

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

**ASTANIEL JARVIS MANN,
PIP HENG, ELIJAH ADCOCK,
RONNY N. ASKEW,
RICKIE LEE FOX,
JODRPH DANIEL FINCHER, and
SHEDRICK D. ROSS,
Plaintiffs,**

CIVIL ACTION NO.

Vs.

CLASS ACTION

**COMMISSIONER JAMES DONALD,
RICK JACOBS,
SARAH DRAPER,
DR. SHARON LEWIS, MD.,
WARDEN HART,
DEPUTY WARDEN MCLAUGHLIN,
ALBERT JONES,
CAPTAIN MORRIS,
LT. MAINE,
OFFICER POWELL,
OFFICER JESSE HOWELL,
OFFICER T. BROWN,
OFFICER YANCEY,
OFFICER CANNON,
OFFICER SNAKE,
OFFICER SMITH,
OFFICER SHANE,
OFFICER GRAINGER,
OFFICER RADCLIFF,
SERGEANT BOND,
OFFICER PAGE,
OFFICER DANIEL,
OFFICER BATES,
OFFICER JOHN DOE NO. 1, and
OFFICER JOHN DOE NO. 2,
Defendants.**

COMPLAINT – CLASS ACTION

Plaintiffs, Astaniel Jarvis Mann, (“Mann”), Pip Heng (“Heng”), Elijah Adcock (“Adcock”), Ronnie N. Askew (“Askew”), Ricky Lee Fox (“Fox”), Joseph Daniel Fincher (“Fincher”), and Shedrick D. Ross (“Ross”) file this Complaint pursuant to 42 U.S.C. § 1983 in accordance with FRCP Rule 23, and show the Court as follows:

PLAINTIFFS

1.

Plaintiffs Mann, Heng, Adcock, Askew, Fox, Fincher, and Ross were incarcerated in the Georgia Department of Corrections and at all times relevant were inmates at the Valdosta State Prison or at Lowndes State Prison in Valdosta, Georgia which is within the Middle District of Georgia.

DEFENDANTS

2.

Defendant James E. Donald (“ Commissioner Donald”) was at all times relevant and is currently Commissioner of the Georgia Department of Corrections; Defendant Rick Jacobs (“ Jacobs”) was at all times relevant and is currently Director of Special Operations Sections of the Corrections Divisions of the Georgia Department of Corrections; Defendant Sarah Draper (“Draper”) was at all times relevant and currently Director of Internal

Investigations of the Georgia Department of Corrections; Defendant Dr. Sharon Lewis, MD (“Dr. Lewis”) was at all times relevant and is currently Medical Director of the Georgia Department of Corrections; Defendant Warden Hart (“Warden Hart”) was at all times relevant and is the currently Warden of the Valdosta State Prison; Defendant Deputy Warden McLaughlin (“Deputy Warden McLaughlin”) was at all times relevant and currently is the Deputy Warden for Security at the Valdosta State Prison; Defendant Albert Jones (“Jones”) was at all time relevant and currently is the Medical Director at Valdosta State Prison; Defendant Captain Morris (“Morris”) was at all times relevant a supervisor at Valdosta State Prison; Defendant Lieutenant Maine (“ Lt. Maine”) was at all time relevant and currently is the supervisor the CERT Team at Valdosta State Prison Defendants Officers Powell (“Powell”), Howell (“Howell”), T. Brown (“Brown”), and Yancey (“Yancey”), Cannon (“Cannon”), and Snake (“Snake”), Smith (“Smith”), Shane (“Shane”), Grainger (“Grainger”), and Radcliff (“Radcliff”), Sergeant Bond (“Bond”), Officer Page (“Page”), Officer Daniel (“Daniel”); Officer Bates (“Bates”), Officer John Doe No. 1, and Officer John Doe No. 2 were at all times relevant and still are CERT Team (“Correctional Emergency Response Team”) Officers or Corrections

Officers at Valdosta State Prison. Said Defendants are sued in their official and individual capacities and are subject to the jurisdiction of this Court.

JURISDICTION

3.

Jurisdiction for this action is pursuant to 28 U.S.C. § 1331 and § 1334, and arises under the Constitution of the United States and 42 U.S.C. § 1983.

VENUE

4.

Venue is proper pursuant to 28 U.S.C. § 1391 in the United States District Court for the Middle District of Georgia where at all times relevant the acts of the Defendants occurred giving rise to this cause of action, where Defendants reside, and where Defendants may be found and served in the Middle District of Georgia.

PREREQUISITES TO FILING

5.

Plaintiffs have exhausted available grievance remedies and have satisfied the prerequisites to filing this action, or have vicariously satisfied the prerequisites for similarly situated inmates in the Class concerning prison conditions required under the Prison Litigation Reform Act, 42

U.S.C. § 1997e, or the requirements of the Prison Litigation Reform Act are not applicable because they are no longer incarcerated.

CLASS ACTION ALLEGATIONS

6.

Plaintiffs bring this action for themselves and on behalf of similarly situated inmates for equitable relief under 42 U.S.C. § 1983 and pursuant to Rule 23 of the Federal Rules of Civil Procedure for the following class of:

all past and present inmates at the Valdosta State Prison and at other Georgia prisons who have been subjected to or may be subjected to excessive force, summary punishment, or premeditated violence by being beaten while restrained by CERT Team Officers at Valdosta State Prison and by CERT Team Officers at other Georgia prisons in violation of the United States Constitution, laws and treaties, and the Georgia Constitution and laws. (“Class”).

7.

The prerequisites to this class action under Rule 23 (a) are met that:

- (1) the Class of similarly situated inmates are so numerous, approximately 1,186 inmates at Valdosta State Prison and 54,268 inmates in Georgia prisons, that joinder of all members of the proposed classes is impractical;
- (2) there are common questions of law and fact in that the members of the Class of inmates who have been subject to violent physical beatings by CERT Team Officers at the Valdosta State Prison and at other Georgia prisons;
- (3) the claims of the Plaintiffs are typical of the claims of similarly

situated inmates in the Class in that the Plaintiffs and similarly situated inmates in Class seek equitable relief against the Defendants who have been deliberately indifferent to the physical beatings and torture of restrained inmates by CERT Team Officers at Valdosta State Prison and at other Georgia prisons; and (4) the Plaintiffs will fairly and adequately protect the interest of Class, the Plaintiffs have no antagonistic or conflicting interests which would prevent the Plaintiffs from safe guarding the rights of the Class, Plaintiffs share the same common interests with the Class, and the Plaintiffs have engaged competent counsel.

8.

The Class should be certified pursuant Rule 23 (b) (2) because the Defendants have caused or have been deliberately indifferent to the beatings of restrained inmates by CERT Team Officers at Valdosta State Prison and at other Georgia prisons being a pattern and practice of brutal beatings of restrained inmates at Valdosta State Prison and at other Georgia prisons in violation of their constitutional and civil rights; and the Defendants have been deliberately indifferent to beatings against Plaintiffs and similarly situated inmates thereby making appropriate injunctive relief and corresponding declaratory relief with respect to the Class as a whole.

PLAINTIFF MANN'S OPERATIVE FACTS

9.

On January 18, 2007 upon arrival at Valdosta State Prison Plaintiff Mann was beaten while he was restrained in handcuffs and leg shackles by Defendant Officers Powell, Howell, Brown, and a fourth CERT Team Officer who brutally beat, kicked and repeatedly brutalized Plaintiff Mann in his face, head, and about his body executing summary punishment on Plaintiff Mann that was condoned by Defendants Lt. Maine, Warden Hart, Deputy Warden McLaughlin who were deliberately indifferent to the pattern and practice of beatings of restrained inmates at Valdosta State Prison in violation of the Eighth Amendment of the Constitution and the civil rights laws of the United States.

10.

After the Plaintiff Mann arrived at Valdosta State Prison on January 18, 2007 at approximately 2:35 to 2:45 PM Plaintiff was brutally attacked and beaten by CERT Team Officers, Powell, Howell, Brown, and another CERT Team Officer believed to be either Yancey or Cannon. He was placed in the shower area still in handcuffs and leg shackles held in a chock hold and after being slammed to the floor was severely beaten the Defendant Officers Powell, Howell, Brown, and the fourth Officer who beating

repeatedly wearing black leather gloves with thin padding on the outside of the knuckles only that are specially designed for beatings and are issued to CERT Team Officers by the Georgia Department of Corrections known as “beating gloves.”

11.

Plaintiff Mann was beaten so badly that he lost control of the bowels and defecated while being beaten and he urinated blood for four days thereafter in addition to receiving multiple bruises, contusions, and cuts to his head, chest and back caused by being punched, stomped, and kicked by the Defendant CERT Team Officers. The Plaintiff Mann suffered physical injuries and scars as well as mental injuries including post traumatic stress and inability to sleep.

12.

Plaintiff Mann did not receive medical treatment for his injuries and Plaintiff was denied protective custody.

13.

Plaintiff Mann was threatened by all four Defendant CERT Team Officers Powell, Howell, Brown, and the fourth Officer that if he said anything to anyone about his beating that he would personally “beat his ass again” and that there was nowhere for him to hide at Valdosta State Prison.

14.

Plaintiff Mann did file an informal grievance on January 21, 2007 concerning being brutally assaulted the four Defendant CERT Team Officers on January 18, 2007. Plaintiff Mann was transferred to Austry State Prison and did not receive the formal grievance until February 27, 2007 which Plaintiff Mann submitted on February 28, 2007. The formal grievance was transmitted to Internal Affairs for investigation. Plaintiff Mann wrote letters to Defendant Warden Hart and Deputy Warden McLaughlin and Commissioner Donald filing complaints about being brutally beaten while restrained by CERT Team Officers at Valdosta State Prison.

PLAINTIFF HENG'S OPERATIVE FACTS

15.

On May 29, 2007 Plaintiff Heng, while restrained, was brutally attacked, beaten in his face, head, neck, and body and choked to unconsciousness by Defendant CERT Team Officers Ratliff, Yancy, Cannon, Powers, Brown, Howell, and Smith in a sustained beating with repeated blows by the Defendants executing summary punishment on the Plaintiff that was condoned by Defendants Lt. Maine, Warden Hart, Deputy Warden McLaughlin who were deliberately indifferent to the pattern and practice of beatings of restrained inmates at Valdosta State Prison in

violation of the Eighth Amendment of the Constitution and the civil rights laws of the United States.

16.

On May 29, 2007 at Valdosta State Prison just after Plaintiff Heng arrived at Valdosta State Prison, he was taken to the ID shower area and made fun of by the Defendant CERT Team Officers. After coming back from orientation, Defendant Officer Ratliff called Plaintiff Heng back into the shower area and struck him in his face. The rest of the CERT Team Officers, Cannon, Yancey, Powers, Brown, Howell, and Smith then came into the shower area and jumped on Plaintiff Heng and repeatedly beat him, knocking him to the ground and continued kicking and beating him all over his face, head, check, ribs, back, and body while restrained in handcuffs. Plaintiff Heng was repeatedly punched, kicked, and stomped in his face, head and body by the Defendant CERT Team Officers with hard toe combat boots and wearing black leather gloves with thin padding on the outside of the knuckles only that are specially designed for beatings and are issued to CERT Team Officers by the Georgia Department of Corrections known as “beating gloves.”

17.

Plaintiff Heng pled for his life and continually yelled, "I give up." After the beating finally stopped, Officer Powell and Officer Yancey again started beating and kicking Plaintiff Heng while in handcuffs and they choked him with a stick forced against his neck so that he could no longer breathe and he actually thought he was going to die. The Defendant CERT Team Officers were executing summary punishment in beating Plaintiff Heng that was condoned by Defendant Lt. Maine and condoned by Defendant Warden Hart and Deputy Warden McLaughlin who were deliberately indifferent to the pattern and practice of beatings of restrained inmates at Valdosta State Prison.

18.

After the CERT Team Officers finished beating Plaintiff Heng, they dragged him to medical over concrete floors. Defendant Officer Cannon told the nurse not to write down his injuries to cover up the injuries of the brutal beating. Plaintiff Heng was then put in lockdown isolation without medical attention and prevented from using the telephone to call his family or any one else about the beating.

19.

Plaintiff Heng suffered rib and chest, neck, head and other injuries including trunk and upper back bruises and abrasions as well as swollen black eyes because of the brutal beating caused by Defendants. Defendants' beating and kicking of Plaintiff Heng has caused him continued suffering from physical injuries, pain, mental anguish, and post traumatic stress.

20.

Plaintiff Heng filed informal and formal grievances which under the Standard Operating Procedure should have been forwarded for investigation directly to Internal Affairs because of allegation of physical abuse by staff bypassing all other steps in the grievance procedure.

PLAINTIFF ADCOCK'S OPERATIVE FACTS

21.

On April 6, 2006 Plaintiff Adcock, while restrained, was brutally attacked, beaten in his face, head, neck, and body and choked to unconsciousness by Defendant CERT Team Officers Powers, Shane, Howell, Smith and Grainger in a sustained beating with repeated blows by the Defendants executing summary punishment on the Plaintiff that was condoned by Defendants Lt. Maine, Warden Hart, Deputy Warden

McLaughlin who were deliberately indifferent to the pattern and practice of beatings of restrained inmates at Valdosta State Prison in violation of the Eighth Amendment of the Constitution and the civil rights laws of the United States.

22.

On April 6, 2006 at Valdosta State Prison Plaintiff Adcock was stripped naked and repeatedly beaten while restrained in handcuffs by CERT Team Officers Powers, Shane, Howell, Smith and Grainger in the shower area of ID beating him for five minutes with black leather “beating gloves.” Officer Grainger choked Plaintiff Adcock until he became unconscious and passed out on the floor. Officer Grainger continued to beat Plaintiff Adcock while he was collapsed on the floor. Plaintiff Adcock was repeatedly punched, kicked, and stomped in his face, head and body by the Defendant CERT Team Officers with hard toe combat boots and wearing black leather gloves with thin padding on the outside of the knuckles only that are specially designed for beatings and are issued to CERT Team Officers by the Georgia Department of Corrections known as “beating gloves.”

23.

Following the beating of Plaintiff Adcock, he was denied medical attention.

24.

Plaintiff Adcock suffered and is still suffering from neck, head and other injuries because of the brutal beating caused by Defendants. Defendants caused Plaintiff to continue suffering from mental anguish, chronic headaches, neck and back pain and post traumatic stress.

25.

Defendant Officer Howell threatened Plaintiff Adcock that if he told anyone about the beating or filed a grievance that he was going to be beaten again. Plaintiff Adcock, in fear of his life and being beaten again, did not immediately file a grievance while he was Valdosta State Prison. He did file for an out of time grievance on August 28, 2007 which under the Standard Operating Procedure should have been forwarded for investigation directly to Internal Affairs because of allegation of physical abuse by staff bypassing all other steps in the grievance procedure.

PLAINTIFFS ASKEW'S AND FOX'S OPERATIVE FACTS

26.

On March 12, 2007 Plaintiffs Askew and Fox, while restrained, were brutally attacked, beaten, and kicked, their face, head, neck, and back by Defendant CERT Team Officers Powell, Howell, Brown, Yancey, Cannon,

and Snake in a sustained beating by the Defendants executing summary punishment on the Plaintiffs that was condoned by Defendants Lt. Maine, Warden Hart, Deputy Warden McLaughlin who were deliberately indifferent to the pattern and practice of beatings of restrained inmates at Valdosta State Prison in violation of the Eighth Amendment of the Constitution and the civil rights laws of the United States.

27.

On March 12, 2007 Plaintiff Askew and Plaintiff Fox along with another inmate Brian Booker (“Booker”) were incarcerated at the Lowndes State Prison and following an alleged altercation between them, Plaintiff Askew, Plaintiff Fox, and Booker were transported in handcuffs and leg shackles by a van driven by CERT Team Officers from Valdosta State Prison to Valdosta State Prison where they were each taken to the shower area of the lockdown unit and severely beaten while restrained by the Defendant CERT Team Officers who were executing summary punishment that was condoned by Defendant Lt. Maine and by Defendant Warden Hart and Deputy Warden McLaughlin who were deliberately indifferent to the pattern and practice of beatings restrained inmates at Valdosta State Prison. Plaintiff was repeatedly punched, kicked, and stomped in his face, head and body by the Defendant CERT Team Officers with hard toe combat boots and

wearing black leather gloves with thin padding on the outside of the knuckles only that are specially designed for beatings and are issued to CERT Team Officers by the Georgia Department of Corrections known as “beating gloves.”

28.

Following the beating of Plaintiff Askew, Plaintiff Fox, and Booker were put back in the van and CERT Team Officers driven back to Lowndes State Prison. Plaintiffs’ injuries were severe and they were denied medical attention.

29.

Blood was gushing from Plaintiff Askew, Plaintiff Fox’s nose, and from Booker’s nose and eye. Plaintiffs Askew and Fox suffered and are still suffering from injuries because of the brutal beating caused by Defendants. Defendants caused Plaintiffs Askew and Fox to continue suffering from mental anguish, chronic injuries, headaches, neck and back pain.

30.

