



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

New Hampshire

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Devon Chaffee,

Executive Director

July 16, 2019

BY HAND

W. Michael Scanlon, Clerk
Hillsborough County Superior Court North
300 Chestnut Street
Manchester, NH 03101

RE: Rafael Pepen v. David Dionne, Superintendent of the Hillsborough County
Department of Corrections, No. 216-2019-cv-00579

Dear Clerk Scanlon:

Enclosed for filing in the above-referenced matter, please find Petitioner's Objection to the Respondent Department's Oral Motion to Dismiss, which includes Exhibits A and B. Also attached is a CD containing three videos of surveillance footage from the booking area entitled "Pepen 070519 1," "Pepen 070519 2," and "Pepen 070519 3."

Do not hesitate to contact me if you have any questions.

Very truly yours,



Gilles Bissonnette

cc: Carolyn Kirby, Esq.
Stephen Rosecan, Esq.
SangYeob Kim, Esq.
Henry Klementowicz, Esq.

Enclosures

STATE OF NEW HAMPSHIRE
HILLSBOROUGH COUNTY SUPERIOR COURT, NORTHERN DIVISION
Docket No. 216-2019-cv-00579

RAFAEL PEPEN

v.

DAVID DIONNE, SUPERINTENDENT OF THE HILLSBOROUGH COUNTY
DEPARTMENT OF CORRECTIONS

**PETITIONER’S OBJECTION TO THE RESPONDENT DEPARTMENT’S ORAL
MOTION TO DISMISS**

NOW COMES the Petitioner, Rafael Pepen—through counsel Gilles Bissonnette, Henry Klementowicz, and SangYeob Kim of the American Civil Liberties Union of New Hampshire—and respectfully submits this Objection to the Respondent Hillsborough County Department of Correction’s (hereinafter “the Department”) July 8, 2019 oral Motion to Dismiss. In support thereof, Pepen states as follows.

INTRODUCTION

1. Petitioner Pepen brings this case seeking to demonstrate that New Hampshire law does not authorize the Respondent Hillsborough County Department of Corrections to arrest and seize an individual pursuant to a federal civil immigration detainer. Pepen should have been released on July 5, 2019 at 9:30 a.m. when his charges were nol prossed at the Hillsborough County Superior Court (Northern Division) Courthouse. Instead, he was apparently transferred from the Courthouse to the Department, arriving at approximately 12:40 p.m. The Department then held Pepen on an immigration detainer until approximately 1:15 p.m., at which time the Department turned him over to federal immigration authorities. Thus, the Department’s unlawful detention of Pepen pursuant to an immigration detainer lasted for at least approximately 35 minutes. The Department orally urged this Court to dismiss this case as moot at the July 8, 2019 hearing in this

case. The Department is wrong. The case should not be dismissed because it comes within the well-recognized exceptions to the mootness doctrine of (i) cases that are capable of repetition yet evading review and (ii) cases that present a pressing public interest.

FACTS

2. On July 5, 2019, at approximately 9:30 a.m. at the Hillsborough County Superior Court (Northern Division) Courthouse, the State nol prossed two pending criminal matters in which Pepen was a defendant. *Amend. Pet.* ¶ 3; *Pet.* ¶ 1.¹ As a result, Pepen’s bail orders in those criminal matters were automatically vacated. *Amend. Pet.* ¶ 3; *Pet.* ¶ 1.

3. However, on the morning of July 5, 2019 soon after the charges were nol prossed, a Sheriff in the holding area of the Courthouse indicated to Pepen’s criminal defense counsel—Attorney Stephen Rosecan—that (i) the Hillsborough County Department of Corrections was reporting that there was an “immigration detainer” against Pepen, and (ii) the Department indicated to the Sheriff that the Department was going to hold Pepen. *Amend. Pet.* ¶ 4; *Pet.* ¶ 2.

4. As a result, that day at approximately 12:15 p.m., Petitioner filed a Petition for Writ of Habeas Corpus with this Court seeking Pepen’s release. However, the Petition was completed and physically served on the Department at approximately 10:35 a.m. that morning. The Petition was not filed with the Court until 12:15 p.m. because defense counsel was unable to file it electronically, thereby requiring the filing to be done manually at the Clerk’s Office. *Amend. Pet.* ¶ 6.

