

TAB 17. Maness Disciplinary 3 – Dismissal ??

State Employees Are Supposed to be Treated Equally

from *TDCJ Book of Secrets on the Longest Cover Up in TDCJ History: Case of the Enchanting Chaplain* (2013, 700 pp.), www.PreciousHeart.net/Seminary/
Sent to TDCJ Executive Dirs. Brad Livingston, Bryan Collier, OIG Bruce Toney, Texas AG

Tab 17.

See "Item 9a" below (PDF p. 25, *Book of Secrets* p. 530) for the stated reason that cowardly Warden Hunter "dismissed," for a rule not on the books that he created, a ludicrous "got to ask forever after for each successive use" that nullifies TDCJ's own lawyer-created media releases and that no one does or is excepted to do--just illegal!

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Item 1. TDCJ Legal Opinion – Facebook Legal



TEXAS DEPARTMENT OF CRIMINAL JUSTICE
OFFICE OF THE INSPECTOR GENERAL

Bruce W. Toney
Inspector General

John C. West
General Counsel

August 2, 2013

Michael Maness
[Redacted]

Re: Open Records Request for OR-2013-00169 Concerning Employees Posting on Facebook.

Dear Mr. Maness:

The Office of the Inspector General (OIG) has received your open records request in the above named matter.

Please be advised that, after a thorough search of our records, we have not found any records that are responsive to your request. Please note that the OIG is a separate entity from the Texas Department of Criminal Justice (TDCJ) and as such, we handle all requests for information independent of TDCJ. OIG is a law enforcement unit and serves as the independent investigative entity for TDCJ. Employee posting on Facebook is not a crime or violation of policy and therefore is not within the authority of OIG to investigate.

We consider this OIG open records request closed.

Sincerely,

Cyndi Eastham
Records Release Section
Office of the Inspector General

*I was fined for this!
For posting photos of inmates
I had wardens' written permission to take
+ TDCJ lawyer contacted
Media Release as I
had done for 20 years!*

Item 2. Maness Letter 10-01-13 to Texas AG Appealing Email Chase
(3a to 3e below) for Dismissal Information

Tab 16
Item 2

October 1, 2013

Honorable Greg Abbott
Attorney General of Texas - Open Records
P.O. Box 12548
Austin, Texas 78711-2548

re: *Appeal to Dismissal Hearing*
attached: 6 pages of emails

Dear Mr. Abbott, et al:

Gosh, I am sorry to bother you all yet again. See attached the five emails, from my first OR request, their response, my appeal, their legal response, and my appeal-appeal to that, and THIS in response to their desire to write a brief to defend their *withholding* if information they said at first did not exist, now a list they do not want to share, and – WHAT? – this about MY OWN DISMISSAL recommendation!

Page 1 - OR - Dismissal Hearing - 1st Req. 8-28-13
Page 2 - OR - Dismissal Hearing - 1st Ans-email 9-03-13
Page 3 - OR - Dismissal Hearing - 1st Ans-Off-Ltr 9-03-13
Page 4 - OR - Dismissal Hearing - 2nd Ans-email 9-19-13
Page 5 & 6 - OR - Dismissal Hearing - 2nd Req. 09-19-13

This is the United States of America, and – moreover – this is TEXAS! We are better in Texas!

Please see the attached exchanges with TDCJ's counsel, Mike Flagor, who said he will be writing you a brief, expecting a 45-day delay in your response yet again.

As you all know, it is state law and TDCJ policy that allows me the right to *any* document related to me as a former employee. More than that, though, it is common sense and simple justice.

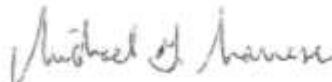
In the light that I have concrete evidence of unlawful policy-violating behavior by the previous wardens of the Polunsky Death Row, and that – now then – documented evidence of cover up of my exposure, my initial dismissal recommendation information is all the more important to me, and to my efforts to clear my name.

I want you all to know, that **PART** of the information expected revolves around the setting of the date, my arrival on that date, and the DELAY, and then the resetting of that date. As came out later, at the same time, the chaplain position that I assumed at Polunsky had been boarded, and Chaplain Jose Vitela was officially notified that HE GOT the position. Then, at the conclusion of my dismissal hearing, then Reg. Dir. Michael Upshaw offered and I accepted the Polunsk Chaplain position, and later, I had to tell Chaplain Vitela he did not in fact get the position. I expect some of the notes, emails, and stuff on that. And, obviously, the information on the INITIAL investigation that led to my recommendation of dismissal by then Gib Lewis Warden Hunter (who is now at Polunsky, strangely enough), and so forth.

In other words, I want EVERYTHING, now, including at the very least an itemized list of what TDCJ – via Mr. Flagor – is wanting to say is “privileged” – goodness, men and women, this has to do with my career, defense of my good name, and what I have proven has been clear cover-up in a sloppy way by then at least Michael Upshaw and Stephen Alford, and perhaps including Warden Gary Hunter.

Please, help me get EVERYTHING they have on my farcical dismissal proceedings and the odd investigation by Warden Bell (I think) that led to that, and so forth.

Sincerely,



Michael G. Maness

409-383-4671 – Maness3@att.net

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State Employees Are Supposed to be Treated Equally

Tab 17
Item 3a
Pg 1 of 8

Item 3a. Maness Emails TDCJ OR Coordinator

From: [Michael](#)
To: maness3@att.net
Cc: [Michael Maness](#)
Subject: OR - Dismissal Hearing
Date: Wednesday, August 28, 2013 6:02:27 AM

August 28, 2013

Dear OR Coordinator,

This should rap everything up, I hope. Could I obtain the following:

1. I would like copies of all notes, forms and determinations and final paperwork regarding my own dismissal hearing with Michael Upshaw in about March of 2012, that sent me to Polunsky, including any such precisely what Upshaw wrote about me regarding the investigation and hearing in my final record.
2. I would like a copy of all emails, memos, notes, etc., relating to Upshaw's initiation of the investigation into my facebook postings, NOT the disciplinary or photos themselves as I have those, but the documents (et al) that started the investigation in the first place, whether from Upshaw or someone else.

Thank you very much.

Michael G. Maness
804 N. Beech
Woodville, TX 75979
409-383-4671
Maness3@att.net

www.PreciousHeart.net

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Page 1 of 6

Item 3b. CID Responds with 3c and an Attached Letter

From: Kriesten.Jenkins@dcj.state.tx.us
To: Maness38atl.net
Subject: Open Records - Dismissal Hearing
Date: Tuesday, September 03, 2013 1:19:26 PM
Attachments: [Letter-Dismissal Hearing.pdf](#)

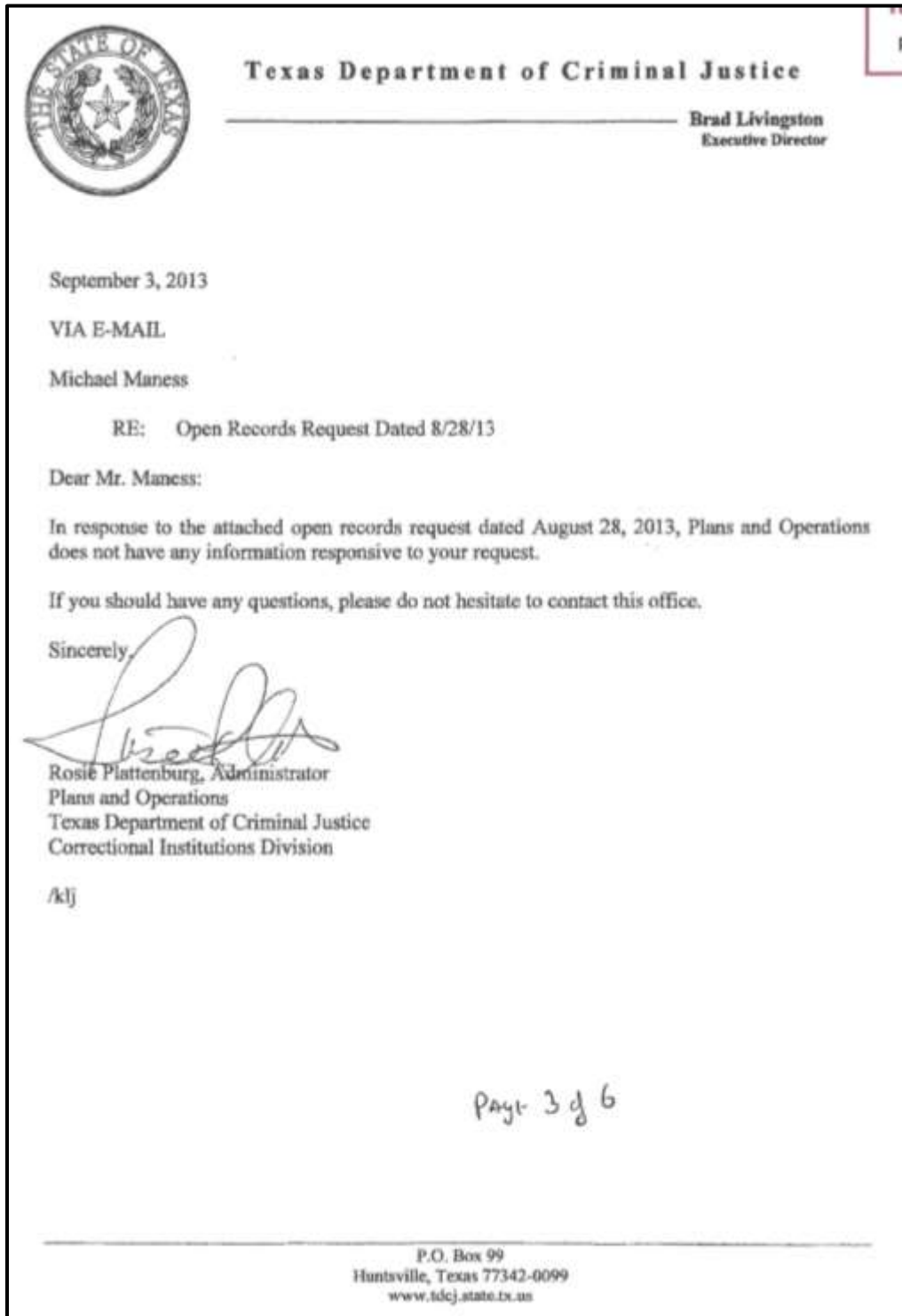
Good Afternoon!!

