

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

ASHLEY DIAMOND, )  
Plaintiff, )

v. )

Civ. No. \_\_\_\_\_

BRIAN OWENS, Commissioner )  
of the Georgia Department of Corrections, )  
in his official capacity, )

SHARON LEWIS, Medical Director, )  
Georgia Department of Corrections, in her )  
individual and official capacities, )

SHAY HATCHER, Warden of Rutledge State )  
Prison, in his individual and official capacities, )

**VERIFIED COMPLAINT**

RUTHIE SHELTON, Deputy Warden of )  
Care and Treatment, Rutledge State Prison, )  
in her individual and official capacities, )

MARTY ALLEN, Warden, Valdosta State )  
Prison, in his individual and official capacities, )

DAVID MCCRACKEN, Mental Health Services )  
Director, Valdosta State Prison, )  
in his individual and official capacities, )

JOHN THOMPSON & DONNA )  
SILVER, in their individual and official capacities )

Defendants. )

**PRELIMINARY STATEMENT**

1. Plaintiff Ashley Diamond (“Plaintiff” or “Ms. Diamond”) is a transgender woman<sup>1</sup> with gender dysphoria, presently in the custody of the Georgia Department of Corrections (“GDC”). Defendants are individuals who, during the time of Ms. Diamond’s

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<sup>1</sup> Feminine pronouns are used to refer to Plaintiff, consistent with Plaintiff’s gender identity, modern judicial practice, and the advice of mental health professionals who work with transgender persons.



incarceration, have had authority and responsibility for her treatment, safety, and care.

2. Despite knowing that gender dysphoria is a serious medical condition that causes physical injury and mental anguish when left untreated, Defendants have refused to provide Ms. Diamond with medically necessary care.

3. With no exercise of individualized medical judgment whatsoever, Defendants have refused to provide Ms. Diamond the hormone therapy that she requires as treatment for her gender dysphoria, and received consistently for seventeen years prior to her incarceration. Defendants have also barred Ms. Diamond from outwardly expressing her female gender identity, even though it is another medically necessary form of care.

4. Instead of responding to Ms. Diamond's requests for gender dysphoria treatment, Defendants have subjected Ms. Diamond to harassment and reprimand based on her failure to conform to masculine stereotypes. Ms. Diamond has been thrown into solitary confinement for "pretending to be a woman," had her female clothing confiscated, and repeatedly been told to look and act like a man.

5. As a result of her continued denial of care, Ms. Diamond's body has been violently transformed, she has been forced to transition back from a man to a woman, and she has experienced physical symptoms of withdrawal. In addition, Ms. Diamond has repeatedly attempted suicide and engaged in compulsive acts of self-harm, and continues to be at substantial risk of suicide and permanent physical injury.

6. Defendants do not dispute that Ms. Diamond has gender dysphoria requiring treatment; instead, they have denied Ms. Diamond care pursuant to an unconstitutional custom or policy that ignores the treatment recommendations and medical judgments of GDC healthcare personnel who are qualified in the treatment of gender dysphoria, and prevents them

from following the medically accepted standards of care.

7. In addition to ignoring her serious health needs, Defendants have disregarded Ms. Diamond's substantial vulnerability to sexual assault — a problem that is well-documented within GDC, and for which transgender inmates as a group are especially at risk.

8. Since beginning her incarceration, Ms. Diamond, a non-violent offender, has been housed in a series of closed-security facilities for adult male felons considered to be the most violent and dangerous inmates in GDC custody, and become the victim of repeated, unspeakable sexual assaults.

9. Although Ms. Diamond has reported her sexual assaults to Defendants and begged for safer placements within GDC, Defendants have refused to take any reasonable steps to aid in her protection to this day.

10. Ms. Diamond brings this action pursuant to 42 U.S.C. § 1983, after fully exhausting her administrative remedies, to seek redress for Defendants' deliberate indifference to her serious medical needs and her continued vulnerability to sexual assault, which constitutes cruel and unusual punishment under the Eighth Amendment to the United States Constitution, made applicable to the State through the Fourteenth Amendment.

11. Ms. Diamond seeks damages and injunctive relief, as well as a declaratory judgment under 28 U.S.C. §§ 2201 and 2202.

### **JURISDICTION AND VENUE**

12. This action arises under 42 U.S.C. § 1983.

13. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343(a)(3), which confer original jurisdiction to federal district courts in suits seeking to redress the deprivation of rights secured by the Constitution of the United States, in this case the Eighth Amendment.

14. This Court has personal jurisdiction over each and every Defendant because they are residents of Georgia who were employed in Georgia and acting under color of state law during all relevant times.

15. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to Ms. Diamond's claims occurred in this District.

### **PARTIES**

16. Plaintiff Ashley Diamond is a transgender woman with gender dysphoria, who has been in GDC custody since March 27, 2012 after violating probation for an earlier theft offense. During that time, Ms. Diamond has been housed at a series of GDC facilities, including Baldwin State Prison, Rutledge State Prison and Valdosta State Prison. Ms. Diamond's release date is currently November 1, 2023.

17. Defendant Brian Owens was at all relevant times the Commissioner of GDC. Defendant Owens exercised final policy and decision-making authority over GDC and control over its personnel at all relevant times. Defendant Owens had the duty to ensure the provision of adequate medical care to inmates, and to reasonably protect inmates facing a substantial risk of physical harm, including through the implementation of policies and the training and supervision of GDC staff. Defendant Owens is among those responsible for denying Ms. Diamond medically necessary care and failing to reasonably protect Ms. Diamond from sexual assault, and is sued in his official capacity.

18. Defendant Sharon Lewis was at all relevant times the Statewide Medical Director for GDC. Defendant Lewis exercised final policy and decision-making authority regarding the care, treatment, and housing placement of transgender inmates and victims of sexual assault; control over GDC healthcare personnel; and the authority to grant or deny medical care to inmates with gender dysphoria. Defendant Lewis had a duty to ensure the



provision of adequate medical care to inmates, and to reasonably protect inmates facing a substantial risk of physical harm, including through placement decisions, the implementation of policies, and the training and supervision of GDC staff. Defendant Lewis is among those responsible for denying Ms. Diamond medically necessary care and failing to reasonably protect Ms. Diamond from sexual assault, and is sued in her individual and official capacities.

19. Defendant Marty Allen was at all relevant times the Warden of Valdosta State Prison, and exercised authority, direction, and control over Valdosta State Prison and its personnel during the period of Ms. Diamond's incarceration there. Defendant Allen had a duty to ensure the provision of adequate medical care to inmates, and to reasonably protect inmates facing a substantial risk of physical harm. Defendant Allen is among those responsible for denying Ms. Diamond medically necessary care and failing to reasonably protect Ms. Diamond from sexual assault, and is sued in his individual and official capacities.

20. Defendant David McCracken was at all relevant times the Director of Mental Health Services at Valdosta State Prison, its Prison Rape Elimination Act ("PREA") Coordinator, and the leader of its Sexual Assault Response Team. Defendant McCracken had the authority to make decisions regarding the care, treatment, and placement of individuals confined within Valdosta State Prison during the period of Ms. Diamond's incarceration there. Defendant McCracken also had the duty to ensure the provision of adequate medical care to inmates, and to reasonably protect inmates facing a substantial risk of physical harm. Defendant McCracken is among those responsible for denying Ms. Diamond medically necessary care and failing to reasonably protect Ms. Diamond from sexual assault, and is sued in his individual capacity.

21. Defendant Shay Hatcher is the Warden of Rutledge State Prison, and exercised

authority, direction, and control over Rutledge State Prison and its personnel during the period of Ms. Diamond's incarceration there. Defendant Hatcher had the duty to ensure the provision of adequate medical care to inmates, and to reasonably protect inmates facing a substantial risk of physical harm. Defendant Hatcher is among those responsible for denying Ms. Diamond medically necessary care, and is sued in his individual and official capacities.

22. Defendant Ruthie Shelton was at all relevant times the Deputy Warden of Care and Treatment at Rutledge State Prison, and exercised authority, direction and control over its medical and mental health personnel during the period of Ms. Diamond's incarceration there. Defendant Shelton had a duty to ensure the provision of adequate medical care to inmates, and is among those responsible for denying Ms. Diamond medically necessary care. She is sued in her individual and official capacities.

23. Defendant Donna Silver was at all relevant times employed or retained by GDC to provide treatment and care to inmates at Rutledge State Prison, and acting under the color of state law. Defendant Silver is among those responsible for denying Ms. Diamond medically necessary care. She is sued in her individual and official capacities.

24. Defendant John Thompson was at all relevant times employed or retained by GDC to provide treatment and care to inmates at Rutledge State Prison, and acting under the color of state law. Defendant Thompson is among those responsible for denying Ms. Diamond medically necessary care. He is sued in his individual and official capacities.

## FACTS

### Background on Gender Dysphoria

25. Gender dysphoria, also known as gender identity disorder, is a medical condition in which an individual's gender identity and gender identification differ from the gender assigned at birth, causing clinically significant distress. Individuals with gender dysphoria are referred to as transgender or transsexual.<sup>2</sup>

26. Gender dysphoria appears in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders ("DSM-V"), where it is described as "[a] marked incongruence between one's experienced/expressed gender and assigned gender, of at least 6 months' duration," and clinically significant impairment or distress, as manifested by two or more of the following:

1. A marked incongruence between one's experienced/expressed gender and primary and/or secondary sex characteristics (or in young adolescents, the anticipated secondary sex characteristics).
2. A strong desire to be rid of one's primary and/or secondary sex characteristics because of a marked incongruence with one's experienced/expressed gender (or in young adolescents, a desire to prevent the development of the anticipated secondary sex characteristics).
3. A strong desire for the primary and/or secondary sex characteristics of the other gender.
4. A strong desire to be of the other gender (or some alternative gender different from one's assigned gender).
5. A strong desire to be treated as the other gender (or some alternative gender different from one's assigned gender).
6. A strong conviction that one has the typical feelings and reactions of the other gender (or some alternative gender different from one's assigned gender).

27. There is a consensus among competent medical professionals and medical associations around the globe that gender dysphoria is a serious medical condition, and that persons with gender dysphoria have serious medical needs requiring treatment. Left untreated,

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<sup>2</sup> The terms gender dysphoria, gender identity disorder, and transsexualism are synonyms, and are used interchangeably in GDC records, as well as in the Complaint. The term transgender is also used throughout to refer to individuals with gender dysphoria.

gender dysphoria is known to lead to serious medical problems, including suicidality and the impulse to engage in self-castration and self-harm. Individuals with untreated gender dysphoria also experience clinically significant depression, anxiety, and mental impairment.

28. The generally accepted standards for the treatment of gender dysphoria are the Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, published by the World Professional Association for Transgender Health (the “Standards of Care”).<sup>3</sup>

29. The Standards of Care have been recognized as the authoritative and clinically accepted treatment for gender dysphoria by the American Psychiatric Association, the American Medical Association, courts that have considered the issue, and members of the medical community at large.

30. The Standards of Care apply equally to incarcerated and non-incarcerated persons, and have been endorsed by the National Commission on Correctional Healthcare and the U.S. Department of Justice National Institute of Corrections as the medically accepted standard for the treatment of inmates with gender dysphoria.

31. The Standards of Care establish that persons with gender dysphoria must be individually assessed by qualified healthcare providers, and that medically appropriate treatment consists of the following medical interventions, depending on the individual: (1) outwardly conforming one’s gender expression and gender role to match one’s internal sense of gender identity, including through pronoun usage, grooming, and dress; (2) receiving hormone therapy to promote the development of secondary sex characteristics that affirm one’s sense of

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<sup>3</sup> The Standards of Care were previously known as the Harry Benjamin International Gender Dysphoria Association Standards of Care, and are also commonly referred to as triadic therapy or triadic treatment.

gender identity; (3) obtaining sex reassignment surgery.

32. The Standards of Care warn that discontinuing hormone therapy in individuals who have been receiving it is extremely dangerous and can have catastrophic effects. The Standards of Care state “[t]he consequences of abrupt withdrawal of hormones or lack of initiation of hormone therapy when medically necessary include a high likelihood of negative outcomes such as surgical self-treatment by autocastration, depressed mood, dysphoria, and/or suicidality.”

33. Psychotherapy, while recommended to provide affirmation to individuals newly diagnosed with gender dysphoria, is not a substitute for treatments such as hormone therapy where medically required. Because depression, anxiety, suicidality, and emotional distress are symptoms that result when gender dysphoria is not being properly treated, antidepressants and psychotropic medications are ineffective and medically inadequate gender dysphoria treatment.

34. Attempting to treat gender dysphoria with mental health counseling alone, or in combination with psychotropic drugs, is a gross departure from accepted medical practice that puts individuals with gender dysphoria at a severe risk of physical injury, decompensation, and death.

35. In addition, attempting “to cure” a person of gender dysphoria by forcing them to disregard their innate sense of gender identity and live as their assigned gender is dangerous and puts them at substantial risk of serious harm.

#### Ms. Diamond’s Gender Dysphoria and Treatment History

36. Ms. Diamond is a thirty-six year old transgender woman with gender dysphoria. Since childhood, Ms. Diamond has experienced a marked incongruence between her assigned gender and sense of self. Ms. Diamond has also strongly identified as female.

37. In kindergarten, Ms. Diamond went to school dressed as Jem, her favorite

cartoon superhero, to the confusion and chagrin of her teacher and classmates. Ms. Diamond also began styling her hair like female classmates, wearing feminine clothing while at home, and announced to family members that she was a girl.

38. However, Ms. Diamond was reprimanded and forced to continue living as male, which sparked suicidality and anguish. Ms. Diamond was hospitalized for a suicide attempt at the age of fifteen.

39. Following her suicide attempt, Ms. Diamond was diagnosed with gender dysphoria (then called transsexualism) and began to receive treatment. Ms. Diamond began living as a woman and adopted a female gender presentation, female pronouns, and feminine dress.

40. At seventeen, Ms. Diamond also began hormone therapy consisting of estrogen treatments, progestin creams, testosterone blockers, and anti-androgen medications, to bring her gender identity and physical appearance into greater alignment. Through hormone therapy, Ms. Diamond developed full breasts, a feminine shape, soft skin, and other female secondary sex characteristics, and experienced a reduction in male attributes, allowing her to feel more like herself.

41. Under the Standards of Care, hormone therapy and female gender expression are medically necessary treatments for Ms. Diamond's gender dysphoria. These treatments, unlike psychotherapy, provide Ms. Diamond clinically significant relief from her gender dysphoria and eliminate her suicidality and compulsion to engage in self-harm. Because Ms. Diamond has received these treatments for nearly half her life, they are also critical to her physical and psychological well-being.

#### GDC Policies on Gender Dysphoria Treatment

42. On March 27, 2012, Ms. Diamond entered GDC custody in connection with a

non-violent offense. Prior to being placed in GDC custody, Ms. Diamond had been expressing her female gender identity and receiving regular hormone therapy as treatment for her gender dysphoria for over seventeen years.

43. Defendants, who exercised authority over the care and treatment of inmates, knew that inmates with gender dysphoria have serious medical needs, and that the medically accepted protocol for the treatment of gender dysphoria is the Standards of Care.

44. Defendants were also aware of Ms. Diamond's gender dysphoria condition and history of hormone treatment at all relevant times: as a result of her hormone therapy, Ms. Diamond had full breasts, a feminine voice, feminine shape, and a feminine appearance. Her gender dysphoria diagnosis was also repeatedly confirmed during medical and mental health evaluations by GDC personnel. Ms. Diamond also informed Defendants that she was a transgender woman with gender dysphoria, discussed her history of hormone therapy, noted that she attempted suicide as a teenager prior to obtaining care, and requested ongoing treatment.

45. However, Ms. Diamond's female clothing, brassieres, and undergarments were confiscated, and her hormone therapy was terminated for the first time in 17 years.

46. Within GDC, the treatment of gender dysphoria is guided by the Standard Operating Procedure on the Management of Transsexuals, VH47-0006 (the "Transgender SOP"). The Transgender SOP is disseminated to all GDC personnel. Defendants, as GDC employees, were familiar with the Transgender SOP and its guidelines.

