

4. Plaintiff, Wesley Chance, at all times relevant hereto, was a prisoner within the penal system of the Pennsylvania State Correctional Institution in Greene County, Pennsylvania (“SCI-Greene”), 125 Progress Dr. Waynesburg, PA 15370.

5. Presently, Chance is an inmate at the Pennsylvania State Correctional Institute in Benner Township, Pennsylvania (“SCI-Benner”), 301 Institution Drive, Bellefonte, PA 16823.

6. Upon information and belief, Defendant Kulik (“Officer Kulik”) is currently a correctional officer at a Pennsylvania State Correctional Institute and a citizen of Pennsylvania. At all relevant times hereto, Officer Kulik was employed as a corrections officer at SCI-Greene.

7. Upon information and belief, Defendant Suhan (“Officer Suhan”) is currently a correctional officer at a Pennsylvania State Correctional Institute and a citizen of Pennsylvania. At all relevant times hereto, Officer Suhan was employed as a corrections officer at SCI-Greene.

8. Upon information and belief, Defendant Bogden (“Officer Bogden”) is currently a correctional officer at a Pennsylvania State Correctional Institute and a citizen of Pennsylvania. At all relevant times hereto, Officer Bogden was employed as a corrections officer at SCI-Greene.

9. Upon information and belief, Defendant McCanville (“Officer McCanville”) is currently a correctional officer at a Pennsylvania State Correctional Institute and a citizen of Pennsylvania. At all relevant times hereto, Officer McCanville was employed as a corrections officer at SCI-Greene.

10. At all times relevant hereto, Officers Kulik, Suhan, Bogden and McCanville acted under color of state law as employees of the Pennsylvania Department of Corrections.

11. Defendant Louis Folino (“Superintendent Folino”) is the superintendent of SCI-Greene and a citizen of Pennsylvania with an address of SCI-Greene, 125 Progress Dr. Waynesburg, PA 15370.

12. At all times relevant hereto, Superintendent Folino acted under color of state law as an employee of the Pennsylvania Department of Corrections.

FACTS

A. The Malicious and Sadistic Beating of Chance by Officer Kulik with the Assistance of Officers Suhan, Bogden, and McCanville

13. On or about March 30, 2012, while at SCI-Greene, Chance was directed to relocate from his then-current cell to a new cell within SCI-Greene.

14. As part of the relocation, all of Chance’s personal property, including sentimental and invaluable items, were being transferred with him to the new cell.

15. Chance was handcuffed during his transportation to the new cell and was escorted by Officer Kulik.

16. Officer Kulik entered Chance’s new cell with Chance, even though, upon information and belief, prison regulations and policy prohibit a correctional officer from entering an inmate’s cell under such circumstances.

17. Upon arrival at the new cell, Officer Kulik, maliciously and without provocation, took all of Chance’s personal property, including sentimental and invaluable items, and flung the items throughout the new cell with the intention of damaging Chance’s property.

18. While still handcuffed, Chance orally questioned Officer Kulik’s damage of his property. Upon information and belief, Officer Kulik presumably took offense to being questioned, and without any provocation, began to physically attack Chance.

19. Officer Kulik willfully, maliciously, sadistically and with the sole intent to cause severe physical damage, punched Chance in the face at least 3 times. Because Chance was still handcuffed, he was unable to shield or protect himself from this malicious and sadistic attack by Officer Kulik.

20. After punching the handcuffed Chance in the face while he was standing up, Officer Kulik then put Chance in a headlock and threw him to the ground.

21. Upon information and belief, as Officer Kulik was employing excessive force against Chance, Officers Suhan, Bogden, and McCanville entered the prison cell.

22. With Chance on the ground still handcuffed and unable to protect himself, Officers Suhan, Bogden, and McCanville approached Chance and forcefully held him on the ground so that Officer Kulik could continue his attack.

23. Officer Kulik again began viciously and repeatedly punching Chance in the face at least 6 additional times with the intention of inflicting serious bodily harm.

24. Upon information and belief, Officer Kulik struck Chance's face with his hands with so much force and in such a repeated manner as to injure his own hands.

25. Chance was dazed and his face was bloody, swollen, and he immediately began suffering lost and distorted vision in his eye.

26. At no point in time did Chance use any force toward Officer Kulik, and Officer Kulik was not acting in any good-faith manner to restore order and discipline. Rather, Officer Kulik attacked Chance with the intent to inflict pain.