Mr. Maness:

Attached below is the response to your open records request.

Thank you,
Kriesten J.
Plans and Operations
Correctional Institutions Division
Texas Department of Criminal Justice
P: 936-437-6249
F: 936-437-8411

Item 3c. CID Plans and Operations Letter “does not have any information”



Item 3d. Legal Mike Flagor has “information ... responsive” but some is held “attorney/client privilege” and will send “brief” to Texas AG

From: Mike.Flagor@tjc.state.tx.us
To: maness3@aet.net
Subject: Your PIR of 09/03/2013
Date: Thursday, September 19, 2013 9:59:58 AM
Importance: High

Mr. Maness,

We have information that is responsive to your request concerning disciplinary hearing. However, with that information are several documents that we must with hold because of attorney/client privilege. Would you allow us to with hold this information and release the remaining responsive information to you. The alternative is our filing a brief seeking clarification with the Attorney General's office which requires approximately 45 days to render a decision.

Please let me know your decision today.

Thank you.
Mike Flagor
Legal Assistant I - Open Records
Office of the General Counsel - Huntsville
phone: 936/437-2108
fax no.: 936/437-6994

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Item 3e. Maness Email Appealing Flagor and Additional Request
for Itemized LIST of Items Flagor had Mentioned

From: [Michael](#)
To: "Mike Flagor@tdcj.state.tx.us"
Cc: Michael Maness (maness2@att.net); greg.asodora@tdcj.state.tx.us; Alicia Pasala-Ramirez@tdcj.state.tx.us
Subject: RE: Your PIR of 09/03/2013 - Dismissal Info
Date: Thursday, September 19, 2013 11:13:31 AM
Attachments: [Open Records - Dismissal Hearing Info Email 01.pdf](#)
[Open Records - Dismissal Hearing Info LETTER.pdf](#)

September 19, 2013

Mr. Flagor,

Can you tell what documents, as in a list of titles, that need withheld?

I am getting pretty familiar with the AG's office and they are pretty timely about things, as almost in each instance that your office chosen to appeal my requests over the last years, I have sent a letter to the AG's office, and most of my requests have been supported. I am talking about files relative to the "order" for my investigation, which should not be confidential at all, but straightforward evidential discovery items that led to such WHILE I was an employee.

Since state law says that I am entitled to ALL things relevant to my own employment, I have trouble believing there is ANYTHING relative to my own investigation that is so secret it cannot be shared with me. I mean, after already getting and appealing the attached, and since this led to my OWN DISMISSAL recommendation, that I have been disputing, how is any of it privileged, being that the substance of my own "violation" was posting photos of inmates putting together Christmas cards that I had the warden's written permission to take and TDCJ lawyer created Media Releases? And lastly, whoever ordered the investigation and whoever ordered it, if in good faith, those "orders" should be available to me as a part of my own case file.

At least, why don't you send what can be sent, and let's look over the itemized "list" of things that contain what you consider privileged. At the least here, I am not adding to this request that I have get a list of those things that you claim need to be privileged.

Sincerely,

Michael G. Maness
www.PreciousHeart.net

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Item 3f. Appeal for Itemized List of things they CAN and CANNOT send

From: Mike.Flagor@tdcj.state.tx.us [mailto:Mike.Flagor@tdcj.state.tx.us]
Sent: Thursday, September 19, 2013 9:59 AM
To: maness3@att.net
Subject: Your PIR of 09/03/2013

page 5 of 6

Importance: High

Mr. Maness,

We have information that is responsive to your request concerning disciplinary hearing. However, with that information are several documents that we must with hold because of attorney/client privilege. Would you allow us to with hold this information and release the remaining responsive information to you. The alternative is our filing a brief seeking clarification with the Attorney General's office which requires approximately 45 days to render a decision.

Please let me know your decision today.

Thank you.
Mike Flagor
Legal Assistant I - Open Records
Office of the General Counsel - Huntsville
phone: 936/437-2108
fax no.: 936/437-8994

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Item 3g. Re-Appeal for Itemized List of things they CAN and CANNOT send

From: Michael [<mailto:Maness3@att.net>]
Sent: Monday, **October 07, 2013** 11:50 AM
To: ccc.services@tdci.state.tx.us; Alicia.Prezio-Nash@tdci.state.tx.us
Cc: Michael Maness
Subject: FW: OR - Outstanding 8-27 and 9-4

cc: Mike Flagor

October 7, 2013

Dear Open Records Coordinator,

I just wanted to you know I appealed the dismissal hearing request that Mr. Mike Flagor emailed me.

See the attached collection, please, that shows at first nothing available, my first appeal to that "nothing" on the investigation that started my dismissal process, Flagor's response that some was considered restricted and his desire to write a "brief" on it, and lastly my response, essentially requesting WHY was ANYTHING on my OWN investigation hidden from me.

Further, as asked for in THAT LAST EMAIL on my own dismissal, another OR request – **now over ten days old yet again** – I requested a simple **itemized list of ALL things** which is certainly easy to do, to which I got no response, and so I appealed both Mr. Flagor's "brief" and the now 11-day delay in response for the itemized list too to the Texas Attorney General, again. Please see that attached.

Also, on that same day, he said he had MAILED for the second time the information in the emails below. As of Saturday the 5th, I had NOT received the information in the mail. However, I did receive back my confirmation from above from Austin. Perhaps the mail takes longer from Huntsville than from Austin.

Michael G. Maness
409-383-4671
Maness3@att.net

Item 3h. Re-re-Appeal for Available Information

From: Michael [mailto:Maness3@att.net]
Sent: Wednesday, October 23, 2013 4:42 PM
To: Alicia.Frezia-Nash@tdcj.state.tx.us; exec.services@tdcj.state.tx.us
Cc: Michael Maness
Subject: Dismissal Info - 10-07-13 - Itemized List

October 23, 2013

Ms. Nash and OR Coordinator,

Here is a clearer version of my request that has been tossed around a bit. Mr. Flagor clearly said some could be sent, but I wanted all and have appealed such as seen in the attached.

And so my 10-07-13 request for an itemized list of those things he can and cannot send has not been responded to yet.

Thanks for your help with this.

Truly nearing the end here.

Michael G. Maness
[REDACTED]
409-383-4671
Maness3@att.net

Item 3i

Item 3i. Texas AG Denies Information

Texas AG supported TDCJ's request to keep confidential the actual notes on the final dismissal information, which was a bit disheartening to me. Still, there has been no response for even an itemized list of what they do have.

Does this not strike of strangeness, that a government agency can withhold from a former employee on that very employee's dismissal recommendation?

And, further, TDCJ withholds even a simple itemization of what they had.

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State Employees Are Supposed to be Treated Equally

Item 3j. Blank Space for Information to Come

Would that we could have gotten everything ...

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**Tab 17
 Item 4b**

to see the photos before they leave the unit.” I dutifully sought Helm out, and he was unavailable, so I asked Senior Warden Ginsel to review them: Ginsel had no problems with the photos. No one has *ever* had a problem with the photos taken just like this, several times a year by several persons, and – listen up – long before there was such a thing as digital cameras. One more time – *never* has a warden or *anyone* asked to review **twice** any photo! Did you hear that? **Twice** – I was written a disciplinary because I did NOT come back over a onth later and RE-ask for permission to post those on Facebook – just bogus.

Item 4b. TDCJ Lawyer-Created Media Release – All Signed

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
 MEDIA RELEASE FORM
 Forma de Liberación de Medios de Comunicación

The undersigned offender of the Texas Department of Criminal Justice hereby signifies that he/she freely and voluntarily consents to be photographed and/or interviewed by Publicity, News, etc. for preparation of news stories. It is understood that this material will be produced for publicity, news, etc. and it may be used and distributed on whatever basis deemed necessary by news without any further consent from the undersigned offender. Further, said offender releases the TDCJ, its employees and agents from all claims and causes of action arising from production of said material.

El infrascrito preso del Departamento de Justicia Criminal de Tejas certifica que él/ella libremente y voluntariamente consiente ser fotografiado y/o entrevistado por Publicity, News, etc. para la preparación de news stories y el material puede ser usado o distribuido en cualquier base creída necesaria por news sin mas consentimiento del preso infrascrito. Adicional, el preso dicho alivia el Departamento de Justicia de Tejas, sus empleados y agentes de todas las demandas y causas de acción que se presenta del producción de material dicho.

Notice to Offender: If you agree to the interview or photograph, you are advised that any comments, statements or images may be given or sold commercially by the person or organization to which you grant the interview, and material may be used in any other medium without additional permission.

Aviso al preso: Si usted conviene a la entrevista o fotografía, estas aviado que cualquier comentario, declaración o fotografía (retrato) puede ser dado o vendido comercialmente por la persona o organización a quienes usted concede la entrevista y el material puede ser utilizado en cualquier otro media sin permiso adicional.

