

January 2010

**Subject: Security Issues / Injustices**

Dear Sheriff Moore, Undersheriff Picone, and Supervisor Ornellas,

I am attaching a letter that was sent to numerous legislators, Inspector General Shaw, Attorney General Brown, and Governor Schwarzenegger in regards to multiple issues concerning security at the courthouse and the placement of 2 domestically registered codefendants accused of a premeditated murder in the same cell pre-trial. Please read and respond within a timely manner, as it is my goal to bring attention to these matters in hopes to find solutions, particularly the issue of housing, and how that breakdown could have happened.

I am requesting your written response to the security issues within the courthouse, as well as how it came to be that said co-defendants Robert Morgan and Jorge Morgan ended up in the same cell., despite 3 hearings, countless time, and taxpayer dollars to keep them apart. This is of particular importance to us, as we fear our own safety now that these 2 who have nothing to lose, have had ample time to plot out an attack on any one of us, in a system they know how to manipulate due to understaffing, inadequacies, and the lack of enforcement by authorities.

We eagerly await your response.

Sincerely,  
Cindy Ramos' 6 Children

Christina Barnes (916) 470-4282  
Daniel Martinez (925) 584-9600  
Kimberly Elisan-McKinney (510) 472-0924  
Feleti Livai  
Jason Livai  
Shawn Livai

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**LETTER FROM FAMILY RE: SECURITY ISSUES & INJUSTICES ENDURED BY VICTIMS & SURVIVING FAMILY MEMBERS**

It is with great concern in regards to breakdowns in our justice system that I bring this matter to your attention. In order to portray an accurate picture I have to start from the beginning. On August 6, 2009 domestic partners and convicted felons/parolees, Robert Morgan and Jorge Morgan were arrested for the gruesome murder our mother, 58 year old Cindy Ramos in her Tracy California home. The Morgans were taken to San Joaquin County Jail in French Camp and a "Keep Separate From" order was placed by the Sheriff. The Morgans filed 3 motions to fight those very orders seeking the following outcomes:

1. to be allowed up to 4 hours spent together in the jail a week
2. to be able to sit next to each other in transport to and from the jail
3. to be able to sit side by side in the courtroom, rather than attorney-client, attorney-client.

At these hearings to prevent a conflict of interest, County Council was brought in to argue on behalf of the prosecution on 2 separate days. Classification Lieutenant Kimberly Moule from San Joaquin County Jail in French Camp also testified on 2 separate days, making replacement staff at the jail mandatory, and

additional bailiffs were present in the courtroom. All 3 MOTIONS WERE DENIED, stating that the order was appropriate due to the nature of the crime, security issues, and the notoriety of the case.

The preliminary hearing was held over a period of 2 days on November 19 and 20, 2009. Testimony was included from both civilian witnesses and expert witnesses, such as the pathologist who depicted the extent of the injuries to Ms. Ramos being stabbed over 55 times, bludgeoned with a heavy object, beaten, and strangled. The pathologist described Ms. Ramos death as an overkill, stating "she was killed over and over and over", "and likely lived through 5-6 minutes of this attack".

As if these proceedings were not enough for our family to endure, the behavior of the defendants and what was allowed to go on was even more appalling. As the inmates were transported through the same hallways our family waited in, Jorge Morgan who was transported in shackles by one bailiff, raised his hands in the air and stated..."this ain't shi&...I'll do life...I did it...and I'd do it again". Nothing was said to Jorge Morgan by the bailiff who was escorting him, showing their complete lack of control of their inmate and the situation by allowing him to have such outbursts against the family. We were told that Jorge Morgan then began yelling obscenities at the bailiffs while also spitting, kicking, and trying to bite. Jorge Morgan was then placed with a mask over his head, which remained on him for the duration of the day. On November 20, 2009 Judge Bernard Garber ruled that the State has sufficient evidence to go to trial and ordered the defendants held to answer ON ALL COUNTS.

On December 4, 2009, both Robert Morgan and Jorge Morgan plead not guilty to charges they murdered our mother, Ms Cindy Ramos, with special circumstances of robbery, burglary, and lying in wait, making them eligible for the death penalty. At this court hearing defense attorneys requested proceedings be held in chambers. The Morgans, who were left in the courtroom together with 2 bailiffs, found this to be a great time to capitalize on a social hour, and the very bailiffs who were present in the denial of the motions to remove the "Keep Separate From" orders, turned a blind eye as the Morgans blatantly laughed and socialized. The bailiffs ARE SHERIFFS, and the "Keep Separate From" order was placed by the Sheriffs Department. After asking court staff why orders are not being enforced, we were told that the bailiffs are just trying to keep the Morgans happy so that they don't have any more outbursts. We were also told that bailiffs are understaffed and it would be easier to give the defendants what they want to keep them quiet.