47. The Transgender SOP acknowledges that inmates with gender dysphoria have serious medical needs and states that individuals who identify themselves as transgender, including by self-proclamation, should be referred within GDC for special medical evaluations. The Transgender SOP also discusses the treatment regimen described in the Standards of Care,

and acknowledges the importance of providing inmates with gender dysphoria continuity of treatment, including hormone therapy.

48. However, the Transgender SOP deviates from the medically accepted Standards of Care in important respects. The Transgender SOP limits eligibility for gender dysphoria treatment to inmates who are identified as transgender during their diagnostic intake screenings — even though the GDC personnel who complete these screenings are not required to have any specialized knowledge or training regarding gender dysphoria, and often lack basic familiarity with the condition.

49. The Transgender SOP also restricts the care available to “maintenance” of existing treatments — preventing healthcare personnel from initiating medical treatment that in their judgment is medically required for an inmate based on the Standards of Care.

50. Pursuant to this policy, inmates who are diagnosed with gender dysphoria after their initial diagnostic screening, or who cannot show a history of treatment remain ineligible for treatments such as hormone therapy, even when they constitute medically necessary care. Consequently, there is a widespread and pervasive practice at GDC of inmates with gender dysphoria being refused medically appropriate treatment of any kind, and being subjected to ridicule and reprimand by GDC staff for their gender non-congruence, rather than provided necessary medical care.

51. Defendants were aware of these abuses and the need for staff training, including because a number of GDC inmates have filed complaints or brought lawsuits in recent years regarding their denial of gender dysphoria care.

#### GDC Policies on Transgender Inmates and Sexual Assault

52. The Transgender SOP also discusses the importance of securing proper placements for transgender inmates given their particular vulnerability within custody, and



outlines a series of procedures to be followed to reduce transgender inmates' foreseeable risk of harm.

53. Specifically, the GDC Transgender SOP gives Defendant Lewis, in her capacity as the Statewide Medical Director, the responsibility to make decisions regarding the care, treatment and housing placements of transgender inmates. The GDC Transgender SOP also instructs Defendant Lewis to confer and make "informed decisions" regarding the care and assignment of transgender inmates when safety issues arise.

54. Transgender inmate safety is also addressed in the Prison Rape Elimination Act of 2000, 42 U.S.C. § 15601 *et seq.*, its implementing regulations, 28 C.F.R. § 115 *et seq.*, (collectively "PREA"), which apply to GDC and are discussed in GDC's accompanying Standard Operating Procedure on the Prison Rape Elimination Act and Sexual Assault of /Sexual Misconduct with Offenders, IIA21-0001 (the "PREA SOP"). PREA and the PREA SOP are disseminated to all GDC personnel. Defendants, as GDC employees, were familiar with PREA, the PREA SOP, and their guidelines.

55. PREA recognizes that transgender inmates face a substantial vulnerability to sexual assault and requires GDC personnel to assess whether an inmate "is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming" during their intake screenings or upon their transfer to a new correctional facility. 28 C.F.R. § 115.41(d)(7).

56. PREA also requires that GDC personnel consider the placement of gay, lesbian, bisexual, transgender, intersex, or gender nonconforming inmates on a case-by-case basis, and evaluate whether the inmate should be assigned to a male or female facility, and whether their proposed housing placements will reasonably ensure their health and safety. GDC personnel are also instructed to review these housing placements at least twice a year, or when issues arise,

and to assess the need for adjustments — giving serious consideration to a transgender inmate’s own views regarding safety. 28 C.F.R. § 115.42(b)-(e).

57. PREA, the PREA SOP, and GDC’s Standard Operating Procedures on the Investigation of Allegations of Sexual Contact, Sexual Abuse, and Sexual Harassment of Offenders (IK01-0006), the Medical and Mental Health Management of Suspected Sexual Abuse, Contact, or Harassment (VG55-0001 and VH85-0002) (collectively the “Sexual Assault SOPs”), provide additional instruction on how GDC personnel should devise housing placements for inmates to prevent sexual assault, and handle instances of sexual assault within GDC facilities.

58. Under PREA and the PREA SOP, GDC personnel are also required to assess inmates for additional sexual assault risk factors, including whether “the inmate has previously been incarcerated;” “the inmate’s criminal history is exclusively nonviolent;” “the inmate has previously experienced sexual victimization;” and the “inmate’s own perception of vulnerability,” and make individualized determinations about how to ensure inmate safety when assigning housing placements. 28 C.F.R. § 115.41(d)(4)-(9); 28 C.F.R. § 115.42(b).

59. GDC personnel are required to perform these risk assessments upon an inmate’s initial arrival in GDC custody and their transfer to different GDC facilities, and to perform a follow-up risk assessment 30 days thereafter, or following a “referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate’s risk of sexual victimization.” *Id.* § 115.41(f)-(g).

60. Upon information and belief, the Sexual Assault SOPs also instruct GDC personnel to adopt a zero tolerance and “must tell” policy for sexual assault and sexual misconduct within GDC facilities, whereby personnel must immediately report rumors or

allegations of inmate sexual assaults, and notify prison wardens, Sexual Assault Response Team (“SART”) personnel, and Defendant Lewis of sexual assault allegations.

61. The Sexual Assault SOPs also give prison wardens and SART personnel specific responsibilities with respect to the handling of sexual assault allegations, which include the responsibility to arrange for medical and mental health examinations of suspected sexual assault victims, and revised housing placements. The Sexual Assault SOPs also state that the identities of sexual assault victims are to be treated with confidentiality.

62. Despite being aware of transgender inmates’ substantial vulnerability to sexual assault, there is a widespread and pervasive practice within GDC of transgender inmates being denied safe or appropriate housing placements, and being sexually victimized as a result. Instead of following PREA’s requirements or taking reasonable steps to prevent transgender inmates from facing ongoing sexual assault or coercion, GDC staff often disregard inmate safety concerns, blame transgender inmates for provoking their sexual assaults on account of their gender identity or sexual orientation, and refuse to process their sexual assault grievances.

63. In recent years, GDC has been confronted with numerous complaints and lawsuits by inmates concerning the failures of staff to protect them from assault. However, upon information and belief, staff training regarding the safety needs of transgender inmates with respect to sexual assault remains perfunctory or non-existent.

Ms. Diamond’s Early Incarceration at GDC and Events that Put Defendants on Notice of Her Medical and Safety Needs

64. In March 2012, despite having sizeable breasts, a feminine voice, feminine hips, a feminine appearance, and notifying personnel that she was transgender and on hormone therapy, Ms. Diamond was not evaluated for gender dysphoria, referred for treatment, or given a reasonably safe or appropriate housing placement. Instead, on April 12, 2012, after

completing her intake processing, Ms. Diamond was assigned to Macon State Prison, a closed-security facility for adult male felons.

65. Within GDC, closed-security facilities are the equivalent of maximum security prisons, and house inmates with “assaultive histories” and other serious crimes on file. Because closed-security facilities house inmates considered to be the most violent and dangerous, gang activity and inmate assaults are also frequent.

66. Upon information and belief, there is no penological reason for Ms. Diamond’s confinement in closed-security facilities, rather than medium-security facilities. Such confinement is inconsistent with PREA and GDC’s own policies regarding inmate classification, given Ms. Diamond’s status as a transgender woman, a non-violent offender, and an individual being incarcerated within GDC for the first time.

67. Transgender inmates at closed-security facilities are significantly more prone to sexual assault, in part because they are preyed on by members of gangs.

68. At medium security facilities such as Johnson State Prison and Central State Prison, sexual assaults against transgender inmates — including inmates receiving hormone therapy and access to female grooming standards — are infrequent.

69. Less than a month after arriving at Macon State Prison, Ms. Diamond was brutally sexually assaulted by six members of a gang, punched, stomped, and knocked unconscious. Ms. Diamond reported her sexual assault to GDC personnel, and information concerning Ms. Diamond’s sexual assault was recorded in her GDC records. Upon information and belief, Defendant Lewis was also notified of Ms. Diamond’s assault pursuant to GDC policy.

70. Following her assault, Ms. Diamond advised GDC personnel that she had

ongoing concerns about her physical safety within closed-security facilities, on account of her being transgender, not affiliated with gangs, and a non-violent offender. Ms. Diamond asked that her placement within closed-security facilities be reviewed. However, even though PREA and GDC policy require GDC personnel to review inmate placements in the event of assault, and give weight to inmate perceptions of safety, on May 24, 2012, Ms. Diamond was transferred to Baldwin State Prison, another closed-security facility housing felons considered to be the most dangerous. Upon entering Baldwin, Ms. Diamond once again became a target for sexual harassment and coercion.

71. Following months of sexual harassment that she reported to staff, in October 2012, and in January 2013, Ms. Diamond was sexually assaulted by Baldwin inmates. Ms. Diamond reported her sexual assaults to Baldwin personnel, who recorded the assaults in her GDC records. Upon information and belief, Defendant Lewis was also notified of the assaults pursuant to GDC policy, but took no action. Baldwin staff were also slow respond, “lost” complaints that Ms. Diamond filed, “lost” the physical evidence of Ms. Diamond’s assaults, failed to conduct an investigation, and told her that she brought her assaults upon herself by being transgender, instead of arranging for safe placement.

72. Thereafter, Ms. Diamond was evaluated by a series of GDC mental health professionals who diagnosed her with post-traumatic stress disorder (“PTSD”), and concluded that the sexual assaults she endured were having a clinically significant effect on her health and well-being. The mental health professionals also concluded that Ms. Diamond faced continued vulnerability to sexual assault at Baldwin given her transgender status, and the dangerous inmate population. They recommended that Ms. Diamond be transferred from a closed-security facility to a medium security facility for her safety, but provided counseling to address Ms.

Diamond's PTSD and anxiety in the interim.

73. A series of mental health personnel at Baldwin also diagnosed Ms. Diamond with gender dysphoria and noted that she had been living as a woman since the age of fifteen, had received hormone therapy prior to her incarceration, had begun engaging in self-harm and attempting auto-castration, and recommended ongoing treatment. However, no action was taken with respect to these recommendations and, increasingly distraught, Ms. Diamond attempted suicide on or about February 28, 2013.

74. On or about April 25, 2013, two months after her suicide attempt, Ms. Diamond was evaluated by GDC mental health personnel who reconfirmed her gender dysphoria diagnosis and history of living as a female. GDC personnel also concluded that Ms. Diamond continued to suffer from PTSD; was feeling fearful and targeted within the prison based on her gender identity; and was experiencing anxiety, fearfulness, nightmares and intrusive thoughts as a result of her sexual assaults. GDC personnel recommended that GDC staff meet with Ms. Diamond regarding her medical needs.

75. Thereafter, Ms. Diamond was given an appointment with Dr. Stephen Sloan, a GDC psychologist with specialized knowledge concerning gender dysphoria. Dr. Sloan performed an individualized assessment of Ms. Diamond under the Standards of Care, and concluded that hormone therapy and female gender expression were the medically necessary treatments for her gender dysphoria, and that Ms. Diamond stood a substantial risk of self-harm and suicide if care was denied.

76. Dr. Sloan recommended that hormone therapy be provided to Ms. Diamond. However, Defendant Lewis, the Statewide Medical Director of GDC, refused to authorize treatment. Ms. Diamond's visits with Dr. Sloan were also discontinued, and Ms. Diamond was

transferred to another prison.

#### Denial of Medical Care at Rutledge State Prison

77. On October 1, 2013, Ms. Diamond was transferred from Baldwin to Rutledge State Prison, a medium security facility for inmates like Ms. Diamond, who are non-violent offenders or lack major adjustment problems. Following her transfer to Rutledge, Ms. Diamond ceased being a victim of sexual coercion or assault — despite her feminine appearance, feminine mannerisms, and status as a transgender woman.

78. Upon her arrival, Rutledge personnel including Defendants Hatcher, Silver, and Thompson, received Ms. Diamond's GDC records and a transfer summary detailing her history of sexual assaults, gender dysphoria diagnosis, history of hormone treatment, past attempts at self-harm, and requests for ongoing care.

79. Ms. Diamond also filed petitions regarding her need for medical treatment, and eventually met with Defendants John Thompson and Donna Silver, two GDC healthcare providers.

80. Ms. Diamond explained that she had received hormone therapy for 17 years prior to arriving at GDC, and had been assessed by Dr. Sloan under the Standards of Care as still requiring hormone treatment. Ms. Diamond also explained that the denial of healthcare was dire to her physical well-being, and that *inter alia*, she had lost breast mass, was experiencing muscle spasms, chronic pain, and compulsion to engage in self-castration.

81. Defendants Silver and Thompson admitted to Ms. Diamond that they were not qualified in the treatment of gender dysphoria, but denied her request for hormone therapy, without referring her for evaluation or treatment with a qualified professional, in accordance with the Standards of Care. Defendant Silver simply informed Ms. Diamond that she had forfeited the right to receive hormone therapy when she became a prisoner.

82. On November 18, 2013, Ms. Diamond contacted Defendant Shelton, the Warden of Treatment and Care, regarding her gender dysphoria and previous attempts to access care. Ms. Diamond asked Defendant Shelton to provide her information concerning the availability of needed treatment.

83. In a letter dated November 22, 2013, Defendant Shelton informed Ms. Diamond “the Department does not offer therapy for this at this time.” Upon information and belief, Defendant Shelton also advised healthcare personnel that GDC’s policy was to refuse to initiate gender dysphoria treatment, but that inmates could be referred for general counseling *in lieu* of gender dysphoria treatment.

84. Shortly after receiving Defendant Shelton’s letter, Ms. Diamond was contacted by Defendants Silver and Thompson regarding her requests for medical treatment. Echoing Defendant Shelton, Defendants Silver and Thompson advised Ms. Diamond that she would not be receiving any gender dysphoria treatment while in custody, but could speak to a mental health counselor regarding any underlying feelings of depression and anxiety.

85. On or about November 25, 2013, Ms. Diamond wrote a letter to Defendant Hatcher concerning her gender dysphoria and denial of treatment. Ms. Diamond told Defendant Hatcher that her physical health and well-being were being jeopardized by the continued denial of medical care, and asked Defendant Hatcher to authorize or refer her for medical treatment.

86. Defendant Shelton responded to Ms. Diamond by letter on her and Defendant Hatcher’s behalf. Defendants’ letter acknowledged that Ms. Diamond was suffering from the denial of medical care, however, instead of referring her for evaluation and treatment, Defendants advised Ms. Diamond to develop better coping mechanisms.

87. Thereafter, Ms. Diamond filed a complaint concerning her continued denial of



medical care. Ms. Diamond explained that her gender dysphoria was a serious medical need, but that she had been informed by personnel that no gender dysphoria treatment was available.

88. In response, Defendant Hatcher placed Ms. Diamond in solitary confinement on December 4, 2013 for nearly a week, for “pretending to be a woman.” During that time, Ms. Diamond became suicidal and battled a strong compulsion to engage in self-harm.

89. Defendant Hatcher returned Ms. Diamond to solitary for ten more days beginning December 20, 2013, after Ms. Diamond was visited by attorneys who learned of her denial of treatment. Defendant Hatcher visited Ms. Diamond in solitary confinement on or about December 26, 2013, and Ms. Diamond explained that she was not simply “pretending to be a woman,” but had serious medical needs requiring treatment. Ms. Diamond also told Defendant Hatcher that she was suicidal because of the denial of care.

90. Defendant Hatcher refused to release Ms. Diamond from solitary confinement or refer her for treatment. Later that day, Ms. Diamond attempted suicide and tried to sever her penis with a razor. Ms. Diamond was hospitalized on an emergency basis. Upon information and belief, Defendants Hatcher and Lewis were also notified of Ms. Diamond’s suicide and castration attempts.

91. Thereafter, Defendant Lewis wrote a letter informing Ms. Diamond that she had reviewed the actions of the GDC personnel who had refused to provide her with gender dysphoria treatment, and determined that they had handled matters appropriately. Upon information or belief, Defendant Lewis instructed GDC personnel to continue their blanket policy of refusing to initiate gender dysphoria treatment, and offering counseling in lieu of medically necessary treatment called for by the Standards of Care.

#### Failure to Protect and Denial of Medical Care at Valdosta State Prison

92. On December 31, 2013, Ms. Diamond was transferred from Rutledge State

Prison to Valdosta State Prison, another closed-security facility housing felons with assaultive histories considered to be the most dangerous. Upon her arrival at Valdosta, personnel, including Defendants Allen and McCracken, received Ms. Diamond's GDC records and a transfer summary detailing her history of sexual assaults, gender dysphoria diagnosis, history of hormone treatment, past attempts at self-harm, and requests for ongoing care.