Floyd Paulson Cob Lewis
 Name (Nombre) Unit (Unidad)
889968
 Number (Número)

Floyd Paulson
 Signature (Firma)
[Witness Signature]
 Witness (Testigo)
[Witness Signature]
 Witness (Testigo)

Religious Policy (8.04 - Att. A (1/05))

Pretty clear these are, and these – most of all – have always been my utmost concern. Any warden I worked for will be lying if they said any different. I was always more concerned about the prisoners suing TDCJ, a volunteer, or me! – more than I was about whether a warden ever, ever, ever was concerned about what happened to *properly taken* photos months or years later. The thought that anyone would, is nearly insane, making this charge much more than “about photos” and about – what appeared later after Polunsky – about some kind of animus yet to be discerned, perhaps even connected to the persecution I received for the 50-page Faith-Based Housing Letter.

Item 4c. Photo of Prisoners with Christmas Cards



This was my crime! “I am going to fire you,” said Senior Warden Gary Hunter, for posting these on my Facebook page, because – quote Hunter – “I think you were using these to sell your books.” Regional Chaplain Steven Ulmer was there and shook his head too. Really – as crazy a thing as imaginable. If you can believe *that*, can I sell you the Eiffel Tower too? Using these photos would not help sell any of my books, and would detract from sales – if anyone even cared about them in the first place. The *only* ones who cared about the photos were the prison volunteers who shared in a dear ministry and the church members who help supply the cards, and any other contrivance is just bonkers.

Outrageous and perturbing and ... just outright malicious. After all that has transpired from all the letters I have written, the Polunsky fiasco, and the vast and epic cover up, it cannot be any clearer, Warden Hunter was *on order from Upshaw or* someone to “fire” me. Because no thinking person and no *real* TDCJ-mission-minded person would, not for this with the permissions properly secured. There is more to come.


Just as I had done in ALL photos taken for the last 20 years, Prisoner Floyd Rawlinson signed his permission and he is standing at the far left. I showed all the photos from my digital camera to Warden Ginsel as instructed.

We NEED to Ramp Up the Absurdity of This

to STOP Other Intimidation Tactics


TDCJ Employees Have Enough Stress

Item 5a. Investigation by Warden Bill Lewis – Contrives a Violation



Texas Department of Criminal Justice Inter-office Communication

To: Michael Upshaw, Region 1 Director

From: Warden B. Lewis, Senior Warden Goodman Unit 

Date: March 21, 2012

Subject: Investigation Chaplin M. Maness, Gib Lewis Unit

Please review the following information and attached documents relating to an investigation involving Chaplin Michael Maness of the Gib Lewis Unit. Information was brought forth indicating that Chaplin Maness posted numerous photographs of Agency Offenders on his personal Facebook page. On March 9, 2012 I received the copies of the 10 photo copies (attached) and initiated the investigation on March 12, 2012.

On March 12, 2012 I interviewed Chaplin Maness concerning the photographs and he stated that he did post the photographs on his Facebook page for offender ministry purposes. I asked him to explain the individuals in the photographs and detail the information surrounding the photos. He reviewed the 10 copies of photographs and provided the following information:

Picture 1 – He advised this photograph was taken at a church in the local community approximately 10 years ago. The photo contains Chaplin Maness, two offenders and a religious volunteer. Chaplin Maness advised he had no media release on file or approval IOC from the warden on file because of the elapsed time.

Pictures 2,3,4,5,6,7,10 – He advised that these pictures were taken in November as offenders and volunteers were assembling greeting cards to give to the offender population. He advised he had media releases and received approval from the Gib Lewis Administration to take these photographs. (Attached)

Photograph 8 – He advised this was a picture taken in 1995 after a marriage seminar conducted at the facility. The photographs shows, volunteers, Chaplin Maness and numerous offenders with their arms around females in the photograph. Chaplin Maness advised he had no media releases or approval IOC from the Administration due to elapsed time.

Photograph 9 - He advised this was a picture of one of his religious volunteers that assist him at the Gib Lewis facility. The picture is of an older gentleman sitting on a bicycle in front of the Gib Lewis Unit.

Chaplin Maness advised that he was not aware that posting these photographs on his personal Facebook page was a policy violation and stated that he thought he could post the photographs if he had the Wardens permission and media release forms.

OIG said the same thing (Tab 16, Item 1), but CLEARLY here Warden Bill Lewis was making it a violation. The maliciousness was that I needed to ask the warden for every use AFTER legitimately taking the photos, even ten years later. Nuts.

Item 5b. Investigation continued – Lewis Contrives a Violation

5d. - cont. Warden Bill Lewis' Investigation – Contrives a Violation – his “investigation” charged me with two violations, 1. Inappropriate Relationship with an Offender, from a single Facebook Photo (thrown out), and 2. Violation of a Chaplaincy Policy that was Deleted prior to charging in Chaplaincy Manual given to chaplains in 08-2012

Upon asking him if he requested approval to personally place these photographs on his Facebook page, he stated “no”.

Chaplin Maness only had media releases and an approval IOC from Unit Administration on photographs 2, 3, 4,5,6,7, 10. Upon reviewing the media forms it was determined Chaplin Maness completed the heading of the release forms stating the forms will be produced for “**publication, anywhere**” and it may be used and distributed on whatever basis deemed necessary by “**Maness**”. The IOC approval from the Warden was signed by Assistant Warden F. Helm and the photos were reviewed by Senior Warden C. Ginsel (attached). The IOC stated “**these pictures will help us give a hearty thank you to the churches who helped supply us with the thousands cards this year**”. Upon interviewing Warden Helm and Warden Ginsel, both stated that he never indicated to them that he was going to post these photographs on his personal Facebook page. Both wardens indicated it was there approval only for pictures to be taken and given to the churches who donated the Christmas cards to the Unit. Upon asking Chaplin Maness if he gave copies of the photographs to the churches he mentioned, he stated no, that he got busy and never got around to sending the photo's to any of the churches that donated the greeting cards.

A review of Policy 08.04 of the Chaplaincy manual details the requirements for tape recording and or photography (still and video) and / or interviewing offenders.

Paragraph 2 Discussion 1- Offenders will be photographed, recorded, interviewed, for publication purposes or other purposes only with the Unit Wardens Approval.

Furthermore, Chaplin Maness is aware and has signed the Confidential Information Agreement on his yearly performance evaluation indicating the violation of confidential information.

“ I understand that information concerning any person, system, or asset of the Texas Department of Criminal Justice which is obtained while performing my duties is to be held in the strictest confidence and may not be disclosed except as required by **job duties** or law.

Further investigation into the Facebook page belonging to Chaplin Maness found he had the wife (Charlotte Graham) of offender Graham, David TDCJ#837388 as a friend on his friends list on his personal Facebook page (attached). Offender Graham is housed at the Ramsey 1 Unit, convicted of Capital Murder, he is currently serving a life sentence. Facebook procedures require that you have to personally accept each individual friend or send a personal request to any friend that you want to add. Upon questioning Chaplin Maness about Mrs. Graham's presence as a friend on his face book page, he advised he didn't know how it got there. The profile on Mrs. Graham's web page depicts an image of her and offender Graham standing side by side in his prison whites. It appears the photograph was taken in a visitation area at a Texas facility. This relationship with this offender's wife is a clear violation of agency policy and a poor professional decision.

In closing, during the interview with Chaplin Maness I advised him that his actions indicate a clear violation of policy. The investigative activity indicates that he utilized photographs of offenders and Chaplaincy operations for his personal interest. He was instructed to remove all photographs of offenders form his Facebook Page and to search thru his entire list of 1,447 friends and ensure that there were no offender family members or Ex Offenders located on his page.

Please feel free to call me if I can be of further assistance or you have questions.



Notice two check marks:

1. Warden Helm **SIGNED** approval!
2. Warden Ginsel **REVIEWED** photos!

What MORE does one want?

This was not about Facebook or Photos – but more

Item 5c. Refutation of Warden Bill Lewis – Contriving Charges

As seen in the first portions of Tab 16, I am *still* fighting for the origin of the first paragraph, the original “order” and source that drove Warden Lewis to “investigate,” and since he alleged that I had an inappropriate relationship with an offender (Violation 42C), as offensive a thing as any staffer can have, WHY NO OIG investigation? WHY? Where did I have such? That anyone could “charge” such with an innocuous Facebook “friend” is ridiculous. What Lewis charged as “inappropriate” in a strange “friend” who was married to a prisoner – how in the world is that inappropriate, especially since there was zero dialogue with my Facebook “friend.” Contrived, through and through. One could imagine Lewis seeing someone saying “hello” to a prisoner’s wife at Walmart, and Lewis charging the same thing, and at Walmart at least where was the exchange on one word.

There is something contrary about any warden contriving such, and – the aftermath of all – it appears Lewis was pressured to contrive, perhaps by Upshaw, but that should be for OIG to determine.

It also says that Senior Warden Bill Lewis believes posting on Facebook was a crime. Look at the second red square. He quoted me right, thank God. Lewis’ statement is also the tenor of our meeting, no sir, I did NOT know it “was a policy violation.” Furthermore, NO – I never did ask about putting these on Facebook. I never asked about publishing them in the Tyler County Newspaper, which we have done many times over the years without any incident or any further concern. I never asked permission, not once, to send them by email (each and every time) – never. Never has anyone made the expectation that I should return to the prison and re-ask for every successive use – *never*. Who in their right mind would want photos with that kind of impossible burden.