Plaintiffs Askew and Fox as well as Booker did not file a grievance for fear of being beaten again. Plaintiffs Askew and Fox as well as Booker meet with Defendant McLaughlin to inform him and his staff what had

happened, but no action was taken. Plaintiff Askew is no longer incarcerated and there are no pre-filing requirements since the Prison Litigation Reform Act is not applicable. The grievance procedure was not available to Plaintiffs Askew and Fox as well as Booker because of threats that they would be beaten again if they file a grievance about being beaten at Valdosta State Prison

PLAINTIFF FINCHER'S OPERATIVE FACTS

31.

During the second week in May, 2007 Plaintiff Fincher, while restrained, was brutally attacked, beaten in his face, head, neck, and body by Defendant CERT Team Officers Brown, Howell, Powell, Smith, Yancey, Radcliff and choked by Defendant Capt. Morris and that was condoned by Defendants Lt. Maine, Warden Hart and Deputy Warden McLaughlin who were deliberately indifferent to the beating of the Plaintiff and the pattern and practice of CERT Team officers and other correctional officers executing summary punishment by beatings of other inmates at Valdosta State Prison in violation of the Eighth Amendment of the Constitution and the civil rights laws of the United States.

32.

During the third week of April, 2007 at Valdosta State Prison Warden Hart and Capt. Morris came to Joseph Daniel Fincher's cell and waived a letter that Warden Hart said he personally intercepted that Fincher had attempted to mail to the Southern Center for Human Rights and put his finger in Fincher's face threatening, "Fincher, I told you if you did not keep your mouth shut, you'd end up dead, boy. Quit writing these damn lawyers." Then Capt. Morris grabbed him by the throat choking him and threw him against the wall. During the second week of May, 2007 CERT Team LT. Maine and CERT Team Officers Brown, Howell, Powell, Smith, Yancey, Radcliff brutally and sadistically attacked Plaintiff Fincher tightly cuffing his wrists and shackling his legs in chains, beat him, and Defendant Brown threw him against the metal locker box and pushed his head into the locker box injuring the back of his head, screaming, "Bitch. What you gonna do, tell you momma?"

33.

The Defendant CERT Team Officers and Defendant Capt. Morris were executing summary punishment in beating and choking Plaintiff Fincher that was condoned and to which Defendant Lt. Maine, Defendant Warden Hart and Deputy Warden McLaughlin who were deliberately

indifferent to the beating of Plaintiff and the pattern and practice of beatings of restrained prisoners at Valdosta State Prison. Plaintiff Fincher was punched, kicked, and stomped in his face, head and body by the Defendant CERT Team Officers with hard toe combat boots and wearing black leather gloves with thin padding on the outside of the knuckles only that are specially designed for beatings and are issued to CERT Team Officers by the Georgia Department of Corrections known as “beating gloves.”

34.

Plaintiff Fincher received cuts and contusions to his face, body, shoulders, and wrists as well as swelling in his throat. He was denied medical treatment.

35.

Plaintiff Fincher, while in lockdown at Valdosta State Prison, repeatedly asked for grievances and was refused. He tried to file an out of time grievance at Georgia State Prison which was rejected.

PLAINTIFF ROSS’S OPERATIVE FACTS

36.

On August 12, 2007 Plaintiff Ross, while restrained, was brutally attacked, beaten in his face, head, neck, and body by Defendant Sergeant Bond and Defendant Officers Daniel, Bates, two other officers, Officer John

Doe No. 1 and Officer John Doe No. 2, which was condoned by Defendant Lt. Maine in a sustained beating with repeated blows by the Defendants executing summary punishment on the Plaintiff Ross to which Defendants Lt. Maine, Warden Hart, and Deputy Warden McLaughlin were deliberately indifferent to the pattern and practice of beatings of restrained inmates at Valdosta State Prison in violation of the Eighth Amendment of the Constitution and the civil rights laws of the United States.

37.

On August 11, 2007 at Valdosta State Prison Plaintiff Ross on the way to the chow hall was stopped and threatened by Defendant Officer Page who told Plaintiff Ross to put his hands up on the gate. When Plaintiff Ross asked why, Officer Page replied, "just because I can." Officer Page yelled at the Plaintiff, "Oh, now you want to cry, you F--king pussy. I ought to bust you in the face. Oh, now you scared to say something. Get your sorry ass out of here. I'll be out here tomorrow waiting on you again." Defendant Officer Page then wrote a bogus Disciplinary Report ("DR") on Plaintiff and threatened to lock up the Plaintiff.

38.

On August 12, 2007 Plaintiff Ross was met by Defendant Sergeant Bond outside the dining hall and when Plaintiff Ross turned to go to pill call

Sergeant Bond jumped him and a scuffle ensued. Officers gained control and Plaintiff Ross and another inmate were handcuffed. As Plaintiff Ross was being escorted to lockdown Officer Daniel told Officer Davis to leave with the camera because. "I was gonna teach him a lesson." Officer Daniel, Officer Bates, Officer John Doe No. 1, and Officer John Doe No. 2 severely beat the Plaintiff with broomsticks. They even laughed that his face looked worse than the elephant man because his face was not recognizable and blood was flowing from his nose like water.

39.

Plaintiff received multiple cuts and bruises from sustained and repeated blows requiring medical treatment, stitches and x-rays.

**PATTERN AND PRACTICE OF BEATINGS BY CERT TEAM
OFFICERS AT VALDOSTA STATE PRISON AND AT OTHER
GEORGIA PRISONS**

40.

CERT Teams in Georgia prisons staffed by special CERT Team members and supervisors deal out premeditated violence as a form of institutional control and physically beat restrained inmates as summary punishment. The CERT Teams wearing special black uniforms with hard toe black combat boots for kicking and black leather gloves specially padded on the outside of the knuckles for hitting have a pattern and practice of beating

and kicking restrained inmates that serves no penological purpose. The pattern and practice of CERT Teams administering beatings of restrained inmates utilizing premeditated violence as summary punishment includes, but is not limited to:

1. beating prisoners after they are restrained in handcuffs behind their backs;
2. administering beatings after there is a massive imbalance of force;
3. wearing black leather beating gloves which are specially designed for beating with thin padding only on the outside of the knuckles that are issued by the Department of Corrections;
4. kicking prisoners offensively using hard toe black combat boots that are issued by the Department of Correction;
5. using radios as weapons;
6. slamming inmates on the ground and running their heads into walls and doors;
7. using profanity with racial and sexual innuendos;
8. not following Standard Operating Procedures on use of video camera;
9. beating prisoners in surreptitious locations such as showers, alcoves, and empty rooms;
10. covering up beating in use of force reports;

11. using medical staff to cover up beatings;
12. covering up and condoning beatings by wardens and deputy wardens of security;
13. covering up of beatings by internal affairs;
14. putting inmates who have been beaten in lockdown segregation facilities to avoid observation of their injuries;
15. not allowing inmates who have been beaten to see their families or to have picture taken of their injuries;
16. thwarting prison grievance procedure to cover up beatings and prevent exhaustion of grievances by inmates who have been beaten so that they cannot maintain causes of action in court.

41.

The Defendant CERT Team Officers Powell, Howell, Brown, Yancey, Cannon, Snake, Smith, Shane, Grainger, Radcliff, and Lt. Maine have engaged in a pattern and practice of beating Plaintiffs and similarly situated restrained inmates at Valdosta State Prison and Defendant Warden Hart and Deputy Warden McLaughlin have condoned and have been deliberately indifferent to the beatings of Plaintiffs and similar situated inmates who have been beaten by Defendant CERT Team Officers and Lt.

Maine in violation of the Constitution, laws and treaties and the Constitution and laws of Georgia.

42.

On October 24, 2005, Jonas Hopkins at approximately 4:25 PM at Valdosta State Prison was beaten by Officer Greene striking him multiple times in his face with his fists damaging his right eye and ripping the flesh off the bone under his right eye.

43.

On or about August 8, 2006 at Valdosta State Prison, Ellis Keel while restrained was brutally beaten by CERT Team Offices Smith, Powell, Howell, and Sgt. Maine breaking one of his ribs.

44.

On December 8, 2006 George C. Haskell, Jr. was sent to lockdown isolation. When he got to isolation while restrained in handcuffs the CERT Team Officers ran his head into the gate and then pushed him down on the concrete sidewalk. Then he was put in the shower area where three CERT Team Officers came into the shower area and choked him and beat him until he passed out.

46.

On My 14 2007 Michael A. Walker was physically assaulted by CERT Team Officers at Valdosta State Prison who beat him on his head with a baton stick and radio injuring his face and lower body resulting in a head wound that required 22 strips to close up.

47.

Christopher Campbell on or about October 24, 2006 was beaten up by CERT Team Officers Yancey, CERT Lt Maine, and another CERT Team Officer at Valdosta State Prison when his hand and feet were restrained. He had previously been punched by a CERT Team Officer in his groin and lost a testicle. On January 5, 2007 he had a heart attack and was taken to the hospital. Upon his return the CERT Team was called to escort him to lockdown and the comment was made, "Take you time, it's Campbell."

48.

Over forty-five cases involving inmate beatings of restrained inmates as summary punishment in the Georgia prisons have been filed in the United States District Courts in Georgia. The pattern and practice of beating restrained inmates in Georgia prisons is evident from the affidavits and depositions filed in the forty such cases to which the Court can take judicial notice demonstrating the beatings of restrained inmates by CERT Team Officers as summary punishment at Georgia prisons. Two incarcerated

young men have been beaten to death by CERT Team officers dealing out beatings as summary punishment. The wrongful death civil rights action involving the death of Charles Burwell Clark whose death on April 19, 2005 was the result of being beaten three times by CERT Team supervisors and members at Georgia Diagnostic and Classification Prison is *Charles B. Clarke, Jr. Individually and as Administrator of the Estate of Charles B. Clarke, III, Deceased, v. Derrick Schofile, et al.*, Middle District of Georgia, Civil Action No. 5:06-CV-00043-CAR. A wrongful death civil rights action has been filed on behalf of the mother of Jonathan Haynes who was beaten to death by CERT Team supervisors and members on October 14, 1994 at Autry State Prison. *Patricia Wingster, Next of Kin and Administratrix of the Estate of Jonathan Haynes v. Fredrick Head, et al.*, United States District for the Middle District of Georgia, Civil Action No. 1:06-CV-115-WLS.

The Court can take judicial notice of the sworn affidavits and depositions demonstrating the pattern and practice of CERT Team Officers beatings restrained inmates as summary punishment in Georgia Prisons in the following filed cases in United States District Courts in Georgia.

INMATE BEATING CASES IN THE SOUTHERN DISTRICT

Rogers State Prison –

49.

Lancaster Graham v. Warden Glenn Rich, et al., Civil Action No. CV405-080- BAE.

On December 16, 2004 Plaintiff Graham was in the process of being transferred to Rogers State Prison along with approximately ten other inmates from Coastal State Prison. Plaintiff and the other inmates to be transported were told to board the transfer van from Rogers State Prison by Defendant Byrd who was accompanied by Defendant Osborn. As Plaintiff was boarding the van he placed his property bag on the front seat and moved to the back of the van. Then Defendant Byrd shouted out, “Take for mother f--king bag with you.” Plaintiff then came to retrieve his bag and told Defendant Byrd that he did not want any trouble and that he just wanted to do his time and go home. Defendant Byrd then told the Plaintiff, “Shut the fuck up and take your mother fucking bag with you.” But before the Plaintiff could make contact with his bag Defendant Byrd grabbed and pushed Plaintiff down and started beating and choking him. Plaintiff asked Defendant Byrd, “Why are you hitting me?” Then Defendant Byrd snatched up the Plaintiff and threw him in another van where both Defendant Byrd and Defendant Osborne continued beating the Plaintiff while still in handcuffs.

Defendant Byrd then drove the van with the Plaintiff to Rogers State Prison and on the way called on his radio a code 10-18 meaning, “officer under attack.” Then he turned and threatened the Plaintiff, “We are gonna beat your mother f--king ass.” Upon arrival at the back gate of Rogers State Prison another officer, Defendant John Doe No. 1, came up to the van and asked, “What’s going on?” to which Defendant Byrd told him, “We got a smart mother f--ker in here.” Defendant John Doe No. 1 then stated, “Let’s show him what we do with smart mother f--kers.”

Both Defendant Byrd and Defendant John Doe No. 1 then took the Plaintiff still in handcuffs to a shakedown shack and both officers beat the Plaintiff with their fists and kicked him repeatedly. In order to stop the beating, Plaintiff fainted a heart attack pulling out his nitro-quick heart pills which were proscribed for him by a doctor at Costal State Prison. The Defendants Byrd and Doe No. 1 then stopped beating and kicking the Plaintiff and called medical.

Nurse Jane Doe No. 1 came to the shakedown shack with three other nurses with a golf cart joined by Defendants Sergeant Burns and Sergeant Anderson. A nurse asked along with Defendant Sergeant Burns, "What's his problem?" to which Defendant Byrd replied, "The mother f--ker claims it is his heart or something." Then another nurse shouted, "There is nothing in his chart that states he has heart problems." Then Defendant Sergeant Burns asked, "What's this piece of sh-t done?" Officer Byrd replied, "This mother f--ker is a smart ass, but I'll think of some more sh-t to put on him because we are going to beat his mother f--king ass."

At this point Defendant Deputy Warden Paul walked up and the Plaintiff tried to tell him that his officers were beating and kicking him. Defendant Deputy Warden Paul told Plaintiff, "Shut up, I don't want to hear it." And he walked off. Defendant Sergeant Burns leaned over and stated to the Plaintiff, "We're gonna beat your ass. We can't beat your ass now because my warden is around. But we're going to get cha." Then Defendant Sergeant Burns told John Doe No. 1, "Take them cuffs from in front of him and cuff his hands behind his back because we gonna beat the sh-t out of him in just a little bit."

Plaintiff was then taken to medical where Plaintiff told the nurse that he hadn't done anything to be beaten and the nurse replied, "Well, all I can tell you is this is how the they (CERT Team Officers) do you at Rogers State Prison."

While in medical Defendant Sergeant Burns in the presence of the nurses announced, "We are going to give you an ass cutting you won't forget, smart mouth mother f--ker." Plaintiff replied, "Sergeant, I didn't do nothing." Sergeant Burns replied, "That's what they (inmates) say before we beat their ass." Plaintiff then asked Defendant Officer Byrd to say that he did not do anything. Officer Byrd then replied, "Let me tell you the truth, Sergeant Burns, this mother f--ker got a smart mouth, he threatened me and he spit on me, and that's the truth Sergeant." Plaintiff replied, "Man you know you are lying, tell him the truth." Sergeant Burns then said, "I believe my officers before I believe a damn inmate." Sergeant Burns then said to the nurse Jane Doe Number 1, "Are you through with him because we are gonna beat his ass."

Plaintiff was escorted to lockdown in Dorm A-3 still with his hand cuffed behind his back and taken to the shower area where Defendant Officer Byrd told him, "I told you that we was gonna beat you're ass." Then Defendant Byrd punched the Plaintiff in his right eye and then Defendant Sergeant Burns hit him on the side of his head causing the Plaintiff to fall to the floor where he was repeatedly kicked and beaten by Defendants Sergeant Burns, Sergeant Anderson, Officer Byrd and Officer John Doe Number One taking turns beating and kicking the helpless Plaintiff with his hands cuffed behind his back. Plaintiff pleaded with them to stop beating him, but his pleas were totally ignored. Plaintiff was severely beaten and kicked in every part of his head and body until he thought he would die from the beating. The beating and kicking of the Plaintiff did not stop until Defendant Sergeant Anderson told Defendant Sergeant Burns, "I think his head is bleeding." Sergeant Burns leaned over and looked at the Plaintiff's head and said, "No, his head is not bleeding. Just make sure that we don't bust his head" and then he slammed the Plaintiff's head down on the shower floor. Then they all laughed at the Plaintiff.

Defendant Officer Lewis who was in the Dorm then came up and said. "Do you want me to make him bleed Sergeant?" At this point Plaintiff made it to his feet and spitting up blood begged, "I am already bleeding. Sir, please, please

don't." Defendant Sergeant Burns then said to the Plaintiff did you just beg me?" to which the Plaintiff relied. "Yes sir." Defendant Burns then stated, "I don't like for no one to beg me." Then Defendant Sergeant Burns took off his black gloves and gave them to Defendant Lewis and told him, "Yeah, let me see you make him bleed." The black gloves provided to CERT Team Sergeants and Officers are specially designed for punching with thin external pads to protect knuckles. Then Defendant Officer Lewis started punching the Plaintiff in his face and head repeatedly. Plaintiff lowered his head to avoid continuing to be beaten in his face and Defendant Officer Lewis hit him with an upper cut knocking him to the floor and out of the shower. The Defendants again just laughed at the helpless Plaintiff.

Defendant Officers Lewis and Byrd came over to where the Plaintiff was laying on the floor and each spit in his face and rubbed the spit into his face with their boots. Then Defendant Sergeant Burns leaned over and put his finger in Plaintiff's face and said, "You're down south nigger, and we still run sh-t here, boy." Defendant Sergeant Burns then hit Plaintiff again in his nose and then asked again, "do you hear me, boy." Plaintiff relied, "Yes sir."

At that point Officer John Doe Number Two came in the Dorm and Defendant Sergeant Burns told Officer John Doe Number Two, "He called you a cracker." Officer John Doe Number One immediately came toward the Plaintiff with his fist clenched asking, "You called me a cracker, boy, did you?" Plaintiff tried to tell him that he did not "say nothing." As soon as John Doe Number Two reached the Plaintiff, he started kicking and boxing him in his face, head and body. After Defendant John Doe Number Two stopped beating and kicking the Plaintiff, he said, "Don't you never call me no cracker."

