

IN THE Circuit Court, SEVENTH
Judicial Circuit, IN AND FOR
Volusia County, Florida

IN BEHALF OF:
ALL THE INMATES OF
VOLUSIA COUNTY BRANCH JAIL
PRESENT AND FUTURE
PETITIONER
V.

THE DIRECTOR AND WARDEN OF
THE VOLUSIA COUNTY BRANCH JAIL
RESPONDENT

CASE # TO BE SET
2010 13068 CIVIL
01 - Perkins

2010 AUG 23 PM 1:32
CLERK OF THE CIRCUIT
CITY COURT VOLUSIA CITY, FL.
CC33

FILED

PETITION FOR INJUNCTION

COMES NOW THE PETITIONER, ALL THE INMATES
OF VOLUSIA COUNTY BRANCH JAIL PRESENT AND FUTURE
PROSE IN THE ABOVE STYLE CAUSE AND STATES
THE FOLLOWING:

ON OR ABOUT JULY OF 2010 THE DIRECTOR
AND OR WARDEN OF VOLUSIA COUNTY BRANCH
JAIL; PUT OUT A NOTICE INFORMING ALL INMATES
THAT INCOMING MAIL WILL ONLY BE ACCEPTED BY
POST-CARD ONLY AND A STANDARD SIZE. THIS
CHANGE IS SUPPOSE TO BE INACTED ON SEPTEMBER
1ST 2010.

(2)

This mail procedure change is being implemented without any regard of the inmates first Amendment Right to free flowing mail. ON 7-15-10, A FEW PETITIONERS WROTE AN INFORMAL GRIEVANCE TO THE WARDEN CONCERNING THE MATTER. A CAPTAIN RESPONDED TO THE INFORMAL GRIEVANCE STATING THAT: "THIS DIRECTIVE AND INSTRUCTION WAS APPROVED PER DIVISION ADMINISTRATION THERE IS NO MERIT FOR COMPLAINT." SEE ATTACHED INFORMAL GRIEVANCE.

THE PETITIONERS THEN QUESTIONED A FEW OFFICERS AND OTHERS HIGHER IN RANK ABOUT ANY POLICY CHANGE IN ANY OF THEIR DIRECTIVES. THE PETITIONERS WERE TOLD THAT SAID MAIL CHANGE WAS AND "E-MAIL" IN WHICH THE DIRECTOR OF PRISONS AND/OR WARDEN SENT OUT AND TO BE POSTED ON EVERY UNIT TO BE VIEWED BY THE INMATES.

SAID NOTICE WAS PASTED OUT LIKE FLYERS TO EVERY INMATES VISITORS ON VISITING DAY TO PUT INMATES FAMILIES ON NOTICE OF THE MAIL CHANGE.

PETITIONERS CONTENDS THAT COUNTY JAIL WALLS DO NOT FORM A BARRIER SEPARATING COUNTY INMATES FROM THE PROTECTIONS OF THE CONSTITUTION
TURNER V. SAFFLEY 482 U.S. 78 107 S.Ct 2254 (1987)

(3)

NOR do they BAR FREE CITIZENS from EXERCISING their OWN CONSTITUTIONAL RIGHTS by REACHING out to those ON THE INSIDE THORNBURGH V. ABBOTT 490 U.S. 401, 407, 109, S.Ct 1874, 104 (1989) NEVERTHELESS, THESE RIGHTS MUST BE WEIGHED WITH DUE REGARD for the UNDERTAKING that is MODERN PRISON ADMINISTRATION. But ON THE OTHER HAND the PRISON officials must WEIGH the NEED for INTERNAL ORDER AND SECURITY AGAINST the RIGHTS of PRISONERS AND THOSE ON THE OUTSIDE who SEEK to COMMUNICATE with such PRISONERS.

From what the PETITIONERS could GATHER, the MAIL CHANGE is DUE to the INFUX of CONTRABAND found in the mail. THE PROBLEM with this is THERE IS NO SET GUIDELINE as to what CONSTITUTES CONTRABAND. A FAMILY MEMBER could SEND A NEWS CLIPPING OR AN INTERNET AD OR SOME TYPE OF ARTICLE, AND THE JAIL could CONSIDER something so HARMLESS CONTRABAND. If the DEGREE of the CONTRABAND is of SERIOUS NATURE, THAT individual should BE PUNISHED for that ACT NOT the WHOLE ENTIRE JAIL.

PETITIONERS CONTENDS that the UNDOCUMENTED Rule CHANGE EFFECTS the ENTIRE population BASED ON the ACTIONS of a SELECT FEW individuals.