I had Warden Helm’s **permission** to take the photos, and Warden Ginsel **reviewed** those photos before they left the Gib Lewis Prison, just as Warden Helm ordered and just as Warden Lewis reported in the third red square! And the TDCJ lawyer-created Media Releases **release** the photos to the photographer for time immemorial.

There is no indication, no portion of the policy (seen in 5e) that anyone – ANYONE – should or was expected to come back and seek out the warden and re-ask for permission for every single use. And then there is another problem, in that the policy quoted was actually deleted from the Chaplaincy Policy Manual prior to my discipline, it appears, unless we are to believe that Chaplaincy was *revising* that very policy just prior to the August conference. Or, because of my disciplinary, knowing that it was bogus, did they decide to delete the policy from the manual? Just weird all the way around.

Catch this – if such an important rule existed – it should be plain and crystal clear. It was an insane and malicious CONTRIVANCE to DEMAND I ask and re-ask and re-re-ask, again and again and again for every successive use of every photo forevermore afterward. But, low and behold, that was it – and Region 1 Director Michael Upshaw pounded that in, for, it appears, Upshaw *demand*ed an allegiance that was not even present in the policy. And the TDCJ lawyer-created Media Releases meant *nothing* to Upshaw.

However, that is what the Media Releases are for – to free the use.

Item 5d. Was Warden Bill Lewis “Ordered” by Upshaw to Contrive

What of Warden Bill Lewis? Anyone who can get away with charging an employee for two disciplinaries like this deserves attention. First, for contriving an Inappropriate Relationship – the worst for any TDCJ employee – Lewis needs to be investigated for this. The second almost begs the question: why demand that an employee come back every time and re-ask and re-ask and re-ask for permission to *reuse* a photo? And if one does not, it is a violation of policy. These contrivances need an OIG investigation to see if, as I suspect, they are rooted not in Lewis’s search for anything, but rather rooted in orders from someone like Upshaw to contrive something that Upshaw himself would later see.

Having already established Upshaw’s cover up at Polunsky, for years, it is not a far jump to see something nefarious there. It will require a truly talented OIG investigator. There is no telling what else has taken place. Or who else has suffered similar for reasons only OIG can ferret out.

Item 6. 2008 Chaplaincy Policy on Media Releases
– Deleted from Manual in 2012 – Fired for a Deleted Policy?

TEXAS DEPARTMENT OF CRIMINAL JUSTICE Chaplaincy Department CHAPLAINCY MANUAL	Policy Number: 08.04 Page: 1 of 1 Date: November 2008
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SUBJECT: Media Release

AUTHORITY: ED 02.40, AD 07.35, TDCJ Media Release Form

PURPOSE: To inform chaplains of the requirements for tape recording and/or photography (still and video) and/or interviewing of offenders.


POLICY: Consenting offenders may be interviewed, recorded and photographed while incarcerated within TDCJ.

DISCUSSION:

- I. Photographing of offenders in TDCJ can raise legitimate security concerns for staff of units with TDCJ.
- II. In addition, legal issues may arise if pictures which are not properly authorized are circulated.

GUIDING POLICY:

- I. Offenders will be photographed, recorded, interviewed for publication purposes or other purposes only with the Unit Warden's approval.
- II. Media guests, (including newspaper, radio and television reporters and photographers), will be allowed to visit the unit only with the approval of the Public Information Office Director and the Unit Warden. Media requests will be processed in accordance with ED 02.40.
- III. Representatives from a volunteer group (e.g., Bill Glass Ministries) will be allowed on the unit only with the Unit Warden's approval. Representatives of a volunteer group will be processed either as special visitors in accordance with AD 07.35 or as a visitor of TDCJ.
- IV. Prior to interviewing, recording, photographing, etc., an offender, the Unit Chaplain or designee, appropriate witnesses and the offender will complete the Texas Department of Criminal Justice Media Release Form (Attachment A). Copies of the Media Release Form are available on the TDCJ Intranet as Attachment A of ED 02.40, through the Chaplaincy Department or the Warden's office. The offender should sign two copies of the form – he may keep one copy and the other should be maintained in the offender's file.


Bill Pierce
Director of Chaplaincy Operations

One has to be malicious to contrive from this any expectation that one needs to come back and re-ask for permission for every single subsequent use of a photo. There is no question to this malicious disciplinary.

Just plain dirty pool. Calculated Malignancy that NEEDS Stopped!

Guess what? Worse, this very policy was deleted in the 2012 Chaplaincy Manual given to the TDCJ Chaplains in August of 2012! **I was FIRED for a policy that was deleted!** Fine work, that was. Don't tell me, either, that the CDs of the *new* manual were not put together until *after* I was fired on 4-17-12. Come now. They were *thinking* about that *after* my disciplinary, and – what? – decided to delete it. To triple the irony here, in its place in the *appendix* is Executive Directive (ED) 02.40, News Media Relations, which – so apropos here – in their own appendix it follows ED 02.01, TDCJ Ethics Policy. Ain't dat sweet? But who cares? So many *wardens* and one enchanted chaplain can do what they please, anyway, and the real story of this investigation will need OIG's Sherlock Holmes, but I am betting Upshaw simply pirated it.

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Director of Chaplaincy Operations

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TAB 17. Maness Disciplinary 3 – Dismissal ??
State Employees Are Supposed to be Treated Equally

Item 7. Maness Offense Investigation Report – Lewis Contrived

**Texas Department of Criminal Justice
EMPLOYEE OFFENSE AND PRE-HEARING INVESTIGATION REPORT**

Purpose: This form shall be used to record alleged violations of rules or regulations by employees. It shall also serve as a pre-hearing investigation report. If additional space is needed for any portion of this report, a continuation sheet may be attached.

I. To be completed by the Charging Official:

Employee Name: Maness Michael G SSN: [REDACTED]
Last First MI

Payroll Job Title: Chaplain II **Date(s) of Incident(s):** November 23, 2011
(mm/dd/yyyy)

Description of employee's specific conduct (do not reference Rule No. or describe the rule):
On November 23, 2011, Chaplain Michael Maness submitted an IOC requesting approval from Warden F. Helm to take photographs of agency offender from the Gib Lewis Unit. The IOC stated the photographs would be used as a "thank you" to local churches who donated holiday cards for the offender population. An investigation, at a later date, found these photographs were downloaded and posted on Chaplain Maness' personal Face Book page. Upon interviewing Warden Ginsel, Warden Helm and Major Bryant of the Gib Lewis Unit, all stated that they did not at any time give authorization to Chaplain Maness to post these on his Face Book page. During an interview with Chaplain Maness on March 21, 2012, he verbally stated that he did not ask or notify Unit Administration prior to posting the photograph on his personal Face Book page. Chaplaincy Policy 08.04 Guiding Policy, Roman Numeral 1, states "Offenders will be photographed, recorded, interviewed for publication purposes or other purposes only with the Wardens approval". Further investigation into Chaplain Maness' Face Book page found a Charlotte Graham listed as his friend. Upon review, I found that Charlotte Graham is the wife of offender Graham, David TDCJ #00837388 convicted of Capital Murder from Tarrant County. The offender is currently housed at the Ramsey 1 Unit. Mrs. Graham is identified as offender Graham's wife on his visitation records. Review of offender Graham's records indicate he has never been assigned to the Gib Lewis facility. During an interview with Chaplain Maness I asked him if he personally knew Charlotte Graham and showed him a copy of his Face Book page with her listed as a friend, he advised he did not know her and must have added her by mistake.

The employee's conduct may be a violation of Rule No.: Level 2, Code 20 and Level 2, Code 42c

Warden Bill Lewis [Signature] 4/5/2012
Charging Official Name/Title (print) Signature Date

II. Employee's Statement: The pre-hearing investigator shall obtain an employee's statement even when a Use of Force (UOF) Fact-Finding Inquiry, Risk Management Incident Review Board or Office of the Inspector General (OIG) investigation has been conducted.

I had no idea who she was for all I know she was - I have been doing them for 19 years - I have many "friends" I do not know who my facebook page as it is mainly an outlet for my books.

Employee's Signature: [Signature] **Date:** 4-16-12

Note to Employee: With few exceptions, you are entitled upon request: (1) to be informed about the information the Agency collects about you; and (2) under Texas Government Code §§552.021 and 552.023, to receive and review the collected information. Under Texas Government Code §559.004 you are also entitled to request, in accordance with the Agency's procedures, that incorrect information the Agency has collected about you be corrected.

PERS 325 (01/09)

Page 1 of 2

Item 8a. Lewis Unit Warden Brewer Concurs (?)

III. Witnesses: See attached.

IV. Pre-Hearing Investigator's Review/Recommendation:

Employee Hearing: Yes No If Yes, Alleged Rule Violation No(s): 2A, 42C

Comments: SEE ATTACHED 10C

WAYNE BREWER W [Signature] 4/10/12
Investigator's Name/Title (print) Signature Date

V. Reprimanding Authority's Action:

Proceed to Employee Hearing Alleged Rule Violation No(s): 2/90/42C

No Employee Hearing and no action taken

No Employee Hearing and other action taken (e.g., dispute resolution, training). Attach explanation of action taken.

Ch. Heuter [Signature] 4-11-12
Reprimanding Authority's Name/Title (print) Signature Date

PERS 325 (01/09)

Page 2 of 2

Funny thing here, my interview with Warden Brewer was nearly amicable; he even said I should “not have anything to worry about.” He did not even give me the courtesy of telling me he “concurred.” This had the following attached.