Defendant Sergeant Burns then ordered the Plaintiff to get on his feet to take him back to medical, "Get up mother fucker. Get your sorry ass over here." Plaintiff struggled to his feet, but because he was in a very weaken condition he fell back down. Defendant again shouted, "Get up you piece of sh-t."

Plaintiff against struggled to his feet with his hands cuffed behind his back.

As he was being led back to medical, Defendant Sergeant Burns stated, "Don't worry, she (Jane Doe Number One) will put down what I will tell her to put down on paper." As the Plaintiff was sitting on the examination table in medical, he was telling the nurse where he was hurt, but Defendant Sergeant Burns shouted, "Shut the f--k up" and told the nurse to, "Put down time 10:15AM and write down something on his right eye" which the nurse did exactly as she was told by Sergeant Burns. Plaintiff requested some pain medication, but was refused until he could see the doctor.

Plaintiff was escorted to a solitary confinement lockdown cell in Dorm A-3 still in handcuffs where Defendant Sergeant Burns told Plaintiff before he took the handcuffs off, "When I take these cuffs off, you better not hit me and if you say anything to the warden about us beating you, I promise you, you will be whipped again." Then Sergeant Burns took two pictures of the Plaintiff without cuffs and then stated to Defendant Byrd, "come on Byrd, we've gotta hook up some paperwork against this mother f--ker."

The next day on December 17, 2004 Plaintiff was taken back to medical and Defendants used a video camcorder to record the Plaintiff coming to and leaving medical to make it look like the previous day.

On December 17, 2004 Defendant Sergeant Burns demanded that Plaintiff write a statement denying the beating which the Plaintiff refused. Then Defendant Sergeant Burns served the Plaintiff with a Disciplinary Report ("DR") which was totally falsified. The Plaintiff was ordered to serve thirty days in solitary disciplinary confinement and 90 days store and phone restrictions and denied even calling a lawyer until after ninety days. In further retaliation Plaintiff was taken to Georgia State Prison on January 4, 2005 and housed in the maximum security prison.

Plaintiff was severely beaten all over his body and his face was beaten and kicked extremely severely to the point that his bloodied and swollen face was unrecognizable as a face and multiple injuries over his body.

50.

Gregory B. Bryant v. Warden Glenn Rich, et al, Civil Action No. CV605-064- BAE.

On March 17, 2004, while on detail Y-5, Officer Love instructed Plaintiff Bryant to cut grass with a lawnmower, and the Plaintiff explained to Officer Love that he had a medical problem because he had recently been stabbed by another inmate and could not push the lawnmower, but told her that he could use the weed-eater or any of the other tools on the detail. Because the Plaintiff could not push the lawnmower, Officer Love took the Plaintiff to Building A-4, which is solitary confinement, and was overheard by the Plaintiff telling Lieutenant Byrd, Sergeant Burns and Officer Byrd, “Ya’ll get him.”

Lieutenant Byrd asked the Plaintiff, “What is your problem?” The Plaintiff responded that he had a medical problem because of recently being stabbed. When he lifted his shirt to show his the wound, at Lieutenant Byrd’s request, Lieutenant Byrd, without warning, hit him in the face. Officer Byrd told the Plaintiff that if he bucked (fought back) that he would beat the Plaintiff with the baton. Lieutenant Byrd and Sergeant Burns then repeatedly beat and slapped him about his head and body for 10 to 15 minutes while Officer Byrd held his baton in his hand just waiting for the Plaintiff to fight back. Plaintiff fell to the floor and Defendants Lieutenant Byrd and Sergeant Burns threatened to kick and stomp him if he didn’t get up. Once he got off the floor onto his feet, they continued to slap him a few more times, until his face was horribly swollen. They told the Plaintiff to go cut the grass and instructed him to pretend as if this never happened.

That night of March 17, 2004 Plaintiff wrote a statement to Warden Rich stating that he was in fear of his life around the officers who beat him and requested protective custody. At first he was not put in protective custody. He stated that he wanted to call his family; then he was put in protective custody to keep him from initially reporting the beating to his family. The Plaintiff reported the beating to Deputy Warden Collins, who, along with Lieutenant Byrd and other officers, threatened him stating, "I'll knock your gold teeth out, boy." Deputy Warden Collins then told Lieutenant Byrd that he "didn't have nothing to worry about." The Plaintiff was given a Disciplinary Report ("DR") on March 24, 2004 for initially refusing to come out of protective custody because he was afraid for his life.

On April 19, 2004 Plaintiff Bryant was again brutally beaten, kicked, and repeatedly brutalized in his face and about his body by the Defendants Lieutenant Byrd, Officer Byrd, Officer Long, and Officer Register at the instigation of Officer Lewis.

On April 19, 2004 while Plaintiff was in H-4 Dorm a comment was made by another inmate about Officer Carswell who is a female officer. About fifteen minutes later, Plaintiff was called outside by unit manager Officer Lewis, who asked Plaintiff what he said to Officer Carswell. Plaintiff told Officer Lewis that it wasn't him who made the comment. Officer Lewis told Officer Campbell to take Plaintiff to A-3 segregation. Plaintiff heard Officer Lewis call Lieutenant Byrd on the radio to let him know the Plaintiff was coming.

Upon arrival at segregation, Officer Long, on the express instructions of Lieutenant Byrd, locked the Plaintiff in a shower stall until Lieutenant Byrd, Officer Byrd, Officer Long, and Officer Register came to the shower and unlocked the shower door and pulled him out. Lieutenant Byrd stated, "I'm getting tired of you f--king with me with those grievances." The Officers were wearing black gloves with padding on the outside of the knuckles, especially designed for hitting. Then Lieutenant Byrd hit the Plaintiff with his fist causing him to fall to the floor. Lieutenant Byrd, Officer Byrd, and Officer

Register kicked and stomped the Plaintiff in his back, side, and kidney area while he was on the floor. Officer Long commented, "That's good for his ass." Lieutenant Byrd, Officer Byrd, and Officer Register continued to kick and stomp the Plaintiff while he was on the floor for 5 to 10 minutes as the Plaintiff begged them to stop. After they stopped beating, kicking, and stomping him, Plaintiff was left on the shower floor crying and begging for medical attention. Officer Long laughed and made fun of the Plaintiff's crying and begging for medical attention. Officer Long told Plaintiff that if he didn't shut up he would call the officers who beat him to come back to beat him some more. About ten minutes later Plaintiff heard Officer Long on the phone saying, "He wants some more." Lieutenant Byrd and Officer Byrd came back with Officer Long and said, "You want some more." As Lieutenant Byrd began to unlock the shower door they were interrupted by two maintenance workers but stated, "We'll be back." The Plaintiff stayed locked in the shower until shift change when another officer on the next shift let him out and put him in a cell.

The Plaintiff was prevented from calling his family, but another inmate who was an orderly was able to call the Plaintiff's mother. Plaintiff's mother was prevented from seeing the Plaintiff because of his swollen face. Plaintiff's mother called and talked to Warden Rich. Warden Rich then came to Plaintiff's cell door and threatened the Plaintiff, "If you want to see Douglas, Georgia again, you better learn to keep your big mouth closed." The Plaintiff then really feared for his life because Warden Rich had threatened doing something physical to him.

As a result of the beatings, Plaintiff has suffered severe physical injury and mental injury, inability to sleep, depression, and even contemplated suicide because of the hopelessness of his requests for help being ignored by Wardens, counselors, and internal affairs. The Plaintiff has been traumatized and suffers from post traumatic syndrome.

Randy Thomas Hooks v. Warden Glenn Rich, et., al.,
Civil Action No. CV605-065- BAE.

On October 11, 2003 following an argument with two other inmates in Dorm H-2 which had been settled between them, Plaintiff Hooks was told by Officer McIntyre to report to Defendant Lieutenant Langston. Plaintiff asked Lieutenant Langston why he had been singled out and the other two inmates were still watching the football game. Lieutenant Langston became very angry and told the Plaintiff to put his hands behind his back, although they were already behind his back the whole time he was speaking to Lieutenant Langston. Lieutenant Langston then handcuffed Plaintiff's hands behind his back and Langston pushed the Plaintiff's face up against a brick column by central control and put extreme pressure on the Plaintiff's left hand, which has a metal band in it that holds his middle bone together. The Plaintiff asked Lieutenant Langston to change the pressure he was applying from his left hand to his right hand, but he did not; he continued to put extreme pressure on the hand with the metal band in the bone.

Defendant Lieutenant Langston shoved the Plaintiff into a shower stall and pulled the curtain so that the other officers could not see into the shower stall. He pushed the Plaintiff's head into the corner and said, "I'm pissed the f--k off." Then he hit the Plaintiff 3 or 4 four times in the back of his head and said, "Now I'm going to put my foot in your ass." He then brutally kicked the Plaintiff in the leg. The Plaintiff was really scared and repeatedly said that he did not want any trouble and said to Lieutenant Langston, "Ok, I am stupid." Since Lieutenant Langston had said this earlier, the Plaintiff was trying to cooperate so Langston would stop the attack. Lieutenant Langston, totally out of control, continued to attack the Plaintiff while his hands were still handcuffed behind his back hitting him two more times on the right side of his back just above the waist. Lieutenant Langston then ordered the Plaintiff to strip off all his clothes and then Lieutenant Langston closely inspected the Plaintiff's naked body.

As a result of the beatings Plaintiff has suffered severe physical injury and mental injury, including blackouts and severe headaches, and suffered nerve damage to his foot causing his foot to become numb and drop requiring that he wear a brace on his foot.

52.

Michael K. Jamison v. Warden Glenn Rich, et., al., Civil Action No. CV605-066-BAE.

On August 19, 2003 at approximately 7:30 AM following an argument with other inmate in Dorm F-2, Defendant Langston was called who came into the Dorm and said, "I'll take this one" referring to Plaintiff. Jamison. Defendant Langston grabbed the Plaintiff who was already in handcuffs and pulled him into the center of the room. Defendant Langston then stood in front of the Plaintiff and without warning or provocation Defendant Langston hit Plaintiff on his chin with his elbow. Then Defendant Langston hit the Plaintiff again moving his whole body backwards, snapping back his head, hitting the wall so that he started to black out. Defendant Langston slapped him back to consciousness and then told him, "Shut the fuck up, punk or I'm going to kill you" and "You ain't no bo'hog." He continued hitting and slapping the Plaintiff in his face. After he had beaten the Plaintiff, Defendant Langston then snatched the Plaintiff off the wall and took him by the handcuff chain into the hallway of F-2-4 where he again slammed the Plaintiff's head against the wall and held the Plaintiff by the throat, just looking at the Plaintiff and told the Plaintiff not to say a word.

Plaintiff was escorted to medical where Defendant Langston continued to assault him in a room adjacent to medical while he was handcuffed and pushed down in a chair hitting and slapping him about his head and face while wearing black gloves with padding on the outside of the knuckles that are specially designed for hitting. This beating caused the Plaintiff's hearing to fail in his right ear which was bleeding. Plaintiff pleaded with the Defendant Langston to stop beating

him but Defendant Langston and other CERT Team officers just laughed.

Plaintiff was then taken to medical where he explained to the nurses that Defendant Langston had beaten him, knocked out his hearing, that he was suffering trauma and neck injuries that he likened to whiplash. Nurse Dasher observed blood around his ear drum and gave him a bottle of neomycin to put in his ear to keep out infection. As a result of the beatings Plaintiff has suffered severe physical injury and mental injury, including loss of hearing and neck injuries.

53.

Charles D. Langford v. Warden Glenn Rich. et., al., Civil Action No. CV605-073- BAE.

On August 16, 2003 following an argument with another inmate Plaintiff Langford was taken in handcuffs to the lockdown unit at Rogers State Prison where Defendant Langston took control of the Plaintiff grabbing the handcuffed Plaintiff shoving him into a shower stall. Defendant Langston then put on his black gloves which are padded on the outside of the knuckles, especially designed for hitting and stated, "You think you run my chain gang." He then beat the Plaintiff with his fists with multiple blows about his face and body until Officer Cardell came in and asked, "What's going on." Defendant Langston then gave the Plaintiff one last kick in his stomach. Defendant Langston threw a Disciplinary Report ("DR") at the Plaintiff who was still handcuffed in the shower.

On November 18, 2003 at around 6:15AM as Plaintiff was proceeding from his dorm building to the gym in order to receive a clipper shave when he was stopped by Defendant Langston who asked him where he was going. The Plaintiff replied that he was going to get a clipper shave according to his proscribed medical profile. Defendant Langston then told the Plaintiff, "Get your punk ass up against the fence" where he handcuffed the Plaintiff's hands behind his back and dragged him to lockdown. Upon arrival at the lockdown unit,

Defendant Langston shoved the Plaintiff into a shower stall, put on his black gloves, especially designed for hitting, and beat the Plaintiff hitting him in his face and lower body. Defendant Langston continued kicking the Plaintiff even after the Plaintiff fell to the floor. Defendant Langston shouted to the Plaintiff to “get your ass up.” Defendant Langston then ordered the Plaintiff to strip off all his clothes, spread his butt checks; and then Defendant Langston closely inspected the Plaintiff’s naked body. He told the Plaintiff to put his clothes back on and stated, “You aren’t my type.”

Plaintiff returned to his dorm bleeding from his nose, bruised, and swollen about his mouth and face. The dorm officer, Ms. Ryan, asked if he wanted go to medical but needed to talk to Defendant Lieutenant Langston first who was in charge of the shift. Defendant Langston told her to send him up and while the Plaintiff was proceeding to medical he was stopped by Defendant Langston. Defendant Langston told him, “You think you are sick don’t you? You are trying to get me fucked up aren’t you?” Then he started putting on his black gloves, laughing, and stated, “You mother fucker just don’t know when to quit.” The Plaintiff begged Defendant Langston not hit him again to which Defendant Langston stated, “You got 5 seconds to get the f--k out of my face and back down to your dorm before I go to round 2 inmate.”

Plaintiff filed a grievance after which he was called into Defendant Warden Rich’s office and Plaintiff told Defendant Warden Rich what had happened in his beating by Lieutenant Langston. Defendant Warden Rich told him, “You are lying” and “The next time you lie on one of my officers, I’ll beat you myself.”

54.

Andrew Priester v. Warden Glenn Rich, et., al., Civil Action No. CV605-071- BAE.

On or about the middle of August, 2003, while the Plaintiff Priester was trying to use the inmate telephone,

Defendant John Doe Unit Manager of the Fast-Track instructed the Plaintiff to get off the phone and go to his dorm to which orders the Plaintiff complied. Defendant John Doe then followed the Plaintiff and got right in his face saying you don't know who I am while spitting in the Plaintiff's face and eyes. Plaintiff told him to back up and stop spitting in his face. Defendant John Doe then radioed the CERT Team, who put the Plaintiff in handcuffs and took him to lockdown where he was placed in a shower stall still in handcuffs for quite some time. The Defendant John Doe Unit Manager then opened the shower door and without warning punched the Plaintiff in his stomach, causing him to fall to the ground. Then Defendant John Doe stomped the Plaintiff three or four times and told him never to disrespect him again.

In October, 2003 Plaintiff was having psychological problems and the prison psychiatrist upgraded his mental level to level 3 so officers, along with Lieutenant McCloud, were called to escort the Plaintiff to A-Unit Special Management Unit where Plaintiff's handcuffs were removed and he was left in a cell for a few minutes. The Officers then returned and placed the Plaintiff back in handcuffs behind his back. Defendant Sergeant Byrd pushed the Plaintiff to the ground and kicked the Plaintiff several times while Defendant Lieutenant McCloud and other officers watched. The Plaintiff was then taken to the Georgia State Prison as a sleeper where his family would not be able to see the obvious results of the beating and to give time for his wounds to heal before anyone at Rogers State Prison could see his beaten face and body.

A morning in October, 2003 Plaintiff declined to take proscribed medicine and was told by the officer to report to medical and sign a medicine refusal. Upon arrival at medical Defendant Lieutenant Langston was there and asked the Plaintiff why he was disrespectful to his officer to which the Plaintiff replied that he wasn't being disrespectful only that he did not want to take his medication that morning. Defendant Langston then ordered the Plaintiff to turn around so that he could handcuff his hands behind his back. Defendant Langston then turned the Plaintiff around and slammed his radio into

Plaintiff's groin area bringing the Plaintiff to his knees and then hit the Plaintiff over the head with his radio. Defendant Langston then told the Plaintiff that if he had any more trouble out of him that he would take him to the shower in A-Unit lockdown.

On December 31, 2003 the Plaintiff was to report to DR Court which was presided over by Defendant Lieutenant Langston who summarily found the Plaintiff guilty. When the Plaintiff voiced his displeasure with the proceedings Defendant Lieutenant Langston ordered him to be taken to lock down. Plaintiff passed Deputy Warden Collins and asked if he could speak to him; Defendant Collins just ignored the Plaintiff's pleas. After a few hours in a cell in lockdown, Defendant Lieutenant Langston came to his cell and ordered the officer to put handcuffs on the Plaintiff behind his back. Defendant Lieutenant Langston then put on his black gloves with padded knuckles and especially designed for hitting and hit the Plaintiff multiple times in his face and stomach causing him to fall back into the wall where he continued to kick and punch the Plaintiff several more times. When Defendant Lieutenant Langston left, the officer tried to get the Plaintiff to return to the general population dorm, but the Plaintiff beaten and tired of the abuse tied a sheet to a bar in the ceiling and then around his neck to hang himself. He was taken down by an officer who sent him to medical. Defendant Sergeant Byrd continued to hit the Plaintiff on his head with a baton asking, "Is anybody home?" As a result of the beatings Plaintiff has suffered physical injury and severe mental injury.