B. Officers Kulik, Suhan, Bogden, and McCanville's Conspiracy to Use Excessive Force and Officers Suhan, Bogden, and McCanville's Failure to Intervene

27. As alleged in paragraphs 21-22 above, Officers Suhan, Bogden, and McCanville were all present during and witnessed Officer Kulik's vicious attack on Chance.

28. As correctional officers in the cell during the attack on Chance, Officers Suhan, Bogden, and McCanville had a duty to intervene to prevent the use of excessive force by a fellow correctional officer.

29. Given their close proximity and the obvious abuse that Officer Kulik was inflicting on Chance, Officers Suhan, Bogden, and McCanville had a reasonable opportunity to intervene and abate the use of excessive force by Officer Kulik on Chance.

30. Officers Suhan, Bogden, and McCanville failed to intervene on behalf of Chance.

31. Rather, Officers Suhan, Bogden, and McCanville came to a mutual understanding and agreement with Officer Kulik to carry out a scheme to continue the use of excessive force and deprive Chance of his federal constitutional and statutory rights. *See Baker v. Morgan*, Civil Action No. 05-3690, 2006 WL 1214808, at *6 (E.D. Pa. 2006) (finding that prisoner stated claim against correctional officers for conspiracy to use excessive force).

32. In furtherance of this scheme, Officers Suhan, Bogden and McCanville, through concerted action with Officer Kulik, forcefully restrained Chance on the ground so that Officer Kulik could continue his brutal attack.

C. Officers Kulik, Suhan, Bogden, and McCanville's Conspiracy to Cover-up the Use of Excessive Force

33. After he was finished pummeling the handcuffed and defenseless Chance, Officer Kulik conspired with and instructed Officers Suhan, Bogden and McCanville to fabricate their accounts of the incident to falsely indicate that Chance kicked Officer Kulik, provoking Officer Kulik's physical response.

34. Officers Suhan, Bogden and McCanville, through mutual agreement and concerted action with Officer Kulik, materially misrepresented and/or omitted material facts surrounding the incident and/or submitted falsified reports about the incident.

35. For example, on March 30, 2012, Officer Bogden submitted a misconduct report regarding the above-described incident (the “Bogden Report”). A true and correct copy of which is attached as Exhibit A.

36. Upon information and belief, the Bogden Report was intentionally falsified at the request of Officer Kulik. In the section entitled “Staff Member’s Version,” it initially indicated that Chance allegedly kicked Officer Kulik in the “leg (approx. knee level).” However, in an effort to disguise Officer Kulik’s injuries to his hand sustained from the repeated punches to Chance’s face, the Bogden Report was altered to indicate that Chance kicked Officer Kulik’s “hand” by simply crossing out the word “leg” and replacing it with “hand.” This alteration is visible on the face of the Bogden Report.

37. Upon information and belief, Officers Suhan and McCanville either joined in the Bogden Report, completed their own reports similarly falsifying the account of the above-described incident, or affirmatively failed to correct the false statements made by the other officers.

38. Upon information and belief, Officers Kulik, Suhan, Bogden and McCanville perpetrated this scheme to destroy, alter or conceal material evidence in an effort to prevent Chance from pursuing the remedies afforded to him under 42 U.S.C. § 1983, the United States Constitution, and Pennsylvania’s prison system.

D. Chance’s Permanent Injuries Sustained as a Result of the Officers’ Attack, and the Failure to Award Chance Relief for his Substantiated Claims

39. Immediately following the attack, Lieutenant Grego arrived and documented Chance’s injuries with a camera.

40. Upon information and belief, the attack on Chance by Officer Kulik was recorded on a surveillance video.

41. Chance filed a report of the incident with the Office of Special Investigations and Intelligence.

42. The Office of Special Investigations substantiated Chance's allegations (the "Substantiated Report"), but did not award him relief. A copy of the Substantiated Report is attached hereto as Exhibit B.

43. Chance appealed to the Secretary's Office of Inmate Grievances and Appeals, asserting that Officer Kulik used excessive force and that the staff of SCI-Greene had not addressed his request for relief.

44. The Office of Inmate Grievances and Appeals substantiated Chance's allegation of excessive force and affirmed that no relief would be granted.