TAB 17. Maness Disciplinary 3 – Dismissal ??
State Employees Are Supposed to be Treated Equally

Item 9a. Hunter “Fires” Maness – For What? –

For What? – for posting photos on my Facebook page of prisoner putting together Christmas Card packages that I had the written permission to take and TDCJ lawyer-created Media Releases – as bogus as anything ever was.

Texas Department of Criminal Justice REPRIMAND FORM				OIG#:	EEO#
Employee Name: <u>Maness</u>		<u>Michael</u>		MAUF/MUF#:	
Last		First		SSN: XXXXXXXXXX	
Payroll Job Title: <u>Chaplain II</u>		Unit/Dept: <u>GL/Chaplain</u>		Date Pre-Hearing Investigation Completed: <u>04/10/2012</u>	
Date(s) of Violation(s): <u>11/23/2011</u>		FINDINGS (check one [1]): GUILTY			
VIOLATION(S):					
Level: <u>2</u>	No. <u>20</u>	Rule Title:	Violation of Statutory Authority/Court Order/Rules/Regulations/Policies		<input type="checkbox"/> Yes <input type="checkbox"/> No
Level: <u>2</u>	No. <u>42C</u>	Rule Title:	Continuation/Establishment of Offender Relationship that Jeopardizes Security or Compromises the Employee (other than cohabitation or sexual misconduct)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Synopsis of Incident(s): On November 23, 2011, Chaplain Michael Maness submitted an IOC requesting approval from Warden F. Helm to take photographs of agency offenders from the Gib Lewis Unit. The IOC stated the photographs would be used as a "thank you" to local churches who donated holiday cards for the offender population. An investigation, at a later date, found these photographs were downloaded and posted on Chaplain Maness' personal Face book page. Upon interviewing Warden Ginsel, Warden Helm and Major Bryant of the Gib Lewis Unit, all stated that they did not at any time give authorization to Chaplain Maness to post these on his Face book page.					
DISCIPLINARY ACTION: Is this a subsequent violation(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list applicable previous Rule No. violation(s) and disciplinary date(s): L 4 #7 2/14/2012 L3 #36 2/14/2012					
Check and complete one (1) or more of the following:					
<input type="checkbox"/> NO DISCIPLINE IMPOSED (Provide justification at bottom of page.)					
<input type="checkbox"/> REPRIMAND ONLY					
<input type="checkbox"/> DISCIPLINARY PROBATION: _____ Calendar Months Beginning: _____ Ending*: _____					
<small>*Note to Employees: If you are on a full calendar month of leave without pay during your period of disciplinary probation, including a full calendar month of suspension without pay, the probation period ending date shall be adjusted by adding one full calendar month to the original ending date. If you are in a career ladder position, any period of disciplinary probation and an adjusted disciplinary probation ending date shall postpone future career ladder salary adjustments.</small>					
<input type="checkbox"/> SUSPENSION WITHOUT PAY: _____ Workdays Beginning: _____ Return: _____					
<input type="checkbox"/> REDUCTION IN PAY TO: \$ _____ Beginning: _____ Ending: _____					
<input type="checkbox"/> DEMOTION TO (Title/Salary Group) _____ Beginning: _____ Ending: _____					
<input checked="" type="checkbox"/> DISMISSAL RECOMMENDED, WITH FOLLOWING ACTION DURING INTERIM:					
<input checked="" type="checkbox"/> Involuntary Use of Compensatory Time/Holiday Time					
<input type="checkbox"/> Voluntary Use of Overtime/Vacation Time (Attach a copy of PERS 24, Leave Request)					
<input type="checkbox"/> Suspension Without Pay					
<input type="checkbox"/> Change to Another Job Assignment					
<input type="checkbox"/> Administrative Leave (can only be granted by the Executive Director)					
DISCIPLINE IS: <input checked="" type="checkbox"/> Within <input type="checkbox"/> Above <input type="checkbox"/> Below the guidelines (Provide justification at bottom of page if above or below.)					
For violations of Rule No. 24 or 25, check one (1) of the following: This violation <input checked="" type="checkbox"/> did <input type="checkbox"/> did not involve an aggravated use of excessive force.					
JUSTIFICATION (If applicable): <u>324 L4B</u>					
G. A. Hunter, Senior Warden II		Signature: <u>[Signature]</u>		Date: <u>4-17-12</u>	
Reprimanding Authority Name/Title (printed)					
Employee's Acknowledgment: I have been advised of the procedures of progressive disciplinary actions, and my right to file a grievance. I acknowledge receipt of a copy of this reprimand and know the original is to be placed in my Master Health Resources File. If recommended for dismissal, I verify the following are my current address and phone number:					
Mailing Address:		<u>durilla tx 75929</u>			
Phone Number, Including Area Code:		<u>409-383-8467</u>			
Employee Signature: <u>[Signature]</u>		Date: <u>4-17-12</u>			
<small>Note to Employees: With few exceptions, you are entitled upon request: (1) to be informed about the information the Agency collects about you; and (2) under Texas Government Code §§92.021 and 92.023, to review and review the collected information. Under Texas Government Code §59.004, you are also entitled to request, in accordance with the Agency's procedures, that incorrect information the Agency has collected about you be corrected.</small>					
<small>Original: Labor Relations Section, HRSD (with copy of support documentation) Copy: Employee Copy: Independent Employee Disciplinary File Copy: Payroll Department, ONLY when the action involves a payroll issue (suspension, reduction in pay or dismissal)</small>					
PERS 185 (01/09)					

There it is – with more loose ends than anyone can shake a stick at. I have to make a BIG stink, and then I am allowed to use my vacation time to go through mediation.

Item 9b. Hunter “Firing” Narrative – Bogus

When Region 1 Chaplain Stephen Ulmer and I walked into Hunter’s office at the Lewis Prison, Hunter thumbed through the evidence and said, “I have not really looked at this.” That was odd. After a couple of minutes of thumbing, Hunter said, “There is no evidence of ‘Inappropriate Relationship,’” and he struck that down.

“However,” he said in so many words, “I am going to fire you for posting the photos on Facebook. I think you posted them there to get money for your books.”

That was that.

And there was something else, too, a hostility to Region 1 Chaplain Ulmer, for Ulmer’s good and honest investigation of Volunteer Bell.

In the light of all, including my time at Polunsky, my efforts to resolve all, the host of Open Record requests, ongoing analyses of the documents, and this last year’s study – after all, it appears clearer and clearer that Upshaw favored Helm and sent or manipulated for Hunter to come to the Lewis Prison for reasons *other* than TDCJ’s best interests. How Warden Helm would feel so free to do what he did to Vol. Bell is one point of evidence, and another was how Helm simply *cancelled* the entire agreement so carefully worked up by Volunteer Virginia Haynes in her building of the Lewis Prison Faith-Based Program.

All – at the arrival of Hunter – yes, OIG needs to look at this.

And then – what? – Hunter goes to Polunsky, Alford promotes to Region 1 Director, and Upshaw promotes to Division Director.

To date, we have no answer to the mystery of Chaplain Collier’s favor.

One thing is certain – Upshaw appears to be at the center of something yet to be determined, and treason appears to be in the air.

Item 10a. Dismissal Mediation – and the Big Stink

A rude awakening after my Dismissal Recommendation by Senior Warden Gary Hunter, him calling it “firing” and other oddities already mentioned, his refusal to allow me to use my vacation time to run the course to an Official Mediation Hearing was nothing other than wicked. In retrospect, given how many violations Hunter participated in with his Asst. Warden Frank Helm, it became clearer that Hunter was on orders from someone else, even then Reg. 1 Dir. Michael Upshaw. No one is dismissed for these things.

I filed for my retirement in April 2012, to become effective April 30th. A sad time.

The BIG STINK. I made a Big Stink about it, too, telling several important persons and my State Representative James White. Fortunately, the last day before my retirement became effective – I’ll never forget it – I got a precious call from Jan Thorton, who told that I could, indeed, use my over 400 vacation hours to appeal and proceed to a Mediation Hearing.

As the Mediation Hearing with Reg. 1 Dir. Michael Upshaw came, and as is typical of such, I was given time-specific and stringent guidelines to follow. The letter I received gave evidence of a complicated process that involved several, and a paperwork trail of no small proportions. I followed them to the letter, as I did for 20 years.

The day and time came, and I made the trip to Huntsville to Upshaw’s office in the old Exec. Director’s mansion. I had Virginia Haynes as my advocate, and we waited.

Maness’ First Hearing Suspended. Strange as it might seem, I was told that a “mistake” had been made and that I would have to be rescheduled (I don’t remember precisely all that was said). What is paramount, given all that Upshaw has been up to, is that it appears the delay or “mistake” had more contrivance to it. These kinds of hearings were not set up by *mistake*, not TDCJ.

Jose Vitela. At the same time, unbeknownst to me, the Polunsky Prison was looking for another Chaplain, had posted the position, and Volunteer Chaplain Jose Vitela applied, interviewed, and – listen to this – he got the job. He was a part of the RIF years ago, and he had been volunteering at Polunsky for years. After my Dismissal Hearing with Upshaw, and I was “offered” the Polunsky Prison, and I took it and was in the office, I had the displeasure of informing him that I had gotten the position. A teardrop fell, it broke his heart. More on that later.