55.

Hassan Freeman v. Warden Glenn Rich et., al., Civil Action No.CV605-072-BAE.

On September 2, 2004 at approximately 8:00 AM Plaintiff Freeman went to breakfast, but he forgot his meal ID card. Plaintiff was ordered to go to Unit A-3 lockdown and was put in a shower stall with handcuffs behind his back. Defendant Lieutenant Byrd and Defendant Burns put on black gloves with

padded knuckles especially designed for hitting. Defendant Lieutenant Byrd then started hitting the Plaintiff repeatedly in his face and head while Defendant Sergeant Burns was stomping the Plaintiff in his head and about his body.

Plaintiff was then taken to medical where staples were required to close the gash in his head to close the open wounds. Plaintiff was then shipped to Georgia State Prison where CERT Team Officers including Defendant Officer Parker hit the Plaintiff in the back of his head with a closed fist after the Plaintiff came from medical. Defendant Officer Mobley threatened the Plaintiff and told him not to say a word about the beatings. Then the Plaintiff was put in solitary confinement in the Special Management Unit at Georgia State Prison.

56.

Tyrickus B. Gladmon v. Warden Glenn Rich, et., al.,
Civil Action No. CV605-074- BAE.

On November 12, 2003 at approximately between 8:00AM and 9:00 AM Defendant Officer Byrd came into A-2 unit cursing and yelling for detail # 50 and saying that he was going to make an example out of things. Plaintiff Gladmon told him that he had to get his hat and coat because it was cold. Defendant Byrd said that Plaintiff wasn't getting nothing and started pushing the Plaintiff. Defendant Byrd then said that he was going to make an example of the Plaintiff and that "his ass was going to the pond" and something about a "swang blade." The Defendant Byrd was out of control cursing and pushing the Plaintiff until Plaintiff told him to cuff him and take him to lockdown for protection. Whereupon, Defendant Byrd told everyone to clear the room and he pushed the Plaintiff back. After everyone had left the room, Defendant Byrd started hitting the Plaintiff with his fist in his face. When Plaintiff tried to block the blows, Defendant Sergeant Burns came up behind the Plaintiff and hit him in the back of his head with a baton or stick and continued to hit him with the baton or stick knocking the Plaintiff down and out. While the Plaintiff was on the floor Defendant Sergeant Burns and Defendant Officer Byrd

continued to savagely kick and hit the Plaintiff. Another unknown sergeant said, "That is enough." but they continued to kick and beat the Plaintiff until the unknown sergeant finally said, "God damn it, that is enough." and he stopped them from further beating and kicking the Plaintiff.

Plaintiff was taken to medical with his hands cuffed behind his back raised to an unbearable height, and he was being slammed into walls and doors. At medical, the Plaintiff received multiple stitches to his head to close the open wounds.

Plaintiff was then shipped to Georgia State Prison and put in a cell. Several hours latter, CERT Team Officers, including Defendant Officer Simons and Defendant John Doe, came to his cell and told him to strip naked. Just as he was taking off his shirt over his head Defendant Officer Simmons swung and hit the Plaintiff in his eye and continued beating him hitting him in his face and then kneeling him in his groin and stomach while another CERT Team member Defendant John Doe beat him with a shoe.

Plaintiff was then taken to medical for treatment of his wounds and put in solitary confinement. Subsequently Plaintiff asked why he was beaten at Georgia State Prison for no reason and was told by Defendant Simmons that it was because CERT Team member Officer Byrd had called from Rogers State Prison and told them to get the Plaintiff.

57.

William L. Stanley v. Warden Glenn Rich, et., al., Civil Action No. CV605-075- BAE.

On April 8, 2005, at approximately 11:30 PM on a Friday night Defendant Langston and CERT Team members came into the dorm where Plaintiff Stanley and other inmates were in bed or preparing to go to bed and roused all the inmates demanding that they report to the day room. Defendant Langston then made a speech that something was supposed to go down tonight as well as his usual tirade about beating somebody's ass that night.

Defendant Langston looked up and down the inmates and randomly selected the Plaintiff as the one to be beaten that night. Defendant Langston ordered that the Plaintiff be handcuffed behind his back and escorted by Defendant Rodriguez to A-3 which is the lockdown unit. Plaintiff was thrown into a shower stall by Defendant Langston who pulled the curtain. Defendant Langston took control of the Plaintiff grabbing the handcuffed Plaintiff shoving him into a shower wall. Defendant Langston put on his black gloves which are padded on the outside of the knuckles, especially designed for hitting. Defendant Langston then forcefully pushed the Plaintiff's face into the shower wall, grabbed the Plaintiff by the neck and started choking him, and beat the Plaintiff with his fists with multiple blows about his face, eyes, back, and body. Defendant Langston then literally gave the Plaintiff a severe kick in his ass.

Other officers of the CERT Team, including Defendant Rodriguez, waited outside the shower in case the Plaintiff resisted being beaten. After Defendant Langston had beaten the handcuffed Plaintiff in the shower stall, Defendant Rodriguez put on his black gloves, especially designed for hitting, smiled, and without a word beat the Plaintiff hitting him multiple times in his face, mouth, and lower body causing his mouth and face to be bloodied and swollen.

58.

Willie E. Harper v. Warden Glenn Rich. et. al., Civil Action No. CV605-076- BAE.

On or about July 20, 2004 while being processed in at Rogers State Prison Defendant Byrd continually called Plaintiff Harper "Junior" and Plaintiff respectfully asked for permission to speak to him, saying, "Sir, could you please refrain from calling me Junior." Defendant Byrd went to an adjacent room which was occupied by a nurse sitting at a table and asked her to leave because he had to use the room for a few minutes. Defendant Byrd then put on black gloves with padding on the knuckles which are especially made for hitting. Soon after that

Defendant Register grabbed the Plaintiff by the arm and forced him into the room still handcuffed. Defendant Byrd then said to Plaintiff, "I can call you anything I mother fucking want to call you." To which the Plaintiff replied that according to the Standard Operating Procedure ("SOP") you can't. That is when Defendant Register hit the Plaintiff from behind and Defendant Burns, Defendant Byrd, Defendant Register, and Defendant John Doe savagely beat the Plaintiff with multiple blows and kicks about his head, face, and body.

The Plaintiff was then taken to lockdown by the four Defendant Officers and placed in a shower stall. They were about to beat him again when interrupted by one of the Defendant Officers saying that the Warden wanted to see another of the Defendant Officers.

Plaintiff was issued a trumped up Disciplinary Report ("DR") that he had assaulted an officer and then shipped to Georgia State Prison where he was placed in solitary confinement in the Special Management Unit. The DR was later dismissed. As a result of the beatings, Plaintiff has suffered physical injury including badly bruised ribs, cuts, and scars and severe mental injury.

59.

Morris Tye v. Warden Glenn Rich. et. al., Civil Action No. CV605-077- BAE.

On or about July 20, 2004 following an issue as to whether Plaintiff Tye was wearing his cap properly on an outside detail, at approximately 5:00 to 5:30 PM the CERT Team Officers met the returning bus at the back gate of Rogers State Prison. Cursing, they made all inmates get off the bus. Defendant Sergeant Burns told the other CERT Team Officers to make sure that the Plaintiff was the last one to get off the bus. All the other inmates on the detail passed through the back gate and were allowed to proceed to their dorms except the Plaintiff who was surrounded by the CERT Team Officers. The CERT Team Officers asked the Plaintiff's detail Officer,

Johnny Mack, did he want a piece of the Plaintiff, but he backed away to give the Defendant CERT Team Officers room to get at the Plaintiff. Defendant Sergeant Burns then stated to Johnny Mack, "You sure you don't want a piece of him when we finish beating his ass." Defendant Officer Byrd said, "We're going to fuck him up." Defendant Officer Hunter started pushing the Plaintiff into one of the other Officers who then took turns pushing the Plaintiff into one another. The Plaintiff fell to the concrete pavement and then the Defendant CERT Team Officers started hitting, kicking, and stomping the Plaintiff while he was down on the concrete. The Plaintiff made it to his feet and was kneed in his stomach, side, and legs. Defendant Halcans tried to slap the Plaintiff in his face which the Plaintiff blocked. The other Defendant CERT Team Officers then held the Plaintiff while Defendant Officer Halcans repeatedly slapped the Plaintiff in his face. The Plaintiff then fell to the concrete again and was repeatedly beaten and kicked by Defendant Sergeant Burns, Defendant Officer Hunter, Defendant Officer Byrd, and Defendant Officer Osbourn under the supervision of Defendant Lieutenant Byrd. The Plaintiff was begging for them to stop, but they just kept hitting and kicking him telling him he had to get up.

The Plaintiff was picked up and put in handcuffs. He requested to go to medical, but Defendant Sergeant Burns then punched the Plaintiff with black gloves with padded knuckles, especially designed for hitting, and said, "You need to go where I say." The Plaintiff again said that he needed to go to medical and Defendant Sergeant Burns punched him again in his side. The Plaintiff was then taken to lockdown by the Defendant Officers.

The next day Defendant Deputy Warden John Paul asked the Plaintiff he had learned his lesson. The Plaintiff pleaded with him to let him out. Defendant Deputy Warden John Paul then told him, "You're going to learn how to obey my rules and this prison is going to be run the way I want it to run."

Jason Boyd v. Warden Glenn Rich et. al., Civil Action No. CV 605-087- BAE.

On April 21, 2005 Plaintiff Boyd engaged into a verbal altercation with Officer Thrower who called for back up. Defendant Officer Hughes was the first Corrections Officer to arrive. He instructed the Plaintiff to put his hands on the wall and the Plaintiff immediately complied. Then Defendant Officer Hughes put handcuffs on the Plaintiff behind his back.

As Defendant Officer Hughes was taking the Plaintiff down a back hall, Defendant Officer Macintosh arrived who said, "Let's get him out of here 'cause he knows what happens." Other Officers arrived. Without provocation, Defendant Officer Howard grabbed the Plaintiff and threw him in a restroom in front of the barbershop. Defendant Officer Hughes started twisting the handcuffs causing great pain to the Plaintiff and pushed his face up against the wall. Defendant Officer Howard began punching the Plaintiff in his side and Officer Howard along with Defendant Officers Hughes and Macintosh beat and kicked the Plaintiff in his legs and back. They turned the Plaintiff around and Defendant Officer Hopkins said, "Hold 'em" and then she punched the Plaintiff multiple times in his face.

Plaintiff was taken to Unit Manager Lewis who told the Plaintiff, "If you call your folks, I'm gonna free-world your ass." Then Defendant Officer Howard said, "Just wait till we get to the hole, that wasn't nothing." Defendant Officer Hughes took the Plaintiff to A-3 lockdown unit and all the way he twisted the handcuffs causing excruciating pain to the Plaintiff who began losing circulation in his hands to the point that his wrists were bleeding and his hands turned purple.

Plaintiff was slammed into the fence by Defendant Hughes and another Officer. Plaintiff's head and body were slammed into the metal door to open the door of A-3 with his head and body. Plaintiff was taken and dumped in a shower stall. When the handcuffs were eventually taken off it was a difficult task because his wrists were swollen, cut, and bleeding

and his hand were a deep purple. Plaintiff could not feel his hands because the blood circulation had been cut off. As a result of the beatings, kicking, and the handcuffs cutting off the circulation to his hands, Plaintiff has suffered severe physical injury and mental injury including loss of feeling in his hands and back problems where he was kicked.

61.

Darrell Crowder v. Warden Glenn Rich, et al., Civil Action No. CV605-088- BAE.

In November, 2003 Plaintiff Crowder was brutally beaten, kicked and brutalized in his face and about his body by the Defendants Byrd, Officer John Doe No. 1, and John Doe No. 2. In Dorm C-4 Plaintiff was attacked by three members of the CERT Team at Rogers State Prison where the Plaintiff was a dorm orderly. Defendants Officer Byrd, Officer John Doe No. 1 and Officer John Doe No. 2 put on their black gloves with the outside of the knuckles padded and especially designed for hitting. They surrounded the Plaintiff and started punching the Plaintiff. After they threw the Plaintiff onto the concrete floor, Defendant Officer Byrd grabbed the Plaintiff's left leg and started twisting it. The Defendant had to be taken to medical and then to lockdown.

62.

Ricky L. Favors v. Warden Glenn Rich, et., al., Civil Action No. CV605-089- BAE.

On December 9, 2004 as a new arrival to Rogers State Prison while standing in line to be processed for identification, Plaintiff was asked a question about his shirt to which he replied "naw." Immediately Defendant Langston stepped up to the Plaintiff and said, "Boy, you don't answer the Captain with naw." Plaintiff was then taken outside and told to face the wall and placed in handcuffs by Defendant Langston who got into the Plaintiff's face and kicked the Plaintiff. Plaintiff stated to Captain Williams that "this officer has no right to put his hands

on me.” Capitan Williams immediately instructed that the Plaintiff be taken to A-building (lockdown) where he was placed in a shower stall. Minutes latter Defendant Langston arrived with Officer Grubbs whom he told to wait behind the curtain. Defendant Langston put on black gloves with padding on the outside of the knuckles that are specially designed for hitting. Defendant Langston then told the Plaintiff, “Boy, you don’t know where you are.” Then Defendant Langston punched the Plaintiff still handcuffed in the ribs and stomach knocking the Plaintiff to the floor. As the Plaintiff was struggling up to his feet he was hit again in his lower body. In desperation the Plaintiff cried out, “Just go ahead and kill me.” Defendant Langston then slapped and hit the Plaintiff more.

After Defendant Langston left, Unit Manager Lewis and Lieutenant Byrd showed up and the Plaintiff told them about the beating by Defendant Langston and he asked to go to medical. They stated that, “You will never make it to medical” and refused to take him to medical for treatment of his wounds.

Plaintiff was kept in solitary confinement in A-3 lockdown for over four months. On March 31, 2005 Plaintiff was assaulted by CERT Team Officers. Defendant Hunter hit him in the face through the flap in his isolation cell and then Defendant Hunter walked down the corridor called in other CERT Team Officers, one of whom asked Defendant Hunter, “You want his ass?” His cell door was then opened and Defendant Officer Hunter entered first with Defendants Sergeant Burns, Officer Byrd, Officer Osborn, and Officer Lewis. Defendant Officer Hunter ordered the Plaintiff to face the wall and put handcuffs on him behind his back. Defendant Officer Hunter then stated, “Run your mouth now” and then Defendant Hunter hit him from behind in the back of his head. As the Plaintiff turned, he was kicked in his chest by Defendant Officer Byrd and was hit again by Defendant Officer Hunter splitting open his right eye which then bled profusely.

Plaintiff was taken to medical where the Plaintiff told the nurse that they had beaten him for no reason. He was treated

and pictures were taken. On the instruction of Defendant Officer Osborn, mental health was called.

On the way back from medical when the Plaintiff was being returned to A-Unit lockdown, Defendant Officers Byrd and Osborn again started beating him hitting him in the face and knocking him down. When the Plaintiff could not get up he was dragged to A-Unit lockdown where he was put in a shower stall. Once there Defendant Osborn hit him in the ribs and across his legs with a night stick, which caused the Plaintiff to fall to the floor. The Plaintiff then was hosed with hot water until he got to his feet and then the cold water was turned on him from the hose.

As a result of the beatings, Plaintiff has suffered severe physical injury and mental injury, inability to sleep, and post traumatic stress syndrome.

63.

James Benton v. Warden Glenn Rich, et al., Civil Action No. CV605-090- BAE.

On June 6, 2005 at approximately 6:40 AM Plaintiff Benton while on his way out of Dorm H-2 for his detail was accused by Officer Gillyard of bumping her with the door when she was standing approximately 20 feet away from the door. Defendant Sergeant Potter and Defendant Officer Osborn came to the Dorm and told Plaintiff to pack up because he was going to lockdown. Plaintiff asked to talk to the Warden or Lieutenant because he did not want to be beaten in handcuffs "like they do other inmates." He was told by Defendant Sergeant Potter, "We don't have time for this sh-t." Plaintiff was jumped on by Defendant Officer Osborn, Defendant Sergeant Potter, and Defendant Sergeant Hobby. Defendant Osborn put his hands around the Plaintiff's neck and started to choke him pressing his hands on his throat choking off his breath and causing extreme pain as well as fear of death. Plaintiff was thrown down onto the concrete floor with his hand behind his back, he was repeatedly kneed in his back, and his

face was pushed into the concrete floor. Plaintiff was then taken to medical and lockdown with his arms pulled up at a right angle behind his back to exert extreme pain on his arms and shoulder sockets. As a result of Plaintiff being choked, his face being slammed and pushed into the concrete floor, and being tortured with excruciating pain of his arms being held in an extreme unnatural raised position behind his back almost dislocating his shoulder sockets.

64.

Willie J. Williams v. Warden Glenn Rich, et al., Civil Action No. CV606-003- BAE.