93. During her intake, Ms. Diamond was warned by Valdosta personnel that Valdosta lacked the means to safely house transgender persons like Ms. Diamond, and that she stood a high likelihood of being sexually assaulted based on the inmate population, which included many gang members. However, Ms. Diamond was not offered any safety accommodations. She was simply told by staff to "guard your booty" and be prepared to fight.

94. On or about January 1, 2014, just one day after her arrival, Ms. Diamond was sexually assaulted by an inmate at Valdosta. Ms. Diamond reported her sexual assault to personnel, and notified them that she continued to be housed with her perpetrator. Upon information and belief, Defendant Lewis was notified of Ms. Diamond's assault, as were Defendants Allen and McCracken in their respective capacities as the Valdosta Warden and SART team leader. However, Defendants Lewis, Allen, and McCracken did not make adjustments to Ms. Diamond's housing placement or take other steps to safeguard her, despite having the authority to do so. Instead, Ms. Diamond continued to be housed in a cell with her perpetrator, who subjected her to continued sexual harassment and coercion.

95. On January 19, 2014, Ms. Diamond requested an appointment with GDC medical staff concerning her ongoing safety issues and need for gender dysphoria treatment. Thereafter, in late January and early February 2014, Ms. Diamond was evaluated by Drs. Raymond Moody and Heather Harrison, GDC mental health professionals at Valdosta.

96. As did Dr. Sloan, Drs. Moody and Harrison performed individualized assessments of Ms. Diamond, and concluded that she should be receiving hormone therapy as treatment for her gender dysphoria under the Standards of Care. Drs. Moody and Harrison also concluded that Ms. Diamond was experiencing withdrawal based on the discontinuation of her medical treatment, and stood a high risk for suicide and self-harm, should medical care be denied.

97. Upon information and belief, Dr. Moody advised Defendant Lewis of their conclusions regarding Ms. Diamond's ongoing need for hormone therapy, and sought to initiate treatment. However, Defendant Lewis denied the request for hormone therapy without evaluating Ms. Diamond, or performing any independent assessment of her need for treatment. Upon information and belief, Drs. Moody and Harrison were told that hormone treatment could not be initiated under the Transgender SOP, even if treatment was considered necessary under the Standards of Care, but inmates could be provided general mental health counseling in lieu of gender dysphoria treatment.

98. Upon information and belief, Dr. Harrison also advised Defendants Allen and McCracken of Ms. Diamond's ongoing safety issues and need for a transfer to a safer facility, based on her conclusion that Ms. Diamond stood a substantial risk of continued sexual assault at Valdosta based on the inmate composition. However, Defendants Allen and McCracken deferred and delayed on her recommendations to provide Ms. Diamond with a revised placement.

99. On or about February 9, 2014, Ms. Diamond was sexually assaulted by a gang member at Valdosta. Ms. Diamond reported her sexual assault to personnel, and explained that she had ongoing fears for her safety. Upon information and belief, Defendants Lewis, Allen,

and McCracken were also notified of Ms. Diamond's assault pursuant to GDC policy. However, despite having the authority to revise Ms. Diamond's placement and arrange for safe-keeping, no action was taken.

100. On February 11, 2014, Ms. Diamond contacted Defendant Owens individually concerning her placement and health and safety concerns. Ms. Diamond notified Defendant Owens that she had been repeatedly sexually assaulted when housed at closed-security facilities with inmates prone to violence. Ms. Diamond told Defendant Owens that following her transfer from Rutledge, a medium security facility, to Valdosta, a closed-security facility, she had renewed fears for her safety.

101. Ms. Diamond also informed Defendant Owens that GDC personnel were not acting to protect her from continued assault, or considering her gender dysphoria or rape victim status when choosing her placements, as required by PREA and GDC policy. Ms. Diamond also requested that she be transferred from Valdosta to a medium security facility like Central or Johnson, where transgender inmates could be housed more safely. However, no action was taken.

102. On or about February 26, 2014, Ms. Diamond personally contacted Defendant McCracken regarding her safety. Ms. Diamond informed Defendant McCracken that she was a transgender woman with gender dysphoria, in need of medical care. Ms. Diamond explained that she had been receiving hormone therapy for years, and was in the process of developing a treatment plan for hormone therapy with Dr. Sloan prior to her transfer from Baldwin. Ms. Diamond also explained that she a victim of repeated sexual assaults since entering GDC custody, and had ongoing fears for her safety due to continued sexual harassment and coercion from inmates at Valdosta.

103. Ms. Diamond asked Defendant McCracken to review her placement and arrange for her transfer to a safer facility, or a facility where she could at least receive gender dysphoria care. However, despite knowing of Ms. Diamond's health and safety needs, Defendant McCracken deferred and delayed action on Ms. Diamond's requests to be afforded reasonable safety and care.

104. Ms. Diamond continued to experience suicide ideation and impulses for self-harm as a result of her denial of gender dysphoria treatment and in or around March 2014, Ms. Diamond was hospitalized for suicidality and attempting self-castration.

105. On or about April 2014, Ms. Diamond personally contacted Defendant Allen regarding her safety concerns at Valdosta. Ms. Diamond explained that she was a transgender woman who had been sexually assaulted and had ongoing fears for her safety. She asked Defendant Allen to review her placement and arrange for her transfer to a safer facility. However, despite having the authority to do so, Defendant Allen refused to act on Ms. Diamond's request for safe placement.

106. In April 2014 Ms. Diamond was sexually assaulted two more times by inmates at Valdosta with gang affiliations. On each occasion, Ms. Diamond reported her sexual assaults to GDC personnel, and renewed her requests for a transfer to a safer facility. Upon information and belief, Defendants Lewis, Allen, and McCracken were notified of each of Ms. Diamond's assaults pursuant to GDC policy. However, despite having the authority to arrange for safe placement, Defendants took no action. Instead, the GDC personnel who processed Ms. Diamond's complaints told her that she was asking to be sexually assaulted because she was transgender, and would continue to be targeted for sexual abuse and coercion.

107. On May 13, 2014, Ms. Diamond contacted Defendant Owens once again,

through counsel. Ms. Diamond explained that she was being sexually assaulted, but her requests for protection were being ignored. Ms. Diamond also explained that hormone therapy was a medically necessary treatment for her gender dysphoria, that she had been receiving hormone therapy for many years, and had been harmed by GDC's refusal to provide her gender dysphoria treatment.

108. Defendant Owens knew there was a widespread practice among GDC personnel of denying gender dysphoria treatment to inmates who needed it, stemming in part from their lack of training. Defendant Owens also knew that enforcement of the Transgender SOP was preventing inmates from receiving treatment in accordance with the Standards of Care based on the individualized judgments of their healthcare providers, regarding their need for medical care.

109. Defendant Owens responded to Ms. Diamond's letter through counsel, but refused to authorize hormone therapy for Ms. Diamond's gender dysphoria or refer her for evaluation or treatment. Instead, Defendant Owens continued to enforce the Transgender SOP, and adopted, ratified, or instructed his subordinates to continue their policy of denying medically necessary treatment.

110. On or about May 2014, Ms. Diamond personally contacted Defendant Allen again regarding her gender dysphoria and ongoing need for treatment but, in response, Defendant Allen began subjecting Ms. Diamond to harassment on account of her being transgender.

111. Defendant Allen ridiculed Ms. Diamond for her female gender identity and feminine mannerisms, and began referring to Ms. Diamond as a "he-she-thing" in front of GDC inmates and personnel. Defendant Allen also began reprimanding Ms. Diamond when her

gender presentation deviated from male stereotypes. On May 15, 2014, Defendant Allen disciplined Ms. Diamond for shaping her eyebrows in a feminine manner, and informed her that she was expected to look and dress like a man. Defendant Allen encouraged his staff to ridicule Ms. Diamond for her female gender expression, and to instruct her to act and appear male.

112. Ms. Diamond complained about Defendant Allen's conduct and her ongoing denial of medical care. She explained that female grooming, expression, and identification were components of her gender dysphoria. Ms. Diamond's complaint was reviewed and rejected by GDC personnel on grounds that Ms. Diamond was "clearly a man, not a woman."

113. Ms. Diamond was also told there was "no medically indicated reason" for her female gender presentation, even though female gender expression is a form of medical treatment under the Standards of Care. Ms. Diamond was also warned that she would remain subject to continued discipline for her female gender expression, because "[her] gender was male."

114. In May and June 2014, Ms. Diamond spoke with Defendant McCracken again regarding her placement at Valdosta and need for care. Ms. Diamond reminded Defendant McCracken that she was a transgender woman with gender dysphoria, and a victim of repeated sexual assaults since entering GDC custody. Ms. Diamond explained that she continued to face sexual harassment and coercion at Valdosta, and had ongoing fears for her safety.

115. Ms. Diamond asked Defendant McCracken to review her placement, and to arrange her transfer to a safer facility, but he delayed and deferred any action on Ms. Diamond's behalf, and she continued to be a constant target for sexual harassment and coercion.

116. In May and June 2014, Ms. Diamond was reevaluated by Dr. Harrison, who had previously been advised that hormone therapy was not available under GDC Policy. Dr.

Harrison observed that Ms. Diamond's PTSD symptoms and anxiety had worsened due to ongoing issues of personal safety, and concluded that Ms. Diamond should be transferred to a medium security prison for her safety. Dr. Harrison also noted that Ms. Diamond was "being forced to transform from a woman back to a man" as a result of her continued denial of medical care, and was attempting auto-castration as a result.

117. In August and September 2014, Ms. Diamond was evaluated by GDC healthcare personnel again, who confirmed Ms. Diamond's gender dysphoria and PTSD diagnoses, and noted that Ms. Diamond's condition was deteriorating, that Ms. Diamond was experiencing withdrawal and physiological side effects, was manifesting hopelessness, and engaging in further attempts at self-castration and self-harm based on her continued denial of care. The medical professionals noted that Ms. Diamond had a history of hormone therapy and was requesting ongoing treatment, but stated that hormone therapy for Ms. Diamond was not being provided because it had not been authorized by "ATL" — or Defendants Owens and Lewis.

118. Thereafter, Ms. Diamond's suicidality and impulses to engage in self-harm intensified, and Ms. Diamond attempted to castrate herself once again. Ms. Diamond was referred for emergency medical treatment, and told that she faced a risk of permanent injury or death if her castration attempts continued.

119. In September 2014, Ms. Diamond filed a *pro se* lawsuit against Defendants Allen and McCracken regarding her ongoing safety concerns at Valdosta. Ms. Diamond also began writing letters and publicizing her ongoing sexual assaults. After commencing her lawsuit against Defendants Allen and McCracken, Ms. Diamond was finally transferred from Valdosta State Prison.

120. However, instead being sent to a medium security facility where she could enjoy



reasonable safety, she was transferred back to Baldwin State Prison, the closed-security facility where she had previously been a victim of multiple sexual assaults.

121. On January 22, 2015, Plaintiff was assessed by Dr. Randi C. Ettner, a forensic psychologist who is an expert in the diagnosis and treatment of gender dysphoria. Dr. Ettner confirmed that Plaintiff suffers from severe and persistent gender dysphoria, and that hormone therapy and female gender expression are the medically necessary treatment for her gender dysphoria. Dr. Ettner also determined that Plaintiff was experiencing severe physical and psychological harm due to her lack of gender dysphoria treatment, including clinically significant depression, suicidality, hopelessness, anxiety, desperation, and a regression of hormonally-induced physical effects. Dr. Ettner also noted that Plaintiff attempted suicide and auto-castration multiple times following the withdrawal of gender dysphoria care, and expressed an ongoing intention to end her life if forced to continue living as male.

122. Dr. Ettner concluded that unless hormone therapy for Plaintiff was resumed to treat her gender dysphoria and accompanying suicide ideation, the consequences would be predictable and dire. Dr. Ettner also concluded that attempting to treat Plaintiff's gender dysphoria with psychotherapy or anti-psychotics instead of hormone therapy would substantially depart from accepted medical practice and would place Plaintiff in ongoing peril of suicide and self-harm.

123. Ms. Diamond remains without safe placement or care for her gender dysphoria to this day, and continues to suffer from suicide ideation and the compulsion to engage in self-castration and self-harm on an almost daily basis.

**CLAIM FOR RELIEF**

**Count One:**  
**Refusal to Provide Medically Necessary Care**  
**in Violation of the Eighth Amendment to the Constitution**

(As to All Defendants)

124. Ms. Diamond incorporates and realleges herein the allegations of the foregoing paragraphs.

125. At all relevant times, Defendants knew that Ms. Diamond had gender dysphoria, a serious medical need that jeopardizes an individual's physical health and mental well-being when left untreated.

126. Defendants knew that the medically accepted standards for the treatment of gender dysphoria are the Standards of Care, and that hormone therapy and female gender expression, not psychotherapy, were medically necessary treatments for Ms. Diamond's gender dysphoria. Defendants knew that Ms. Diamond had been receiving these therapies for nearly two decades prior to her incarceration, and that discontinuing Ms. Diamond's hormone therapy placed her at a substantial risk of suicide, self-castration, and physical harm.

127. Despite this knowledge and despite Ms. Diamond's repeated requests for care, Defendants, while acting under color of state law, have refused to provide Ms. Diamond with any medically necessary treatment for her gender dysphoria, in deliberate indifference to her serious medical needs, and in violation of the Eighth Amendment's prohibition on cruel and unusual punishment.

128. Alternately, Defendants provided Ms. Diamond care that was so poor, cursory, grossly inadequate, and out of step with accepted professional norms that it constitutes a wanton infliction of pain, not medical treatment at all.

129. Each of the Defendants directly participated in the Constitutional deprivations

alleged.

130. Defendants Hatcher and Allen showed deliberate indifference to Ms. Diamond's serious medical needs by, *inter alia*, disciplining Ms. Diamond and subjecting her to punishment for expressing her female gender, a medically necessary form of treatment.

131. Defendants Silver and Thompson showed deliberate indifference to Ms. Diamond's serious medical needs by, *inter alia*, denying her care for her gender dysphoria, refusing to refer her for treatment in accordance with the Standards of Care and informing Ms. Diamond that she lost the right to receive gender dysphoria treatment when she entered prison.

132. Defendant McCracken showed deliberate indifference to Ms. Diamond's serious medical needs by, *inter alia*, knowing of her need treatment, but disregarding her requests for medical care and refusing to refer her for medical treatment.

133. Defendants Owens, Lewis and Shelton showed deliberate indifference to Ms. Diamond's serious medical needs by, *inter alia*, refusing to authorize gender dysphoria treatment in accordance with the Standards of Care with no exercise of individualized medical judgment whatsoever, including when treatment had been recommended by qualified GDC healthcare personnel, who performed actual assessments of Ms. Diamond.

134. Defendant Owens, Lewis, and Shelton showed deliberate indifference to Ms. Diamond's serious medical needs by, *inter alia*, ratifying or condoning the unconstitutional actions of their subordinates, and/or failing to take steps to prevent them from continuing to disregard inmates' need for medically necessary treatment, while fully aware of the constitutional deprivations complained of here.

135. Defendant Owens, Lewis, and Shelton also showed deliberate indifference to Ms. Diamond's serious medical needs by, *inter alia*, instructing GDC healthcare personnel to

refuse requests to initiate or refer inmates or gender dysphoria treatment, and to ignore their professional medical judgment regarding whether treatment was required under the Standards of Care.

136. Each of the Defendants also implemented, followed, enforced, and continue to enforce a policy or custom, having the force of law, of refusing requests to initiate gender dysphoria treatment, irrespective of an inmate's medical need, and providing counseling alone when they knew it was grossly inadequate care, that placed inmates at a substantial risk of mental and physical deterioration.

137. As a direct and proximate result of Defendants' actions, Ms. Diamond has suffered and continues to suffer irreparable physical injury and emotional harm.

138. Ms. Diamond's body has been violently transformed due to the denial of hormone therapy: Ms. Diamond has lost breast tissue and her female secondary sex characteristics have diminished. Ms. Diamond has also experienced and continues to experience physical injury in the form of chest pain, muscle spasms, heart palpitations, severe vomiting, dizziness, hot flashes, withdrawal symptoms, weight loss, diarrhea, fatigue and hyperhidrosis.