Maness’ Second Hearing. At my *second* appointment, I had had a meeting with Dep. Dir. Bryan Collier, and he dropped my first disciplinary, which fairly well shifted the administrative balance on the number of available “disciplinaries” demanding dismissal. Collier told Upshaw, which should have almost assured a negation of any Dismissal Recommendation. Reg. 1 Dir. Upshaw proceeded with the hearing, but he did not at all value the TDCJ lawyer-created Media Releases nor Item 11, the “Dr. Keith Bellamy Letter of Support.” Upshaw clearly and forcefully and adamantly supported the crazy rationale that, yes, I needed to ask for permission for each and every subsequent use of a photo, even 20 years later. There was nothing else that mattered to Upshaw, at that point, and afterward, he withdrew the Dismissal, and offered me with the LeBlanc Prison in Beaumont or the Polunsky Prison in Livingston; yes, a “choice.”

Lewis Prison. But why? I done *nothing* to prevent my return to the Lewis Prison, and I had spent 20 years at the Lewis Prison. In light of all, part of the reason was Upshaw’s support of Warden Helm’s violation of policy and because Upshaw did not like my own support of policy – real respect of Vol. Chaplain Melvin Bell. This is made absolutely and abundantly clear in Tab 18, supported by these 17 Tabs.

Though given a “choice” – no one in my position, unknowing of any problems at Polunsky, would have chosen anything else. An easy drive east 30 miles over a grueling 60 miles south – a no brainer. No real stress and a nice choice.

Outside of the rejection to return the Lewis Prison – of which I was still on the “books” – and Upshaw again catering to Warden Helm’s unethical and unprofessional rejection of my return, as all of this unfolded, there was another reason for my going to Polunsky.

Fall Guy Maness – Not Quite as They Planned. Upshaw and soon-to-retire Senior Warden Timothy Simmons very clearly *needed* someone to become their Fall Guy – Maness – to allow them to *begin* their correcting of their five-plus years of cover up of the hoard of Polunsky Chaplaincy Department violations and their own illegal super-favor to their Chaplain David Collier. Only, they did not count on thing, even under the duress of a fresh reprieve from dismissal proceedings – no matter – that I would take as strong a stand FOR POLICY as soon as I did.

Item 10b. Dismissal Mediation Papers

Why bother showing this? Because it is important to note that this process is a *formal* process with a whole lot of “T” crossing and “I” dotting, running across several desk to avoid “mistakes” and such. My delay of my first Dismissal Hearing, and subsequent rescheduling, is somehow related to how Chaplain Jose Vitela and his whole application, interview, and notification of *hiring* was later *nullified*. After all, I have no doubt it was because Simmons and Upshaw *knew* Vitela was just a good old Catholic *volunteer* of integrity and *loved* Polunsky as it was, unknowing the Polunsky Chaplaincy was violating a hoard of policies for years. That could not continue forever and Upshaw fail to be held accountable, eventually.

That is my educated opinion at this time, until a more thorough investigation of that side-story reveals something better or something more cogent.

Item 11. Dr. Keith Bellamy Letter Supporting Maness on Facebook

Critically Important – I cannot stress how important this letter is, or my disgust at Michael Upshaw’s total rejection of it. If my disciplinary was truly for violating an SOP for not *re-asking* for permission for every each and every subsequent use – then this letter should be seen as hard evidence that I used the photos precisely as first asked. But, in the light of all, real issue was that Upshaw as not interested in evidence in my favor, and he is responsible for other more serious violations, only accountable for them.

April 14, 2012

To whom it may concern:

re: Facebook “Thank You”

I am writing to support my colleague in ministry, and friend Chaplain Michael Maness. I have known him for nearly thirteen years, and we have both been active in the Tyler County Alliance for as long.

As one of his many Facebook friends, I appreciated his sharing of the photos of prisoners putting together Christmas card packages. Our church like many other churches in the area – including his own First Baptist Church of Woodville – has donated to help with that important ministry over the last nearly thirteen years. His posting of the photos was a great way to say “thank you” to our church family, to me, and to many in our church who also happen to be his “friend” on Facebook. He has many Facebook “friends” who have simply become his friend to be a part of his ministry in the many places he serves, not only in prison but all around the community and state.

Sharing photos of prisoners putting together the Christmas cards for other prisoners (many of which do not have money to buy any cards) inspired me and our congregation to continue participating in helping prisoners. That is how I viewed his sharing of the photos, too. Having known him and served with him at the prison for these years, I never once construed the sharing of those photos as any kind of inappropriate relationship with a prisoner, but quite the opposite – all about a professional sharing what he is supposed to share, helping prisoners help others. There is not enough sharing, in my opinion, of the good work going on out there in Gib Lewis Chapel. I would like to share photos of me teaching my class with my church and Facebook ministry. I believe it is a statewide push to increase ministry, and I am helping with the new faith-based program, too.

Not only did I feel appreciated, but many in our church and in other churches who are Facebook savvy could, if they wanted to, share our churches participation in that ministry by “sharing” a link through Facebook’s robust social networking. A great way to say “thank you.”

Also, as one of Chaplain Maness’ confidantes, it is important for me to share that Facebook is an important ministry tool, in many ways the only way to reach the younger generation these days. Like Chaplain Maness, I do NOT share personal stuff, like when I go to bed, go to the store, go on vacation, etc. I use Facebook to network with friends, church members, and others, some of which I have never met, but desire my own inspirations I try to share. Like Chaplain Maness, I regularly share an inspirational work or photo to “lift up” some person.

Interestingly enough, Facebook has recently changed its format, and some of us have bemoaned the change to the new Timeline. That is, chronologically now, one can view the postings from today and backward to the beginning of one's time on Facebook. See the whole history. If one looks, really looks, at what Chaplain Maness has posted, one will see ministry to people in general and to many specific people. He does not post any personal stuff at all, no family, no vacations, no personal barbeques, and no family Christmas dinners at all. It is all ministry related.

I hope this will help not only Chaplain Maness, but TDCJ in its efforts to help keep all safe and foster prisoner rehabilitation.

If you have any questions, please feel free to call.

Very sincerely,

Keith Bellamy

Dr. Keith Bellamy, Minister
Woodville Church of Christ
New Life Behavior Ministries Regional Director
Tyler County Chaplain
Tyler County Hospital Head Chaplain
Cell 409-429-6315



TAB 17. Maness Disciplinary 3 – Dismissal ??
State Employees Are Supposed to be Treated Equally



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SUBJECT: Media Release

AUTHORITY: ED 02.40, AD 07.35, TDCJ Media Release Form

PURPOSE: To inform chaplains of the requirements for tape recording and/or photography (still and video) and/or interviewing of offenders.


POLICY: Consenting offenders may be interviewed, recorded and photographed while incarcerated within TDCJ.

DISCUSSION:

- I. Photographing of offenders in TDCJ can raise legitimate security concerns for staff of units with TDCJ.
- II. In addition, legal issues may arise if pictures which are not properly authorized are circulated.

GUIDING POLICY:

- I. Offenders will be photographed, recorded, interviewed for publication purposes or other purposes only with the Unit Warden's approval.
- II. Media guests, (including newspaper, radio and television reporters and photographers), will be allowed to visit the unit only with the approval of the Public Information Office Director and the Unit Warden. Media requests will be processed in accordance with ED 02.40.
- III. Representatives from a volunteer group (e.g., Bill Glass Ministries) will be allowed on the unit only with the Unit Warden's approval. Representatives of a volunteer group will be processed either as special visitors in accordance with AD 07.35 or as a visitor of TDCJ.
- IV. Prior to interviewing, recording, photographing, etc., an offender, the Unit Chaplain or designee, appropriate witnesses and the offender will complete the Texas Department of Criminal Justice Media Release Form (Attachment A). Copies of the Media Release Form are available on the TDCJ Intranet as Attachment A of ED 02.40, through the Chaplaincy Department or the Warden's office. The offender should sign two copies of the form – he may keep one copy and the other should be maintained in the offender's file.


Bill Pierce
Director of Chaplaincy Operations

One has to be malicious to contrive from this any expectation that one needs to come back and re-ask for permission for every single subsequent use of a photo. There is no question to this malicious disciplinary.

Just plain dirty pool. Calculated Malignancy that NEEDS Stopped!

Guess what? Worse, this very policy was deleted in the 2012 Chaplaincy Manual given to the TDCJ Chaplains in August of 2012! **I was FIRED for a policy that was deleted!** Fine work, that was. Don't tell me, either, that the CDs of the *new* manual were not put together until *after* I was fired on 4-17-12. Come now. They were *thinking* about that *after* my disciplinary, and – what? – decided to delete it. To triple the irony here, in its place in the *appendix* is Executive Directive (ED) 02.40, News Media Relations, which – so apropos here – in their own appendix it follows ED 02.01, TDCJ Ethics Policy. Ain't dat sweet? But who cares? So many *wardens* and one enchanted chaplain can do what they please, anyway, and the real story of this investigation will need OIG's Sherlock Holmes, but I am betting Upshaw simply pirated it.

TAB 17. Maness Disciplinary 3 – Dismissal ??
State Employees Are Supposed to be Treated Equally

Item 7. Maness Offense Investigation Report – Lewis Contrived

**Texas Department of Criminal Justice
EMPLOYEE OFFENSE AND PRE-HEARING INVESTIGATION REPORT**

Purpose: This form shall be used to record alleged violations of rules or regulations by employees. It shall also serve as a pre-hearing investigation report. If additional space is needed for any portion of this report, a continuation sheet may be attached.

