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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO – CENTRAL DIVISION

10	PEOPLE OF THE STATE)	Case No.: CASE NUM. DELETED
11	OF CALIFORNIA,)	
12	Plaintiff,)	
13)	DECLARATION OF RICK HOROWITZ
14	vs.)	IN SUPPORT OF MOTION FOR
15)	UNMONITORED CONTACT VISITS
16	NAME DELETED,)	
17	Defendant.)	

18 I, RICK HOROWITZ, DO HEREBY DECLARE:

- 19 1. I am a licensed attorney and member of the State Bar of California
- 20 2. On March 6, 2008, I attempted to visit my client, NAME DELETED at the Fresno
- 21 County Jail Facility, Main Jail, Sixth Floor. I was denied an unmonitored contact visit. I
- 22 was initial told we had to meet a large room, which appeared to be a multi-purpose room.
- 23 I noted that the room contained an intercom system with a panel near to where I was to sit
- 24 with my client. When I stated this would not be acceptable, I was told I could move to
- 25 the other end of the approximately 15 foot room. This did not assure me that our
- 26 conversation could not be picked up by the intercom. I asserted MR. NAME
- 27 DELETED’S right to confer privately with me, his attorney, and I were told that was not
- 28 possible.

- 1 3. I asked why we could not confer in one of the interview rooms and was told that there
2 were not enough jail personnel to allow this. My client's alleged gang affiliation was
3 given as a reason he could not be in an interview room because the doors do not lock. I
4 noted that on other visits to alleged gang members, I have been allowed to meet them in
5 such rooms and it was reiterated to me that I would not be allowed that with MR. NAME
6 DELETED.
- 7 4. After informing the deputy that it was a violation of Penal Code section 825(b) to deny a
8 visit, the deputy offered to call the sergeant and I waited.
- 9 5. During the time my client and I waited in the multi-purpose room, I could clearly see the
10 deputy standing at the station from which she would have been able to see the interview
11 rooms, had that been allowed. I also saw several other deputies periodically pass through
12 the area.
- 13 6. Eventually, a sergeant let us out of the multi-purpose room and lead us to an interview
14 room, stationing a deputy outside the door. Upon entering the interview room, I noted
15 that an intercom panel was present, above the so-called "panic button." I complained
16 about this to the deputy stationed outside the door. She first suggested that all the rooms
17 had these. I stated that I had visited other clients before in interview rooms without
18 intercom panels. The deputy offered to tell the deputies in the guard station not to listen.
19 At that point, I terminated the visit because we could not be assured that the visit would
20 be unmonitored.

21
22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct.

24 Executed this 7th day of March, 2008, at Fresno, California.

25
26 _____
27 Rick Horowitz
28 Attorney for NAME DELETED