139. The therapeutic effects of Ms. Diamond's seventeen year history of gender dysphoria treatment have also been reversed. As a result of her denial of treatment, Ms. Diamond has attempted suicide and self-castration on multiple occasions, engaged in cutting and other forms of self-harm. Ms. Diamond's suicidality and compulsion to engage in castration and self-harm persist to this day. She has also suffered and continues to suffer severe depression, anxiety, and mental anguish.

140. Ms. Diamond remains without medically necessary care and continues to be at a substantial risk of suicide, self-harm, and physical injury. Ms. Diamond will continue to suffer

substantial and irreparable harm absent immediate relief.

**Count Two:**  
**Policy or Custom Regarding the Treatment of**  
**Gender Dysphoria in Violation of the Eighth Amendment to the Constitution**

(As to Defendants Owens and Lewis)

141. Ms. Diamond incorporates and realleges herein the foregoing paragraphs.

142. Defendants Owens and Lewis, who are final policy and decision makers for GDC, have enforced and continue to enforce an unconstitutional freeze-frame policy — the Transgender SOP — that removes decisionmaking regarding the treatment of gender dysphoria from healthcare professionals and prevents them from initiating medically necessary care. The policy subjects inmates like Ms. Diamond to a substantial risk of serious injury and harm in violation of the Eighth Amendment to the U.S. Constitution.

143. Under the Transgender SOP,<sup>4</sup> which has been and continues to be implemented by Defendant Owens, Lewis, and their agents, officials, employees, and all persons acting in concert with them under color of state law, in their official capacities, Ms. Diamond has been denied all medically appropriate treatment for her gender dysphoria, in violation of the prohibition on cruel and unusual punishment in the Eighth Amendment, even though no dispute exists regarding her gender dysphoria diagnosis or need for treatment.

144. As a direct and proximate cause of Defendants' enforcement of the Transgender SOP, Ms. Diamond has suffered and continues to suffer irreparable physical injury and emotional harm and the deprivation of her constitutional rights. She will continue to suffer substantial and irreparable harm absent immediate relief.

**Count Three:**  
**Failure to Protect Against Foreseeable Sexual Assault**  
**in Violation of the Eighth Amendment to the Constitution**

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<sup>4</sup> Discuss whether there is a way to clarify where the policy goes wrong.

(As to Defendants Owens, Lewis, Allen, and McCracken)

145. Ms. Diamond incorporates and realleges herein the foregoing paragraphs.

146. At all relevant times, Defendants knew that Ms. Diamond, as a transgender woman, faced an extreme and substantial vulnerability to sexual assault and harm in GDC custody. Due to the severity and obviousness of the risks facing transgender inmates like Ms. Diamond, PREA and the Transgender SOP advised that the placements of transgender inmates be carefully considered by Defendants and other GDC personnel.

147. Defendants knew that at closed-security facilities, which house inmates considered to be the most dangerous, with assaultive histories and gang affiliations, Ms. Diamond as a transgender woman and non-violent offender, stood an even greater risk of harm.

148. Defendants also knew that Ms. Diamond suffered repeated sexual assaults at the closed-security facilities where she was housed, and that her placement at Valdosta, yet another closed-security facility, exposed her to continued risks of great harm.

149. Defendants were notified of Ms. Diamond's ongoing sexual assaults, and Ms. Diamond's repeated requests to be housed in safer conditions. However, despite having the authority to do so, and while acting under the color of state law, Defendants deferred, delayed, and refused to take reasonable steps to protect Ms. Diamond from harm — contrary to their obligations under PREA and GDC policy — in deliberate indifference to her substantial risk of sexual assault, and contrary to the Eighth Amendment and contemporary standards of decency.

150. Each of the abovementioned Defendants directly participated in the Constitutional deprivations alleged.

151. Defendant Lewis showed deliberate indifference to Ashley's safety needs by, *inter alia*, disregarding her obligations under PREA and GDC policy to assess the needs of transgender inmates and provide appropriate placements, and failing to take action after

receiving notification of Ashley's ongoing sexual assaults.

152. Defendants Allen and McCracken showed deliberate indifference to Ashley's safety needs by, *inter alia*, disregarding their obligations under PREA and the Sexual Assault SOPs to assess the needs of sexual assault victims and provide appropriate placements; failing to take action after receiving notification of Ashley's ongoing sexual assaults; and unreasonably denying, delaying, or deferring Ashley's requests for protection.

153. Defendant Owens and Lewis also showed deliberate indifference to Ms. Diamond's serious medical needs by, *inter alia*, ratifying or condoning the unconstitutional actions of their subordinates, and/or failing to take reasonable steps to prevent them from continuing to disregard the safety needs of transgender inmates like Ms. Diamond, who faced a substantial and foreseeable risk of sexual assault, while fully aware of the deprivations complained of here.

154. As a direct and proximate result of Defendants' intentional actions, Ms. Diamond has suffered and continues to suffer irreparable physical injury and emotional harm.

155. Ms. Diamond has been sexually assaulted on more than half a dozen occasions, continues to be subjected to near-daily sexual harassment and coercion. Ms. Diamond has also been diagnosed with anxiety and PTSD.

156. Due to Defendants' actions, Ms. Diamond's extreme vulnerability to sexual assault will continue indefinitely, absent relief.

**Count Four:**  
**Failure to Train and Supervise Staff Regarding**  
**Inmate Safety or Serious Inmate Medical Needs**

(As to Defendants Owens and Lewis)

157. Ms. Diamond incorporates and realleges herein the foregoing paragraphs.

158. Defendants Owens and Lewis, who are final policy and decision-makers for

GDC, failed to properly train their staff concerning the medical and safety needs of transgender inmates and inmates with gender dysphoria, despite knowing of a widespread and pervasive pattern of abuse by GDC personnel that was likely to continue absent training.

159. Defendants knew that, based on their failure to train GDC personnel, GDC staff had repeatedly denied inmates with gender dysphoria treatment of any kind, and subjected them to discipline and reprimand in lieu of treatment, including by taunting them, calling them names, placing them in solitary confinement, and insisting they act and identify as their assigned gender — in Ms. Diamond’s case, male.

160. Defendants also knew that, based on their failure to train GDC personnel, there was a widespread and pervasive custom of GDC staff disregarding the safety needs of transgender inmates, failing to provide them reasonably safe placements, delaying, deferring, or refusing to reassess the placements of transgender inmates when sexual assaults occur, blaming transgender inmates for their assaults, and refusing to process their sexual assault grievances.

161. As a direct and foreseeable consequence of Defendants’ conscious disregard of the obvious need to train personnel, Ms. Diamond has been denied medically necessary care for her gender dysphoria and reasonable protection from foreseeable sexual assault, in violation of the Eighth Amendment’s prohibition on cruel and unusual punishment, and fundamental notions of decency.

162. Ms. Diamond has suffered and continues to suffer irreparable physical injury and emotional harm as a result of Defendants’ failure to supervise and train personnel, and will continue to suffer substantial and irreparable harm absent immediate relief.

**PRAYER FOR RELIEF**

163. WHEREFORE, Plaintiff Ashley Diamond respectfully prays that this Court enter judgment in her favor and against Defendants, providing the following relief:



- A. A declaration that Defendants' refusal to provide medically necessary treatment for gender dysphoria violates the Eighth Amendment to the United States Constitution;
- B. A declaration that the Transgender SOP, both on its face and as applied to Plaintiff, violates the Eighth Amendment to the United States Constitution;
- C. A declaration that Defendants Lewis, Allen and McCracken's failure to protect Plaintiff from foreseeable sexual assault violates the Eighth Amendment to the United States Constitution;
- D. A preliminary and permanent injunction directing Defendant Owens and Lewis to provide Plaintiff medically necessary treatment for her gender dysphoria under the Standards of Care, including but not limited to hormone therapy, and permitting Plaintiff to express her female gender identity through grooming, pronoun use, and dress;
- E. A preliminary and permanent injunction requiring Defendant Owens and Lewis to train GDC personnel regarding the medical and safety needs of transgender inmates with gender dysphoria;
- F. A preliminary and permanent injunction enjoining the enforcement of the Transgender SOP by each Defendant sued in their official capacity;
- G. A preliminary and permanent injunction directing Defendants Owens and Lewis to provide Plaintiff reasonably safe placement, including but not limited to through transfer to a medium security or transitional facility;
- H. Compensatory damages against each Defendant named in his or her individual capacity, in an amount adequate to compensate Plaintiff for her harms and losses;

- I. Punitive damages against each Defendant named in his or her individual capacity, in an amount to be determined at trial;
- J. Reasonable attorneys' fees and costs, including expert fees, under 42 U.S.C. § 1988; and
- K. All other relief that the Court deems just and proper.

Dated: February 19, 2015

Respectfully submitted,

/s/ James M. Knoepp

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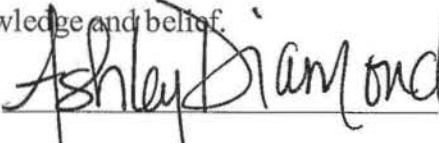
*Counsel for Plaintiff*

*\*Applications for admission pro hac vice forthcoming*

### VERIFICATION

I, Ashley A. Diamond, am the Plaintiff in this action. I hereby declare under penalty of perjury that I have read the foregoing complaint and am familiar with its contents, and the facts set forth therein are true and accurate to the best of my knowledge and belief.

Dated: February 19, 2015

  
Ashley Diamond

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Diamond, Ashley A.

(b) County of Residence of First Listed Plaintiff Macon County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Southern Poverty Law Center
1989 College Ave. NE
Atlanta, GA 30317 (404) 521-6700

DEFENDANTS

Owens, Brian in his capacity as Commissioner of the Georgia Department of Corrections ("GDC"), et al (SEE ATTACHMENT)

County of Residence of First Listed Defendant Monroe County (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. 1983

Brief description of cause: Failure to protect and failure to provide medical care in violation of the Eighth Amendment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

02/19/2015

Handwritten signature of attorney

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

### COMPLETE LIST OF DEFENDANTS

1. OWENS, BRIAN  
Commissioner, Georgia Department of Corrections
2. LEWIS, SHARON  
Medical Director, Georgia Department of Corrections
3. HATCHER, SHAY  
Warden of Rutledge State Prison
4. SHELTON, RUTHIE  
Deputy Warden of Care and Treatment of Rutledge State Prison
5. ALLEN, MARTY  
Warden of Valdosta State Prison
6. MCCRACKEN, DAVID  
Mental Health Services Director of Valdosta State Prison
7. THOMPSON, JOHN  
Healthcare Provider for the Georgia Department of Corrections
8. SILVER, DONNA  
Healthcare Provider for the Georgia Department of Corrections

## Victim/Aggressor Classification

Date	Victim Findings	Aggressor Findings	Location
<u>01/15/2021</u>	SEXUAL VICTIM	SEXUAL AGGRESSOR	COASTAL STATE PRISON
<u>01/15/2021</u>	SEXUAL VICTIM	N/A	COASTAL STATE PRISON
<u>11/10/2020</u>	SEXUAL VICTIM	SEXUAL AGGRESSOR	COASTAL STATE PRISON
<u>09/08/2020</u>	SEXUAL VICTIM	N/A	COASTAL STATE PRISON
<u>09/04/2020</u>	SEXUAL VICTIM	N/A	GA DIAG CLASS PRISON
<u>06/11/2020</u>	SEXUAL VICTIM	N/A	COASTAL STATE PRISON
<u>02/21/2020</u>	SEXUAL VICTIM	N/A	GA DIAG CLASS PRISON
<u>10/30/2019</u>	SEXUAL VICTIM	N/A	GA DIAG CLASS PRISON
<u>08/04/2015</u>	SEXUAL VICTIM	N/A	AUGUSTA STATE MED. PRISON
<u>05/13/2015</u>	SEXUAL VICTIM	N/A	RUTLEDGE STATE PRISON
<u>03/20/2015</u>	SEXUAL VICTIM	N/A	GA STATE PRISON
<u>11/04/2014</u>	POTENTIAL SEXUAL VICTIM	N/A	BALDWIN STATE PRISON
<u>10/02/2013</u>	SEXUAL VICTIM	N/A	RUTLEDGE STATE PRISON
<u>04/09/2012</u>	N/A	N/A	GA DIAG CLASS PRISON

PLAINTIFF'S  
EXHIBIT

**134A**

## Offender PREA Classification Details

Date of Referral: **01/15/2021** Location: **COASTAL STATE PRISON**

### Sexual Victim Factors

<b>Is the offender a former victim of institutional(prison or jail) rape or sexual assault?</b>	Yes
<b>Is the offender 25 years old or younger or 60 years or older?</b>	No
<b>Is the offender small in physical stature?(BMI&lt;18.5.)?</b>	No
<b>Does the offender have a developmental disability/mental illness/physical disability?</b>	Yes
<b>Is this the offenders first incarceration ever(prison or jail)?</b>	No
<b>Is or is perceived to be gay/lesbian/bi-sexual/transgender/intersex or gender non-conforming?</b>	Yes
<b>Does the offender have a history of prior sexual victimization (sex abuse)?</b>	Yes
<b>Is the offenders own perception that of being vulnerable?</b>	Yes
<b>Does the offender have a criminal history (convictions) that is exclusively non-violent?</b>	Yes
<b>Does the offender have a conviction(s) for sex offenses against adult and/or child?</b>	No

### Sexual Aggressor Factors

<b>Does the offender have a past history of institutional(prison or jail) sexually aggressive behavior?</b>	Yes
<b>Does the offender have a history of sexual abuse/sexual assault towards others (adult and/or child)?</b>	No
<b>Is the offenders current offense sexual abuse/sexual assault toward others(adult and/or child)?</b>	No
<b>Does the offender have a prior conviction(s) for violent offenses?</b>	No

### Findings:

**Sexual Victim / Sexual Aggressor**

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## Offender PREA Classification Details

Date of Referral: **01/15/2021** Location: **COASTAL STATE PRISON**

### Sexual Victim Factors

<b>Is the offender a former victim of institutional(prison or jail) rape or sexual assault?</b>	Yes
<b>Is the offender 25 years old or younger or 60 years or older?</b>	No
<b>Is the offender small in physical stature?(BMI&lt;18.5)?</b>	No
<b>Does the offender have a developmental disability/mental illness/physical disability?</b>	Yes
<b>Is this the offenders first incarceration ever(prison or jail)?</b>	No
<b>Is or is perceived to be gay/lesbian/bi-sexual/transgender/intersex or gender non-conforming?</b>	Yes
<b>Does the offender have a history of prior sexual victimization (sex abuse)?</b>	Yes
<b>Is the offenders own perception that of being vulnerable?</b>	Yes
<b>Does the offender have a criminal history (convictions) that is exclusively non-violent?</b>	Yes
<b>Does the offender have a conviction(s) for sex offenses against adult and/or child?</b>	No

### Sexual Aggressor Factors

<b>Does the offender have a past history of institutional(prison or jail) sexually aggressive behavior?</b>	No
<b>Does the offender have a history of sexual abuse/sexual assault towards others (adult and/or child)?</b>	No
<b>Is the offenders current offense sexual abuse/sexual assault toward others(adult and/or child)?</b>	No
<b>Does the offender have a prior conviction(s) for violent offenses?</b>	No

### Findings:

**Sexual Victim**

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## Offender PREA Classification Details

Date of Referral: **11/10/2020** Location: **COASTAL STATE PRISON**

### Sexual Victim Factors

<b>Is the offender a former victim of institutional(prison or jail) rape or sexual assault?</b>	Yes
<b>Is the offender 25 years old or younger or 60 years or older?</b>	No
<b>Is the offender small in physical stature?(BMI&lt;18.5)?</b>	No
<b>Does the offender have a developmental disability/mental illness/physical disability?</b>	Yes
<b>Is this the offenders first incarceration ever(prison or jail)?</b>	No
<b>Is or is perceived to be gay/lesbian/bi-sexual/transgender/intersex or gender non-conforming?</b>	Yes
<b>Does the offender have a history of prior sexual victimization (sex abuse)?</b>	Yes
<b>Is the offenders own perception that of being vulnerable?</b>	Yes
<b>Does the offender have a criminal history (convictions) that is exclusively non-violent?</b>	Yes
<b>Does the offender have a conviction(s) for sex offenses against adult and/or child?</b>	No