5. According to the Department’s documents, on July 5, Pepen was transferred from the Courthouse to the Department, arriving at approximately 12:40 p.m. *See Rafael Pepen Inmate*

¹ On July 10, 2019, Pepen filed a *Motion for Leave to Amend Petition for Writ of Habeas Corpus* and contemporaneously an *Amended Petition for Writ of Habeas Corpus*. On July 11, 2019, counsel for the Department informed Pepen’s counsel that the Department will not be filing an objection to the Motion for Leave to Amend.

Summary (stating “NOL PROS 07/05/2019 @ 1240 HOURS”), attached at Exhibit A. According to the Department, at approximately 12:45 p.m. on July 5, 2019, Corrections Officer Leduc from the Department called Immigration and Customs Enforcement (hereinafter “ICE”). The Department then continued to involuntarily detain Pepen on an immigration detainer in a locked cell adjoined to the booking area until ICE arrived. At approximately 1:15 p.m., the Department—apparently through Corrections Officer Leduc—transferred Pepen to an ICE agent who arrived at the Department’s secure booking area. *Answer* ¶ 5. A summary sheet provided by the Department lists “ICE DETAINER” “Resolved—Release to Other Agency – RELEASED TO ICE AGENT ALEX GODINEZ on 07/05/2019 @ 1315 HOURS.” See Rafael Pepen Inmate Summary, attached at Exhibit A. ICE Agent Alex Godinez, in fact, signed the Department’s Custody Acceptance Form as “Officer accepting custody,” which further establishes that the Department held Pepen for ICE. See Custody Acceptance Form, attached at Exhibit B. Thus, the Department’s unlawful detention of Pepen pursuant to an immigration detainer lasted for at least approximately 35 minutes according to the Department’s own documents—from approximately 12:40 p.m. to approximately 1:15 p.m. The approximate 35-minute detention is further confirmed by surveillance camera footage of the Department’s booking area, which shows how the Department detained Pepen from approximately 12:43 p.m. to 1:17 p.m. Three videos of surveillance footage from the booking area are on the attached CD and are entitled “Pepen 070519 1,” “Pepen 070519 2,” and “Pepen 070519 3.”

6. The case was not moot when it was filed at 12:15 p.m. on July 5, as the Department did not release Pepen to ICE until approximately 1:15 p.m. that day.

7. At the July 8, 2019 hearing in this case, the Department, despite not having filed a written motion, asked the Court to dismiss Pepin’s original Petition for a Writ of Habeas Corpus

on mootness grounds.² The Department is wrong for two independent reasons. First, this case is capable of repetition yet evading review. And second, this case involves a pressing public interest.

ARGUMENT

8. “The doctrine of mootness is designed to avoid deciding issues that have become academic or dead. However, the question of mootness is not subject to rigid rules, but is regarded as one of convenience and discretion.” *LeBaron v. Wight*, 156 N.H. 583, 585 (2007). The New Hampshire Supreme Court has recognized that cases that are “capable of repetition, yet evading review” are a “familiar exception to the mootness doctrine.” *State v. Carter*, 167 N.H. 161, 164-65 (2014). Where a court decision would not directly affect the litigant in a particular case, but where future similarly situated people could be impacted, cases are not moot. *See State v. Gagne*, 129 N.H. 93, 96 (1986) (“Further, the Gagne case raises an issue which is ‘capable of repetition, yet evading review.’ Although a decision by this court will not affect the proceedings pending against Gagne, future defendants in a similar situation could be subjected to like constitutional deprivations. The issue is therefore not moot.”). In addition, “[a] decision upon the merits may be justified where there is a pressing public interest involved, or future litigation may be avoided.” *Sullivan v. Town of Hampton Bd. of Selectmen*, 153 N.H. 690, 692 (2006). Each of these mootness exceptions applies here.

I. The Dispute is Capable of Repetition, Yet Evading Review

9. The issue raised in this case—namely, whether detentions by state actors pursuant to federal immigration detainers are authorized under New Hampshire law—is capable of repetition. Upon information and belief, the Department, as well as other law enforcement

² The Department also suggested that any injury Peppen sustained was *de minimis*. But the brevity of an illegal detention does not provide a basis to dismiss a petition for a writ of habeas corpus, and the Department points to no authority to the contrary.

agencies in New Hampshire, routinely hold individuals solely on the basis of ICE requests and detainers. Moreover, this issue is capable of evading meaningful judicial review. ICE detainers request that a person be held for up to 48 hours beyond the time when the inmate would otherwise have been released from custody. These detentions—which can range from minutes to 48 hours—do not allow time for meaningful judicial review at the trial court level or on appeal. In this particular case, the original Petition for Writ of Habeas Corpus was filed on a Friday shortly after noon, and a hearing was scheduled for the following Monday, which is more than the 48 hours ICE requests a person be detained for.