On January 4, 2010, we returned to court to learn the DA's position on what penalty is being sought and set a trial date. It was discovered that the Morgans had been transferred from San Joaquin County Jail in French Camp, to Deuell Vocational Institute in Tracy, with overcrowding being stated as the reason for doing so. To our astonishment it was also revealed that the Morgans, 2 domestically partnered co-defendants accused of a premeditated murder, were given the choice to bunk together in the same cell PRE-TRIAL, when months earlier countless hours and taxpayer dollars were put into keeping the 2 apart. Let me re-iterate that. 2 domestically partnered co-defendants accused of a GRUESOME, PREMEDITATED MURDER, WERE NOT ONLY ALLOWED TO LIVE TOGETHER IN THE SAME CELL AND EXERCISE THEIR MARITAL RIGHTS, THEY NOW HAD EVERY OPPORTUNITY TO CONJURE UP THEIR NEXT SCHEME, WHICH COULD BE ANYTHING FROM PLOTTING OUT THEIR DEFENSE TO PLANNING THEIR NEXT ATTACK WHETHER THAT BE ON A JUDGE, THE DA, OUR FAMILY, MY CHILDREN, OR ANY INNOCENT BYSTANDER IN THE HALLWAYS THAT ARE TRAVELED BY BOTH INMATES AND CIVILIANS. Considering the charges alone with what the Morgans are accused of planning and carrying out, their extensive histories, the fact that they are facing the death penalty and have nothing to lose, and that they have demonstrated blatant disregard for authority in the courtroom, ALL MEASURES SHOULD BE TAKEN TO PREVENT THE VERY CRIMES IN WHICH THE MORGANS ARE ACCUSED OF COMMITTING....which directly ties into the next subject.

Under-staffing and security inadequacies in the courthouse cannot go unnoticed. In our case alone the bailiffs would rather give the inmates what they want to avoid conflict, than to enforce the very authorities bailiffs are given. In our case and likely with many others, inmates recognize these insufficiencies and play the system because of it. They are being allowed to control the tone of the courthouse and what goes on in it. According to a report in the Stockton Record, this year San Joaquin County court security fell short

\$1.6million of the \$9.6million it needed to meet the standard security level. Additionally, a judge was stabbed by an inmate suspected of murder in the very courtroom we are in less than a year ago, resulting in the inmate being fatally shot and 5 people filing lawsuits. Another inmate suspected of, and later convicted of murder escaped right out of the courthouse and was caught outside by proactive civilians.

In closing, allowing 2 domestically registered co-defendants accused of premeditated MURDER, the option to live in the same cell pre-trial ON TAXPAYER DOLLARS is an injustice on so many levels. They are not residents at the Hilton, they are murder suspects and co-defendants. It is a complete absurdity and should never have happened, especially considering that countless time and taxpayer dollars went into keeping them apart just months earlier. We are requesting a COMPLETE INVESTIGATION as to how this breakdown could have happened AND HOW IT WILL BE PREVENTED IN THE FUTURE. We will not allow this to be swept under the rug and will take every action possible to prevent similar occurrences in the future, knowing that taxpaying citizens and the community at large would want to know where their monies are going and what actions our elected officials are taking to remedy the system.

Thank you for your time and your prompt attention to this matter. We eagerly await a response.

Sincerely,

Cindy Ramos' 6 Children,

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[www.inmemoryofcindyramos.com](http://www.inmemoryofcindyramos.com) - Cindy Ramos' memorial website

<http://www.marsyslawforall.org/> - Marsy's Law website

[http://www.recordnet.com/apps/pbcs.dll/article?AID=/20091119/A\\_NEWS/911199981#STS=g2gxs2gi.1tmc](http://www.recordnet.com/apps/pbcs.dll/article?AID=/20091119/A_NEWS/911199981#STS=g2gxs2gi.1tmc)  
- coroner: she was killed over and over

[http://www.recordnet.com/apps/pbcs.dll/article?AID=/20090305/A\\_NEWS/903050339#STS=g43dxhvg.16sg](http://www.recordnet.com/apps/pbcs.dll/article?AID=/20090305/A_NEWS/903050339#STS=g43dxhvg.16sg)  
- Judge's attacker killed in court 3/5/09