### Sexual Aggressor Factors

<b>Does the offender have a past history of institutional(prison or jail) sexually aggressive behavior?</b>	Yes
<b>Does the offender have a history of sexual abuse/sexual assault towards others (adult and/or child)?</b>	Yes
<b>Is the offenders current offense sexual abuse/sexual assault toward others(adult and/or child)?</b>	No
<b>Does the offender have a prior conviction(s) for violent offenses?</b>	No

### Findings:

**Sexual Victim / Sexual Aggressor**

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## Offender PREA Classification Details

Date of Referral: **09/08/2020** Location: **COASTAL STATE PRISON**

### Sexual Victim Factors

<b>Is the offender a former victim of institutional(prison or jail) rape or sexual assault?</b>	Yes
<b>Is the offender 25 years old or younger or 60 years or older?</b>	No
<b>Is the offender small in physical stature?(BMI&lt;18.5.)?</b>	No
<b>Does the offender have a developmental disability/mental illness/physical disability?</b>	Yes
<b>Is this the offenders first incarceration ever(prison or jail)?</b>	No
<b>Is or is perceived to be gay/lesbian/bi-sexual/transgender/intersex or gender non-conforming?</b>	Yes
<b>Does the offender have a history of prior sexual victimization (sex abuse)?</b>	Yes
<b>Is the offenders own perception that of being vulnerable?</b>	Yes
<b>Does the offender have a criminal history (convictions) that is exclusively non-violent?</b>	Yes
<b>Does the offender have a conviction(s) for sex offenses against adult and/or child?</b>	No

### Sexual Aggressor Factors

<b>Does the offender have a past history of institutional(prison or jail) sexually aggressive behavior?</b>	No
<b>Does the offender have a history of sexual abuse/sexual assault towards others (adult and/or child)?</b>	No
<b>Is the offenders current offense sexual abuse/sexual assault toward others(adult and/or child)?</b>	No
<b>Does the offender have a prior conviction(s) for violent offenses?</b>	No

**Findings:**  
**Sexual Victim**

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## Offender PREA Classification Details

Date of Referral: **09/04/2020**    Location: **GA DIAG CLASS PRISON**

### Sexual Victim Factors

<b>Is the offender a former victim of institutional(prison or jail) rape or sexual assault?</b>	Yes
<b>Is the offender 25 years old or younger or 60 years or older?</b>	No
<b>Is the offender small in physical stature?(BMI&lt;18.5.)?</b>	No
<b>Does the offender have a developmental disability/mental illness/physical disability?</b>	Yes
<b>Is this the offenders first incarceration ever(prison or jail)?</b>	No
<b>Is or is perceived to be gay/lesbian/bi-sexual/transgender/intersex or gender non-conforming?</b>	Yes
<b>Does the offender have a history of prior sexual victimization (sex abuse)?</b>	Yes
<b>Is the offenders own perception that of being vulnerable?</b>	Yes
<b>Does the offender have a criminal history (convictions) that is exclusively non-violent?</b>	No
<b>Does the offender have a conviction(s) for sex offenses against adult and/or child?</b>	No

### Sexual Aggressor Factors

<b>Does the offender have a past history of institutional(prison or jail) sexually aggressive behavior?</b>	No
<b>Does the offender have a history of sexual abuse/sexual assault towards others (adult and/or child)?</b>	No
<b>Is the offenders current offense sexual abuse/sexual assault toward others(adult and/or child)?</b>	No
<b>Does the offender have a prior conviction(s) for violent offenses?</b>	Yes

**Findings:**  
**Sexual Victim**

## Offender PREA Classification Details

Date of Referral: **06/11/2020** Location: **COASTAL STATE PRISON**

### Sexual Victim Factors

<b>Is the offender a former victim of institutional(prison or jail) rape or sexual assault?</b>	Yes
<b>Is the offender 25 years old or younger or 60 years or older?</b>	No
<b>Is the offender small in physical stature?(BMI&lt;18.5.)?</b>	No
<b>Does the offender have a developmental disability/mental illness/physical disability?</b>	Yes
<b>Is this the offenders first incarceration ever(prison or jail)?</b>	No
<b>Is or is perceived to be gay/lesbian/bi-sexual/transgender/intersex or gender non-conforming?</b>	Yes
<b>Does the offender have a history of prior sexual victimization (sex abuse)?</b>	Yes
<b>Is the offenders own perception that of being vulnerable?</b>	Yes
<b>Does the offender have a criminal history (convictions) that is exclusively non-violent?</b>	Yes
<b>Does the offender have a conviction(s) for sex offenses against adult and/or child?</b>	No

### Sexual Aggressor Factors

<b>Does the offender have a past history of institutional(prison or jail) sexually aggressive behavior?</b>	No
<b>Does the offender have a history of sexual abuse/sexual assault towards others (adult and/or child)?</b>	No
<b>Is the offenders current offense sexual abuse/sexual assault toward others(adult and/or child)?</b>	No
<b>Does the offender have a prior conviction(s) for violent offenses?</b>	No

### Findings:

**Sexual Victim**

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## Offender PREA Classification Details

Date of Referral: **02/21/2020** Location: **GA DIAG CLASS PRISON**

### Sexual Victim Factors

<b>Is the offender a former victim of institutional(prison or jail) rape or sexual assault?</b>	Yes
<b>Is the offender 25 years old or younger or 60 years or older?</b>	No
<b>Is the offender small in physical stature?(BMI&lt;18.5.)?</b>	No
<b>Does the offender have a developmental disability/mental illness/physical disability?</b>	Yes
<b>Is this the offenders first incarceration ever(prison or jail)?</b>	No
<b>Is or is perceived to be gay/lesbian/bi-sexual/transgender/intersex or gender non-conforming?</b>	Yes
<b>Does the offender have a history of prior sexual victimization (sex abuse)?</b>	Yes
<b>Is the offenders own perception that of being vulnerable?</b>	Yes
<b>Does the offender have a criminal history (convictions) that is exclusively non-violent?</b>	No
<b>Does the offender have a conviction(s) for sex offenses against adult and/or child?</b>	No

### Sexual Aggressor Factors

<b>Does the offender have a past history of institutional(prison or jail) sexually aggressive behavior?</b>	No
<b>Does the offender have a history of sexual abuse/sexual assault towards others (adult and/or child)?</b>	No
<b>Is the offenders current offense sexual abuse/sexual assault toward others(adult and/or child)?</b>	No
<b>Does the offender have a prior conviction(s) for violent offenses?</b>	No

**Findings:**  
**Sexual Victim**

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## Offender PREA Classification Details

Date of Referral: **10/30/2019** Location: **GA DIAG CLASS PRISON**

### Sexual Victim Factors

<b>Is the offender a former victim of institutional(prison or jail) rape or sexual assault?</b>	Yes
<b>Is the offender 25 years old or younger or 60 years or older?</b>	No
<b>Is the offender small in physical stature?(BMI&lt;18.5.)?</b>	No
<b>Does the offender have a developmental disability/mental illness/physical disability?</b>	No
<b>Is this the offenders first incarceration ever(prison or jail)?</b>	No
<b>Is or is perceived to be gay/lesbian/bi-sexual/transgender/intersex or gender non-conforming?</b>	Yes
<b>Does the offender have a history of prior sexual victimization (sex abuse)?</b>	Yes
<b>Is the offenders own perception that of being vulnerable?</b>	Yes
<b>Does the offender have a criminal history (convictions) that is exclusively non-violent?</b>	Yes
<b>Does the offender have a conviction(s) for sex offenses against adult and/or child?</b>	No

### Sexual Aggressor Factors

<b>Does the offender have a past history of institutional(prison or jail) sexually aggressive behavior?</b>	No
<b>Does the offender have a history of sexual abuse/sexual assault towards others (adult and/or child)?</b>	No
<b>Is the offenders current offense sexual abuse/sexual assault toward others(adult and/or child)?</b>	No
<b>Does the offender have a prior conviction(s) for violent offenses?</b>	No

**Findings:**  
**Sexual Victim**

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## Offender PREA Classification Details

Date of Referral: **08/04/2015** Location: **AUGUSTA STATE MED. PRISON**

### Sexual Victim Factors

<b>Is the offender a former victim of institutional(prison or jail) rape or sexual assault?</b>	Yes
<b>Is the offender 25 years old or younger or 60 years or older?</b>	No
<b>Is the offender small in physical stature?(Female-less than 110 lbs; Male-less than 5'5" and/or less than 150 lbs.)?</b>	Yes
<b>Does the offender have a developmental disability/mental illness/physical disability?</b>	Yes
<b>Is this the offenders first incarceration ever(prison or jail)?</b>	Yes
<b>Is or is perceived to be gay/lesbian/bi-sexual/transgender/intersex or gender non-conforming?</b>	Yes
<b>Does the offender have a history of prior sexual victimization (sex abuse)?</b>	Yes
<b>Is the offenders own perception that of being vulnerable?</b>	No
<b>Does the offender have a criminal history (convictions) that is exclusively non-violent?</b>	Yes
<b>Does the offender have a conviction(s) for sex offenses against adult and/or child?</b>	No

### Sexual Aggressor Factors

<b>Does the offender have a past history of institutional(prison or jail) sexually aggressive behavior?</b>	No
<b>Does the offender have a history of sexual abuse/sexual assault towards others (adult and/or child)?</b>	No
<b>Is the offenders current offense sexual abuse/sexual assault toward others(adult and/or child)?</b>	No
<b>Does the offender have a prior conviction(s) for violent offenses?</b>	No

### Findings:

**Sexual Victim**

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## Offender PREA Classification Details

Date of Referral: **05/13/2015** Location: **RUTLEDGE STATE PRISON**

### Sexual Victim Factors

<b>Former victim of prison rape or sexual assault</b>	Yes
<b>Youthful age (25 or younger) or elderly (60 or older)</b>	No
<b>Small in Physical Stature</b>	Yes
<b>Developmental disability/mental illness</b>	Yes
<b>First incarceration ever</b>	Yes
<b>Homosexual/Bi-sexual/Effeminate</b>	Yes
<b>History of sexual abuse</b>	Yes
<b>History of facility consensual sex</b>	No
<b>Prior history of protective custody (adult or juvenile)</b>	No

### Sexual Aggressor Factors

<b>Past history of institutional aggressor behavior</b>	No
<b>Current or prior rape conviction</b>	No
<b>Any history of sexual abuse/assault toward others</b>	No
<b>Any history of physical abuse toward others</b>	No
<b>Any history of domestic violence towards others</b>	No
<b>Gang Affiliation</b>	No

### Findings:

**Sexual Victim**

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## Offender PREA Classification Details

Date of Referral: **03/20/2015** Location: **GA STATE PRISON**

### Sexual Victim Factors

<b>Former victim of prison rape or sexual assault</b>	Yes
<b>Youthful age (25 or younger) or elderly (60 or older)</b>	No
<b>Small in Physical Stature</b>	No
<b>Developmental disability/mental illness</b>	Yes
<b>First incarceration ever</b>	Yes
<b>Homosexual/Bi-sexual/Effeminate</b>	Yes
<b>History of sexual abuse</b>	No
<b>History of facility consensual sex</b>	No
<b>Prior history of protective custody (adult or juvenile)</b>	No

### Sexual Aggressor Factors

<b>Past history of institutional aggressor behavior</b>	No
<b>Current or prior rape conviction</b>	No
<b>Any history of sexual abuse/assault toward others</b>	No
<b>Any history of physical abuse toward others</b>	No
<b>Any history of domestic violence towards others</b>	No
<b>Gang Affiliation</b>	No

### Findings:

**Sexual Victim**

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## Offender PREA Classification Details

Date of Referral: **11/04/2014** Location: **BALDWIN STATE PRISON**

### Sexual Victim Factors

<b>Former victim of prison rape or sexual assault</b>	No
<b>Youthful age (25 or younger) or elderly (60 or older)</b>	No
<b>Small in Physical Stature</b>	Yes
<b>Developmental disability/mental illness</b>	Yes
<b>First incarceration ever</b>	Yes
<b>Homosexual/Bi-sexual/Effeminate</b>	Yes
<b>History of sexual abuse</b>	Yes
<b>History of facility consensual sex</b>	Yes
<b>Prior history of protective custody (adult or juvenile)</b>	No

### Sexual Aggressor Factors

<b>Past history of institutional aggressor behavior</b>	No
<b>Current or prior rape conviction</b>	No
<b>Any history of sexual abuse/assault toward others</b>	No
<b>Any history of physical abuse toward others</b>	No
<b>Any history of domestic violence towards others</b>	No
<b>Gang Affiliation</b>	No

### Findings:

**Potential Sexual Victim**

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## Offender PREA Classification Details

Date of Referral: **10/02/2013** Location: **RUTLEDGE STATE PRISON**

### Sexual Victim Factors

<b>Former victim of prison rape or sexual assault</b>	Yes
<b>Youthful age (25 or younger) or elderly (60 or older)</b>	No
<b>Small in Physical Stature</b>	No
<b>Developmental disability/mental illness</b>	Yes
<b>First incarceration ever</b>	Yes
<b>Homosexual/Bi-sexual/Effeminate</b>	Yes
<b>History of sexual abuse</b>	Yes
<b>History of facility consensual sex</b>	No
<b>Prior history of protective custody (adult or juvenile)</b>	No

### Sexual Aggressor Factors

<b>Past history of institutional aggressor behavior</b>	No
<b>Current or prior rape conviction</b>	No
<b>Any history of sexual abuse/assault toward others</b>	No
<b>Any history of physical abuse toward others</b>	No
<b>Any history of domestic violence towards others</b>	No
<b>Gang Affiliation</b>	No

### Findings:

**Sexual Victim**

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## Offender PREA Classification Details

Date of Referral: **04/09/2012** Location: **GA DIAG CLASS PRISON**

### Sexual Victim Factors

<b>Former victim of prison rape or sexual assault</b>	No
<b>Youthful age (25 or younger) or elderly (60 or older)</b>	No
<b>Small in Physical Stature</b>	No
<b>Developmental disability/mental illness</b>	No
<b>First incarceration ever</b>	No
<b>Homosexual/Bi-sexual/Effeminate</b>	No
<b>History of sexual abuse</b>	No
<b>History of facility consensual sex</b>	No
<b>Prior history of protective custody (adult or juvenile)</b>	No

### Sexual Aggressor Factors

<b>Past history of institutional aggressor behavior</b>	No
<b>Current or prior rape conviction</b>	No
<b>Any history of sexual abuse/assault toward others</b>	No
<b>Any history of physical abuse toward others</b>	No
<b>Any history of domestic violence towards others</b>	No
<b>Gang Affiliation</b>	No

### Findings:

**N/A**

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6-18-20

# Declaration of Brenden A. Perry

I, Brenden Perry, was in the audience when Unit Manager Jackson spoke to us about Ashley Diamond. He mentioned that "She was Crazy and Confused." He told us that "even though you'll see titties, you'll still get hit with a tree branch." Mr. Jackson made sure to hold the attention of the entire ~~dorm~~ N-B dorm (90 inmates) for about 15 minutes for the of talking specifically about Ashley's mental and physical attributes. He told us about her in a crude and joking ~~there~~ manner while disclosing her personal and private information.

Under Penalty of Perjury, these events are events that happened to my knowledge and belief.

Brenden Perry  
Brenden Perry

GDC # 1002170672

PLAINTIFF'S  
EXHIBIT  
**226**

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

ASHLEY DIAMOND,

Plaintiff,

v.

TIMOTHY WARD, *et al.*,

Defendants.

No. 5:20-cv-00453-MTT

**SECOND DECLARATION OF DR. RANDI ETTNER**

1. My name is Dr. Randi C. Ettner. I am a clinical and forensic psychologist with extensive expertise and knowledge concerning the diagnosis and treatment of gender dysphoria.
2. This declaration is supplemental to the declaration I submitted in support of Ms. Diamond's Motion for Preliminary Injunction and Motion for Protective Order in this case, which I understand to be listed on the Docket as ECF 58.
3. As set out more fully in my previous declaration, I have evaluated, diagnosed, and treated more than 3,000 individuals with gender dysphoria and mental health issues related to gender dysphoria since 1985 and have extensive clinical and academic experience in this field.
4. I am thoroughly familiar with the physical and physiological impact of hormone therapy on transgender women, as well as the Endocrine Society Guidelines for treatment of transgender individuals.
5. I have reviewed the laboratory results showing Ms. Diamond's estrogen and testosterone levels on November 19, 2019, June 22, 2020 and April 02, 2021, which I understand to have been filed with Court and listed on the Docket as ECF 78-17.