10. New Hampshire case law easily supports the use of this mootness exception in this case. For example, in *Gentry v. Warden, N. N.H. Correctional Facility*, 163 N.H. 280 (2012), the New Hampshire Supreme Court considered an appeal from the denial of a petition for a writ of habeas corpus. There, the petitioner was arrested on a parole violation, and held for 55 days before he received a parole hearing. *Id.* at 281. At the parole hearing, the parole board recommitted the petitioner for 90 days as a result of his violation. *Id.* The petitioner sought to have the 55 days he had served in confinement before the hearing set off against his sanction, a request which was denied. *Id.* Petitioner filed a petition for a writ of habeas corpus, which was denied by the Superior Court. *Id.* By the time of oral argument before the New Hampshire Supreme Court, the State advised the Court that the petitioner had completed his maximum sentence, and therefore could not be subject to future probation revocations. *Id.* at n. 1. However, the Supreme Court explained: “Despite this, we do not regard the case as moot, because, given the short ninety-day recommitment mandated by the statute, the petitioner’s position that his is entitled to have the period of pre-hearing incarceration deducted from the sentence is clearly capable of repetition yet evading review.” *Id.*

11. *Gentry* settles the question of whether a habeas corpus challenge to an illegal or unauthorized detention like this one becomes moot upon the petitioner’s release from custody. It does not become moot. In both *Gentry* and this case, a detainee filed a petition for a writ of habeas corpus challenging his detention. In both *Gentry* and this case, the detainee had been released from state custody before the petition could be adjudicated, thereby rendering the case capable of evading judicial review. Thus, as in *Gentry*, the “capable of repetition yet evading review” exception to mootness governs this case. Indeed, the New Hampshire Supreme Court has repeatedly found challenges justiciable where, like this case, they are capable of repetition yet evading review. *See, e.g., Olson v. Town of Grafton*, 168 N.H. 563, 566 (2016) (challenge to decision to include the phrase “The Selectmen do not recommend this article” appearing on town ballots capable of repetition yet evading review); *State v. Carter*, 167 N.H. 161, 164 (2014) (challenge to denial of pre-indictment discovery capable of repetition yet evading review); *Fischer v. Strafford County House of Corrections*, 163 N.H. 515, 518 (2012) (challenge to denial of bail capable of repetition yet evading review); *Concord Orthopaedics Prof’l Ass’n v. Forbes*, 142 N.H. 440, 442 (1997) (challenge to enforceability of covenant not to compete capable of repetition yet evading review); *Chambers v. Gregg*, 135 N.H. 478, 479 (1992) (challenge to denial of right to know request capable of repetition yet evading review); *State v. Gagne*, 129 N.H. 93, 98 (1986) (challenge to district court’s authority to order competency evaluations capable of repetition yet evading review); *Royer v. State Dep’t of Employment Sec.*, 118 N.H. 673, 675 (1978) (challenge to denial of unemployment benefits capable of repetition yet evading review).

12. Moreover, other courts have held that challenges to state jails’ holding people otherwise entitled to release on immigration detainers are capable of repetition yet evading review. For example in *Lunn v. Commonwealth*, 78 N.E.3d 1143 (Mass. 2017), the Supreme Judicial Court

considered the case of a person who had been held in the county jail on a robbery charge. An immigration detainer was issued against him by the Department of Homeland Security, which requested Massachusetts authorities continue to hold him in state custody for up to two days after he would otherwise be released in order to give federal authorities time to take him into custody. *Id.* at 1147-48. The criminal case was dismissed, but Lunn continued to be held solely on the detainer. *Id.* His counsel filed a petition asking that he be released from custody, but by that time he had already been taken into federal custody. *Id.* A single justice of the Supreme Judicial Court “considered the matter moot, but recognizing that the petition raised important, recurring, and time-sensitive legal issues that would likely evade review in future cases, reserved and reported the case to the full court,” which considered and ultimately found the practice without authority under Massachusetts law. The Supreme Judicial Court ultimately held: “Massachusetts law provides no authority for Massachusetts court officers to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would ultimately be entitled to be released from State custody.” *Id.* at 1147, 1160.