45. As a direct and proximate result of the actions alleged herein, Chance suffered, and continues to suffer, the following injuries:

- (a) Bruises and lacerations to his face;
- (b) Temporary and permanent damage to his eye, including tears, phantom flashes, and other retinal problems;
- (c) Frequent migraines;
- (d) Frequent vomiting and nausea;
- (e) Insomnia;
- (f) Severe emotional distress that has physically manifested into symptoms akin to post-traumatic stress disorder; and
- (g) Other damages as may be permitted under 42 U.S.C. § 1983 to be proven at trial.

E. Superintendent Folino Failed to Adequately Supervise Officer Kulik, Exhibiting a Deliberate Indifference of the Risk Posed by Officer Kulik to Chance

46. Superintendent Folino is the superintendent of SCI-Greene. He is the chief administrative official of SCI-Greene and supervises all of the operations and personnel of the prison. He is also responsible for the hiring, training, and discipline of corrections officers, as well as serving as the final arbiter of any inmate grievance.

47. In his position as superintendent, Superintendent Folino was personally involved in the goings-on at SCI-Greene, including events that led to the attack against Chance and events that followed. For instance, Superintendent Folino was personally involved in:

- (a) The supervision of Officer Kulik;
- (b) Disciplining errant correctional officers, though, upon information and belief, Officer Kulik was never adequately disciplined;
- (c) A lawsuit relating to the use of excessive force and falsification of reports, naming Officer Kulik and Superintendent Folino as defendants; and
- (d) The grievance procedure whereby Chance was denied any recourse after Officer Kulik's attack. This is exemplified by Superintendent Folino's Response to Inmate's Response to Staff Member ("Folino Response," a true and correct copy of which is attached as Exhibit C), in which Superintendent Folino refuses to acknowledge that Officer Kulik caused Chance significant injury and continued to pose a risk to Chance after the March 30, 2012 attack.

48. Officer Kulik has a prior history of employing excessive force against inmates at SCI-Greene, which has been memorialized in grievances submitted to Superintendent Folino, as well as in federal lawsuits filed against Officer Kulik, of which Superintendent Folino was either aware or should have been aware.

49. By way of example, Officer Kulik was named as a defendant in *Laurensau v. Pluck*, No. 2:12-cv-00623-MPK (W.D. Pa. 2012), in which the inmate plaintiff alleged that Officer Kulik had falsified reports of misconduct in order to place the plaintiff on behavior modified meals and cell restriction. The plaintiff also alleged that Officer Kulik had assaulted him, threatened him, and used abusive language towards him.

50. By way of further example, Officer Kulik and Superintendent Folino were named as defendants in *Pew v. Folino*, No. 2:11-cv-01003-DWA-LPL (M.D. Pa. 2011) involving, *inter alia*, allegations of excessive force. The inmate plaintiff alleged that Officer Kulik had restrained him, probed his buttocks, and choked him. He alleged that on one occasion, Officer Kulik, without provocation, threw his head into a wall, slammed him on the ground, and dragged him into a cell.

51. By way of further example, in 2011, Officer Kulik was charged with simple assault and harassment.

52. During the incident at issue in this case (as well as the three foregoing incidents) Superintendent Folino had actual or constructive knowledge of Officer Kulik's conduct and was responsible for adequately supervising Officer Kulik. Notwithstanding Officer Kulik's prior incidents of violence toward prisoners, of which Superintendent Folino was aware or should have been aware, Superintendent Folino took no meaningful action toward Officer Kulik, exhibiting a deliberate indifference to the fact that inaction would obviously result in Officer Kulik's violation of prison inmates' Constitutional and statutory rights.

53. Upon information and belief, Superintendent Folino exhibited deliberate indifference because he knew: 1) that Officer Kulik would be required to interact with inmates such as Chance; 2) interacting with inmates is a matter that Officer Kulik has a history of

mishandling through the application of excessive levels of force; and 3) as a result, Officer Kulik's prior errors in interacting with inmates and propensity for violence placed him in a position whereby he engaged in excessive force against Chance, thereby violating Chance's Constitutional and statutory rights.

54. As a result of Superintendent Folino's deliberate indifference, Officer Kulik was placed in a position whereby he was able to and did, in fact, violate Chance's Constitutional and statutory rights, as described above.

