

ARIZONA DEPARTMENT OF CORRECTIONS

4A15L

Please PRINT all information

Decision of Appeal

Check One Disciplinary Appeal Grievance Appeal Maximum Custody Placement

INMATE NAME (Last, First M.I.) (Please print)	ADC NUMBER	INSTITUTION/UNIT	CASE NUMBER
KARBAN, STEPHEN F.	234332	A14 ASPC-E COOK UNIT	17-A14-0705

Your appeal in the above referenced case has been reviewed. The decision of the Warden/Deputy Warden/Administrator/Hearing Officer is to:

Uphold the finding Modify the penalties Remand to the Hearing Officer for re-hearing Dismiss

Findings and Conclusions:

You have submitted an appeal for Adequacy of Proof and Severity of Penalty. I have reviewed all documentation within this case file.

Due Process: An Administrative review was conducted in accordance with Department Order 803. You were served notice of the charge during the delivery of the charge conducted by the Disciplinary Coordinator on 09/07/17. You received sufficient time to prepare a defense to the charge prior to your Disciplinary hearing. The Disciplinary Hearing Officer, as sole Trier of Fact, has determined that the evidence presented to him in the form of documentation was sufficient to convince him that it is "more probable than not" that you violated ADC policy.

I have discovered no violations of Due Process in this case.

Adequacy of Proof: Your case was reviewed during your hearing with the Disciplinary Hearing Officer (Trier of Fact) on 09/19/2017. The video evidence was reviewed by the Security Operations Administrator Ron Lee and concluded that you and your visitor did not comply with directives. CO II Ostrander remained professional, fair and consistent in addressing the observed behavior during your visit on September 02, 2017. The time to argue your case is during the hearing, not during the appeal process.

There is no violation of Adequacy of Proof discovered during the case file review.

Severity Of Penalty: I have reviewed the penalties and have determined that the penalties imposed are within the guidelines of an infraction of this nature. Behavior of this nature is considered disruptive to the safety, security and orderly operation of the institution and will not be tolerated in a correctional setting. The continued noncompliance with visitation rules will result in administrative action that may include suspension of visitation privileges and/or imposition of non-contact visitation status.

There is no violation of Severity of Penalty discovered during the case file review.

It has been confirmed that the Eyman Complex Warden Thompson did state that your disciplinary was dismissed. Disciplinary case #17-A14-0705 is dismissed.

WARDEN/DEPUTY WARDEN/ADMINISTRATOR/APPEALS OFFICER NAME (Last, First M.I.) (Please print)

Batlerra, V.

SIGNATURE



DATE (mm/dd/yyyy)

8/25/17

Inmate Received a copy of Decision of Appeal (Step 1 Only)

DELIVERY OFFICER NAME (Last, First M.I.) (Please print)

SIGNATURE



DATE (mm/dd/yyyy)

09/25/2017

Distribution: Coordinator to make two copies of form:
Original - Master Record File
Copy - Institutional File
Copy - Inmate

803-6(e)
6/7/14

CASE NO. 19-cv-04377-DWL

Stephen F. Karban

vs. Vivian Baliterra

PLAINTIFF'S EXHIBIT 6

DATE: _____ IDEN.

DATE: _____ EVID.

BY: _____

Deputy Clerk