13. Similarly, in *People ex rel. Wells v. DeMarco*, 88 N.Y.S.3d 518 (N.Y. App. Div. 2018), a panel of the New York Supreme Court (Appellate Division) considered the case of a person who had been held in state custody to stand trial for operating a motor vehicle under the influence of alcohol and disorderly conduct. After he was sentenced to time served, he was not released, and was instead returned to custody and held for federal immigration officials. *Id.* at 523-24. His counsel filed a petition for a writ of habeas corpus. During the pendency of his petition, he was transferred to federal custody. *Id.* at 524. After reviewing supplemental briefing, the Court held the matter should not be dismissed as moot. While noting that the petitioner was now “in the custody of ICE, and being lodged in a facility located out of the state, and adjudication

of the merits will not have any practical” consequence to him, the Court nonetheless found “this issue is likely to reoccur” and “aptly characterized as ephemeral in nature.” *Id.* at 525. As a result, it held that “a determination on the merits of the arguments presented is warranted.” *Id.* at 526. Ultimately, the Court concluded that the “detention by the sheriff [after petitioner was sentenced to time served], which detention commenced after the termination of [petitioner’s] court proceeding that day, was ... unlawful.” *Id.* at 536.

14. For these reasons, the mootness exception applying to cases that are capable of repetition yet evading review applies to this case.

II. This Case is Not Moot Because it Presents a Pressing Public Interest

15. This case is also not moot for the independent reason that it presents a pressing public interest—namely, whether New Hampshire law permits county officials to hold an individual on an immigration detainer beyond the time that the individual would ultimately be entitled to be released from custody. *See, e.g., Sullivan v. Town of Hampton Bd. of Selectmen*, 153 N.H. 690, 692 (2006) (“[a] decision upon the merits may be justified where there is a pressing public interest involved, or future litigation may be avoided”); *see also Bleiler v. Chief, Dover Police Dep’t*, 155 N.H. 693, 695 (2007) (finding sufficient interest in challenge to revocation of concealed carry permit to justify an exception to mootness). It is generally the case that being in the country unlawfully is not a crime, and immigration detainers are not evidence that a crime has been committed. *See Arizona v. United States*, 567 U.S. 387, 407 (2012) (explaining that, “[a]s a general rule, it is not a crime for a removable alien to remain present in the United States,” and, thus, “[i]f the police stop someone based on nothing more than possible removability, the usual predicate for an arrest is absent”). Yet, upon information and belief, the Department has a practice

of holding detainees who otherwise should be released in the community based solely on immigration detainers received by federal officials.

16. This legal question involves a pressing public interest. It is no exaggeration to say that, if the Amended Petition is granted, this Court would be protecting some of the most vulnerable in New Hampshire from state officials' illegal detentions in jail that have no authority in state law. Courts in other states have agreed that the importance of the issue presents a reason to hear the case. *See, e.g., People ex rel. Wells v. DeMarco*, 88 N.Y.S.3d 518, 526 (N.Y.A.D. 2d 2018) (declining to dismiss a challenge to state officials' practice of holding people on immigration detainers on mootness grounds noting "The issues presented are both novel and significant."); *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1148 (Mass 2017) (noting the petition raised "important" issues).

17. This case is also similar to *Proctor v. Butler*, 117 N.H. 927 (1977) *overruled on other grounds by In re Sanborn*, 130 N.H. 430, 443 (1988). There, the Supreme Court considered the cases of two people who were involuntarily committed to New Hampshire Hospital and challenged their commitments on the basis that they were not found to be dangerous beyond a reasonable doubt. By the time the Supreme Court heard the case, each petitioner had been released from the hospital, and the state argued the case was therefore moot. *Id.* at 930. The Supreme Court rejected that argument, writing: "There can be no justification for varying standards of proof in such proceedings, because they may culminate in a deprivation of an individual's most precious freedom—his personal liberty ... There is a pressing public interest calling for our resolution of this issue." *Id.* The Court continued that "[t]he substantial social costs stemming from continued uncertainty in the law, further establish the pressing public interest in a decision on the merits." *Id.* at 930-31 (citation and quotations omitted).

18. Like *Proctor*, this case involves the most precious freedom—here, personal liberty. And, like *Proctor*, there are substantial social costs coming from continued uncertainty. Without resolution of this legal issue, detainees could be continued to be held unlawfully by the Department and other government agencies during a climate of heated national debate around immigration without ever having an opportunity to challenge such detentions.