**COUNT I - VIOLATION OF THE EIGHTH AMENDMENT OF THE
UNITED STATES CONSTITUTION UNDER 42 U.S.C. § 1983**
(Against Officer Kulik)

55. Chance hereby incorporates the preceding paragraphs, above, as if each were fully set forth herein.

56. As described herein, Officer Kulik maliciously and sadistically used excessive force for the purpose of causing harm to Chance in violation of the rights, privileges, and immunities secured to Chance by the Eighth Amendment of the United States Constitution and 42 U.S.C. § 1983.

57. Officer Kulik's use of excessive force was done while acting under the color of state law.

58. Officer Kulik's use of force against Chance was unnecessary and not justified under the circumstances.

59. Even if the use of force was deemed to be necessary, the amount of force used by Officer Kulik against Chance was not proportional to what was needed.

60. Officer Kulik made no efforts to temper the severity of a forceful response.

61. As a direct and proximate result of Officer Kulik's excessive force as described herein, Chance suffered severe physical harm and emotional distress, including, but not limited to:

- (a) Bruises and lacerations to his face;
- (b) Temporary and permanent damage to his eye, including tears, phantom flashes, and other retinal problems;
- (c) Frequent migraines;
- (d) Frequent vomiting and nausea;
- (e) Insomnia;
- (f) Severe emotional distress that has physically manifested into symptoms akin to post-traumatic stress disorder; and
- (g) Other damages as may be permitted under 42 U.S.C. § 1983 to be proven at trial.

62. Chance is entitled to compensation for such injuries and for the payment of reasonable attorneys' fees, costs, and interest pursuant to 42 U.S.C. § 1983 in an amount to be proven at trial.

**COUNT II – VIOLATION OF THE EIGHTH AMENDMENT OF THE
UNITED STATES CONSTITUTION UNDER 42 U.S.C. § 1983
(Against Officers Suhan, Bogden, and McCanville)**

63. Chance hereby incorporates the preceding paragraphs, above, as if each were fully set forth herein.

64. As described herein, Officer Kulik maliciously and sadistically used excessive force for the purpose of causing harm to Chance in violation of the rights, privileges, and

immunities secured to Chance by the Eighth Amendment of the United States Constitution and 42 U.S.C. § 1983.

65. Officers Suhan, Bogden, and McCanville were present during and witnessed some or all of Officer Kulik's vicious attack on Chance.

66. As correctional officers within the immediate vicinity of the attack on Chance, Officers Suhan, Bogden, and McCanville had a duty to intervene to prevent the use of excessive force by a fellow correctional officer.

67. Officers Suhan, Bogden, and McCanville had a reasonable opportunity to intervene and abate the use of excessive force by Officer Kulik on Chance.

68. Officers Suhan, Bogden, and McCanville failed to intervene in order to protect Chance.

69. As a direct and proximate result of Officers Suhan, Bogden, and McCanville's failure to intervene as described herein, Chance suffered severe physical harm and emotional distress, including, but not limited to:

- (a) Bruises and lacerations to his face;
- (b) Temporary and permanent damage to his eye, including tears, phantom flashes, and other retinal problems;
- (c) Frequent migraines;
- (d) Frequent vomiting and nausea;
- (e) Insomnia;
- (f) Severe emotional distress that has physically manifested into symptoms akin to post-traumatic stress disorder; and

(g) Other damages as may be permitted under 42 U.S.C. § 1983 to be proven at trial.

70. Chance is entitled to compensation for such injuries and for the payment of reasonable attorneys' fees, costs, and interest pursuant to 42 U.S.C. § 1983 in an amount to be proven at trial.

**COUNT III - CONSPIRACY TO VIOLATE THE EIGHTH AMENDMENT OF THE
UNITED STATES CONSTITUTION UNDER 42 U.S.C. § 1983**
(Against Officers Kulik, Suhan, Bogden, and McCanville)

71. Chance hereby incorporates the preceding paragraphs, above, as if each were fully set forth herein.

72. Officers Suhan, Bogden, and McCanville were present during and witnessed some or all of Officer Kulik's vicious attack on Chance.

73. As set forth more fully above, Officers Kulik, Suhan, Bogden and McCanville conspired and agreed to perpetrate a scheme of: 1) participating in a malicious and sadistic use of excessive force against Chance; and 2) then knowingly making false and misleading statements of material fact and/or omitting material facts regarding the actual events surrounding the attack.

74. Officers Kulik, Suhan, Bogden and McCanville knew, or knowingly ignored, the fact that their concerted actions contributed to the violation of the rights, privileges, and immunities secured to Chance by the Eighth Amendment of the United States Constitution and 42 U.S.C. § 1983.