I. To be completed by the Charging Official:

Employee Name: Maness Michael G SSN: [REDACTED]
Last First MI

Payroll Job Title: Chaplain II **Date(s) of Incident(s):** November 23, 2011
(mm/dd/yyyy)

Description of employee's specific conduct (do not reference Rule No. or describe the rule):
On November 23, 2011, Chaplain Michael Maness submitted an IOC requesting approval from Warden F. Helm to take photographs of agency offender from the Gib Lewis Unit. The IOC stated the photographs would be used as a "thank you" to local churches who donated holiday cards for the offender population. An investigation, at a later date, found these photographs were downloaded and posted on Chaplain Maness' personal Face Book page. Upon interviewing Warden Ginsel, Warden Helm and Major Bryant of the Gib Lewis Unit, all stated that they did not at any time give authorization to Chaplain Maness to post these on his Face Book page. During an interview with Chaplain Maness on March 21, 2012, he verbally stated that he did not ask or notify Unit Administration prior to posting the photograph on his personal Face Book page. Chaplaincy Policy 08.04 Guiding Policy, Roman Numeral 1, states "Offenders will be photographed, recorded, interviewed for publication purposes or other purposes only with the Wardens approval". Further investigation into Chaplain Maness' Face Book page found a Charlotte Graham listed as his friend. Upon review, I found that Charlotte Graham is the wife of offender Graham, David TDCJ #00837388 convicted of Capital Murder from Tarrant County. The offender is currently housed at the Ramsey 1 Unit. Mrs. Graham is identified as offender Graham's wife on his visitation records. Review of offender Graham's records indicate he has never been assigned to the Gib Lewis facility. During an interview with Chaplain Maness I asked him if he personally knew Charlotte Graham and showed him a copy of his Face Book page with her listed as a friend, he advised he did not know her and must have added her by mistake.

The employee's conduct may be a violation of Rule No.: Level 2, Code 20 and Level 2, Code 42c

Warden Bill Lewis *Bill Lewis* 4/5/2012
Charging Official Name/Title (print) Signature Date

II. Employee's Statement: The pre-hearing investigator shall obtain an employee's statement even when a Use of Force (UOF) Fact-Finding Inquiry, Risk Management Incident Review Board or Office of the Inspector General (OIG) investigation has been conducted.

I had no idea who she was for all I know do use - have been doing them for 19 years - ~~she~~ I have many "friends" I do not know own my facebook page as it is mainly an outlet for my books.

Employee's Signature: *Michael G. Maness* **Date:** 4-16-12

Note to Employee: With few exceptions, you are entitled upon request: (1) to be informed about the information the Agency collects about you; and (2) under Texas Government Code §§552.021 and 552.023, to receive and review the collected information. Under Texas Government Code §559.004 you are also entitled to request, in accordance with the Agency's procedures, that incorrect information the Agency has collected about you be corrected.

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Page 1 of 2

Item 8a. Lewis Unit Warden Brewer Concurs (?)

III. Witnesses: See attached.

IV. Pre-Hearing Investigator's Review/Recommendation:

Employee Hearing: Yes No If Yes, Alleged Rule Violation No(s): 2A, 42C

Comments: SEE ATTACHED 10C

WAYNE BREWER W [Signature] 4/10/12
Investigator's Name/Title (print) Signature Date

V. Reprimanding Authority's Action:

Proceed to Employee Hearing Alleged Rule Violation No(s): 2/90/42C

No Employee Hearing and no action taken

No Employee Hearing and other action taken (e.g., dispute resolution, training). Attach explanation of action taken.

Ch. Heuter [Signature] 4-11-12
Reprimanding Authority's Name/Title (print) Signature Date

PERS 325 (01/09)

Page 2 of 2

Funny thing here, my interview with Warden Brewer was nearly amicable; he even said I should “not have anything to worry about.” He did not even give me the courtesy of telling me he “concurred.” This had the following attached.

TAB 17. Maness Disciplinary 3 – Dismissal ??
State Employees Are Supposed to be Treated Equally

Item 9a. Hunter “Fires” Maness – For What? –

For What? – for posting photos on my Facebook page of prisoner putting together Christmas Card packages that I had the written permission to take and TDCJ lawyer-created Media Releases – as bogus as anything ever was.

Texas Department of Criminal Justice REPRIMAND FORM				OIG#:	EEO#
Employee Name: <u>Maness</u>		<u>Michael</u>		MAUF/MUF#:	
Last: <u>Maness</u>		First: <u>Michael</u>		SSN: XXXXXXXXXX	
Payroll Job Title: <u>Chaplain II</u>		Unit/Dept: <u>GL/Chaplain</u>		Date Pre-Hearing Investigation Completed: <u>04/10/2012</u>	
Date(s) of Violation(s): <u>11/23/2011</u>		VIOLATION(S):			
Level:	<u>2</u>	No.	<u>20</u>	Rule Title:	Violation of Statutory Authority/Court Order/Rules/Regulations/Policies
					<input type="checkbox"/> Yes <input type="checkbox"/> No
Level:	<u>2</u>	No.	<u>42C</u>	Rule Title:	Continuation/Establishment of Offender Relationship that Jeopardizes Security or Compromises the Employee (other than cohabitation or sexual misconduct)
					<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Synopsis of Incident(s): On November 23, 2011, Chaplain Michael Maness submitted an IOC requesting approval from Warden F. Helm to take photographs of agency offenders from the Gib Lewis Unit. The IOC stated the photographs would be used as a "thank you" to local churches who donated holiday cards for the offender population. An investigation, at a later date, found these photographs were downloaded and posted on Chaplain Maness' personal Face book page. Upon interviewing Warden Ginsel, Warden Helm and Major Bryant of the Gib Lewis Unit, all stated that they did not at any time give authorization to Chaplain Maness to post these on his Face book page.					
DISCIPLINARY ACTION: Is this a subsequent violation(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list applicable previous Rule No. violation(s) and disciplinary date(s): L 4 #7 2/14/2012 L3 #36 2/14/2012					
Check and complete one (1) or more of the following:					
<input type="checkbox"/> NO DISCIPLINE IMPOSED (Provide justification at bottom of page.)					
<input type="checkbox"/> REPRIMAND ONLY					
<input type="checkbox"/> DISCIPLINARY PROBATION: _____ Calendar Months Beginning: _____ Ending*: _____					
<small>*Note to Employees: If you are on a full calendar month of leave without pay during your period of disciplinary probation, including a full calendar month of suspension without pay, the probation period ending date shall be adjusted by adding one full calendar month to the original ending date. If you are in a career ladder position, any period of disciplinary probation and an adjusted disciplinary probation ending date shall postpone future career ladder salary adjustments.</small>					
<input type="checkbox"/> SUSPENSION WITHOUT PAY: _____ Workdays Beginning: _____ Return: _____					
<input type="checkbox"/> REDUCTION IN PAY TO: \$ _____ Beginning: _____ Ending: _____					
<input type="checkbox"/> DEMOTION TO (Title/Salary Group) _____ Beginning: _____ Ending: _____					
<input checked="" type="checkbox"/> DISMISSAL RECOMMENDED, WITH FOLLOWING ACTION DURING INTERIM:					
<input checked="" type="checkbox"/> Involuntary Use of Compensatory Time/Holiday Time					
<input type="checkbox"/> Voluntary Use of Overtime/Vacation Time (Attach a copy of PERS 24, Leave Request)					
<input type="checkbox"/> Suspension Without Pay					
<input type="checkbox"/> Change to Another Job Assignment					
<input type="checkbox"/> Administrative Leave (can only be granted by the Executive Director)					
DISCIPLINE IS: <input checked="" type="checkbox"/> Within <input type="checkbox"/> Above <input type="checkbox"/> Below the guidelines (Provide justification at bottom of page if above or below.)					
For violations of Rule No. 24 or 25, check one (1) of the following: This violation <input checked="" type="checkbox"/> did <input type="checkbox"/> did not involve an aggravated use of excessive force.					
JUSTIFICATION (If applicable): <u>324 L4B</u>					
G. A. Hunter, Senior Warden II		Signature: <u>[Signature]</u>		Date: <u>4-17-12</u>	
Reprimanding Authority Name/Title (printed)		Employee's Acknowledgment: I have been advised of the procedures of progressive disciplinary actions, and my right to file a grievance. I acknowledge receipt of a copy of this reprimand and know the original is to be placed in my Master Health Resources File. If recommended for dismissal, I verify the following are my current address and phone number:			
Mailing Address: _____		<u>durilla tx 75929</u>			
Phone Number, Including Area Code: _____		<u>409-383-8467</u>			
Employee Signature: <u>[Signature]</u>		Date: <u>4-17-12</u>			
<small>Note to Employees: With few exceptions, you are entitled upon request: (1) to be informed about the information the Agency collects about you; and (2) under Texas Government Code §§92.021 and 92.023, to review and correct the collected information. Under Texas Government Code §59.004, you are also entitled to request, in accordance with the Agency's procedures, that incorrect information the Agency has collected about you be corrected.</small>					
<small>Original: Labor Relations Section, HRSD (with copy of support documentation) Copy: Employee Copy: Independence Employee Disciplinary File Copy: Payroll Department, ONLY when the action involves a payroll issue (suspension, reduction to pay or dismissal)</small>					
PERS 185 (01/09)					

There it is – with more loose ends than anyone can shake a stick at. I have to make a BIG stink, and then I am allowed to use my vacation time to go through mediation.

Item 9b. Hunter “Firing” Narrative – Bogus

When Region 1 Chaplain Stephen Ulmer and I walked into Hunter’s office at the Lewis Prison, Hunter thumbed through the evidence and said, “I have not really looked at this.” That was odd. After a couple of minutes of thumbing, Hunter said, “There is no evidence of ‘Inappropriate Relationship,’” and he struck that down.

“However,” he said in so many words, “I am going to fire you for posting the photos on Facebook. I think you posted them there to get money for your books.”

That was that.

