

FOR IMMEDIATE PUBLICATION

THE PREMEDITATED AND DELIBERATE INFECTING OF CALIFORNIA PRISONERS
WITH AN INCURABLE DISEASE RESULTING IN SUFFERING AND DEATH;
THE CRIMINAL LIABILITY OF STATE OFFICIALS AND EMPLOYEES

By, David Scott Harrison
Approximate Word Count, 1,342

WHERE PERSONS OF POWER AND AUTHORITY force underlings into an inescapable toxic environment or condition ... and WHERE THOSE PERSONS OF POWER AND AUTHORITY have long known positively -- no plausible deniability -- that underlings forced into such inescapable toxic environment/condition have contracted, or by being unable to escape will contract, an incurable disease at rates far greater than the citizens in the immediate surrounding communities, and where as a direct result of contracting that incurable disease those underlings have been hospitalized with chronic infections of the lungs, bones, joints, liver, spleen and/or kidneys, and/or infections of the tissues covering the brain and spinal cord (meningitis) ... and WHERE THOSE PERSONS OF POWER AND AUTHORITY have long known positively -- no plausible deniability -- that underlings forced into such inescapable toxic environment/condition have contracted, or by being unable to escape will contract, an incurable disease at rates far greater than the citizens in the immediate surrounding communities, and where as a direct result of contracting that incurable disease those underlings have died, or will die ... and WHERE THOSE PERSONS OF POWER AND AUTHORITY act with premeditation and deliberation, refusing to take precautions or other steps to lessen the risk of contracting such incurable disease; actions taken without due caution and circumspection, with an abandoned and malignant heart ... THOSE PERSONS OF POWER AND AUTHORITY

are guilty of crimes against humanity. Let's look at a few representative samples before moving on to our targeted subjects.

No doubt we all agree on the criminal liability of a foster parent who forces his/her charge into a caged area containing vicious bit bull dogs known to have attacked children in the past; the teacher who forces pupils into a room with exposed asbestos or a radon gas leak; a doctor who injects patients with experimental (untested, unapproved) drugs. It is of no matter that not all of the children, pupils or patients are killed, that only some are wounded, or that none of them suffer any immediate physical harm. Nonetheless, if not murder then, perhaps, involuntary manslaughter. Attempted murder. And, torture, after all, does not require any proof that the victim suffered pain. If not death, and regardless of the immediacy or nature of harm to the children, pupils and patients, those persons of power and authority, the foster parents, teacher and doctor would each face criminal prosecution. The populace would demand it. There might even be a lynching. We all agree on the criminal liability in the above examples. So, then, what about elected state officials (e.g., Jerry Brown, Governor of the State of California), appointed state officials (e.g., Jeffrey Beard, Secretary of the California Department of Corrections and Rehabilitation ("CDCR")), and various state employees (e.g., Correctional Counselors and Classification Staff Representatives of the CDCR) who, having the power and authority, force tens-of-thousands of prisoners into an escapable environment/condition where those officials and employees have long known that approximately forty percent of those prisoners will contract an incurable disease causing life-long suffering, hospitalization and/or death? Wouldn't those state officials and employees also have criminal liability for their premeditated and deliberate actions?

The soil at Avenal State Prison and Pleasant Valley State Prison, both in the Central Valley's King County, are infected

with the coccidioidomycosis fungus that causes Valley Fever. Since 2006, at least three dozen prisoners, forced to reside at the state prisons at Avenal and Pleasant Valley, have died as a result of contracting Valley Fever. Hundreds of other prisoners, having contracted Valley Fever, will survive but with life-long suffering (chronic serious infections and other complications). As if the figures from 2006 to present are not grave enough, state officials and employees have known, compliments of the Center for Disease Control, of the Valley Fever problem since the 1990s. More recently, Doctor Galgiana, professor of medicine at the University of Arizona, stated in an affidavit that the prevalence of Valley Fever at the Avenal and Pleasant Valley prisons is a "public health emergency." There is no plausible deniability where the state officials and employees have, in fact, admitted that Valley Fever presents a serious risk to prisoners. Nonetheless, those state officials and employees refuse to take any precautions or other steps to lessen the risks. State officials and employees have deemed the cost (\$750,000.00 for landscaping, ground cover and filters for air circulation units) to high. Instead, those state officials and employees spend more than \$23,000,000.00 annually of taxpayers' dollars to treat prisoners infected with Valley Fever, not counting the litigation costs and judgments against the state by those infected prisoners; costs about to increase exponentially. At the time of this writing, prisoners infected with Valley Fever are seeking "class" status in a federal district court. That lawsuit, against state officials and employees, will cost taxpayers potentially hundreds-of-millions of dollars. Death, suffering, and tens-of-millions of taxpayers' dollars wasted annually. State officials and employees continue to resist correcting the problem or, perhaps, they simply see no problem in the premeditated and deliberate killing of prisoners.