THE PETITIONER IN THIS INSTANT CASE WOULD ASK THIS HONORABLE COURT TO CONSIDER WHETHER THERE IS VALID RATIONAL CONNECTION BETWEEN COUNTY JAIL REGULATION AND LEGITIMATE COUNTY JAIL INTEREST PUT FORWARD TO JUSTIFY IT; WHETHER THERE ARE ALTERNATIVE MEANS OF EXERCISING RIGHTS THAT REMAIN OPEN TO INMATES; WHETHER ACCOMMODATION OF ASSERTED RIGHTS WILL HAVE SIGNIFICANT RIPPLE EFFECT ON FELLOW INMATES OR COUNTY STAFF; AND WHETHER THERE IS READY ALTERNATIVE TO REGULATION THAT FULLY ACCOMMODATES COUNTY JAIL INMATES RIGHTS.

PETITIONERS WOULD ALSO ASK THIS HONORABLE COURT TO CONSIDER IF SAID MAIL CHANGE IMPINGES ON INMATES CONSTITUTIONAL RIGHTS. THIS CHANGE CANNOT BE SUSTAINED AS REASONABLY RELATED TO LEGITIMATE PENOLOGICAL INTEREST, WHERE LOGICAL CONNECTION BETWEEN CHANGE AND ASSERTED GOAL IS SO REMOTE AS TO RENDER POLICY ARBITRARY OR IRRATIONAL OR WHERE GOAL IS NOT LEGITIMATE AND NEUTRAL ONE.

PETITIONER WOULD OFFER AN ALTERNATIVE SOLUTION TO THE CONTRABAND PROBLEM. IF AND WHEN THE CONTRABAND IS CAUGHT COMING THROUGH THE MAIL AND IT IS OF A MINOR OR SERIOUS NATURE. THE INDIVIDUAL RECEIVING SAID CONTRABAND SHOULD BE WARNED AND OR PENALTY PLACED UPON THEM.

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PETITIONERS CONTEND THAT SAID MAIL CHANGE WILL HAVE SIGNIFICANT RIPPLE EFFECT ON ALL INMATES PRESENT AND FUTURE, WHICH IMPINGES ON A CONSTITUTIONAL RIGHTS. THIS COURT SHOULD CONSIDER INFORMING THE DIRECTOR AND OR WARDEN TO RE-THINK THEIR DECISION AS TO THE MAIL CHANGE BECAUSE IT IS A DIRECT VIOLATION OF A CONSTITUTIONAL RIGHTS

WHEREFORE PETITIONERS PRAY THAT GOOD CAUSE IS SHOWN IN ORDER TO HAVE THE ACTION OF THE DIRECTOR AND OR WARDEN OF THE VOLUSIA COUNTY BRANCH JAIL STOPPED TIL THIS COURT MAKE A FAIR RULING ON THE MATTER. ALSO THAT THIS HONORABLE COURT CONSIDER THAT SAID MAIL CHANGE NOT ONLY EFFECTS THE INMATES BUT THEIR FAMILIES AS WELL.

Respectfully Submitted

UNNOLARIZED OATH

THE FOREGOING HAS BEEN READ AND EVERYTHING THEREIN IS TRUE AND CORRECT UNDER PENALTIES OF PERJURY...

X Rocky Fish
ROCKNEY P. FISHER #812770

Rockney P. Fisher
ROCKNEY P. FISHER
812770
IN BEHALF OF ALL
INMATES IN THE VOLUSIA
COUNTY BRANCH JAIL
CALLER SERVICE BOX 2865
DAYTONA BEACH FL 32120

VOLUSIA COUNTY DEPARTMENT OF CORRECTIONS
REQUEST FOR INTERVIEW

Date 7-15-10

INMATE'S NAME _____ BKN _____ CELL NO. 2A-AH

I would like to see the following official: WARDEN.

PLEASE EXPLAIN Why this NEW MAIL PROCEDURE IS BEING put INTO EFFECT. WE ARE CONCERNED AS TO WHAT AUTHORITY, COURT RULING OR JAIL PROCEDURE TO ALLOW SUCH A CHANGE.

Buckley Fisher # 812770, Charlotte # 122075, Montez Royal # 811673, Lott # 755233, Remond Fairer Lott # 826457, Hilary # 804169, Elbert # 722853

Justin J. # 803075 C. Jackson # 805330 J. Morguester # 819313

JOHNSON # 824617 Desmon Williams # 822108 Inmate Signature Eugene Matthews # 822614

Comments of Housing Unit Officer: I/M's From Unit 2 A-Block are asking why this new mail procedure has been implemented.

Action taken by HUO: Forward to Warden Masker V's Chain of Command

Signature of Housing Officer: [Signature]

TO BE COMPLETED BY REQUESTED OFFICIAL

Disposition or Action taken: This directive and instruction was approved per Division Administration there is no merit for complaints. Cap B # 451

Florida Model Jail Standards

Official's signature

Date

White - Inmate file after completion

Yellow - To inmate with response

Pink - Inmate copy

Rodney P. Fisher # 812772
Volusia County Branch SRA
Caller Service Box 2865
Daytona Beach, Florida 32109

Legal Mail



\$ 00.61

Clerk of Circuit Court
Volusia County
251 North Ridgewood AVE
Daytona Beach, Florida 32114

32114+3275