19. For these reasons, the mootness exception applying to cases that present a pressing public interest applies to this case.

CONCLUSION

20. For the reasons discuss above, the case is not moot, and the Department’s July 8, 2019 oral Motion to Dismiss should be denied.

WHEREFORE, Petitioner Rafael Pepen respectfully requests that this Honorable Court:

- A. Deny the Department’s oral Motion to Dismiss; and
- B. Grant any further relief as justice may require.

Respectfully submitted,

RAFAEL PEPEN,

/s/ Gilles Bissonnette



Gilles R. Bissonnette (N.H. Bar No. 265393)

Henry Klementowicz (N.H. Bar No. 21177)

SangYeob Kim (N.H. Bar No. 266657)

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July 16, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objection to Oral Motion to Dismiss has been served on counsel for the Respondent on this date, July 16, 2019, by email.

/s/ Gilles Bissonnette
Gilles Bissonnette



EXHIBIT

A

Hillsborough County Department of Corrections

PEPEN, RAFAEL (#BN2019-0190)



CCN#	63419	Deceased	No	Marital Status	Single
Sex	Male	Complexion	MEDIUM	Citizenship	UNITED STATES
DOB	7/26/67	Race	White	Country of Birth	
Age	51	Ethnicity	Not Hispanic	State of Birth	
Height	5' 9"	Last Grade	11th	Place of Birth	DR
Weight	180 lbs	Religion	NONE		
Build	MEDIUM				
Eye Color	Brown				
Hair Color	BLACK				

Distinctive Markings

None

Current Address 302 merrimack street apt 2w, manchester, NH 03103

Emergency Contact

Employer

Gang Affiliations

Occupation

CCN#	63419	Inmate Worker Status	Disapproved 02/05/2019	Laundry Bag PIN#	033 1967
Military	none	# of Children	2		
Uniform Size	LG				

Inmate Comments

Initial Cell	2A-2030 U	Current Cell	1D-1204 U
Booked By	Campbell, Travis	Held For	Manchester Police Department
Booking Date	01/17/19 04:25	Arresting Agency	Manchester PD
Arrest Location	MANCHESTER NH	Arresting Officer	CaTALDO, DEREK
Court		Court Case #	19-103 (1583186C)
Billed To	Manchester Police Department	Primary Hold Reason	New Arrest
Treat As	Adult	Holding Type	PreTrial
Gets Work Release	No	Required Cell Checks	
Allows Check Out	No		

Hold Reasons

HSC-NORTH

Hillsborough Superior Court - North - **Resolved - COMBINED CHARGES - COMBINED WITH 19-102 (1583180C) |**

318B:2 - POSSESSION C/DRUG INTENT TO SELL 318-B:2

Arrest Date 01/16/19 19:45

Court Case # 19-103 (1583186C)

Bond - Set By Judge

ICE DETAINER

Immigration Customs Enforcement - **Resolved - Release to Other Agency - RELEASED TO ICE AGENT ALEX GODINEZ ON 07/05/2019 @ 1315 HOURS**

OCA # ICE DETAINER
Arrest Date 01/16/19 19:45

MANCHESTER PD 106

Hillsborough Superior Court - North - **Resolved - Nolle Prossed - NOL PROS 07/05/2019 @ 1240 HOURS |**

318B:2 - SALE C/DRUG 318-B:2 - 2 counts

Arrest Date 01/16/19 19:45

Court HSC NORTH

Court Case # 19-102 (1583160C), 19-103 (1583186C)

Bond - PREVENTIVE DETENTION PURSUANT TO RSA 597:2, IV(a), Set By Judge

Hold Comments

Release Date	07/05/19 13:15	Released By	Leduc, John
Recipient	GODINEZ, ICE	Release Reason	Release to Other Agency

Release Comments

TURNED OVER TO ICE AGENT GODINEZ

I certify that the above information is correct.