On January 5, 2005 Defendant Warden Rich had Plaintiff Williams taken to the lockdown unit where the Plaintiff was placed in a shower stall with the water was turned on for about ten minutes. Then Defendants Lieutenant Langston and Sergeant Burns came to the shower stall put on black gloves which are especially designed for beating with padding on the outside of the knuckles. The Plaintiff was severely beaten about his face and body and caused his nose to bleed and his head swollen and bruised.

65.

Larry Wayne Poole v. Warden Glenn Rich, et al., Civil Action No. CV606- 068-WTM.

On August 19, 2004 at approximately 9:30 AM Defendant Warden Rich ordered that the Plaintiff Poole be taken out of his cell and beaten to “teach him a lesson.” Plaintiff was taken to the shower area of lockdown isolation unit at Rogers State Prison where Defendants Lieutenant McCloud, Lieutenant Langston, Sergeant Burns, Office Register and Officer Williams as members of the CERT team put on black leather gloves with padding on the out side of the knuckles that are specially designed for hitting and each took turns beating and kicking the Plaintiff while he was restrained

with handcuffs behind his back and in the presence of Defendants Warden Rich and Deputy Warden Collins.

Plaintiff was repeatedly beaten with multiple blows and kicks about his face, head and body while handcuffed with his hands cuffed behind his back. The beating lasted more than twenty minutes with each taking turns beating the Plaintiff while he was begging them to stop.

Then in the afternoon of December 14, 2004 on the orders of Defendant Warden Rich Plaintiff was again beaten by Defendants Sergeant Burns, Officer Byrd and Officer Osborne while he was restrained with his hands handcuffed behind his back beating and kicking the Plaintiff while wearing the black leather gloves in the shower area of the lockdown isolation unit at Rogers State Prison. The Defendants Burns, Byrd, and Osborne took turns beating and kicking him about his head, face, and body.

Plaintiff was threatened after both beatings that if he told anybody or filed a grievance that he would be beaten again. Plaintiff was terrified of being beaten again and was justified in not filing a grievance. On both occasions of being beaten, Plaintiff was not allowed to be taken to medical for treatment of his wounds and was put in solitary confinement until outward evidence of his wounds could heal.

66.

Christopher Shinholster v. Glenn Rich, et al. Civil Action No. CV606-073 BAE.

During September, 2004 after his arrival at Rogers State Prison, Plaintiff Shinholster wrote a letter to Defendant Deputy Warden Collins that the Plaintiff was likely to have trouble from listed inmates at Rogers State Prison because he had resigned from a gang after his incarceration. His first letter was ignored and he resubmitted the letter a second time. Defendants Lieutenant Langston and Lieutenant Byrd came and escorted the Plaintiff in handcuffs during the 7:30 AM count to meet

with Defendant Deputy Warden Collins and was told to wait in the visitation area and to stand with his face close against the wall. Deputy Warden John Paul asked the Plaintiff a question which he could not fully hear. Defendant Lieutenant Byrd then elbowed the Plaintiff in the back of his head and slammed his face into the concrete wall saying, "Boy, didn't you hear the warden talking to you?"

Plaintiff was then snatched off the wall and escorted to Defendant Deputy Warden Collins' office where he stood before Deputy Warden Collins restrained in handcuffs and flanked by Defendants Langston and Byrd. Defendant Collins was behind his desk reading the Plaintiff's letter and then stated, "This is the one ignorant son of a bitch." Defendant Langston immediately struck the Plaintiff in the left side of his face beating him to the floor. Then Defendant Langston yanked the plaintiff back up by the chain of the handcuffs and said, "If you fall again, I'm gonna hit you again." At that point Defendant Byrd struck the Plaintiff on the right side of his face. Defendant Collins then said, "Now ----- you want to be so bad." The Plaintiff was immediately struck again in back of his head by Defendant Langston. Plaintiff started to cry and Defendant Byrd laughed and said, "Take him to A-3 (lockdown isolation)." Plaintiff attempted to talk and was told to shut up. Plaintiff was escorted to the shower area of the lockdown unit A-3 where Defendant Langston told him, "If the Warden gives me permission, that I will be back later that night to beat your ass some more."

Defendant Langston and Defendant Byrd never came back to continue beating the Plaintiff. Defendant John Paul made trips to the Plaintiff's cell to continue the harassment. Plaintiff was not allowed to be taken to medical for treatment of his wounds and was put in solitary confinement for eight days until outward evidence of his wounds could heal.

Augusta State Medical Prison –

Nickolas Felder v. Tony Howerton, et al., Civil Action No.CV105-170-DHB.

On June 21st 2005, around 8:30 AM, Plaintiff Felder was performing his usual duties assigned to him, cleaning the showers and then waiting for the inspection team to inspect Plaintiff's performed cleaning duties. At 9:15 AM the inspection team arrived and the inspection went well as usual. After the inspection, Plaintiff asked Defendant Riles to open the door and walk Plaintiff to his cell. While Plaintiff was walking with Defendant Riles going to his cell, Defendant Riles suddenly stepped in front of Plaintiff causing the Plaintiff to bump into Defendant Riles.

Defendant Riles stated to Plaintiff that the inspection team had not yet left the building and to go back. Accordingly, Plaintiff obeyed the Defendant's order. Few minute later, Defendant Riles returned and stated to Plaintiff, "if you ever push me again I am going to beat your ass." Plaintiff explained to Defendant Riles that Plaintiff did not do it intentionally and that Defendant's Riles sudden move caused Plaintiff to bump into Defendant Riles. Plaintiff apologized for any inconvenience to Defendant Riles caused by Plaintiff. Defendant Riles repeated the same phrase to Plaintiff over and over again, "if you ever push me again I am going to beat your ass".

Defendant Riles' obvious intention was to provoke Plaintiff by sticking his finger in Plaintiff's face, stepping on Plaintiff's shoe, arguing and screaming at Plaintiff, and spitting in Plaintiff's face. Defendant Riles pushed Plaintiff until Plaintiff was lying on a bunk, then Defendant Riles handcuffed and choked Plaintiff.

The CERT team was called and Defendants Woodsen and Taylor escorted Plaintiff to the medical facility. While Plaintiff was handcuffed with his hands behind his back in an elevator, Defendant Taylor struck Plaintiff in his back causing Plaintiff to fall down. Defendant Taylor violently and brutally beat Plaintiff and the Defendant Woodsen joined in beating the

Plaintiff while Plaintiff was on the elevator floor. Then Defendants Woodsen and Taylor picked Plaintiff up off the elevator floor and took Plaintiff to the medical facility.

Plaintiff had sharp pain on his right side of which he complained to the doctor and X-rays disclosed that he had fractured ribs and severe bruises on his chest. After reading the X-rays, the doctor diagnosed that Plaintiff had fractured ribs and contusions on his chest. Plaintiff was prescribed medication for pain, three times a day. His chest still causes him pain and he can't sleep on his stomach.

68.

Larry J. Stephens v. Tony Howerton, et al., Civil Action No. CV105-171-DHB.

On May 6th 2005, Officer Jones and Officer Kendalt brutally beat and violently broke Plaintiff Stephens' right arm and shoulder with the help of Defendant Kendalt who kicked Plaintiff's left leg from under him while Sgt. Dermantez was condoning and observing the brutal beating and torture of Plaintiff by the Defendants Jones and Kendalt. Defendants Jones and Kendalt punched Plaintiff in his back knowingly Plaintiff suffers from severe back injury and failed back surgery. Defendant Kendalt grabbed Plaintiff's testicles, squeezed, and held them in vice grip. Plaintiff passed out from the vicious beating and brutalization he endured by Defendants Jones and Kendalt. Defendant Kendalt placed Plaintiff's head between his knees and rubbed Plaintiff's face on a concrete floor. Defendants Jones and Kendalt pulled the handcuffed Plaintiff from the concert floor ground and carried him chicken wing style running Plaintiff's right shoulder into several doorframes. Defendant Coles then replaced one of the Defendants carrying the Plaintiff chicken wing style to a lock down cell where Plaintiff was kept handcuffed without food, medication and medical attention.

Plaintiff was in tears, severe pain and was denied his diabetes and pain medications. Plaintiff was left without food and his insulin medication for a very substantial period of time. The following day Plaintiff's testicles sack was swollen four times its normal size and was black and blue. Dr. Young ordered to have the Plaintiff seen by an Urologist because of such vicious and brutal actions by the Defendants. Defendant Bryant took plaintiff to see Dr. Young who ordered x-rays performed. After the x-rays were taken, Defendant Bryant viciously twisted Plaintiff's arms while handcuffing Plaintiff causing his great pain. Defendant Bryant stated that he would see to it that none of the diabetic inmates would be a witness for the Plaintiff as to what happened. Plaintiff did not receive a cast for his broken arm until six days later after the vicious and brutal beating and he never received surgery or medical treatment for his broken shoulder.

Costal State Prison –

69.

Gregory E. Stuckey v. Danny Thompson, et al., Civil Action No. CV404-216-BAE.

On September 3, 2005, while he was incarcerated at Costal State Prison, Plaintiff Stuckey was sexually assaulted by Inmate Holt, while Plaintiff was sleeping. Plaintiff immediately reported the sexual assault to Defendant Santiago. Defendant Santiago reported the sexual assault to his supervisor, Defendant Allen.

After the conclusion of the investigation by Defendant Allen, Defendant Allen stated to Plaintiff that he was going to be put in the disciplinary solitary confinement. Plaintiff protested stating that he was the one been sexually assaulted and he should not be placed in the disciplinary solitary confinement. Defendant Allen then stated to Plaintiff that Plaintiff should forget about the assault and ordered Plaintiff and inmate Holt to go back to the same dorm together where the assault against Plaintiff took place.

On September 3, 2005, in the afternoon hours, Defendant Allen ordered Defendants Doe 1, Doe 2, Doe 3, Doe 4, Doe 5, Doe 6, Doe 7 and Doe 8 to attack the Plaintiff. Plaintiff was violently attacked by all the Defendants at once. The Defendants while Plaintiff was restrained violently hit Plaintiff with their fists, kicking, kneeling and choking Plaintiff. Plaintiff felt his shoulder being dislocated and heard his left arm pop. Plaintiff began screaming stating to Defendants that they broken his arm, one of the Defendant responded back stating to Plaintiff "You deserve it".

Coffee Correctional Facility-

70.

Rodney W. Gainer v. Corrections Corporation of America, Inc., Civil Action No. 5:07-CV-041-WTM.

On May 19, 2005, while in the dining hall of Coffee Correctional Facility, Defendant Officer Molina called Plaintiff Gainer who is an African American a "boy" and "Nigger." The Plaintiff told her that if she kept it up that he would write some officials on her and "they are going to bust [her] butt." Defendant Molina then called Defendant Lee who escorted the Plaintiff out of the dining hall and told him to get on the wall. The Plaintiff complied putting his hands on the wall. One of the Defendant officers came up behind the Plaintiff and stated, "whip his ass." When the Plaintiff turned to see who had said "whip his ass," Plaintiff was punched in his face and fell to the ground. When the Plaintiff was down on his knees he was kicked in his face and beaten unconscious.

Defendants Lieutenant Dean, Lieutenant Lee, Officer Jones, Officer Williams, Officer McMillan, Officer Simpson, and Officer Molina all participated and punched and kicked the Plaintiff while the Plaintiff was restrained in handcuffs. Defendant Sergeant Mullins stuck the Plaintiff with an ink pen over his right eye and on top of his head causing him to bleed

from his head and eye and requiring stitches to close the gash over his right eye. Defendant Sergeant Paulk hit the Plaintiff with her radio, Defendant Officer Woo hit the Plaintiff with her radio.

Plaintiff regained consciousness as he was being carried to medical, bleeding and injured severely. Defendant Officer Williams stopped and kicked the Plaintiff in his face, knocking him unconscious again.

Plaintiff regained consciousness in medical on the examining table. Defendant Captain Jerry Miles stated to Plaintiff, "They are going to get you again and it isn't over." Defendant Warden Thomas told the Plaintiff, "You are lucky that I wasn't there. If you talk I will get you."

Plaintiff's injuries were so severe that he had to be taken to the local Emergency Room in the hospital in Douglas, Georgia, where doctors suspected that his neck and back were cracked and a possible leg fracture. The Plaintiff was then rushed to Memorial University Medical Center in Savannah, Georgia, where his neck, back, and leg were diagnosed as not broken and gave him pain medication. The Plaintiff is still being given medication for pain as the result of his injuries suffered because of being beaten, kicked, and clubbed by the Defendants.

D. Ray James Prison –

71.

Corry B. Mincey v. Scott Ammons, et al., Civil Action No. CV505-043-BAE.

On June 20th, 2005, around 5:00 P.M. Plaintiff Mincey was feeling sick and confused because Plaintiff is diabetic and his sugar level was low. Plaintiff left his dorm and went to the

medical facility to get his insulin. While waiting for his insulin medication, Plaintiff had to go to the rest room. The inmate restroom was occupied, Plaintiff had to use the visitation restroom which was adjacent to the inmate restroom and it was not occupied.

Upon returning to the medical facility, Plaintiff was accosted by Defendant Capt. Summers who was accompanied by Officer Lawrence and Officer Jordan. Defendant Summers asked Plaintiff "What are you doing". Plaintiff replied that he is, "Using the restroom, I am waiting to get my insulin", Defendant Summers ordered Plaintiff to go to the restroom for strip search. Plaintiff's fear started elevating after he saw the Defendant Summers, Officer Lawrence, and Officer Jordan strapping on their black gloves which are specially designed for beatings with padding on the outside of the knuckles. Plaintiff was aware of ongoing investigations of many officers using the black gloves for beating inmates. Plaintiff ran to the restroom out of fear from being beaten.

After Plaintiff was pulled out of the restroom to the hallway by Officer Lawrence, Plaintiff was forced face down on the floor and was handcuffed with his hands behind his back with the help of Officer Jordan and Defendant Summers. While Plaintiff was on the floor handcuffed, asking for his insulin, Defendant Ammons suddenly rushed up to Plaintiff and stood close to Plaintiff's head, then got down and started screaming at Plaintiff "Oh, mother fucker, you want to swing on my captain, uh?" , "shut up". Then Defendant Ammons started brutally and repeatedly punching Plaintiff in the face and hit his right eye with a big ring on his finger. Plaintiff screamed repeatedly for Defendant Summers by saying "Captain Summers" and hoping that Defendant Summers would order Defendant Ammons to stop the brutal beating inflicted on Plaintiff who was also suffering from low sugar level. Defendant Summers did not say a single word to stop Defendant Amos from his brutal beating against the diabetic and helpless Plaintiff. Defendant Summers allowed the brutal beating by Defendant Ammons to continue be inflicted on Plaintiff while Plaintiff was restrained and handcuffed.

After enduring the repeated blows beating by Defendant Ammons, Plaintiff was dragged across the concrete floor to the segregation unit and placed in a strip cell naked for hours without any medical treatment for his injuries and without his insulin for his diabetes illness. Plaintiff was only given an ice pack for his swollen eye and injured eye socket. After placing the ice pack on his eye, Plaintiff blacked out for hours due to the brutal beating and due to his very low sugar level.

Plaintiff was taken on a stretcher to the medical facility, after an inmate was able to get the attention of another corrections officer. At the medical facility Plaintiff's sugar level was checked and registered at level 40 which was a very dangerously close for Plaintiff to slip into a diabetic coma. Plaintiff suffered physical injuries including severe swelling of his head and around his eye and continues to suffer from headaches, double vision, and post traumatic stress.

72.

Neil Williams v. Cornell Corrections of Georgia, et al.,
Civil Action No. CV-506-047-WTM.

On January 17, 2006, while Plaintiff Williams was in medical sitting and waiting for his turn, Defendant Bradley came in cursing and then looked at Plaintiff and asked Plaintiff did he understand what he has said? Plaintiff then stated to Defendant Bradley "No, I don't understand cursing". Defendant Bradley then asked Plaintiff to standup, face the wall and place his hand behind his back. After being handcuffed, Plaintiff was taken to one of the medical room by Defendant Bradley. When Plaintiff entered the medical room and turned around, Defendant Bradley pushed Plaintiff in the face, Plaintiff fell on the examination table, Plaintiff tried to stand up but Defendant Bradley pushed Plaintiff back on the table and started hitting and slapping Plaintiff in the face. Then Defendant Spivey entered the room and jumped on Plaintiff forcing Plaintiff to the ground and then put his elbow on Plaintiff's right temple and start stating multiple times "Nigger, I'll kill you". Defendant

Bradley was standing at the end of the table pushing Plaintiff's leg out to see if Plaintiff has passed out. Plaintiff then fell on the floor and Defendant Spivey placed his left knee on Plaintiff's temple pressuring Plaintiff's head. Defendant Bradley then said "I should kick you in the balls".

While Defendants Bradley and Spivey were taken Plaintiff to segregation, Defendant Bradley stated "I am going to teach niggers how to talk to me". When Plaintiff and Defendants Bradley and Spivey got to the segregation gate, Defendant Bradley said to Plaintiff "Do you see that door your face is about to meet that door". Defendant Bradley then put his hand behind Plaintiff's head and rammed Plaintiff's face in to the door, then Defendant Spivey slammed Plaintiff backward on the concrete, Plaintiff felt that his thumb was broken. When Defendant Bradley and Spivey got Plaintiff into segregation Plaintiff had to start crying in order to stop Defendants Bradley and Spivey from continue to beat Plaintiff.