And there was something else, too, a hostility to Region 1 Chaplain Ulmer, for Ulmer’s good and honest investigation of Volunteer Bell.

In the light of all, including my time at Polunsky, my efforts to resolve all, the host of Open Record requests, ongoing analyses of the documents, and this last year’s study – after all, it appears clearer and clearer that Upshaw favored Helm and sent or manipulated for Hunter to come to the Lewis Prison for reasons *other* than TDCJ’s best interests. How Warden Helm would feel so free to do what he did to Vol. Bell is one point of evidence, and another was how Helm simply *cancelled* the entire agreement so carefully worked up by Volunteer Virginia Haynes in her building of the Lewis Prison Faith-Based Program.

All – at the arrival of Hunter – yes, OIG needs to look at this.

And then – what? – Hunter goes to Polunsky, Alford promotes to Region 1 Director, and Upshaw promotes to Division Director.

To date, we have no answer to the mystery of Chaplain Collier’s favor.

One thing is certain – Upshaw appears to be at the center of something yet to be determined, and treason appears to be in the air.

Item 10a. Dismissal Mediation – and the Big Stink

A rude awakening after my Dismissal Recommendation by Senior Warden Gary Hunter, him calling it “firing” and other oddities already mentioned, his refusal to allow me to use my vacation time to run the course to an Official Mediation Hearing was nothing other than wicked. In retrospect, given how many violations Hunter participated in with his Asst. Warden Frank Helm, it became clearer that Hunter was on orders from someone else, even then Reg. 1 Dir. Michael Upshaw. No one is dismissed for these things.

I filed for my retirement in April 2012, to become effective April 30th. A sad time.

The BIG STINK. I made a Big Stink about it, too, telling several important persons and my State Representative James White. Fortunately, the last day before my retirement became effective – I’ll never forget it – I got a precious call from Jan Thorton, who told that I could, indeed, use my over 400 vacation hours to appeal and proceed to a Mediation Hearing.

As the Mediation Hearing with Reg. 1 Dir. Michael Upshaw came, and as is typical of such, I was given time-specific and stringent guidelines to follow. The letter I received gave evidence of a complicated process that involved several, and a paperwork trail of no small proportions. I followed them to the letter, as I did for 20 years.

The day and time came, and I made the trip to Huntsville to Upshaw’s office in the old Exec. Director’s mansion. I had Virginia Haynes as my advocate, and we waited.

Maness’ First Hearing Suspended. Strange as it might seem, I was told that a “mistake” had been made and that I would have to be rescheduled (I don’t remember precisely all that was said). What is paramount, given all that Upshaw has been up to, is that it appears the delay or “mistake” had more contrivance to it. These kinds of hearings were not set up by *mistake*, not TDCJ.

Jose Vitela. At the same time, unbeknownst to me, the Polunsky Prison was looking for another Chaplain, had posted the position, and Volunteer Chaplain Jose Vitela applied, interviewed, and – listen to this – he got the job. He was a part of the RIF years ago, and he had been volunteering at Polunsky for years. After my Dismissal Hearing with Upshaw, and I was “offered” the Polunsky Prison, and I took it and was in the office, I had the displeasure of informing him that I had gotten the position. A teardrop fell, it broke his heart. More on that later.

Maness’ Second Hearing. At my *second* appointment, I had had a meeting with Dep. Dir. Bryan Collier, and he dropped my first disciplinary, which fairly well shifted the administrative balance on the number of available “disciplinaries” demanding dismissal. Collier told Upshaw, which should have almost assured a negation of any Dismissal Recommendation. Reg. 1 Dir. Upshaw proceeded with the hearing, but he did not at all value the TDCJ lawyer-created Media Releases nor Item 11, the “Dr. Keith Bellamy Letter of Support.” Upshaw clearly and forcefully and adamantly supported the crazy rationale that, yes, I needed to ask for permission for each and every subsequent use of a photo, even 20 years later. There was nothing else that mattered to Upshaw, at that point, and afterward, he withdrew the Dismissal, and offered me with the LeBlanc Prison in Beaumont or the Polunsky Prison in Livingston; yes, a “choice.”

Lewis Prison. But why? I done *nothing* to prevent my return to the Lewis Prison, and I had spent 20 years at the Lewis Prison. In light of all, part of the reason was Upshaw’s support of Warden Helm’s violation of policy and because Upshaw did not like my own support of policy – real respect of Vol. Chaplain Melvin Bell. This is made absolutely and abundantly clear in Tab 18, supported by these 17 Tabs.

Though given a “choice” – no one in my position, unknowing of any problems at Polunsky, would have chosen anything else. An easy drive east 30 miles over a grueling 60 miles south – a no brainer. No real stress and a nice choice.

Outside of the rejection to return the Lewis Prison – of which I was still on the “books” – and Upshaw again catering to Warden Helm’s unethical and unprofessional rejection of my return, as all of this unfolded, there was another reason for my going to Polunsky.

Fall Guy Maness – Not Quite as They Planned. Upshaw and soon-to-retire Senior Warden Timothy Simmons very clearly *needed* someone to become their Fall Guy – Maness – to allow them to *begin* their correcting of their five-plus years of cover up of the hoard of Polunsky Chaplaincy Department violations and their own illegal super-favor to their Chaplain David Collier. Only, they did not count on thing, even under the duress of a fresh reprieve from dismissal proceedings – no matter – that I would take as strong a stand FOR POLICY as soon as I did.

Item 10b. Dismissal Mediation Papers

Why bother showing this? Because it is important to note that this process is a *formal* process with a whole lot of “T” crossing and “I” dotting, running across several desk to avoid “mistakes” and such. My delay of my first Dismissal Hearing, and subsequent rescheduling, is somehow related to how Chaplain Jose Vitela and his whole application, interview, and notification of *hiring* was later *nullified*. After all, I have no doubt it was because Simmons and Upshaw *knew* Vitela was just a good old Catholic *volunteer* of integrity and *loved* Polunsky as it was, unknowing the Polunsky Chaplaincy was violating a hoard of policies for years. That could not continue forever and Upshaw fail to be held accountable, eventually.

That is my educated opinion at this time, until a more thorough investigation of that side-story reveals something better or something more cogent.

Item 11. Dr. Keith Bellamy Letter Supporting Maness on Facebook

Critically Important – I cannot stress how important this letter is, or my disgust at Michael Upshaw’s total rejection of it. If my disciplinary was truly for violating an SOP for not *re-asking* for permission for every each and every subsequent use – then this letter should be seen as hard evidence that I used the photos precisely as first asked. But, in the light of all, real issue was that Upshaw as not interested in evidence in my favor, and he is responsible for other more serious violations, only accountable for them.

April 14, 2012

To whom it may concern:

re: Facebook “Thank You”

I am writing to support my colleague in ministry, and friend Chaplain Michael Maness. I have known him for nearly thirteen years, and we have both been active in the Tyler County Alliance for as long.

As one of his many Facebook friends, I appreciated his sharing of the photos of prisoners putting together Christmas card packages. Our church like many other churches in the area – including his own First Baptist Church of Woodville – has donated to help with that important ministry over the last nearly thirteen years. His posting of the photos was a great way to say “thank you” to our church family, to me, and to many in our church who also happen to be his “friend” on Facebook. He has many Facebook “friends” who have simply become his friend to be a part of his ministry in the many places he serves, not only in prison but all around the community and state.

Sharing photos of prisoners putting together the Christmas cards for other prisoners (many of which do not have money to buy any cards) inspired me and our congregation to continue participating in helping prisoners. That is how I viewed his sharing of the photos, too. Having known him and served with him at the prison for these years, I never once construed the sharing of those photos as any kind of inappropriate relationship with a prisoner, but quite the opposite – all about a professional sharing what he is supposed to share, helping prisoners help others. There is not enough sharing, in my opinion, of the good work going on out there in Gib Lewis Chapel. I would like to share photos of me teaching my class with my church and Facebook ministry. I believe it is a statewide push to increase ministry, and I am helping with the new faith-based program, too.

Not only did I feel appreciated, but many in our church and in other churches who are Facebook savvy could, if they wanted to, share our churches participation in that ministry by “sharing” a link through Facebook’s robust social networking. A great way to say “thank you.”

Also, as one of Chaplain Maness’ confidantes, it is important for me to share that Facebook is an important ministry tool, in many ways the only way to reach the younger generation these days. Like Chaplain Maness, I do NOT share personal stuff, like when I go to bed, go to the store, go on vacation, etc. I use Facebook to network with friends, church members, and others, some of which I have never met, but desire my own inspirations I try to share. Like Chaplain Maness, I regularly share an inspirational work or photo to “lift up” some person.

Interestingly enough, Facebook has recently changed its format, and some of us have bemoaned the change to the new Timeline. That is, chronologically now, one can view the postings from today and backward to the beginning of one's time on Facebook. See the whole history. If one looks, really looks, at what Chaplain Maness has posted, one will see ministry to people in general and to many specific people. He does not post any personal stuff at all, no family, no vacations, no personal barbeques, and no family Christmas dinners at all. It is all ministry related.

I hope this will help not only Chaplain Maness, but TDCJ in its efforts to help keep all safe and foster prisoner rehabilitation.

If you have any questions, please feel free to call.

Very sincerely,

Keith Bellamy

Dr. Keith Bellamy, Minister
Woodville Church of Christ
New Life Behavior Ministries Regional Director
Tyler County Chaplain
Tyler County Hospital Head Chaplain
Cell 409-429-6315



TAB 17. Maness Disciplinary 3 – Dismissal ??
State Employees Are Supposed to be Treated Equally



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Tab 18.

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