75. Chance has been damaged by Officers Kulik, Suhan, Bogden and McCanville's wrongful and conspiratorial conduct. Officers Kulik, Suhan, Bogden and McCanville's conspiratorial conduct, as alleged herein, was outrageous, willful and wanton, and was perpetrated with an evil motive and a reckless indifference to the rights of Chance.

By reason of the foregoing, Chance is entitled to a judgment against Officers Kulik, Suhan, Bogden and McCanville, jointly and severally, for compensatory and punitive damages in an amount to be determined at the trial of this action.

COUNT IV – VIOLATION OF THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION UNDER 42 U.S.C. § 1983
(Against Superintendent Folino)

76. Chance hereby incorporates the preceding paragraphs, above, as if each were fully set forth herein.

77. Superintendent Folino failed to adequately supervise Officer Kulik, in violation of the rights, privileges, and immunities secured to Chance by the Eighth Amendment of the United States Constitution and 42 U.S.C. § 1983.

78. Superintendent Folino's failure to adequately supervise Officer Kulik amounted to deliberate indifference to the fact that inaction would obviously result in Officer Kulik's violation of the rights, privileges, and immunities secured to Chance by the Eighth Amendment of the United States Constitution and 42 U.S.C. § 1983.

79. Upon information and belief, Superintendent Folino exhibited deliberate indifference because he knew that: 1) Officer Kulik would be required to interact with inmates such as Chance; 2) interacting with inmates is a matter that Officer Kulik has a history of mishandling through the application of excessive levels of force; and 3) as a result, Officer Kulik's errors in interacting with inmates have, and will continue to, frequently cause the deprivation of inmates' Constitutional and civil rights. Indeed, Superintendent Folino's failure to adequately supervise Officer Kulik directly and proximately caused the violation of the rights, privileges, and immunities secured to Chance by the Eighth Amendment of the United States Constitution and 42 U.S.C. § 1983.

80. As a direct and proximate result of Superintendent Folino's wrongful conduct as described herein, Chance suffered severe physical harm and emotional distress, including, but not limited to:

- (a) Bruises and lacerations to his face;
- (b) Temporary and permanent damage to his eye, including tears, phantom flashes, and other retinal problems;
- (c) Frequent migraines;
- (d) Frequent vomiting and nausea;
- (e) Insomnia;
- (f) Severe emotional distress that has physically manifested into symptoms akin to post-traumatic stress disorder; and
- (g) Other damages as may be permitted under 42 U.S.C. § 1983 to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Chance prays for the following relief:

- (a) compensatory damages;
- (b) nominal and punitive damages;
- (c) to the extent monetary damages are awarded, prejudgment interest and post-judgment interest on such damages;
- (d) attorneys' fees, costs, and expenses; and
- (e) any further relief that this Court deems necessary, proper, and just.

Dated: March 26, 2014

K&L Gates LLP

/s/ Denise N. Yasinow

J. Nicholas Ranjan

PA ID No. 93121

Bryan D. Rohm

PA ID No. 209522

Denise N. Yasinow

PA ID No. 313095

K&L Gates Center

210 Sixth Avenue

Pittsburgh, Pennsylvania 15222

Tel.: (412) 355-6500

Attorneys for Plaintiff

Wesley Chance

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2014, a true and correct copy of the foregoing Second Amended Complaint was filed and served electronically through the Court's CM/ECF system on all counsel of record.

