

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

|                               |   |                   |
|-------------------------------|---|-------------------|
| ASHLEY DIAMOND,               | : |                   |
|                               | : |                   |
| Plaintiff,                    | : |                   |
|                               | : | Civil Action No.  |
| v.                            | : | 5:20-cv-00453-MTT |
|                               | : |                   |
| TIMOTHY WARD, <i>et al.</i> , | : |                   |
|                               | : |                   |
| Defendants.                   | : |                   |

---

**NOTICE OF FILING**

Defendants Timothy Ward, Sharon Lewis, Javel Jackson, Ahmed Holt, Robert Toole, Benjamin Ford, Jack Sauls, Brooks Benton, Grace Atchison, Lachesha Smith, and Rodney Jackson, through counsel, respectfully submit herewith the Declaration of Carl E. Betterson, Jr. in support of their Consolidated Response to Plaintiff's Motion for a Preliminary Injunction and Motion for Protective Order. ECF No. 77. This declaration was signed by the witness on May 3, 2021, and sent via electronic mail to the undersigned counsel prior to the filing of their response. However, counsel's email server blocked delivery of the communication and did not allow receipt of the declaration. The declaration was re-sent to counsel and so is being filed at this time.

Respectfully submitted this 5th day of May, 2021.

[Signature page follows]

PLEASE ADDRESS ALL  
COMMUNICATIONS TO:  
Robert B. Shapiro  
State Law Department  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334-1300  
Tel: (470) 355-2765  
Fax: (404) 651-5304  
Email: rshapiro@law.ga.gov

Christopher M. Carr 112505  
Attorney General

Kathleen M. Pacious 558555  
Deputy Attorney General

/s/ Roger A. Chalmers 118720  
Roger A. Chalmers  
Senior Assistant Attorney General

/s/ Robert B. Shapiro 932554  
Robert B. Shapiro  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Elizabeth Littrell  
Southern Poverty Law Center  
P.O. Box 1287  
Decatur, Georgia 30031

Tyler Rose Clemons  
Southern Poverty Law Center  
201 St. Charles Avenue, Suite 2000  
New Orleans, Louisiana 70170

Maya G. Rajaratnam  
Southern Poverty Law Center  
400 Washington Avenue  
Montgomery, Alabama 36104

A. Chinyere Ezie  
Center for Constitutional Rights  
666 Broadway, 7th Floor  
New York, New York 10012

Annarita L. McGovern  
Terry L. Long  
SATCER & MCGOVERN, LLC  
288 South Main Street, Suite 100  
Alpharetta, Georgia 30009

/s/ Robert B. Shapiro  
Robert B. Shapiro  
Georgia Bar No. 932554  
*Attorney for Defendants Ward,  
Lewis, J. Jackson, Holt, Toole, Ford,  
Sauls, Benton, Atchison, Smith, and  
R. Jackson*

State Law Department  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334-1300  
Tel: (470) 355-2765  
Fax: (404) 651-5304  
Email: rshapiro@law.ga.gov

**DECLARATION OF CARL E. BETTERSON, JR.**

I, Carl E. Betterson, Jr., declare as follows:

1. My name is Carl E. Betterson, Jr. and I am competent in all respects to testify to the matters set forth herein. I have personal knowledge of the facts stated herein and know them to be true, and I give this declaration freely and for use as evidence in the case styled *Ashley Diamond v. Timothy Ward*, Case No. 5:20-cv-453 in the U.S. District Court for the Middle District of Georgia.

2. I am employed by the Georgia Department of Corrections (GDC) as Deputy Warden of Care and Treatment at Coastal State Prison (CSP), a position that I have held since July 2019.

3. As Deputy Warden of Care and Treatment, I have several functions including overseeing all programming; filling offender work details; general oversight of medical, mental health, recreational services, religious services, and the RSAT (Residential Substance Abuse Treatment) program. In addition to those responsibilities, I am the assistant ADA coordinator and also the PREA Compliance Manager.

4. As PREA Compliance Manager, I ensure PREA reports or complaints are investigated and documented in accordance with GDC policy, and I also take part in investigations where needed. For offender Ashley Diamond, I have been more closely involved in PREA investigations from the commencement of Diamond's placement at CSP in an effort to make sure the investigative process is completed.

5. True and correct copies of Diamond's disciplinary history and records, PREA records, grievances, incident reports, and other materials have been collected and will be filed with the Court under restricted access for Diamond's privacy and so are not attached directly to this declaration.

6. As shown in the PREA records, offender Diamond has stated in the investigatory process at several points that she will not talk to mental health staff, members of the facility SART, or to others in

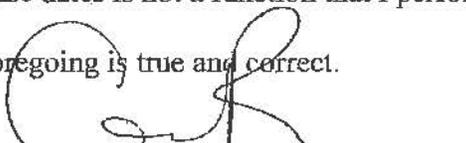
the PREA investigative process. This limits our ability to determine the facts and to take protective or corrective action in the PREA process.

7. I am aware that there is an assertion in this case that offender Diamond has been subjected to retaliation at CSP, in particular retaliation by me in the PREA or disciplinary process. This assertion is not true. My involvement has been as PREA Compliance Manager, and I have interviewed witnesses, including persons involved in the incident described in Incident Report 315578 and PREA # 5297 in the records which will be filed with the court. In this incident offender Diamond was caught by a dorm officer engaged in a sexual act with another offender. I have interviewed the other offender in connection with that incident. I deny that I have retaliated against offender Diamond or the other offender as has been alleged in this case.

8. I am aware that there is also an assertion in this case that offender Diamond has been retaliated against and Diamond's release date has changed based on court filings, and further that I or others at CSP have improperly communicated with the Georgia Board of Pardons and Paroles to alter Diamond's release date. That assertion is not true. I have not taken any action to change offender Diamond's release date and changing offender release dates is not a function that I perform.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 5-3-2021

  
CARL E. BETTERSON, JR.