PLAINTIFF'S  
EXHIBIT

**224**



6. Ms. Diamond's hormonal assays collected on June 22, 2020 and April 02, 2021, which show her total estrogen and testosterone levels further support the conclusion that, combined with the fact that her testosterone has been suppressed for decades, Ms. Diamond was not able to have engaged in penetrative sex in October of 2020.

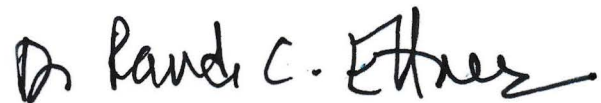
7. Further, based on my extensive knowledge and experienced, it would be nearly impossible for her to get an erection, let alone maintain one based on these hormone levels and the consequent atrophy of her male genitalia from decades of hormone therapy.

8. Based on my personal assessment and evaluation of Ms. Diamond and the extent of her gender dysphoria, it is my opinion that beyond the physical impossibility outlined above, touching that part of her anatomy is too ego dystonic for her to be capable of penetrative sex.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 5/9/2021

Respectfully submitted,



Dr. Randi C. Ettner



Brian P. Kemp  
Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**



Timothy C. Ward  
Commissioner

**DISCIPLINARY INVESTIGATION SUMMARY**

Prison: COASTAL STATE PRISON      Disciplinary Report#: 867128

Inmate Name: DIAMOND, ASHLEY ALTON      Inmate ID#: 1000290565

Date/Time Initiated Investigation: 11/03/20 0910 ampm

1. Inmate Statement:

The door does not work properly, you can talk  
to Dr. Fass, Miller, and the Warden about that.  
That rag has always been there.

2. Other Facts About the Incident(Summarize):

3. Staff/Inmate Witness Testimony(summarize/attach any additional summaries/statements):

DR. FASS'S Statement, Maintenance Miller's  
Statement

4. Physical Evidence:

~~X~~ Photo of rag in door

5. Investigator's Comments and Conclusions:(Based Upon What)

Based on OFFENDER'S Statement I recommend  
a hearing.

MH/MR Evaluation  No    MH/MR Level: \_\_\_\_\_    Supporting Living Unit Yes

Recommend Dismissal: NO    Recommend for Disciplinary Hearing: YES

Investigation Completed: 11/07/20    Date: 1410    am  pm

Investigator's Signature: [Signature]

**RETENTION SCHEDULE:**

Upon completion, this summary is placed in the inmate's case history file.

PLAINTIFF'S  
EXHIBIT  
**121A**





Brian P. Kemp  
Governor

GEORGIA DEPARTMENT OF CORRECTIONS  
STATE OF GEORGIA



Timothy C. Ward  
Commissioner

DISCIPLINARY INVESTIGATION SUMMARY

Prison: COASTAL STATE PRISON      Disciplinary Report#: 867128  
Inmate Name: DIAMOND, ASHLEY ALTON      Inmate ID#: 1000290565

Date/Time Initiated Investigation: 11/03/20 0910 am

1. Inmate Statement:

The door does not work properly, you can talk to Dr. Fass, Miller, and the Warden about that. That rag has always been there.

2. Other Facts About the Incident(Summarize):

3. Staff/Inmate Witness Testimony(summarize/attach any additional summaries/statements):

DR. FASS'S STATEMENT, MAINTENANCE MILLER'S STATEMENT

4. Physical Evidence:

~~X~~ photo of rag in door

5. Investigator's Comments and Conclusions:(Based Upon What)

Based on OFFENDER'S STATEMENT I recommend a hearing.

MH/MR Evaluation  No    MH/MR Level:    Supporting Living Unit Yes  No

Recommend Dismissal: NO    Recommend for Disciplinary Hearing: YES

Investigation Completed: 11/04/20    Date: 1410 am

Investigator's Signature: [Signature]

RETENTION SCHEDULE:

Upon completion, this summary is placed in the inmate's case history file.



Brian P. Kemp  
Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**



Timothy C. Ward  
Commissioner

**DISCIPLINARY INVESTIGATION SUMMARY**

Prison: COASTAL STATE PRISON Disciplinary Report#: 867129

Inmate Name: DIAMOND, ASHLEY ALTON Inmate ID#: 1000290565

Date/Time Initiated Investigation: 11/03/20 0858 am/pm

1. Inmate Statement:

Officer Gordon shouldn't have took that from me.  
I asked him first and he said yeah he would do  
it. But then I get brought this DR.

2. Other Facts About the Incident(Summarize):

3. Staff/Inmate Witness Testimony(summarize/attach any additional summaries/statements):

Mrs. Fletcher's statement on behalf of mental health.  
I was unable to identify the OIC investigator  
with out actual title and name.

4. Physical Evidence:

Copies of Documents

5. Investigator's Comments and Conclusions:(Based Upon What)

Based on offender's statement I recommend a  
hearing.

MH/MR Evaluation  Yes  No MH/MR Level: \_\_\_\_\_ Supporting Living Unit Yes  No

Recommend Dismissal: NO Recommend for Disciplinary Hearing: yes

Investigation Completed: 11/04/20 Date: 1415 am/pm

Investigator's Signature: [Signature]

**RETENTION SCHEDULE:**

Upon completion, this summary is placed in the inmate's case history file.



Brian P. Kemp  
Governor

GEORGIA DEPARTMENT OF CORRECTIONS  
STATE OF GEORGIA



Timothy C. Ward  
Commissioner

DISCIPLINARY INVESTIGATION SUMMARY

Prison: COASTAL STATE PRISON      Disciplinary Report#: 866981  
Inmate Name: DIAMOND, ASHLEY ALTON      Inmate ID#: 1000290565

Date/Time Initiated Investigation: 11/03/20 0837 am/pm

1. Inmate Statement:

That is a complete lie. It is physically impossible for me to get an erection. All John Doe did was try to help me. I was suicidal the night before. I had a noose on my neck.

2. Other Facts About the Incident (Summarize):

3. Staff/Inmate Witness Testimony (summarize/attach any additional summaries/statements):

Inmate John Doe statement, Officer C. Brown's statement, Nurse Gatwood's statement.

4. Physical Evidence: Camera footage of offender John Doe entering offender Diamond's room. Medical records written by nurse span after incident was reported.

5. Investigator's Comments and Conclusions: (Based Upon What)

Based on evidence and offender Diamond's statement I recommend a hearing.

MH/MR Evaluation  Yes  No      MH/MR Level: \_\_\_\_\_      Supporting Living Unit Yes  No

Recommend Dismissal: No      Recommend for Disciplinary Hearing: Yes

Investigation Completed: 11/04/20 1107      Date: 1107 am/pm

Investigator's Signature: J. Logan Odum

RETENTION SCHEDULE:

Upon completion, this summary is placed in the inmate's case history file.





Brian P. Kemp  
Governor

GEORGIA DEPARTMENT OF CORRECTIONS  
STATE OF GEORGIA

USE OF WITNESS(ES)  
HEARING DOCUMENT FORM



Timothy C. Ward  
Commissioner

Prison: COASTAL STATE PRISON Disciplinary Report#: 866981  
Inmate Name: DIAMOND, ASHLEY ALTON Inmate ID#: 1000290565

The above-named inmate requested the following witness(es) to appear at his/her hearing.

A. Name(s) of Witness(es) Called to Hearing:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Name(s) of Witness(es) NOT Called to Hearing:

Reason Witness(es) Not Called:

**John Doe** Safety and Security of Institution  
Nurse Gatewood Witness Statement  
Medical Staff Offender's medical record  
was utilized

C. Name(s) of Witness(es) Released by Inmate at Time of Hearing:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Inmate Signature (Necessary for C. only)

Date

*William Cameron Mack*  
Disciplinary Hearing Officer (signature)

11-5-20  
Date

RETENTION SCHEDULE:

Upon completion, this summary is placed in the inmate's case history file.

PLAINTIFF'S  
EXHIBIT  
**122C**

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

ASHLEY DIAMOND,

Plaintiff,

v.

TIMOTHY WARD, *et al.*,

Defendants.

No. 5:20-cv-00453-MTT

**DECLARATION OF TIMOTHY THOMAS**

I, Timothy Thomas, hereby declare and state as follows,

1. My name is Timothy Thomas, and I am incarcerated at Coastal State Prison. My GDC ID number is 1002676380.
2. I own the tablet involved in the Disciplinary Report received by Ashley Diamond on Sunday, April 25, 2021.
3. I loaned my tablet to Ashley Diamond to listen to the radio in late afternoon on Saturday, April 24, 2021.
4. There was no pornography on the tablet when I loaned it to Ashley Diamond. There was nothing on the tablet that could be mistaken for pornography. There is no way Diamond could have added pornography to my tablet without my knowledge.
5. There are only three kinds of applications on the tablet: messaging, games, and a radio application for music. The messaging application only works when the internet is on. There is no application, web browser, or other way to generally access the internet on tablet.

PLAINTIFF'S  
EXHIBIT

**223**

6. The only way to add applications to my tablet is to use the kiosk with my personal login information. Ashley Diamond could not have downloaded any information or applications to the tablet without my login. I have not given Diamond my login.
7. The only way to access the internet is through the kiosk. The internet shuts off at midnight on weekends. Even when the internet is on, pornography websites and applications are blocked.
8. I was asleep when Ashley Diamond received the DR for watching pornography on my tablet.
9. When I woke up the next morning, Ashley Diamond informed me that Lt. Goodell had taken the tablet and given Diamond a DR. Diamond showed me the DR.
10. Even though my name is on the DR, I was not informed by staff. The only copy I have seen is the one Diamond showed me.
11. The accusation in the DR is not possible given the restrictions on applications and downloading.
12. I still have not gotten my tablet back. Without my tablet I cannot communicate with my family.
13. Yesterday I asked Captain Judkins about getting the tablet back. Captain Judkins said he would get ahold of Lt. Goodell. Captain Judkins then told me that Lt. Goodall is gone and is now working at GSP.
14. I then asked the Warden about getting it back. He directed me back to Captain Judkins.
15. I have since been kicked out of the program in the dorm.
16. Ms. Moore told me that I was kicked out of the program in the dorm because I had been in Ashley Diamond's room.

17. I lived in the dorm with Ashley Diamond for three weeks. Staff always treated her negatively. She was not treated like an individual should be treated.

Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct.

Dated: May 6, 2020

/s/ Timothy Thomas

Timothy Thomas

DISCIPLINARY REPORT

Coastal State Prison 523  
INSTITUTION NAME CODE # TPM/MAX DATE

I. Offender: Diamond, Ashley Medium 1000290565  
Name: Last, First, M.I. Security ID Number

II. Offense Data:

A. Charge	Code	Plea	Finding	Charge	Code	Plea	Finding
1 <u>Assault of staff no injury</u>	<u>B7C</u>			4			
2				5			
3				6			

4/26/21 12:30 pm Moore, Bradi, Moore Brandi Counselor  
Date Time of Offense Signature of Reporting Official

B. Factual Statement: On 4/26/21 at approximately 12:30 pm offender Diamond Ashley took her right shoulder and brushed up against my upper body (chest), in the door way of N-building (B-range.) I Counselor Moore notified my Supervisor Dwight Betterson.

Reviewed by the appropriate supervisor: [Signature] 4-26-2021  
Signature M/o./day/year

C. Charges served on accused: 4-16-2021 1630 [Signature]  
Mo./day/year/time Signature of Serving Official

III. Investigative Report:

A. Summary of Investigation: \_\_\_\_\_

B. \_\_\_\_\_  
Title Signature Mo./day/year

C. Advocate's Name: \_\_\_\_\_

IV. Hearing Officer's Recommendation:

Greatest \_\_\_\_\_ High \_\_\_\_\_ Moderate \_\_\_\_\_ Low \_\_\_\_\_

Signature Mo./day/year

V. Disposition of Disciplinary Hearing:

A. Justification for Findings: \_\_\_\_\_

B. Action Recommended: \_\_\_\_\_

C. TPM Extension: \_\_\_\_\_ Isolation: \_\_\_\_\_

D. Offender advised of his/her right to appeal: \_\_\_\_\_ Yes \_\_\_\_\_ No

Signature of Disciplinary Hearing Officer Time of Hearing Mo/Day/Year

VI. Reviewing Officer:

Signature Title Mo/Day/Year





Kill Your  
Self Bitch  
Before I  
Do it

TICKS dont

have bites

Age

Age cus

Faggot

We told you

to stand

45 age bitch cas

we told got cas

to stu ho cas

we're <sup>43</sup>gan murder

you bitch

gang

Rollin30x163

Waf up wif ya Ms. Lady.  
like I said I been down for  
a minute and I move different  
from most. I'm gone push up.  
but if proffy be late one night  
or so. Or if we set something  
up, make sure you got on them  
you in. And I be seeing all  
them damn white boyz down  
there wafz up wif that. Shit  
gotta be clean for me, cuz  
I rarely fucc something. I  
can't taste. ~~Pl~~ Please  
don't fucc me over by puffing  
me out there. Cuz I be  
fuccing wif major hoes ya  
dig.



Ashley Baby'

Just want to tell you, That you looked  
Beautiful today, This is coming from  
my heart I am real about everything  
I tell you, I don't lie. I would never  
take you for granted. After you read  
this letter, please don't back me  
off. I wish I could give you the  
moon if I could. I have tried to stop  
my feelings for you. I just can't  
turn them off, and on just like that.  
I don't know if he cares about you  
like I do. Maybe I am trying too hard,  
are not trying hard enough. I just  
don't know. I don't want to push  
you away from me. This is the  
only way I have to talk to you,  
for he is always around you  
24-7. I got to cowboy up,  
and be a man. (Beautiful Eyes)  
If I did not care, then I would not  
give a rat's ass about you. I feel  
it real. You can be a bitch  
sometimes.

Qwen

I have never been like this  
in 13 years I have been in Prison.

You told me in my Room 2 weeks  
Ago that I was good People.

I know I am good People.

You came first in my Book

IF you needed a heart transplant

I would give you mine.

~~Oh~~ Ashley, you are Real,  
and you keep it Real. Every day.

You never change.

You are the Best of the Best.

to me you are better than most  
of these people in this room.

It hurts me to see them Rude

on your Beat, but I have

got to cowboy up, and don't

let it ~~be~~ hurt me.

when I come into your Room.

Sincerely Tarl



WITNESS STATEMENT			
PLACE N-3	DATE 10/31/20	TIME 10:00	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME John Doe	EMPLOYER ID NUMBER John Doe's #	STATE ID NO.	
INSTITUTION OR ADDRESS Coastal State Prison			
SWORN STATEMENT			
I, <b>John Doe</b> WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>I was in the room comforting Ashley after i caught her trying to hang herself! Ashley Diamond has a history of suicidal tendencies and i saved her life but the officer came in while this was taking place and assumed we were having sex! which isn't true, we're just good friends!</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT John Doe		PAGE 1 OF 2 PAGES
<small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</small>			

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Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.