/s/ Denise N. Yasinow

EXHIBIT A

NL

FORM DC-141 PART 1 Rev 3/00		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS			A 824036	
<input checked="" type="checkbox"/> MISCONDUCT REPORT <input type="checkbox"/> OTHER <input type="checkbox"/> DC-ADM 801 INFORMAL RESOLUTION						
DC Number GP 3374	Name Chance	Institution GRN	Incident Time 24 Hr. Base 1110	Incident Date 3-30-12	Date of Report 3-30-12	
Quarters HB-12	Place of Incident H-Block, B-Pod, Cell #12					
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)						
DC Number	Name	I	W	DC Number	Name	I W
	Kulik C.O.I	✓				
	Suhaw C.O.I	✓				
MISCONDUCT CHARGE OR OTHER ACTION						
Class 1, #1 Assault, Class 1 #33 using abusive, obscene or inappropriate language to an employee						
STAFF MEMBER'S VERSION						
On the above date and time, Inmate Chance GP-3374 was moved from HB-10 cell to HB-12, while inspecting I/M Chance's GP-3374 property. I/M Chance GP-3374 became agitated, started shouting threats and screaming how important he is and how much "power" he has, and then proceeded to kick C.O.I Kulik's ^{HAND} leg (approx. knee level). Immediately, myself (C/O Bogden), C/O SUHAW and C/O Kulik took I/M Chance GP-3374 to the ground and restrained him there until a camera arrived. Lt. Grego was immediately notified.						
Per DC-ADM 801 ACCESS I/M Chance's GP3374 account for all medical costs for C.O.I Kulik.						
IMMEDIATE ACTION TAKEN AND REASON						
Refer To H/E For Formal Resolution Due To The Serious Nature of The Charges.						
PRE-HEARING CONFINEMENT						
IF YES						
<input type="checkbox"/> YES	TIME	DATE				
<input checked="" type="checkbox"/> NO	ALREADY CONFINED					
REPORTING STAFF MEMBER SIGNATURE AND TITLE		ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY SIGNATURE AND TITLE			FORMS GIVEN TO INMATE <input checked="" type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION <input checked="" type="checkbox"/> INMATE'S VERSION	
Bogden C.O.I		W. Leggett C.O.I			DATE AND TIME INMATE GIVEN COPY 3/30/12 TIME 24 HOUR BASE	
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE TIME			MISCONDUCT CATEGORY		Signature of Person Serving Notice	
4-1-12 0800			<input checked="" type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2			
NOTICE TO INMATE						
You are scheduled for a hearing on the allegation on the date and time indicated or as soon thereafter as possible. You may remain silent if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law, if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class 1 misconduct, any pre-release status you have will be removed.						

WHITE — DC-15 YELLOW — Inmate PINK — Reporting Staff Member GOLDENROD — Deputy Superintendent Facility Management

EXHIBIT B



July 2, 2012

Wesley Chance, GP3374
SCI Greene

Dear Mr. Chance:

The Office of Special Investigations and Intelligence recently received your correspondence on June 6, 2012.

Please be advised that your allegations against staff have been thoroughly investigated. Based on the findings of that investigation your allegations were substantiated. If you have further questions pertaining to this matter, please refer them to the Internal Security Department at the State Correctional Institution Greene.

Sincerely,

A handwritten signature in black ink that reads "James C. Barnacle". The signature is written in a cursive style with a large, prominent initial "J".

James C. Barnacle
Director

→ Office of Special Investigations and Intelligence ←

JCB/amw

A small, handwritten mark or signature, possibly a stylized "G" or "C", located at the bottom center of the page.

EXHIBIT C

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER	Commonwealth of Pennsylvania Department of Corrections INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) Superintendent / Facility Manager Folino	2. Date: 7/30/12
3. By: (Print Inmate Name and Number) Wesley Chance # 623374 [Signature] Inmate Signature	4. Counselor's Name 5. Unit Manager's Name
6. Work Assignment	7. Housing Assignment 6-C Cell #4
8. Subject: State your request completely but briefly. Give details. I received your response back for Grievance # 407310 on 7/27/12 & your decision was to "uphold inmate". In the end you state "your appeal is upheld as Administrative action has been taken by this Administration". In my Grievance as asked as relief a sum totaling \$35000, a separation from Co Kulik & Co. & immediate transfer. Your response doesn't say whether any relief is granted or not. Lt. Armstrong spoke to me 7/28 & told me to contact you regarding that. I would like to know what Action Administration has taken on my behalf? so that I can determine the course of action if needed I'll take. Hopefully I'll hear back from you soon with your insight please & thank you L.L. my own file	
9. Response: (This Section for Staff Response Only) Mr Chance: Due to your history (74 Misconducts/RTO/DC (a) Complete, Hertz, etc, 5m, Ph, etc, Fayette + GPR) for assault, threatening, etc & trying to provoke staff, we will not be negotiating. You sustained no significant injury & you are not at risk here at GPR. If you seek a transfer as a resolution to this situation, advise PRC + GPR would seek DOC support for such a transfer. CC: PRC CSA DCFM UM	
To DC-14 CAR only <input type="checkbox"/>	To DC-14 CAR and DC-15 IRS <input checked="" type="checkbox"/>

Staff Member Name L. Folino Print [Signature] Sign Date 7-31-12