Signed _____ **Date** _____
PEPEN, RAFAEL

Hillsborough County Department of Corrections

Medicine Log

Printed on July 10, 2019

PEPEN, RAFAEL (#BN2019-0190)

Prescribed Medicine

Medicine	Prescription Amount	Dispense Amount	M	A	E	N	w/FoodAs Needed	Start	End
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Dispensed Medicine

Medicine	Dispense Date	Dispensed By	Amount	Result	Comments
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Hillsborough County Department of Corrections

Inmate Bank

Printed on July 10, 2019

Bank Transactions for all dates
PEPEN, RAFAEL (#BN2019-0190)

<u>Date</u>	<u>CO</u>	<u>Transaction</u>	<u>Type</u>	<u>Check #</u>	<u>Debit</u>	<u>Credit</u>	<u>Balance</u>	<u>Comments</u>
01/17/19 04:34	Campbell, Travis	Deposit	Cash			\$251.00	\$251.00	

Inmate's Signature

Officer's Signature

Date

Date

Hillsborough County Department of Corrections

Inmate Property Intake Form

Printed on July 10, 2019

PEPEN, RAFAEL (#BN2019-0190)

Description	Qty	Location	Release Date	Released To
COAT 1 BLK-FAIR 1 PLAID-FAIR	2	Garment Bag	7/5/19	RAFAEL PEPEN
GLASSES RED-FAIR	1	Garment Bag	7/5/19	RAFAEL PEPEN
HATS 1 WHITE-FAIR 1 BLUE-FAIR	2	Garment Bag	7/5/19	RAFAEL PEPEN
Jeans 1 TAN-FAIR	2	Garment Bag	7/5/19	RAFAEL PEPEN
Sweater GRAY-FAIR	1	Garment Bag	7/5/19	RAFAEL PEPEN
Watch GREEN-FAIR	1	Garment Bag	7/5/19	RAFAEL PEPEN

I certify that the above is a correct list of items removed from my possession.

Inmate's Signature _____ **Date** _____
Officer's Signature _____ **Date** _____

Hillsborough County Department of Corrections

Inmate Property List

Printed on July 10, 2019

PEPEN, RAFAEL (#BN2019-0190)

Description	Qty	Location	Release Date	Released To
COAT 1 BLK-FAIR 1 PLAID-FAIR	2	Garment Bag	7/5/19	RAFAEL PEPEN
GLASSES RED-FAIR	1	Garment Bag	7/5/19	RAFAEL PEPEN
HATS 1 WHITE-FAIR 1 BLUE-FAIR	2	Garment Bag	7/5/19	RAFAEL PEPEN
Jeans 1 TAN-FAIR	2	Garment Bag	7/5/19	RAFAEL PEPEN
Sweater GRAY-FAIR	1	Garment Bag	7/5/19	RAFAEL PEPEN
Watch GREEN-FAIR	1	Garment Bag	7/5/19	RAFAEL PEPEN

Hillsborough County Department of Corrections

Property / Bank

Printed on July 10, 2019

PEPEN, RAFAEL (#BN2019-0190)

Bank Transactions

Date	Money Type	Comments	Debit	Credit	Balance
01/17/19 04:34	Cash			\$251.00	\$251.00

Property

Description	Qty	Location	Release Date	Released To
COAT 1 BLK-FAIR 1 PLAID-FAIR	2	Garment Bag	7/5/19	RAFAEL PEPEN
GLASSES RED-FAIR	1	Garment Bag	7/5/19	RAFAEL PEPEN
HATS 1 WHITE-FAIR 1 BLUE-FAIR	2	Garment Bag	7/5/19	RAFAEL PEPEN
Jeans 1 TAN-FAIR	2	Garment Bag	7/5/19	RAFAEL PEPEN
Sweater GRAY-FAIR	1	Garment Bag	7/5/19	RAFAEL PEPEN
Watch GREEN-FAIR	1	Garment Bag	7/5/19	RAFAEL PEPEN

Banking / Property - Inmate Statement

Inmate's Signature _____	Date _____
Officer's Signature _____	Date _____

Hillsborough County Department of Corrections

Issued Property Log

Printed on July 10, 2019

PEPEN, RAFAEL (#BN2019-0190)

Issued Item	Size	Color	Issued	Returned
Underwear			01/17/19 18:47	07/05/19 13:50
Underwear			01/17/19 18:47	07/05/19 13:50
Towel			01/17/19 18:47	07/05/19 13:50
Towel			01/17/19 18:47	07/05/19 13:50
Socks			01/17/19 18:47	07/05/19 13:50
Socks			01/17/19 18:47	07/05/19 13:50
Shoes	10	Orange	01/17/19 18:47	07/05/19 13:50
Shirt	L	Orange	01/17/19 18:47	07/05/19 13:50
Shirt	L	Orange	01/17/19 18:47	07/05/19 13:50
PREA Brochure			01/17/19 18:47	07/05/19 13:50
Pants	L	Orange	01/17/19 18:47	07/05/19 13:50
Pants	L	Orange	01/17/19 18:47	07/05/19 13:50
Laundry Bag			01/17/19 18:47	07/05/19 13:50
Inmate Handbook			01/17/19 18:47	07/05/19 13:50
Indigent Bag			01/17/19 18:47	07/05/19 13:50

Banned Item	Banned From	Banned To
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I certify that I have been issued the above list of items.