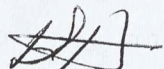
Earlier this year a federal judge ordered state officials to remove approximately 3,200 highest risk prisoners (e.g., African-Americans, Filipino and Native Americans are at higher

risk of contracting Valley Fever than other ethnicities; and prisoners with suppressed immune systems) from Avenal and Pleasant Valley state prisons. Not surprisingly, state officials balked, claiming the need for more time to "study" the problem. Eventually, kicking and screaming the whole way, state officials agreed to move 2,600 prisoners, but only under the condition that other prisoners, deemed less at risk -- not at no risk, just less risk -- be substituted in to fill the beds emptied by the removal of the highest risk prisoners. In other words, state officials agreed to cooperate only if they were allowed to continue to infect and kill prisoners, albeit at a reduced rate (Would anyone have accepted the continuation of the holocaust had the Germans agreed to use only one oven instead of two?). State officials have refused any suggestion that the prisons at Avenal and Pleasant Valley be closed. And yet, the populace does not demand justice as they would against the foster parent, teacher and doctor; as they still do to this day against Germans responsible for the holocaust. Regardless, the criminal liability against state officials and employees, who by use of their power and authority force prisoners into an inescapable toxic environment/condition resulting in the life-long suffering and/or death of those prisoners, is obvious.

Under the Penal Code of California, such persons of power and authority could be subjected to criminal prosecution for charges of first degree murder (§§ 187/189) (at the very least, involuntary manslaughter (§ 192)), attempted murder (§§ 187/664) and/or torture (§ 206). Those persons of power and authority would qualify for the death penalty under one or more of the subparts to Penal Code, § 190.2(a): (1) the murder was intentional and carried out for financial gain; (2) the defendant, in this proceeding, has been convicted of more than one offense of murder in the first degree; (14) the murder was especially heinous, atrocious, or cruel, manifesting exceptional depravity; (18) the murder was intentional and involved the infliction of torture; and, perhaps, (19) the defendant intentionally killed

the victims by the administration of poison.

We can all agree on the criminal liability of those persons of power and authority who force underlings into an inescapable toxic environment/condition where those underlings will likely contract an incurable disease resulting in life-long suffering or and/or death. The facts and evidence -- against California Governor, Jerry Brown, and CDCR Secretary, Jeffrey Beard, who bear responsibility for the operations and conditions of all prisons of the CDCR; and CDCR Correctional Counselors, Classification Staff Representatives, et al., who force the transfer to and housing of prisoners at the state prisons at Avenal and Pleasant Valley -- are overwhelming that those persons of power and authority are criminally liable for the premeditated and deliberate torture, infections, suffering and death of said underlings.



/ DATE: 12 December, 2013.

David Scott Harrison

#E-62612

San Quentin State Prison @ 5-N-70(up)

San Quentin, CA 94974

The writing above is intended for immediate and unrestricted publication, free of charge -- upon the sole condition, for the protection of this writer from retaliation by the CDCR, and others, that publication of any part of the writing include this writer's name in the by-line.

Questions, inquiries, and other correspondence, may be directed to this writer at the address above (the quickest means of contact). You may also use the following: David Scott Harrison / P.O.Box 3534 / Logan, Utah 84323-3534 (please be advised that such mailings will have to be forwarded from Logan to me... thus experiencing some delay). E-mails may be sent to: dave@frominside.com (hard copies of e-mails must also be forwarded to me, thus delays). You are encouraged to visit my Web Site at www.frominside.com. I look forward to hearing from you.

Be advised that should you request that I call, I am only able to make calls collect.

In the event I do not reply for any extended period of time, that likely means the CDCR or others are, as a direct result of the above-writing, inhibiting my ability to correspond and/or make calls.