Later that night, Defendants Bradley, Spivey and other officers came to Plaintiff's cell, Defendant Bradley ordered Plaintiff out of the bunk bed into the floor, then Defendant Bradley pulled Plaintiff's clothes off and the other officers put on Plaintiff orange pants and shirt. Plaintiff was then taken to the medical room in segregation, Defendant Bradley again started hitting Plaintiff in face. Plaintiff suffered and is still suffering from neck and head injuries because of the brutal beating caused by Defendants Bradley and Spivey. Defendants caused Plaintiff to continue suffering from mental anguish, chronic headaches, neck, shoulder and back pain including loss of vision in the right eye.

Georgia State Prison

73.

Nathanial Williamson v. Hugh Smith, et al., Civil Action
No. CV-606-026-BAE

On May 19th, 2004, Plaintiff Williamson was attacked by Defendants officer Smith, Doe # 1 and Doe # 2. Plaintiff was punched repeatedly in his face and kicked repeatedly about his body while handcuffed, which caused Plaintiff to bleed all over his face and was denied medical treatment. Plaintiff submitted his Grievance on May 20th, 2004.

After filing the Grievance for the incident of June 1st, 2004, Defendants launched an attack against Plaintiff on June 2nd, 2004, by Defendants Sanders, Sheldon, Washington, Brown and Smith, which caused Plaintiff to suffer from blackouts, head rushes, physical and mental injuries.

The third attack was on March 11th, 2005, which was setup by Defendants unknown to Plaintiff at this time, by allowing inmate Jacobian R. Irby, nicknamed "Homicide" to enter Plaintiff's cell and hid under Plaintiff's bed and then launched a brutal attack knocking Plaintiff out unconscious, causing Plaintiff to be rushed to two different hospitals for serious injuries. In the result of the brutal attack, Plaintiff had to stay in the trauma section for month and a half, suffering from multiple bone fractures in his face including his jaw to the extent that Plaintiff had to have a facial bone reconstruction surgery and plastic surgery to his face and surgery for his abdomen and stomach and had to be fed by feeding tubes. After the attack by Homicide against Plaintiff, Plaintiff was in the hospital for a month and a half where he could not file a grievance and suffering from vision problems, continuous headache, trauma, mental anguish, and post traumatic stress.

Telfair State Prison –

74.

Jeffrey L. Mason v. Smith, et al., Civil Action No.CV304-019-DHB.

On April 5, 2003 while Plaintiff Mason was watching television an altercation broke out between another inmate, Larry Lamb, and a correction officer which occurred in front of and blocking the entrance to the Plaintiff's cell. Officer Bridges asked the Plaintiff why he did not go to his cell. Plaintiff told him that he could not enter his cell because the officers had inmate lamb on the floor directly in front of his cell and that he could not get into his cell. Officer Bridges instructed Plaintiff to go to the top range until the day room was clear. As Plaintiff started to follow his instruction, he was blind sided tackled by Officer Smith and Officer Burnett slamming his right shoulder and neck on the concrete floor and caused him to black out. When Plaintiff regained consciousness he was in handcuffs behind his back and Officer Smith was standing over him pulling his restrained arms up to the back of his head causing severe pain and beating him with painful punches in his back and neck. Officer Bridges held him down and beat him with punches as well. Officers Brown and Burnett stomped and kicked the Plaintiff. Sergeant even clubbed the Plaintiff's head with a walkie-talkie. The Plaintiff pleaded with them to stop beating him but Sergeant Madison and Officer just wouldn't stop beating him. Plaintiff pleaded to be taken to medical for medical treatment, but they took him to lockdown and he was refused treatment right shoulder which was dislocated for more than five days.

INMATE BEATING CASES IN THE MIDDLE DISTRICT

Autry State Prison

75.

Emory Harris v. Fredrick Head, et al. Civil Action No. 1:06-CV-086-WLS

On April 4th, 2005, approximately 8:45 A.M. for no reason, Defendant Bell handcuffed Plaintiff Harris with his hands behind his back, then Defendant placed his hands behind Plaintiff's head and slammed Plaintiff's head between a speaker

box and metal railing, causing Plaintiff serious injuries. Plaintiff's head was cut in front and back which caused Plaintiff to bleed massively. Plaintiff's nose was broken, displaced, compressed, and was bleeding severely.

After the brutal attack by Defendant against Plaintiff, Plaintiff was taken to medical while bleeding severely, where Plaintiff received fifteen stitches to the front of his head and ten stitches to the back of his head. Plaintiff nose was broken as shown by X-Ray taken of Plaintiff. Plaintiff suffered and still suffers severe headaches, head rushes, physical and mental injuries.

76.

Patricia Wingster v. Fredrick Head, et a. Civil Action No. 1:06-CV-115-WLS.

On October 14, 2004 Plaintiff Wingster's son, Jonathan Haynes, was brutally attacked at Autry State Prison by Defendant Sergeant Bell and CERT Team members, Defendants Officer, Wendell, Officer Strickland, Officer Jenkins, Officer Wade, Officer McGee and John Doe Officers crashing his head into the wall of his cell, kicking him and beating him causing him to lose consciousness and suffering a concussion and bleeding underneath his skull that caused his death. His unconscious body was carried out of his cell in handcuffs and leg irons. He was taken to medical facility in the prison and then to Mitchell County Hospital and then taken back to Autry State Prison where he was put in his cell unattended. He was unresponsive the next morning and latter that day he was pronounced dead at Phoebe Putman Hospital caused by the obviously excessive use of force which cracked his skull, caused internal bleeding underneath his skull, and proximately caused his death.

77.

Thomas G. White v. Officer Ross, Civil Action No. 1:05-CV-85-WLS

On August 16, 2004 at Autry State Prison, where Plaintiff White was being treated for mental health problems, he swallowed pills and bleach in a desperate attempt to commit suicide. Defendant Ross and Officer Davis escorted Plaintiff to the Medical Facility to be treated for swallowing pills and bleach. Plaintiff was escorted handcuffed with his hands behind his back into a side nurse room. In the room a nurse by the name O'Neal was standing in the room with a cup of dark liquid in his hand. Nurse O'Neal tried to pour the dark liquid into Plaintiff's mouth. Plaintiff still handcuffed with his hands behind his back was shaking his head refusing to drink the unknown liquid which was spilled on the floor.

Defendant Ross jerked Plaintiff White then brutally and violently forced Plaintiff's face into the concrete wall which caused plaintiff severe bleeding, head injury, mental anguish and left a permanent scar on his face.

Counselor Dorsey from the mental health facility was called to the medical facility where Plaintiff was escorted after the violent actions of Defendant Ross against Plaintiff White. Counselor Dorsey stated to Doctor Ankoh who was treating Plaintiff White, "There is no way you can send Thomas White back to the dorm with out being treated with his open contusion. I suggest that he be sent to the hospital to be treated". Counselor Dorsey also stated "Do you see the X on his face? It's too bad of contusion not to be treated, there is no way you all going to put this off on mental health department".

Plaintiff was treated at Mitchell County Hospital for head injury, contusions, and a deep wound which left a permanent scar above the right eye of Plaintiff's face. The CERT team Officer Roberts and Sgt. Bell took pictures of Plaintiff's face after such vicious actions by the Defendant Ross against Plaintiff White who was obviously having mental health problems.

Bostic State Prison -

78.

Donald T. Foster v. Ralph Battle, et al. Civil Action No.5:05-CV-00437-CAR.

In December 2004, Plaintiff Foster contracted staph infection in his knee and had two medical operations for his knee and awaiting another surgery in order to be able to walk again. Plaintiff is diabetic and suffers from hypertension.

On the morning of March 14th 2005, Plaintiff's name was on the call out sheet for sick call. Instead of Plaintiff's name being listed in Nurse Fortson's list for sick call, Plaintiff's name was listed in Officer Underwood's list. Plaintiff asked Officer Underwood what he should do because he had been trying to get medical attention for his problem. Plaintiff's leg and feet had been swollen for three months after having two knee surgeries. Plaintiff consulted with Nurse Hugan who stated to Plaintiff that she could not understand what was going on, every time she put Plaintiff's name on the sick list for Plaintiff to be seen by a doctor, some one kept on scratching it off the list.

Instead of receiving a medical care for his problem, Plaintiff was sent to the security office. When the Plaintiff reported to the security office Defendant Askew punched Plaintiff twice in the head with his closed fist and beat him with a pair of handcuffs with the help of Defendant Madison holding Plaintiff down while Plaintiff confined to a wheel chair in front of Defendant Beckum.

After being brutalized by Defendant Askew, Plaintiff was sent to the disciplinary solitary confinement where Plaintiff spent fifteen days without any medical treatment. Plaintiff has been suffering from headaches, dizzy spell, blurry vision and has been unable to sleep because of the attack by the Defendant.

Calhoun State Prison –

79.

Lebert W. Francis v. Steve Upton, et al., Civil Action No. 1:04-CV-191-WLS.

In the morning of June 29, 2004 after Plaintiff Francis has completed his detail of cleaning up F-1 Dorm at the Calhoun State Prison, Defendant Deputy Warden Mathis asked the Plaintiff to clean a trash can lid to which Plaintiff replied that that was the job of other Dorm orderlies. Warden then told the Plaintiff that he was going to solitary confinement lockdown. While the Plaintiff was packing up his clothes and property, CERT Team members, Officer Clark and Officer Hayes came to Plaintiffs cell and put him in handcuffs. They then closed his cell door and Officer Hayes started choking the Plaintiff while Officer Clark hit Plaintiff in the side of his body. They yelled at him saying that, “this is not GSP [Georgia State Prison] and “we run this prison” and that “you was going to do what the warden says or get your ass beat everyday.” Then they started beating him more.

They dragged him out of his cell without letting get to his feet down stairs, through the gym and to the lockdown unit. While on the way to lockdown at the east gate Defendant Sergeant Blackmon joined and started twisting the handcuffs so that it caused extreme pain in his wrists and Sergeant kept twisting the handcuffs to cause the Plaintiff extreme pain and Officer Clark and Officer Hayes would hit Plaintiff in his side while proceeding to the lockdown unit. Upon arriving in the lockdown unit CERT Team members Defendant Officers Keigler and Alexander joined in beating the Plaintiff. All the inmate orderlies were told to go out side. Plaintiff was stripped and taken to a shower still in handcuffs. Then Officer Hayes and Officer Clark came in and started beating the Plaintiff again in his chest and side. Officer Keigler then came into the shower and said “let me have some of him”, then Officer Keigler started hitting him in the chest. Officer Keigler grabbed his neck and started choking his windpipe yelling that he would

kill him. Plaintiff fell to the floor because he couldn't breathe. Then Officer Alexander came in the shower and starting kicking the Plaintiff in his side. Plaintiff in desperate pain told them to "go head and kill me" because he couldn't take any more. Officer Hayes then slammed the shower door. Plaintiff got up on his feet but then fell back on the shower door.

The Officers pushed the Plaintiff back into the shower and then drug him to the office in the unit. In the office the Plaintiff was put in further restraint equipment. Sergeant Blackmon ordered the officers to strip him naked. Officer Keigler pulled his boxers extremely up into his butt cheeks and told him to lay down. Officer Clark kicked him in the side and Officer Hayes pulled his penis out and repeatedly stated obscene and lewd remarks about his mother and made sexual remarks.

The Defendant Officers then put the Plaintiff in extreme immobile restraint in what has become known as the "Georgia G-String" by running chains between his butt cheeks squeezing his testicles and locked the chain to his waist chance to cause constant agonizing pain in his testicles. Plaintiff was in extreme pain and left for three hours to the point that he thought he would die. Sergeant Blackmon made the Plaintiff call him "daddy" before he would take the chains off. Plaintiff repeatedly requested to go to see medical because his chest hurt, his side hurt, his waist hurt, his face had swelled, and he was spitting up blood, in addition to his testicles still being in extreme pain and he was swelling as the his ankles and wrists because of the extreme restraints. He was not allowed to go to medical until several days latter, Deputy Warden Lanier gave the Plaintiff a statement to allow his to finally go to medical when he was still spitting up blood.

Georgia Diagnostic and Classification Prison –

80.

William D. Carter v. Coil Johnson, Civil Action No. 5:05-CV-182- DF.

On July 14th, 2004 around 4:00 P.M. at Georgia Diagnostic and Classification Prison, Plaintiff Carter was returning to his dorm from the medical department after receiving his knee brace. While Plaintiff was waiting for Officer Ball to open Plaintiff's dorm, Plaintiff stepped into another dorm to receive reading material from another inmate. After receiving the reading material, Defendant Johnson yelled and ordered Plaintiff to approach him. Immediately, Defendant Johnson started yelling and threatening Plaintiff and he then grabbed Plaintiff and slammed him against the wall with force while handcuffing Plaintiff. Defendant Johnson dragged Plaintiff down the hall toward solitary confinement. After dragging Plaintiff and placing him behind a locked door, Defendant Johnson violently slammed Plaintiff's head into the wall with extreme force several times. Defendant Johnson continued with his violent attack against Plaintiff by pushing Plaintiff into a metal bed, crossed Plaintiff's leg together and jumped onto Plaintiff's legs and back causing Plaintiff's knee brace to separate from Plaintiff's leg. Defendant Johnson continued his violent attack against Plaintiff by hitting Plaintiff in the head and neck with his gloved fists and elbows. When Defendant Johnson finished beating the Plaintiff, Defendant Johnson stomped on Plaintiff's body pushing his foot with force against Plaintiff's head, neck and back. After Defendant finally finishing with the brutal beating and stomping Plaintiff, Defendant Johnson stated to Plaintiff, "by the way that was for stepping into the cell." Defendant Johnson then threw a toilet paper roll at the Plaintiff stating to Plaintiff, "clean yourself up". As the result of the violent attack by Defendant Johnson, Plaintiff suffered severe physical injuries as well as pain and suffering and mental anguish. Plaintiff was placed in the solitary confinement for twenty-three (23) days, without any medical treatment. Finally after many days of suffering, the Medical Department gave Plaintiff medical treatment and pain medication.

Claude Jordan III v. Michael C. Moore, Civil Action No.5:05-CV-128-WDO.

On October 8th, 2004, while Plaintiff Jordan was coming from the gym, Major McGrew stopped Plaintiff in the hallway and told Plaintiff to shave the hair off his face. Plaintiff responded by saying “OK”. Major McGrew called Plaintiff out of the line and asked Plaintiff “what so funny”, then Major McGrew stated to Plaintiff that she will cut off all Plaintiff’s hair off his head, Plaintiff replied by saying “OK”.

Major McGrew had two CERT team Officers to escort Plaintiff to the Barber shop, Officer Barlow and Defendant Moore. Instead of escorting Plaintiff to the barber shop, Plaintiff was escorted to the ID room. While Plaintiff was escorted through a hallway Defendant Moore violently slammed Plaintiff against the wall and started viciously and repeatedly beating Plaintiff with his fist, punching Plaintiff’s left jaw, head, neck and back. Officer Barlow was watching Plaintiff being beaten by the Defendant Moore. Officer Barlow did not interfere, or object. During the brutal beating of Plaintiff by Defendant Moore, an inmate was passing through the hallway, Officer Barlow stated to inmate “What you looking at”, and instructed the inmate to carry on.

Plaintiff has and still is suffering from extensive pain as well as physical and mental injuries as a result of Plaintiff’s brutal beating by the Defendant Moore. Plaintiff was denied medical attention and asthma medication. Plaintiff who has been released has had severe neck and back pain and is pending an operation. He has been adjudged as disabled by Social Security.

82.

Charles B. Clarke, Jr. Individually and as Administrator of the Estate of Charles B. Clarke III, Deceased, v. Derrick Schofile, et al, Civil Action No.5:06-CV-00043-CAR.

On April 19, 2005, Clarke III died at the age of 27 as the result of brutal beatings on at least three separate occasions by Defendants Capt. Goodrum, Lt. Goodrum, Sgt. Smith, Sgt. Daniels, Officer Haire, and John Does. The autopsy found that Clarke III died of cardiac arrest when a blood clot in his leg moved to block his pulmonary artery and also found that some bruises on Clarke III, including a roughly 10- by 4-inch bruise on his thigh. Prior to February 17, 2005, Plaintiff's son Clarke III was severely beaten by the Defendants Capt. Goodrum, Lt. Goodrum, Sgt. Daniels, Sgt. Smith, Officer Haire, and John Does resulting in visible bruises, contusions, swelling, and visible evidence of he had been beaten.

On February 17, 2005, Clarke III was denied transport from Jackson for a court-ordered appearance in front of Judge Hugh Stone in the Superior Court of Union County for a hearing. Defendant Dr. Cowart as a cover up for the beatings of Clarke III claimed that the Clarke III was mentally unstable and could not be released to attend the scheduled Court hearing for February 22, 2005. Clarke III had been placed in the Special Management Unit (SMU) and that Defendant Schofield would not allow Clarke III out of the his unit or to attend the scheduled hearing as a cover up for Defendants beatings of Clarke III.