STATEMENT (Continued)

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AFFIDAVIT

I, \_\_\_\_\_ HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESS \_\_\_\_\_

INSTITUTION OR ADDRESS \_\_\_\_\_

INSTITUTION OR ADDRESS \_\_\_\_\_

**John Doe**

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Administering Oath)

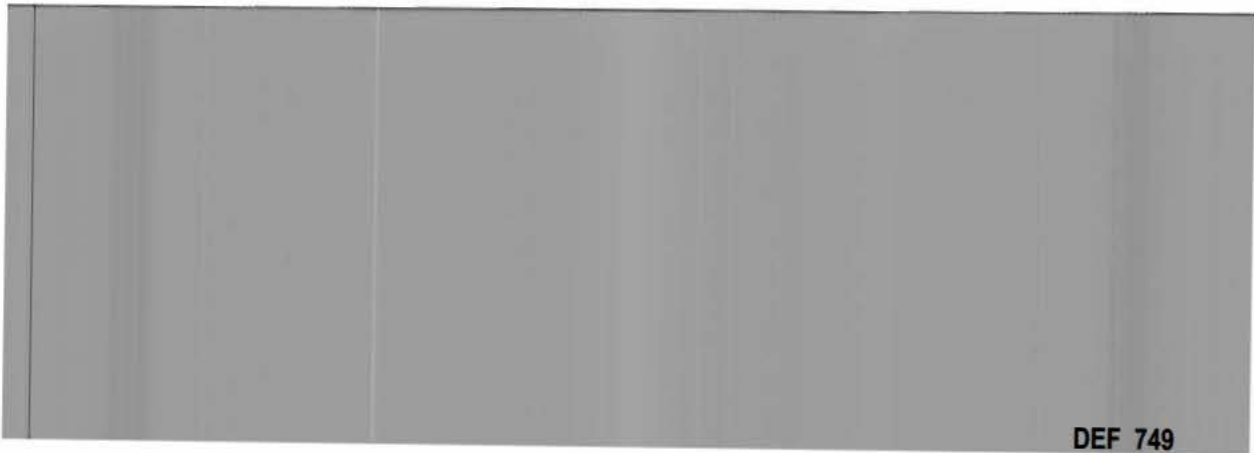
\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT  
**John Doe**

PAGE 1 OF 2 PAGES

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.





WITNESS STATEMENT			
PLACE <i>G Bldg</i>	DATE <i>11-3-2020</i>	TIME <i>9:00 am</i>	FILE NUMBER
John Doe		John Doe's #	
INSTITUTION OR ADDRESS <i>Coastal Prison</i>			
SWORN STATEMENT			
I, <b>John Doe</b> WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>I haven't showered in days trying to get a physical exam to prove that offender Diamond &amp; I didn't have anal sex, sexual acts, or solicitation of them. I've been told I will not even at my own cost be given and can't be given examination. I remain in emotional limbo due to this horrible accusation and will probably lose my place &amp; bed in the Evidence Program I've worked so hard to be in it. I give this final statement to again refute that whatever Off. COURTNEY Brown saw or thought. I am in the middle of something that seems much bigger than I'm aware of and its frightening &amp; scary. Diamond, Ashley can tell you the truth as it isn't my place to disclose her personal medical info about her suicide attempts on Friday &amp; Sat. It is also well known that she hurts herself often down there and I, KELLS weatherby, Scotty Hammett, &amp; several inmates, the few friends she has in the dorm try to help. What was supposed to be a noble deed has turned to a nightmare. I for the final time state for the record "There is and never has been any sexual relationship of any kind between us. I'm innocent of any wrong doing but trying to save a life"</p> <p style="text-align: center;">- End of Statement</p>			
EXHIBIT	INITIALS <b>John Doe</b>	STATEMENT	PAGE 1 OF 1 PAGES
<small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [NAME] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</small>			

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STATEMENT (Continued)

**John Doe**

**John Doe**

**John Doe**

**John Doe**

**John Doe**

**John Doe**

AFFIDAVIT

I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 OF THE STATEMENT AND I HAVE READ THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE SIGNED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY AND WITHOUT COERCION, INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESS

INSTITUTION OR ADDRESS

INSTITUTION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT **John Doe**

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

PAGE OF PAGES

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.

WITNESS STATEMENT			
PLACE # Post 3-A	DATE 12-5-2020	TIME 6:11 p.m.	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <b>John Doe</b>	EMPLOYEE ID NUMBER <b>John Doe's #</b>	STATE ID NO.	
INSTITUTION OR ADDRESS Caustal State Prison			
SWORN STATEMENT			
I, <b>John Doe</b> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>was laying in the Bed with Ashley Diamond talking and got caught and we jumped up but other than that there was no more foul play!</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <b>John Doe</b>	PAGE 1 OF 2 PAGES	
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STATEMENT (Continued)

John Doe

John Doe

John Doe

John Doe

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AFFIDAVIT

I, \_\_\_\_\_ HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESS

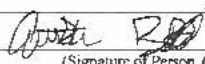
\_\_\_\_\_

INSTITUTION OR ADDRESS

\_\_\_\_\_

INSTITUTION OR ADDRESS

\_\_\_\_\_

**John Doe**  
(Signature of Person Making Statement)  
 Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_  
  
(Signature of Person Administering Oath)  
**John Doe**  
(Typed Name of Person Administering Oath)  
 \_\_\_\_\_  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT **John Doe**

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.

WITNESS STATEMENT			
PLACE Coastal State Prison	DATE 12.6.2020	TIME 1814	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME Betterson, Carl Elliott	EMPLOYEE ID NUMBER 00981118	STATE ID NO.	
INSTITUTION OR ADDRESS 200 Gulfstream Rd Garden City GA			
SWORN STATEMENT			
<p>I, <u>Carl Betterson Deputy Warden Care and Treatment</u>, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>On 10/31/2020, Officer Brown, entered N-Building B-Range to conduct count. When she approached room #136, She observed offender Diamond, Ashley #1000290565 on top of offender <u>John Doe</u> on the bottom bunk. Both offenders had their pants down. Offender Diamond's penis was inside of offender <u>John Doe</u> and offender Diamond was moving in a back and forth motion. She stated that she then opened the door to room #136 and neither offender moved. She then yelled "Aya." Both offender Diamond and <u>John Doe</u> jumped up and pulled their pants up. Offender Diamond stated, "Oh shoot!" Both offenders sat on the bed.</p> <p>On 12.6.2020 @ 1748 an investigation was conducted with offender <u>John Doe, GDC #</u>. Offender stated "I promise you we were laying in the bed together. It may have looked like we were doing something but there was no penetration." Offender <u>Doe</u> was asked if he and offender Diamond were in a relationship. <u>Doe</u> stated no we are not. <u>Doe</u> was asked what transpired prior to the event for it to occur. Offender <u>Doe</u> stated that they offender Diamond was helping him with legal paperwork, but it was nothing serious. <u>Doe</u> stated that he and Diamond flirted often. <u>Doe</u> was asked how often did he and Diamond flirt before the incident took place on 10.31.2020. Offender <u>Doe</u> stated, "Several Weeks". Offender <u>Doe</u> was asked if Diamond invited him into his cell. <u>Doe</u> stated, "No I think that I had asked him to come over that night". Offender <u>Doe</u> was asked if he was made aware by staff that he was not to be in offender Diamond's room. <u>Doe</u> stated that he knew that he was not supposed to be in Diamond's room. <u>Doe</u> added that he was made aware by GDC staff that he was not supposed to visit any offenders' room. <u>Doe</u> stated that he did not have any other sexual contact with offender Diamond prior to that day. Offender <u>Doe</u> was asked if offender Diamond expressed interest in him prior to 10.31.2020. <u>Doe</u> stated, "yes casual flirting". <u>Doe</u> was asked he recalled any remarks that offender Diamond made on 10.31.2020 or prior to that day. <u>Doe</u> stated, "No I don't remember much". <u>Doe</u> was asked if Diamond ever touched him physically prior to 10.31.2020. <u>Doe</u> was advised that there was video evidence to contradict his statement. <u>Doe</u> then stated "I miss understood your question. Yes, some touching but nothing much. No real public display of affection". <u>Doe</u> was asked to provide an example of touching he stated, "touching on the shoulders and things like that". <u>Doe</u> was asked if at any time was he forced into the sexual contact incident that took place between himself and Diamond on 10.31.2020. <u>Doe</u> stated, "I was never forced". Did Diamond reach out to you at any point requesting you not discuss the sexual contact between you had her. <u>Doe</u> stated, "we passed notes". <u>Doe</u> was asked, what did offender Diamond request in the notes. <u>Doe</u> stated, "keep your head up, she has by back and of course not to say nothing." <u>Doe</u> was asked if there was anything else he would like to add. <u>Doe</u> stated "No Sir"</p> <p>On 12.6.2020 @ 1843 an attempt was made to interview offender Ashley Diamond GDC#1000290565 regarding the allege PREA incident that took place between her and <u>John Doe</u> on 10.31.2020. Offender Diamond stated, "I Ashley Diamond do not wish to make a statement without legal counsel."</p>			
CB		CB	
CB		CB	
CB		CB	
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT CB		PAGE 1 OF 1 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM</p>			

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PLAINTIFF'S  
EXHIBIT  
**92X**





GEORGIA DEPARTMENT OF CORRECTIONS

COASTAL STATE PRISON  
PO BOX 7150  
GARDEN CITY, GEORGIA 31418-7150  
PHONE 912-965-6330  
FAX 912-966-6799



Brian P. Kemp  
Governor

Timothy C. Ward  
Commissioner

TO: Brooks L. Benton – Warden

FROM: Carl Betterson – Deputy Warden of Care and Treatment

DATE: 12.6.2020

RE: Prison Rape Elimination Act – Victim - [REDACTED] John Doe, GDC # [REDACTED]  
Prison Rape Elimination Act – Aggressor - DIAMOND, ASHLEY ALTON – GDC#1000290565

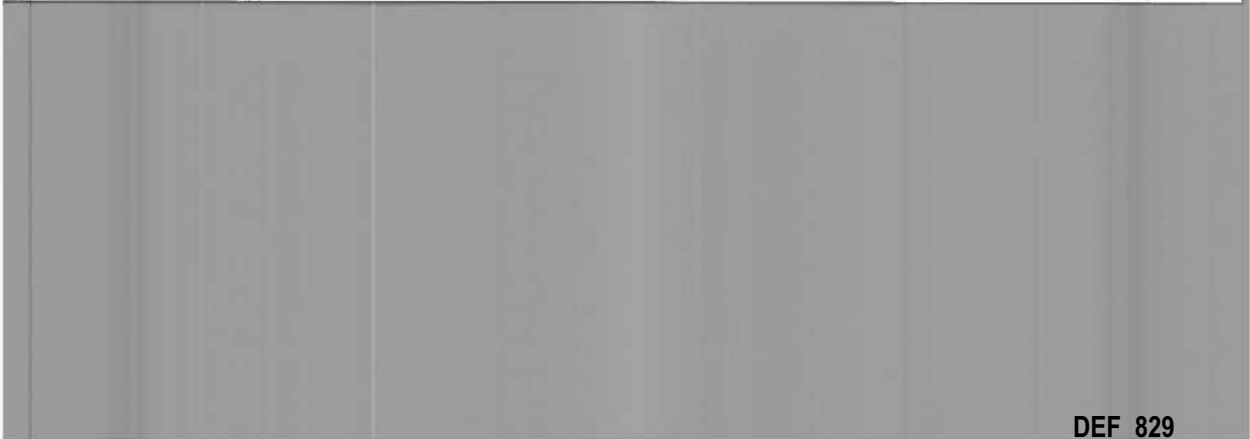
On 10/31/2020, OfC Brown, entered N-Building B-Range to conduct count. When she approached room #136, She observed offender Diamond, Ashley GDC#1000290565 on top of offender [REDACTED] John Doe GDC # [REDACTED] on the bottom bunk. Both offenders had their pants down. Offender Diamond's penis was inside of offender [REDACTED] Doe's anus and offender Diamond was moving in a back and forth motion. She stated that she then opened the door to room #136 and neither offender moved. She then yelled "Aye." Both offender Diamond and [REDACTED] Doe jumped up and pulled their pants up. Offender Diamond stated, "Oh shoot!" Both offenders sat on the bed.

On 12.6.2020 @ 1748 an investigation was conducted with offender [REDACTED] John Doe, GDC # [REDACTED]. Offender [REDACTED] Doe was asked to provide an account of what took place between himself and offender Diamond. Offender [REDACTED] Doe stated "I promise you we were laying in the bed together. It may have looked like we were doing something but there was no penetration." Offender [REDACTED] Doe was asked if there was no penetration why was your pants down? [REDACTED] Doe stated, "We were just messing around." Offender [REDACTED] Doe was asked if he and offender Diamond were in a relationship? [REDACTED] Doe stated "No we are not." [REDACTED] Doe was asked what transpired prior to the event for it to occur? Offender [REDACTED] Doe stated that offender Diamond was helping him with legal paperwork, but it was nothing serious. [REDACTED] Doe stated that he and Diamond flirted often. [REDACTED] Doe was asked how often did he and Diamond flirt before the incident took place on 10.31.2020? Offender [REDACTED] Doe stated, "Several Weeks". Offender [REDACTED] Doe was asked if Diamond invited him into her cell? [REDACTED] Doe stated, "No I think that I had asked him could I come over that night". Offender [REDACTED] Doe was asked if he was made aware by staff that he was not to be in offender Diamond's room? [REDACTED] Doe stated that he knew that he was not supposed to be in Diamond's room. [REDACTED] Doe added that he was made aware by GDC staff that he was not supposed to visit any offenders' room. [REDACTED] Doe stated that he did not have any other sexual contact with offender Diamond prior to that day. Offender [REDACTED] Doe was asked if offender Diamond expressed interest in him prior to 10.31.2020? [REDACTED] Doe stated, "Yes, casual flirting". [REDACTED] Doe was asked if he recalled any remarks that offender Diamond made on 10.31.2020 or prior to that day? [REDACTED] Doe stated, "No I don't remember much". [REDACTED] Doe was asked if Diamond ever touched him physically prior to 10.31.2020? Offender [REDACTED] Doe stated "No". [REDACTED] Doe was advised that there was video evidence to contradict his statement. [REDACTED] Doe then stated "I miss understood your question. Yes, some touching but nothing much. No real public display of affection". [REDACTED] Doe was asked to provide an example of touching, he stated, "Touching on the shoulders and things like that". [REDACTED] Doe was asked, if at any time was he forced into the sexual contact incident that took place between himself and Diamond on 10.31.2020? [REDACTED] Doe stated, "I was never forced". [REDACTED] Doe was then asked did Diamond reach out to you at any point requesting you not discuss the sexual contact between you had her? [REDACTED] Doe stated, "we passed notes." [REDACTED] Doe was asked, what did offender Diamond request

PLAINTIFF'S  
EXHIBIT

107J





in the notes? Doe stated, "Keep your head up, she has my back and of course not to say nothing." Doe was asked if there was anything else, he would like to add? Doe stated "No Sir"

On 12.6.2020 @ 1843 an attempt was made to interview offender Ashley Diamond GDC#1000290565 regarding the allege PREA incident that took place between her and John Doe on 10.31.2020. Offender Diamond stated, "I Ashley Diamond do not wish to make a statement without legal counsel."

On 12.6.2020 the SART team met to discuss the alleged PREA allegations between offender Ashley Diamond and offender John Doe. After reviewing all of the evidence presented. It was determined that there is not enough evidence to support the claim that offender Doe was forced to have intercourse with offender Ashley Diamond. Offender Doe indicated that on previous occasions he and offender Diamond flirted and engaged in casual touching. When asked about the sexual encounter between himself and offender Diamond, offender Doe stated that he was not forced to preform the act. Based on this information it was determined that the sexual contact between offender Doe and offender Diamond was consensual. The PREA allegation is unsubstantiated. Offender Doe was moved to a new dormitory. A restricted housing placement note was placed on offender Doe's SCRIBE page advising not to house with offender Ashley Diamond. No further action regarding PREA will be taken.

**SEE, BELIEVE, LEAD**

**DECLARATION OF COURTNEY BROWN**

I, Courtney Brown, declare as follows:

1. My name is Courtney Brown 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 a Correctional Officer at Coastal State Prison (CSP) which is located in Garden City, Georgia. I started working with GDC in October 2019 and completed Basic Correctional Officer Training on December 12, 2019.
3. At CSP I have worked various posts including in the medical unit, in 6B which is the counselor and education building, and also in the offender dormitories as the floor or dorm officer. I have worked every building on the compound.
4. I was on maternity leave beginning in June 2020 and then returned from my leave in September 2020. When I returned from maternity leave I was assigned to work first shift first key and my hours were 5:45 a.m. to 6:30 p.m. I was assigned first to work the hospital and then I started back working as a dorm officer.
5. On October 31, 2020 I came onto duty at 5:45 a.m. I reported to briefing and at that time I was assigned to work N building as dorm officer. So after briefing I reported to N building. I had to stop by main control on the way to get the keys and radio for N building.
6. When I arrived at N building I got briefed by the night shift officer. I cannot recall who that officer was. I then did rounds by walking the ranges (N building has an A range and a B range) for a security check, and after that I relieved the night shift officer.