Signed _____ **Date** _____
 Inmate's Signature

Signed _____ **Date** _____
 Officer's Signature

Hillsborough County Department of Corrections

Inmate Activities

Printed on July 10, 2019

PEPEN, RAFAEL (#BN2019-0190)

From Date	To Date	Activity	Location	Refused
07/05/19 07:35	07/05/19 12:40	COURT	HSC NORTH 19-102	
06/27/19 07:35	06/27/19 10:45	COURT	HSC NORTH	
06/09/19 08:00		Haircut	1D Counsel Room Sgt Geisel	
05/16/19 18:00	05/16/19 19:00	Gymnasium	Gymnasium CO Dubrow	
05/13/19 09:20	05/20/19 09:50	Attorney Visit	1D Counsel Room	
05/09/19 18:00	05/09/19 19:00	Gymnasium	Gymnasium CO Weatherbee	
05/05/19 08:00		Haircut	1D Counsel Room Sgt McBournie	
04/28/19 08:00		Haircut	1D Counsel Room SGT Geisel	
04/05/19 07:55	04/05/19 11:20	COURT	HSC NORTH	
04/03/19 07:49	04/03/19 10:14	COURT	HSC NORTH	
03/28/19 12:32	03/28/19 13:35	Attorney Visit	1D Counsel Room	
03/25/19 07:45	03/25/19 12:35	COURT	HSC NORTH	
03/24/19 08:00		Haircut	1D Counsel Room Sgt Riley	
03/06/19 07:40	03/06/19 11:35	COURT	HSC NORTH	
02/21/19 13:10	02/21/19 13:50	Attorney Visit	2C Counsel Room	
02/10/19 09:46		Haircut	1D Counsel Room Sgt Vissa	
01/31/19 13:15	01/31/19 13:40	Attorney Visit	2A Counsel Room	
01/29/19 16:55	01/29/19 17:00	Attorney Visit	2A Counsel Room	

01/18/19 11:13	01/18/19 15:45	COURT
01/17/19 12:15	01/17/19 14:44	COURT

HSC NORTH
HSC NORTH F/F

Hillsborough County Department of Corrections

Inmate Upcoming Activities

Printed on July 10, 2019

PEPEN, RAFAEL (#BN2019-0190)

From Date	To Date	Activity	Location	Refused
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Hillsborough County Department of Corrections

Trustee Work Log

Printed on July 10, 2019

Trustee Work for all dates

PEPEN, RAFAEL (#BN2019-0190)

Worked From	Worked To	Hours	Employer	Comments
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EXHIBIT

B

HILLSBOROUGH COUNTY DEPARTMENT OF CORRECTIONS
CUSTODY ACCEPTANCE FORM

Inmate Name: PEPE, RAFAEL CCN: 63419 DOB: 7/26/67
Address: 302 MERRIMACK ST. APT 2 City, State: MANCHESTER NH Pod: 1D
Charge: SALES CONTROLLED DRUG
Agency accepting custody of inmate: ICE

ARRESTING AGENCY MUST BE CONTACTED PRIOR TO RELEASE

NCIC CHECK: Reveals other agencies having an interest (yes / no) if yes, list and notify _____

Any other holds: ICE Detainee
~~Arresting Agency: MANCH PD Home Town Agency: _____ *HCSD: _____
Person Contacted: _____
Contacts Remarks: SAME~~

Inmate's file checked: YES All other Department of Corrections record sources have been checked: YES

Copies of the following detainers / warrants have been provided to the official accepting custody of the above named inmate:

1. HSC NORTH 19-102, 103
- _____
- _____

Destination: ICE

Officer accepting custody (please print): X ALEX GODINEZ

Signature of officer accepting custody: X [Signature]

Name of officer completing above information: (please print): J. LEON

Signature of officer completing above information: [Signature] Badge#: 96

Date: 7/5/19 Time: 1315

Supervisor's initials: Glf #7 Comments: _____