On March 18, 2005, Clarke III was severely beaten again by the Defendants Capt. Goodrum, Lt. Goodrum, Sgt. Daniels, Sgt. Smith, Officer Haire, and John Does. Defendants shot pepper spray into Clarke III's face for at least 15 seconds and then repeatedly brutally beat and kicked Clarke III while restrained in handcuffs until was bloody from head to toe. While Clarke III was on the floor Lt. Goodrum lifted his off the floor twice with upper cut blows around his stomach and liver. Clark III could not walk so they dragged him across the concrete floor with his face down while he was screaming, "Please, please, please don't beat me no more." Defendants Warden Schofield, Deputy Warden Brooks, and Unit Manager Fayerson condoned and stood by while Clarke III was brutally beaten. Defendants claimed that Clarke III was hurt when he slipped on wet stairs while handcuffed.

On March 24th, 2005, Plaintiff received a letter from his son Clarke III pleading to Plaintiff Clarke to intervene on Clarke III behalf because he was being beaten. The letter from the deceased Clarke III states, "...call someone please, this is the second time they beat me up. They're breaking the law...I love you and I missed you and I'm not OK, I'm scared". Clarke III was briefly transferred to Autry State Prison where Plaintiff Clarke, Jr. was able to speak to Clarke III once with restrictions that Plaintiff Clarke was not allowed to talk to his son Clarke III about beatings or treatment.

Clarke III was transferred back to GD & CC where Defendants Capt. Goodrum, Lt. Goodrum, Sgt. Smith, and John Does beat him a third time. After he was beaten the Defendants placed him in five-point immobile restraint for an extended length of time. Defendants were warned by a nurse that placing Clark III in restraint for an extended length of time after a beating could likely cause him to form blood clots that could be fatal. Defendants ignored the warning from the nurse and continued the Clark III in extended five point restrain that was a proximate cause of his death. The restraint was summary punishment and contrary to the Georgia Standard Operating Procedures and such restraint devices were outlawed in the consent decree in *Cason v. Seckinger*. Middle District of Georgia. No. 84-00313-5-CV-1-CWH, explained in *Cason v. Seckinger*, 231 F.3d 777 (11th Cir. 2000).

The severe attacks by Defendants Capt. Goodrum, Lt. Goodrum, Sgt. Smith, Sgt. Daniels, Officer Hair, and John Does beating Clarke III while restrained in handcuffs and restraining Clark III in five point restrain for an extended length of time were brutal excessive use of force which caused internal bleeding, bruising, blood clotting, and was the cause of his death.

Lee State Prison –

Terry M. Harden v. Thomas Ammons, 1:05-CV-140-WLS.

On April 21st 2005 in the afternoon, Plaintiff Harden was at the medical facility at Lee State Prison seeking treatment for staph infection and pain in his foot. Plaintiff was denied medical treatment for his foot and was denied to speak to the medical supervisor by Nurse Miller and was told to discuss his matter with Defendant Laster. Plaintiff spoke with Defendant Laster about the pain in his foot, and the denial for medical treatment by Nurse Miller. Defendant Laster ordered Plaintiff to go back to building G1. Plaintiff went on explaining to Defendant Laster about the pain he is going through, but was yelled at by Lt. Wells who stated to Plaintiff, "Didn't you hear what he said, now get". Plaintiff then requested from Officer Thomas to be placed in protective custody until Plaintiff receives medical attention.

About 2:15 PM, Plaintiff was called to the ID room by CERT team members Defendant Lemack and Lt. Wells. Captain Jefferson and Defendant Laster were present in the ID room. Defendant Lemack stated to Plaintiff, "Come on Harden we need to talk with you". Plaintiff was ordered by Defendant Lemack to walk into a small-secluded hallway. Plaintiff was ordered by Defendant Carter to place his feet together and his hands on his stripes and to look straight. At this moment Defendant Lemack swung and punched Plaintiff violently in the jaw, causing Plaintiff to bleed from his mouth. Then Plaintiff was ordered by Defendant Lemack to leave before he caused more damage to Plaintiff.

As Plaintiff continued on walking, Defendant Carter ran after Plaintiff and grabbed Plaintiff from the back and attempted to run Plaintiff's body into the wall. Immediately Captain Jefferson yelled and ordered Defendant Carter to stop. Captain Jefferson stated to Plaintiff "stop" and "Cuff up", Plaintiff obeyed Captain Jefferson's order and placed his hand behind his back to be handcuffed. Plaintiff was spitting out blood and some blood went on Defendant Johnson. Defendant Johnson then violently started hitting Plaintiff in his face with

his fist. Plaintiff had to bend down trying to avoid Defendant Johnson's violent beating while Plaintiff was handcuffed. Defendant Lemack and Carter then joined in the beating of Plaintiff with Defendant Johnson.

Macon State Prison –

84.

Arthur A. Battle v. Hilton Hall, et al., Civil Action No. 5:05-CV-00433-WDO.

On July 7th 2005, Plaintiff Arthur. Battle was viciously beaten at Macon State Prison and repeatedly brutalized about his face and body by the Defendants Harper, Burse, Hagan, John Doe 1 and John Doe 2. Defendant Harper punched Plaintiff in the left side of his face with closed fist. Defendant Burse punched Plaintiff twice in the lower back with closed fist. Defendant Hagan pushed Plaintiff's head into door of cell, which caused Plaintiff, bruise and knot in the right side of Plaintiff's forehead. Plaintiff was transferred to another cell, while Plaintiff was in such cell Defendants CERT Team members Doe 1 and Doe 2 grabbed Plaintiff from behind while Plaintiff was handcuffed and repeatedly kicked Plaintiff in his body and face. The beating continued until an inmate who was watching Plaintiff getting beaten by Defendants Doe 1 and Doe 2, yelled, "Can't you all see the man's had enough". At that point Defendant Doe 1 and Doe 2 left the cell, closed the door, opened the flap and ordered Plaintiff to back up to the door flap to uncuff Plaintiff. Plaintiff did as ordered. After the brutal beating, Defendants left Plaintiff without any medical treatment suffering. Plaintiff was not medically treated until five days later.

85.

William Battle v. Hilton Hall, et al., Civil Action No. 5:05-CV-00465-DF.

On August 24th 2005, while Plaintiff William Battle was being escorted in Macon State Prison to the gym by Defendant Ridley for a urinalysis test, Defendant Ivey ordered Defendant Ridley to handcuff Plaintiff while Plaintiff was confined in a wheel chair. Defendant Ivey ordered Defendant Ridley to use the excessive force against Plaintiff. While Plaintiff was on his knees and had his hands behind his back, Defendant Ridley grabbed Plaintiff's throat, choking him and forcing him to the ground causing Plaintiff to black out. Defendant Parker grabbed Plaintiff's right arm and placed it behind Plaintiff's back, and then Defendant Ridley laid all his body weight on Plaintiff's left arm while Plaintiff trying to catch his breath after been choked. While Plaintiff was being forced down by Defendants Ridley, Parker and River, Plaintiff was kneed in the left eye. Defendant Rivers held Plaintiff's leg up and spread them and then brutally kicked Plaintiff in his testicles, which caused Plaintiff excruciating pain. Plaintiff suffered physical injuries as well as dizziness and blacked out after being transferred to his dorm. Plaintiff was rushed to the medical facility on a stretcher and while Plaintiff was in the medical facility, Defendant Ivey continued to harass Plaintiff. After taking a urine sample from Plaintiff, nurse Robinson observed that Plaintiff had blood in his urine and Plaintiff was treated for urinating blood. Plaintiff continues to suffer from physical injuries and blurry vision, headaches and is in need of being treated by an eye specialist.

Pulaski State Prison –

86.

Tammy Goodfrey Beets v. Guy Hickman, Civil Action
NO. 5:06-CV-192-CAR-CWH

In February, 2005 Plaintiff Tammy Beets had observed Defendant Dozier fondling another female inmate's breasts and buttocks. Defendant Dozier had realized that the Plaintiff has seen this inappropriate sexual activity with the female inmate and chased after the Plaintiff, ordered her to stop, and yelled at her if she had anything to say. Plaintiff answered "No Sir" to

which Defendant Dozier roughly replied, "Good, keep it that way." Approximately a week later, Defendant Dozier pulled Plaintiff out of the chow line off a sidewalk, grabbing her arm, and told her that she had seen too much and said, "You'd better mind your own business." Several times thereafter Defendant Dozier came by Plaintiff's cell and would just stare at her for a long period each time.

On or about March 23, 2005 after the Plaintiff had finished her detail working in the Prison Industries building while she was sweeping up a side room in a stall separated by curtains where inmates are searched, Defendant Dozier came up behind her, grabbed her hair, and snatched out her barrette holding up her hair, and pulled her hair down. He reached around and grabbed her blouse to unbutton it. Plaintiff pulled away and said, "What are you doing?" He reached for her hair again and said, "You must be a whore, because only whores have hair this color." Plaintiff's hair color was a bleached blond at the time. Dozier then reached for her blouse again and put his hands on her breasts. Plaintiff told him to stop and pushed his hands away. Suddenly, Dozier punched her as hard as he could with a closed fist in her right breast knocking the breath out of her and causing her to lose her balance. He then ripped her shirt all the way open and started fondling and pinching her breasts. He was all over her and pulled her pants as well as her panties down at the same time. He knocked her down to the floor and pulled her pants off one leg, pulled her panties to one side, and pulled off one of her boots.

Plaintiff was screaming for help while resisting by trying to push him off and trying to fight him off. He yelled at her, "Shut up, Bitch" and repeatedly kicked her with his CERT Team combat boots which really hurt and severely bruising her in her leg, kicked her all up her right side, and kicked her in her ribs which she heard and felt breaking from his kicks. At this point Dozier unzipped his pants and pulled out his erect penis, stroking it, and started masturbating. Plaintiff tried to kick him in the groin with her left leg which still had on a boot. He punched her with his fist on the left side of her head causing a

severe bruise and knot above her left eye and kept punching Plaintiff all over raising multiple bruises.

Plaintiff continued screaming, crying, and prying out loud for help. Defendant Dozier yelled at her to, "Shut up, because nobody was going to help you." Then Dozier grabbed the broom with which the Plaintiff had been sweeping and vigorously beat her with the broom handle multiple blows all the way up and down her right side. Defendant Dozier then pushed the Plaintiff over onto her stomach and tried to get on top her while she was trying to resist by squirming the best that she could while he was holding her down with his body. He used the broom handle to pry her legs apart. She continued crying and screaming. He said, "Shut up," "You deserve this," and "You're going to like it."

Dozier took the broom handle and tried to prod her rectum. Finally he jammed the broom handle up in her rectum causing terrific pain. She could feel it ripping her rectum and hurting so bad. She couldn't even hear for a few seconds because of the blinding pain. Dozier then said, "How do you like that?" She was begging him to stop but he kept pushing the broom handle up in her rectum several more times. Then she felt his erect penis pushing on her butt cheek. During this time Dozier told Plaintiff, "I'll teach you to see too much."

There was a noise in an adjacent room where her yelling and pleading had to have been heard. Dozier called out somebody's name that the Plaintiff could not understand and said, "Is that you?" Dozier then got up off of her. Plaintiff struggled to get up and realized there was blood between her legs, she had bruises all over her body, and her ribs and stomach were hurting real bad. As Plaintiff was getting up and trying to get her clothes back on, Dozier screamed at her, "Whore, you better not try to say anything to anybody or I'll throw you in lockdown and you won't be able to talk to anybody after that. I'll make sure of it. And I'll will get you and fix you again." Then suddenly he left.

Plaintiff struggled to get her clothes and pulled up her panties dripping with blood from her rectum. Terrified she went back to her dorm and lay in her cell not knowing what to do, hurting with bruises all over her body, arms and legs with huge knots above her right breast and where he hit her above her left eye, and in constant pain in her ribs and rectum which continued to profuse blood.

Plaintiff did not tell anyone and wore a sweat shirt underneath her uniform to cover her bruises. Several days later an inmate friend, Paula Whitner, saw the bruises on her arm and asked her what had happened. All Plaintiff could do was to cry and show her the other bruises on her body. She encouraged Plaintiff to tell somebody about the attack, but Plaintiff was afraid that she would be attacked again by Defendant Rozier. Finally Plaintiff told her husband who called the Southern Center for Human Rights who sent an attorney, Sydney Kelley, to interview her who saw the bruises all over her body and that she was still bleeding from her rectum. Plaintiff told the attorney that she was terrified that she would be attacked again attacked again if she told anybody about the attack and the attacker. The attorney advised her that she could not guarantee that it would not happen again, so Plaintiff continued to be too terrified to tell the authorities.

Her husband contracted another attorney, James Hogan, who made some calls to the Defendant Warden Hickman. Defendant Warden Hickman then called Plaintiff to his office where Plaintiff told him that she had been beaten and sexually attacked and that she wanted to go to a hospital as well as to go somewhere else. Nurse Rogers was called to the Warden's office and was shown the bruises on the Plaintiff's arms and then she took Plaintiff to the emergency room at Taylor Regional Hospital. The emergency room doctor examined Plaintiff, took e-rays, and gave plaintiff a rectal examination. The emergency room doctor took pictures of her body and diagnosed that she had two broken ribs and tears in her rectum, but that she could not see the full extent because of the continual bleeding. Nurse Rogers then called Defendant Warden Hickman telling him, "Something terrible has

happened to this woman,” “Her safety is in jeopardy,” and “She needs to be moved to a safer place.” That night Plaintiff was moved to Metro State Prison in Atlanta.

Rivers State Prison-

87.

William Lee Jones v. Wendy Squires, et. al., Civil Action No.5:06-CV-276-CAR.

On September 29th, 2005, while incarcerated at Rivers State Prison, Plaintiff Jones was brutally attacked and beaten unconsciously by CERT team members. The Plaintiff was left lying on the floor unconscious in a pool of his own blood. Plaintiff had to be flown by helicopter to a hospital and was put in intensive care unit. Plaintiff's nose was broken his skull was fractured and he had to go through plastic surgery in order to restructure his face, because of the vicious beating inflicted by the four CERT team Defendants on Plaintiff.

INMATE BEATING CASES IN THE NORTHERN DISTRICT

Phillips State Prison-

88.

Michael P. Murphy v. Michelle Martin, et al., Civil Action No. 1:05-CV-301-BBM.

On November 24, 2004 at approximately 8:00 AM on a sidewalk in Phillips State Prison Plaintiff Murphy was without warning brutally beaten in his face, about his head, and blows to his body by the Defendant Officer Johns. Plaintiff Murphy had been sent by Officer Alexander to the barber shop in order to continue to work in the kitchen. Plaintiff took off his plastic apron which is worn in lieu of the outer prison shirts in the kitchen and preceded to the barbershop. Defendant Johns stopped the Plaintiff on a sidewalk as he was proceeding to the

barbershop and asked him why he was not wearing his outer prison shirt. Plaintiff told Defendant Johns that he had been sent to the barbershop by a kitchen officer just as he was dressed in the kitchen. Without warning Defendant Johns reached for his handcuffs and Plaintiff's hand and without warning proceeded to beat the Plaintiff to unconsciousness.

Plaintiff was severely beaten by Defendant Johns who continued to beat the Plaintiff even after he lost consciousness in his face, head, and body for a substantial period until other officers had to intercede to stop Defendant Johns. The beating resulted in severe injuries to the Plaintiff including suffering a broken eye socket bone and fractured shoulder as well as lacerations and bruises to his head and face that were bleeding profusely and required multiple stitches. The injuries were so severe that Plaintiff had to be taken to an outside hospital emergency room for emergency treatment for his injuries and then Plaintiff had to be transferred to the prison hospital at the Medical College of Georgia in Augusta requiring an extended period of time in the prison hospital. He continues to complain of headaches and the effects of his beating because the attack fractured his right eye socket and fractured shoulder. Defendant Johns who had a history of a pattern and practice of beating inmates with excessive force and even attacked another female corrections officer was discharged because of the beating of the Plaintiff.

89.

Brian N. Williams v. Michelle Martin, et al., Civil Action No. 1:06-CV-2161.

On October 5, 2004 Plaintiff Williams was brutally beaten, kicked and repeatedly clubbed in his face and about his head with heavy metal flashlights by the Defendant Hatcher and Defendant Corrections Officers which was instigated by Defendant Hatcher and preplanned with the coordinated participation of the Defendant Corrections Officers of the CERT Team. At approximately 9:30 AM Plaintiff was called over the announcing system to come to the unit manager's

office. When the Plaintiff arrived the unit manager was not in his office. Defendant Hatcher was there and shut the door. Defendant Hatcher said to the Plaintiff, "this is your chance to fight me." Plaintiff did not say or do anything, but turned around to walk out the door. Then Defendant Hatcher called 10-18 [assault on an officer] on his radio and attacked the Plaintiff from behind without warning hitting him in the back of his head.

Immediately thereafter the Defendant Officers of the CERT Team appeared and beat, kicked, and clubbed the Plaintiff multiple times in his face and about his head with metal flashlights taking turns for over ten minutes while he was lying helpless on the floor. The immediate entry of the Defendant Corrections Officers of the CERT Team was preplanned to be coordinated so that the CERT Team Corrections Officers had already come from the main prison facility to the Annex to be in position at the Dorm door to immediately attack the Plaintiff within a very few seconds after Defendant Hatcher gave the signal of 10-18 on his radio.