[http://www.recordnet.com/apps/pbcs.dll/article?AID=/20090904/A\\_NEWS/909049987#STS=g43e0f3v.pux](http://www.recordnet.com/apps/pbcs.dll/article?AID=/20090904/A_NEWS/909049987#STS=g43e0f3v.pux)  
- 5 file claims in judges attack 9/4/09

[http://www.recordnet.com/apps/pbcs.dll/article?AID=/20090506/A\\_NEWS0801/905060325#STS=g43e2fvg.1hzm](http://www.recordnet.com/apps/pbcs.dll/article?AID=/20090506/A_NEWS0801/905060325#STS=g43e2fvg.1hzm)  
- recent events expose courthouse's inadequacies 5/6/09

[http://www.recordnet.com/apps/pbcs.dll/article?AID=/20090905/A\\_NEWS/909049979#STS=g43fygvd.1jwa](http://www.recordnet.com/apps/pbcs.dll/article?AID=/20090905/A_NEWS/909049979#STS=g43fygvd.1jwa)  
- Sherriffs office blamed in court stabbing 9/5/09

[http://www.recordnet.com/apps/pbcs.dll/article?AID=/20080527/A\\_NEWS02/80527009#STS=g43ewc0v.1ifk](http://www.recordnet.com/apps/pbcs.dll/article?AID=/20080527/A_NEWS02/80527009#STS=g43ewc0v.1ifk)  
- prisoner escapes from courthouse 5/27/08

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## **INITIAL RESPONSE RECEIVED BY FAMILY REGARDING THE ABOVE LETTER / ISSUES**

To the Family of Cindy Ramos:

The Sheriff's Office is not callous to the concerns of your family. We all have families and would never want to deal with such an unthinkable act as perpetrated against the Ramos' Family. But, you must recognize some facts that you may not be aware of.

It appears that your family's main issue centers on the fact that these two subjects were allowed to be put into the same cell at DVI. DVI is a state prison and not part of the County Jail. That facility does not come under the jurisdiction of the San Joaquin County Sheriff's Office. Therefore, your family's concerns on this particular issue are misdirected. They should be taken up with the California Department of Corrections and Rehabilitation (to which DVI belongs).

Further, on this specific issue, I researched when the Sheriff's Office turned custody of Robert and Jorge Morgan over to DVI. The associated paperwork involving that process notified (in writing) to DVI personnel that these two subjects were to be kept separate from each other. We also made verbal contact with DVI personnel and advised them that these two inmates needed to be kept separate from each other. It is also my understanding (I haven't been able to officially confirm this as of yet) that the court order to keep the Morgans in separate cells was a court order to the Sheriff's Office only and may not apply to the State Prison System.

Your letter to the Inspector General also discusses the concern of a shortage of staff with regard to court security at the Stockton Courthouse. Court Security staffing is based on funding received from the State of California (and not the County, where the rest of the Sheriff's operating budget comes from). Although security at the courthouse is a function of the Sheriff's Office, all funding for such an endeavor comes from the State. Due to the State's budget crisis, all California Sheriffs have received a reduction in funding to their court security operations. As a result, the Sheriff's Office in this county has had to reduce staffing for court security. The Sheriff has made every effort to find ways to keep this reduction in staffing from occurring including going through arbitration and mediation with the State's Administrative Office of the Courts; to no avail. The Sheriff's Office has diverted monies from its other lawfully mandated operations in an attempt to enhance security at the County's courthouses, but that can only have a minimal positive affect at best. Your issue regarding staffing is a financial one and should be directed to the State Legislators that make the laws that allow for a reduction in court security.

Finally, with regard to your concern about the two defendants being allowed to talk aloud while being transported in the hallways and being allowed to "laugh and socialize" while court personnel are in chambers; considering the gruesomeness of the crime they allegedly committed, this is also offensive to the Sheriff's Administration. It should be considered, however, then when understaffed (due to budget reductions) and having to deal with the significant security concerns of having to walk in-custody defendants from a secure holding cell across a crowded hallway to the courtroom, the Bailiffs must prioritize their actions with regard to security. Getting the defendants across the hallway as quickly as possible without creating a verbal confrontation that could lead to more serious security breaches takes priority over trying to keep them from talking aloud or spitting during the movement.

The Sheriff's Office is attempting to strive to provide the best possible security in our County's courthouses that we can given the inadequate and antiquated facilities and the lack of funding from the State that we have to deal with.

John Picone  
Undersheriff