Plaintiff was severely beaten all over his body and his face was beaten and clubbed extremely severely to the point that his bloodied and swollen face was almost unrecognizable as a face. The beating continued for over ten minutes to punish the Plaintiff with all six Corrections Officers taking turns beating, kicking and clubbing the Plaintiff with no attempt to put the Plaintiff in restraint. After Defendant Hatcher decided that the Plaintiff has had enough of punishment from the beating the Defendant Corrections Officers of the CERT Team were stopped. In violation of procedures there was no video camera present to record the beating of the Plaintiff.

Plaintiff was taken to medical for treatment of his injuries which included severe head and facial injuries that he had received from the beating and repeated clubbing with metal flashlights. Plaintiff's injuries required extended stay in the prison hospital.

Bryan Graham v. Tony Henderson, et al, Civil Action No. 1:07-CV-2369-TCB

On March 21, 2007 where Plaintiff Graham, who is a Level IV mental health inmate, was being housed in the special handling mental health dorm at Phillips State Prison, Officer Sahirah Muhammad was escorting him from the shower with only one officer when two escorting officers are required for handling this level mental health inmate and with his hands handcuffed in front when the Standard Operating Procedure requires that his hands are to be handcuffed behind his back. He struck Officer Muhammad with his handcuffed hands after a voice from Jesus told him to do it. Office Muhammad lied and said that he was handcuffed with his hands behind his back, but that he somehow got his hands in front of him while she was hands on escorting him which is impossible. Officer Muhammad had been taunting him for several previous weeks. Officer Muhammad should have had mental health training but had not yet taken the special mental health training.

Officer Muhammad was struck because of a serious breach of Standard Operating Procedure by a very severely mental ill inmate, but also because he suffered an irresistible impulse and at the time was under involuntary intoxication because of the refusal of the prison to give him Zyprexa. The prison would not proscribe Zyprexa or other generic equivalents because of its expense. The other medicines that had been prescribed by the prison doctors had been tried and failed to stabilize him as well as having major adverse side effects. He finally refused the substituted medicines. Without the Zyprexa, Plaintiff was powerless to resist his imagined voice from Jesus and hitting the officer with the handcuffs that were improperly only restraining his hands in front of him.

Thereafter on March 21, 2007 Plaintiff was then severely beaten by the Defendant supervisors Lt. Byrd, Lt. Bowman, and Defendant Officers Williams, Foster, MacKlin, McCord, Philbert, and Carr four times over a period of hours while restrained in handcuffs including a brutal beating while in

the medical facility at Phillips State Prison. The beatings caused him severe physical and mental trauma being beaten with multiple blows, kicks, and stomping to his face head and body. The beatings were so severe that he had to be taken in emergency to Atlanta Medical Center and was in intensive care for ten days with a collapsed lung from the summary punishment beatings.

The pattern and practice at Phillips State Prison and at other Georgia prisons is that if an inmate touches an officer that they will receive severe physical beatings as summary punishment which was condoned by and to which Defendants Henderson and Deputy Warden Nervo were deliberately indifferent to the pattern and practice of beating restrained inmates as summary punishment.

Hayes State Prison –

91.

Thomas E. Clark v. Steve Upton, et al., Civil Action No. 4:05-CV-00210-HLM.

On October 20th, 2003 around 6:35 PM while Plaintiff Clark was on kitchen duty at Hayes State Prison, Defendant Cook called two CERT Team Officers, Defendant Thompson and Defendant Helms to the kitchen. Plaintiff and another inmate were called by Defendant Thompson to go to the office. Defendant Thomson said “you two refused to turn back on the tray machine” which was not true.

As Plaintiff was talking to Defendant Thompson explaining that the kitchen staff went through inspection of the kitchen and ordered them to leave, Defendant Cook put two trays in the sink. Plaintiff noticed Defendant Helms handcuffing another inmate, Defendant Thompson then asked Plaintiff to step outside of the office. Defendant Thompson came behind Plaintiff and said, “What’s going be”. So Plaintiff put his hand behind his back, Defendant Thompson handcuffed Plaintiff and

violently then threw him on the floor face down first causing him to fall and hit his face on concrete floor. Plaintiff was injured and his face was swelling up. Defendants Thompson and Helms, snatched Plaintiff up and rushed him to the medical department, where Plaintiff was thrown on a bed, twisting Plaintiff's hand with great pressure to cause intense pain to the Plaintiff. Defendants Thompson and Helms handcuffed Plaintiff extremely tightly to a bed pole, and Defendant Thompson punched Plaintiff in his side then pressed his thumb with great pressure behind Plaintiff's left. Lt. Norton came in and asked Defendants Thompson and Helms to leave. Lt. Norton stated to Plaintiff "I am going to remove the handcuff from the pole and handcuff you in the front." Defendant Thompson had handcuffed the Plaintiff very tightly causing Plaintiff to bleed and Lt. Norton called in the nurse after observing the blood around Plaintiff's wrist, ribs and behind Plaintiff left ear.

Plaintiff was removed from the Medical Department by six officers and then subjected to the torture of the "Georgia Motorcycle" by being stripped down completely naked and strapped down to iron bed. Plaintiff was strapped down to iron bed for approximately twenty-four hours and a football helmet was put on his head to prevent him from banding his unstrained head. The next morning on October 21st 2003, Plaintiff's cell was unlocked. Defendant Hatcher walked in to Plaintiff's cell with two CERT. Defendants and stated "this is the bad ass" and Defendant Hatcher punched Plaintiff in his chin and his right eye. As the blood started running down Plaintiff's face, Defendant Hatcher stated "Welcome to SMU" then left.

LIABILITY OF DEFENDANTS

92.

The Defendants Warden Hart and Deputy Warden McLaughlin who are directly responsible for the security and well being of inmates at the Valdosta State Prison have condoned and have been deliberately indifferent

and are continuing to condone and be deliberately indifferent to the beatings of restrained inmates at Valdosta State Prison by CERT Team Officers which is a past and continuing pattern and practice of beating inmates by CERT Team Officers and Captain Morris and Lt. Maine using beating gloves dealing out summary punishment to restrained inmates and Defendants Warden Hart, Deputy Warden McLaughlin and Lt. Maine have covered up the pattern and practice of beatings of restrained inmates by CERT Team Officers at Valdosta State Prison.

93.

Defendant Commissioner Donald who is the ultimate decision maker of the Georgia Department of Corrections has been deliberately indifferent and is continuing to be deliberately indifferent to the beatings of restrained inmates at Valdosta State Prison by CERT Team Officers and at other Georgia prisons which is a past and continuing pattern and practice of beating inmates by CERT Team Officers using the beating gloves issued by the Georgia Department of Correction dealing out summary punishment to restrained inmates and Defendant Commissioner Donald has been deliberately indifferent to the cover up the pattern and practice of beatings of restrained inmates by CERT Team members at Valdosta State Prison and at other Georgia prisons.

94.

Defendant Jacobs as the Director of Special Operations of the Georgia Department of Corrections and who is the ultimate decision maker for CERT Teams of the Georgia Department of Corrections has been deliberately indifferent and is continuing to be deliberately indifferent to the beatings of restrained inmates at Valdosta State Prison by CERT Team Officers and at other Georgia prisons which is a past and continuing pattern and practice of beating inmates by CERT Team Officers using beating gloves issued by the Georgia Department of Correction dealing out summary punishment to restrained inmates and Defendant Jacobs has been deliberately indifferent to the covered up the pattern and practice of beating restrained inmates by CERT Team members at Valdosta State Prison and at other Georgia Prisons.

95.

The Defendant Dr. Lewis as Medical Director of the Georgia Department of Corrections and other medical personnel of the Georgia Department of Corrections have condoned and have been deliberately indifferent to the obvious injuries of the Plaintiffs who have been beaten at Valdosta State Prison and at other Georgia prisons and have covered up and not reported the injuries to Plaintiff and similarly situated inmates who have been beaten at Valdosta State Prison and at other Georgia prisons.

96.

Defendant Jones as the Medical Director of Valdosta State Prison has condoned and has been deliberately indifferent and is continuing to be deliberately indifferent to the obvious injuries to restrained inmates who have been beaten by CERT Team Officers at Valdosta State Prison by CERT Team Officers which is a past and continuing pattern and practice of beating inmates by CERT Team Officers and has condoned and has been deliberately indifferent to the cover up the pattern and practice of beating restrained inmates by CERT Team members at Valdosta State Prison.

97.

Defendant Draper as the Director of Internal Affairs for the Georgia Department of Corrections has condoned and has been deliberately indifferent and is continuing to be deliberately indifferent to the beatings of restrained inmates by CERT Team Officers at Valdosta State Prison by CERT Team Officers and at other Georgia prisons which is a past and continuing pattern and practice of beating inmates by CERT Team Officers and has condoned and has been deliberately indifferent to the cover up of the pattern and practice of beating restrained inmates by CERT Team members at Valdosta State Prison and at other Georgia Prisons.

COUNT I – DECLARATORY AND EQUITABLE RELIEF

98.

Defendant CERT Team Officers, Powell, Howell, Brown, Yancey, Cannon, Snake, Smith, Shane, Grainger, Radcliff and other officers using extreme and excessive force brutally beat the Plaintiffs and similarly situated inmates while restrained in handcuffs in violation of the Constitution, treaties, and laws of the United States and the Constitution and laws of the State of Georgia.

99.

The Defendant CERT Team Officers Powell, Howell, Brown, Yancey, Cannon, Snake, Smith, Shane, Grainger, and Radcliff, Sergeant Bond, Officer Page, Officer Daniel; Officer Bates, Officer John Doe No. 1, and Officer John Doe No. 2 and other CERT Team Officers and Correctional Officers, by their intentional actions in beating the Plaintiffs and other similarly situated inmates beating and using of extreme and excessive force against the Plaintiffs and similarly situated inmates, were executing summary punishment on the Plaintiffs and similarly situated inmates at Valdosta State Prison and at other Georgia prisons without due process of law in violation of the Constitution, treaties, and laws of the United States and the Constitution and laws of the State of Georgia.

100.

The Defendants' intentional actions by beating and using other excessive force against the Plaintiffs and similarly situated inmates at Valdosta State Prison and at other Georgia prisons while restrained constitute "torture" within the meaning of torture in 18 U.S.C § 2340 and are in violation of the treaties of the United States as signatory to the *Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Treaty Document 100-20 and enacted into law by 1994 P.L. 103-236, 18 U.S.C. § 2340 as intentional acts specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control committed by a person acting under the color of law.

101.

The Plaintiffs and similarly situated inmates at the Valdosta State Prison and at other Georgia prisons are suffering and will continue to suffer substantial and irreparable injury from beatings of restrained inmates in violation of the laws and Constitution, laws and treaties of the United States and the laws and Constitution of the State of Georgia unless this Court grants the Plaintiff and similarly situated inmates equitable relief to enjoin the Defendants to prevent beatings of restrained inmates at Valdosta State

Prison and other Georgia prisons and enjoin the cover up of the beatings by the Defendants.

102.

Plaintiffs and similarly situated inmates at Valdosta State Prison and at other Georgia prisons seek that the Court declare that the beatings of Plaintiff and similarly situated inmates at Valdosta State Prison and at other Georgia Prisons under color of law are in violation of the Eighth Amendment of the United State Constitution and the civil rights laws of the United States.

103.

Plaintiffs and similarly situated inmates at Valdosta State Prison and at other Georgia prisons are entitled to equitable relief against the Defendants, jointly and severally, in their individual capacities and their official capacities who under color of law caused or have been deliberately indifferent to the beatings of the Plaintiffs and beatings of similarly situated inmates at Valdosta State Prison and at other Georgia Prisons in violation of the Eighth Amendment of the United State Constitution and the civil rights laws of the United States.

COUNT II - DAMAGES

104.

The Defendants' intentional acts and deliberate indifference to the beating of the Plaintiffs at Valdosta State Prison directly and proximately caused the serious physical and mental injuries and pain and suffering of Plaintiffs and were in violation of the Constitution, treaties, and laws of the United States and the Constitution and laws of the State of Georgia.

105.

Plaintiffs individually bring this action against the Defendants in their individual capacities, jointly and severally, for damages, as persons who under color of law have caused or have been deliberately indifferent to the beatings of Plaintiffs and other excessive use of force, torture, and the serious harm to Plaintiffs, which caused the Plaintiffs' injuries and resulting damages in violation of the Constitution, treaties, and laws of the United States and the Constitution and laws of the State of Georgia.

106.

The Defendants in their individual capacities knew or should have known that their actions or deliberate indifference would cause substantial risk of serious harm to Plaintiffs in violation of the Constitution, treaties, and laws of the United States and the Constitution and laws of the State of Georgia. The actions of the Defendants under color of law violated clearly established constitutional rights of which they knew or a reasonable person

would have known. The pre-existing law was apparent and its contours sufficiently clear that they should have understood that what the Defendants were doing in using excessive force beating of the Plaintiffs to punish and torture the Plaintiffs was in violation of the Constitution, treaties, and laws of the United States and the Constitution and laws of the State of Georgia.

107.

The Plaintiffs are entitled to recover damages as provided by law from the Defendants, jointly and severally, in their individual capacities in compensation for the physical and mental injuries, pain and suffering, and mental anguish that he has suffered because of intentional actions and the deliberate indifference of the Defendants.

108.

The actions of the Defendants were intentional, reckless, and vindictive entitling the Plaintiffs to punitive and exemplary damages.

WHEREFORE, the Plaintiffs pray that the Court grant the relief to which he is entitled in this proceeding, including:

- (1) That the Court certify: the Class as sought or modified, the Plaintiffs as Class Representative, and the undersigned counsels as Class Counsel;

- (2) That the Court declare that the beatings of Plaintiffs and similarly situated inmates at Valdosta State Prison and at other Georgia Prisons violate the Eighth Amendment of the Constitution, the Civil Rights Laws, and treaties of the United States and the laws and Constitution of Georgia;
- (3) That the Court issue temporary and permanent injunctions restraining the Defendant Officials, Wardens CERT Team Officers, corrections officers or employees at the Valdosta State Prison and at other Georgia prisons from taking any further retaliatory or discriminatory measures against Plaintiffs or other inmates in the Class because of this action;
- (4) That Defendant Officials, Wardens, CERT Team Officers, corrections officers or employees at the Valdosta State Prison and at other Georgia prisons be temporarily and permanently enjoined from beating inmates at Valdosta State Prison and at other Georgia prisons;
- (5) That the Defendant Officials Wardens, CERT Team Officers, corrections officers or employees at the Valdosta State Prison and at other Georgia Prisons be temporarily and permanently enjoined from covering up or participating in

any way the beatings of inmates at Valdosta State Prison and at other Georgia prisons;

- (6) That an independent Monitor be appointed by the Court to determine compliance with the Court's injunctive Orders;
- (7) That the Plaintiff Mann be awarded compensatory damages, jointly and severally, against the named Defendant Officials, Wardens, and CERT Team Officers in their individual capacities who beat him and used excessive force against him;
- (8) That the Plaintiff Mann be awarded punitive damages against the names Officials, Wardens, and CERT Team Officers who beat him and used excessive force against him in the maximum amount permitted by law;
- (9) That the Plaintiff Heng be awarded compensatory damages, jointly and severally, against the named Defendant Officials, Wardens, and CERT Team Officers in their individual capacities who beat him and used excessive force against him;
- (10) That the Plaintiff Heng be awarded punitive damages against the names Officials, Wardens, and CERT Team Officers

who beat him and used excessive force against him in the maximum amount permitted by law;

- (11) That the Plaintiff Adcock be awarded compensatory damages, jointly and severally, against the named Defendant Officials, Wardens, and CERT Team Officers in their individual capacities who beat him and used excessive force against him;
- (12) That the Plaintiff Adcock be awarded punitive damages against the names Officials, Wardens, and CERT Team Officers who beat him and used excessive force against him in the maximum amount permitted by law;
- (13) That the Plaintiff Askew be awarded compensatory damages, jointly and severally, against the named Defendant Officials, Wardens, and CERT Team Officers in their individual capacities who beat him and used excessive force against him;
- (14) That the Plaintiff Askew be awarded punitive damages against the names Officials, Wardens, and CERT Team Officers who beat him and used excessive force against him in the maximum amount permitted by law;

- (15) That the Plaintiff Fox be awarded compensatory damages, jointly and severally, against the named Defendant Officials, Wardens, and CERT Team Officers in their individual capacities who beat him and used excessive force against him;
- (16) That the Plaintiff Fox be awarded punitive damages against the names Officials, Wardens, and CERT Team Officers who beat him and used excessive force against him in the maximum amount permitted by law;
- (17) That the Plaintiff Fincher be awarded compensatory damages, jointly and severally, against the named Defendant Officials, Wardens, and CERT Team Officers in their individual capacities who beat him and used excessive force against him;
- (18) That the Plaintiff Fincher be awarded punitive damages against the names Officials, Wardens, and CERT Team Officers who beat him and used excessive force against him in the maximum amount permitted by law;
- (19) That the Plaintiff Ross be awarded compensatory damages, jointly and severally, against the named Defendant Officials,

Wardens, and CERT Team Officers in their individual capacities who beat him and used excessive force against him;

- (20) That the Plaintiff Ross be awarded punitive damages against the names Officials, Wardens, and CERT Team Officers who beat him and used excessive force against him in the maximum amount permitted by law;
- (21) That the Court award attorney's fees and the costs of this action;
- (22) That the Court award such other relief as may be proper;
- (23) That the cause of actions for damages be tried by jury.

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