7. At 8:30 a.m. there is a count. So at around 8:15 or 8:20 a.m. there is a lockdown and all offender movement on the compound is stopped for the count. Offenders inside the dormitories are supposed to stand outside their cells for the count. So at around that time I started opening doors to the offender cells in N building to make sure that everybody was up for the count.

8. When I opened the door to offender Ashley Diamond's cell I saw offender Diamond and offender John Doe on the bed. They were moving in a back and forth motion. Both of them had their pants pulled down and their buttocks were both exposed. Offender Diamond was on top. They did not hear me at first so I made a noise and when I did that offender Diamond jumped up and said "shoot" and started to put her private parts back into her pants. Both offenders then sat on the side of the bed. I separated them by directing Diamond to come out of the cell and offender John Doe to remain in the cell.

9. I then radioed to main control to notify the shift supervisor Lieutenant Reeves.

10. Lieutenant Reeves responded and arrived at N building within two or three minutes. I told Lieutenant Reeves what had occurred.

11. Lieutenant Reeves called the Duty Officer who I recall was Unit Manager Mack. I spoke with UM Mack on the phone inside of the N building control room. UM Mack asked what occurred and I told her. She asked for detail on what I saw and who was notified and what other steps had been taken, and I gave her that information. After the phone call Lieutenant Reeves directed me to complete a witness statement and a disciplinary report and I completed those items and gave them to Lieutenant Reeves before the end of my shift that same day. Lieutenant Reeves also asked me to get offender John Doe to the medical unit.

12. **Attachment 1** hereto is a true and correct copy of the witness statement that I completed about this incident on October 31, 2020. Nobody told me how to write the statement or what to write in the statement. I wrote the witness statement based on what I saw that day. The details in the statement are

accurate, except that as I review the statement today, I cannot say that I saw offender Diamond's penis inside the other offender's anus, but I wrote that because that is what I believed was occurring based on what I saw.

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

Dated: 02 May 2021

Courtney S Brown  
COURTNEY BROWN

**ATTACHMENT 1**



WITNESS STATEMENT			
PLACE Coastal State Prison	DATE 10-31-2020	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME BROWN, Courtney	EMPLOYEE ID NUMBER 01102806	STATE ID NO.	
INSTITUTION OR ADDRESS Coastal State Prison			
SWORN STATEMENT			
<p><u>Courtney Brown</u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On October 31, 2020 at approximately 0840hrs, I Officer Courtney Brown entered N Building B-Range to count. When I approached room #136, I observed offender Diamond on top of offender <del> </del> on the bottom bunk. Both offenders had their pants down. Offender Diamond's penis was inside of offender <del> </del> anus and they were moving in a back and forth motion. I opened the door to room #136 Neither offender moved. I then yelled "Aye". Both offender Diamond and <del> </del> jumped up and pulled their pants up. Offender Diamond started "Oh Shoot". Both offenders then sat on the bed. I then informed them that they both could not stay in the room together. Both offender <del> </del> and Diamond then put on their shoes. I separated the offenders. I instructed offender <del> </del> to stay in the room then I escorted offender Diamond to the lobby. I then notified Sgt. Alexander whom notified Lt. Reeves.</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT CSB		PAGE 1 OF 1 PAGES
<small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE 1 OF 1 PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</small>			

(Reproduced locally)

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.



STATEMENT (Continued)

AFFIDAVIT

I, Courtney Brown HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

*Courtney S Brown*

(Signature of Person Making Statement)

WITNESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_

INSTITUTION OR ADDRESS

(Signature of Person Administering Oath)

INSTITUTION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

*CSB*

PAGE | OF | PAGES

Jpay



From: ASHLEY DIAMOND

10/31/2020 03:37 PM

I'm quite upset babe, please pray 4 me and I mean pray hard...I really don't think I'm gonna get through this....I can't believe I tried to hang myself... Its out of control...I hate Ctree I hate Earl...I hate all of em, I'm in Observation now...I love you buddy and miss you so much ...sometimes too much...

PLAINTIFF'S  
EXHIBIT  
**229**



WITNESS STATEMENT			
PLACE Coastal State Prison	DATE 7/9/2020	TIME 1100	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME Betterson Carl E.	EMPLOYEE ID NUMBER 00981118	STATE ID NO.	
INSTITUTION OR ADDRESS 200 Gulfstream Rd			
SWORN STATEMENT			
I, <u>Carl Betterson</u> WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
Offender Diamond was asked to provide a written statement however, she refused stating that her lawyer would have to be present.			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>CB</u>		PAGE 1 OF 1 PAGES
<small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</small>			

(Reproduced by)

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then

PLAINTIFF'S  
EXHIBIT

233P

STATEMENT (Continued)

CB

CB

CB

AFFIDAVIT

I, Carl B. [Signature] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Signature]  
(Signature of Person Making Statement)

WITNESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_

INSTITUTION OR ADDRESS

(Signature of Person Administering Oath)

INSTITUTION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

CB

PAGE 1 OF 2 PAGES

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.

WITNESS STATEMENT			
PLACE	DATE: 7/10/2020	TIME: 1209	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME Betterson, Carl Elliott	EMPLOYEE ID NUMBER 00981118		STATE ID NO.
INSTITUTION OR ADDRESS 200 Gulfstream Rd Garden City GA			
SWORN STATEMENT			
I, <u>Carl Betterson DWCT</u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
Offender Diamond stated that she was touched by another offender in the dorm. An attempt to conduct an investigation was made however, offender Diamond would not provide any information to help identify the alleged aggressor. Offender Diamond stated that she would not discuss the incident without a lawyer being present.			
<p>Note: An attempt was made to interview offender Ashley Diamond on 7/10/2020 however, offender Diamond refused to participate in the interview stating that he would need legal representation present.</p> <div style="text-align: center; font-size: 2em; font-family: cursive;">CB</div> <div style="display: flex; justify-content: space-around; font-size: 2em; font-family: cursive;"> <span>CB</span> <span>CB</span> </div> <div style="text-align: center; font-size: 2em; font-family: cursive;">CB</div>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 1 PAGES
<small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES" WHEN ADDITIONAL PAGES ARE UTILIZED. THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</small>			

(Reproduced)

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**PLAINTIFF'S  
EXHIBIT**  
  
233Q

STATEMENT (Continued)

Large rectangular area with a diagonal cross (X) drawn across it. The initials "CB" are written in four locations: top center, middle left, middle right, and bottom center.

AFFIDAVIT

I, Carl R. [Signature] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Signature]  
(Signature of Person Making Statement)

WITNESS

\_\_\_\_\_

INSTITUTION OR ADDRESS

\_\_\_\_\_

INSTITUTION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

CB

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority to Administer Oath)

PAGE 1 OF 1 PAGES

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.



**GEORGIA DEPARTMENT OF CORRECTIONS**

COASTAL STATE PRISON  
PO BOX 7150  
GARDEN CITY, GEORGIA 31418-7150  
PHONE 912-965-6330  
FAX 912-966-6799



**Brian P. Kemp**  
Governor

**Timothy C. Ward**  
Commissioner

---

**TO:** Brooks L. Benton – Warden

**FROM:** Carl Belterson – Deputy Warden of Care and Treatment

**DATE:** 7/10/2020

**RE:** Prison Rape Elimination Act – DIAMOND, ASHLEY ALTON – GDC#1000290565  
**Prison Rape Elimination Act -**

---

An attempt was made to interview offender Ashley Diamond on 7/10/2020 however, offender Diamond refused to participate in the interview stating that he would need legal representation present.

The SART team met and determined that the allegations is unfounded. Offender Diamond would not provide any information to support his claim nor did he provide any information regarding the alleged aggressor.

**SEE, BELIEVE, LEAD**

PLAINTIFF'S  
EXHIBIT

**107B**



Printed By: WILKERSON, TARSHA  
 Dec 04, 2020 11:08 AM



Brian P. Kemp  
 Governor

**GEORGIA DEPARTMENT OF CORRECTIONS  
 STATE OF GEORGIA**

**Incident Report**



Timothy C. Ward  
 Commissioner

**Incident Detail**

**Facility:** COASTAL STATE PRISON  
**Military Time:** 09/02/2020 00:00  
**Number:** 312197

---

**Incident Location:** DORMITORY N - B  
**Did incident result in serious injury?** NO  
**Nature of Incident:** PREA ALLEGATION **Wireless Devices Found:** 0  
**Incident Video Taped By:** INCIDENT NOT VIDEO TAPED  
**Use Of Force:** NO **Type of Force Used:**  
**Offender Weapon:** NO **Weapon Description:**  
**Does this incident involve contraband?** NO  
**Reporting Official:** C. NETTLES  
**Entered Date:** 10/12/2020

**Staff Involved**

Name	Scribe ID#	Race	Gender	Use of Force	Type of Force	Equipment	Directly Involved/
BETTERSON, CARL E	1077147	BLACK	MALE	NO		NO	DIRECTLY INVOLVED

**Offenders Involved**

Name	GDC ID#	Directly Involved/ Witness	Injured	Disciplinary Filed	Weapon Used	Sexual Allegation
		DIRECTLY INVOLVED	NO	NO	-	NO

PLAINTIFF'S  
 EXHIBIT  
**91F**



Printed By: WILKERSON, TARSHA  
Dec 04, 2020 11:08 AM

Date Reviewed by Warden: 10/12/2020

Printed By: WILKERSON, TARSHA  
Dec 04, 2020 11:08 AM



Brian P. Kemp  
Governor

GEORGIA DEPARTMENT OF CORRECTIONS  
STATE OF GEORGIA

Supplemental Report



Timothy C. Ward  
Commissioner

Facility: COASTAL STATE PRISON  
Military Time: 09/02/2020 00:00  
Number: 312197

Incident Video Taped By: INCIDENT NOT VIDEO TAPED

Property Damaged: NO Damage Amount: 0

Damage Description: -

Chemical Incident: NO Fire: NO

Facility Mechanical Breakdown: NO

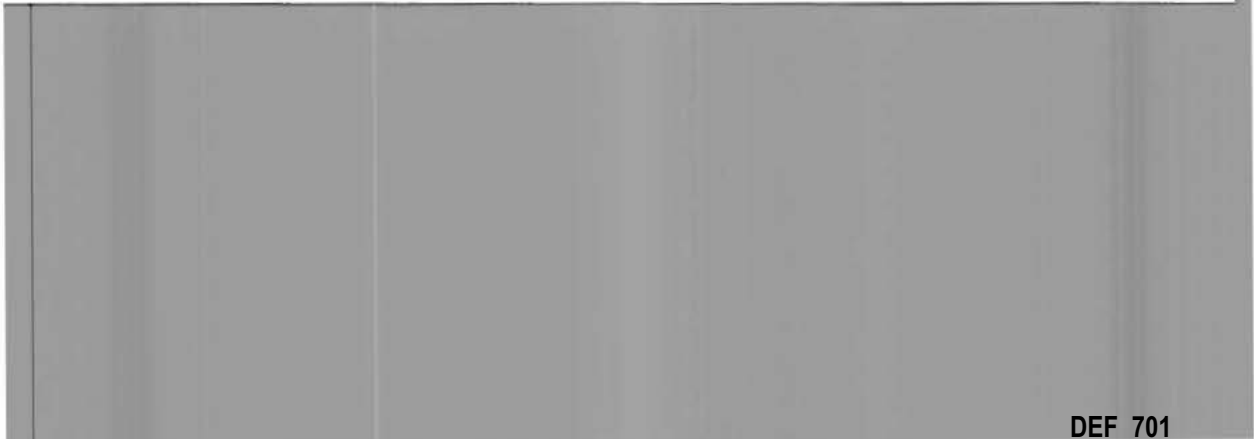
Reporting Official: C. NETTLES

Entered Date: 10/12/2020

Summary of Incident:

Entered Date: 10/12/2020

On 9/7/2020 at approximately 1300 hours SART member and MHC Tamara Cantera LAPC, NCC received a call informing her that Offender Diamond, Ashley #1002950565 had reported multiple PREA incidents. On 9/1/2020 at approximately 1400 hours MHC Cantera met with Offender Diamond who stated, "I need to file a PREA on DWCT Betterton. Before I left for Jackson (9/1/2020) he was in the dorm and said I was a cancer to this prison." Offender Diamond then described another incident that occurred on 9/6/2020 also involving DWCT Betterton. Offender Diamond stated, "I sent an email to the PREA system." Offender Diamond allowed MHC Cantera to read the email and it stated, "I was singled out and cursed by Betterton about 10 minutes ago in regards to my window being covered. I did that because this dorm is full of men and there is no way I can change without being seen. They all stand around during pill call so I cover it only when I am changing. He (DWCT Betterton) knows that I am transgender and a victim of multiple sexual assaults and harassment. I feel isolated and targeted." I, PREA backup Investigator Nettles, attempted to interview Offender Diamond on 9/8/2020 in the presence of MHC Cantera, however, Offender only disclosed "I have witness statements from others in the dorm to present and I want to present it all at once." Offender Diamond stated she was "too mentally distraught to discuss allegations" at that time



Printed By: WILKERSON, TARSBA  
 Dec 04, 2020 11:08 AM

and that she had a scheduled phone session with her lawyer and only wanted to discuss after notifying her lawyer. MHC Cantera stated offender agreed to discuss incident at scheduled mental health counseling appointment on 9/9/2020 and Offender Diamond agreed to provide witness statements then. She did not do so at that appointment. On 9/10/2020 PREA back up investigator Nettles and PREA investigator Moody spoke with Offender Diamond in regards to witness statements. Offender refused to discuss allegations stating she would only disclose in the presence of her lawyers. On 9/11/2020 Offender Diamond provided a witness statement that stated, "I do not feel safe enough to conduct PREA interviews without counsel present." Due to alleged victim's refusal to conduct interviews or make statements regarding what happened the SART team determined that this allegation is unfounded.

**Warden's Comments**

I concur with SART recommendation.

**Staff Involved**

Name	Injured?	Adverse Action Taken?	Equipment Type	Equipment Reason	Equipment Serial No	Equipment Cert Date	Amo Type	Reviewed Video
BETTERSON, CARL E	NO	NO	-	-	-	-	-	NO

Comments:

**Offenders Involved**

Name	GDC ID#	Injured ?	Disciplinary Filed?	Weapon Used	MH Level	STG	Sexual Allegation	Reviewed Video
DIAMOND, ASHLEY ALTON	1000290565	NO	NO	-	MH-2	STI - SECURITY THREAT INDIVIDUAL	NO	NO

Comments:

Was this Incident forwarded for investigation? NO

Date Reviewed by Warden: 10/12/2020



Incident Report

SOP 209.04  
Attachment #2  
4/10/19

Major  Minor

Incident ID: \_\_\_\_\_ Facility: Coastal State Prison Incident Date: 9/02/2020 Time: unknown Location/Dorm: N-Building

Reporting Official: C. Nettles Video Used?  Y  N Operator Name: \_\_\_\_\_

Did incident result in serious injury?  No  Staff  Inmate

Offender Weapon?  Y  N Weapon Description: \_\_\_\_\_

Use of Force?  Y  N UOF Equipment Used?  Y  N  Taser  Chemical  Firearm  Hands-On  Other: \_\_\_\_\_

Does this incident report contain contraband?  Y  N If Yes, it was found...  Inside Grounds  Outside Grounds

Is the contraband associated with a throw-over?  Y  N

Incident Category: Check all that apply:

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Accident                    | <input type="checkbox"/> Escape                    | <input type="checkbox"/> Inmate Special Transport      | <input type="checkbox"/> Self-Injurious Behavior   |
| <input type="checkbox"/> Attempted Suicide           | <input type="checkbox"/> Escape Attempt            | <input type="checkbox"/> Inmate Strip Cell Status      | <input type="checkbox"/> Shakedown                 |
| <input type="checkbox"/> Cell Extraction             | <input type="checkbox"/> Failure to Execute Policy | <input type="checkbox"/> Inmate to Inmate Assault      | <input type="checkbox"/> Staff Shakedown           |
| <input type="checkbox"/> Contraband - Hard           | <input type="checkbox"/> Fight                     | <input type="checkbox"/> Inmate to Staff Assault       | <input type="checkbox"/> Staff to Staff Assault    |
| <input type="checkbox"/> Contraband - Nuisance       | <input type="checkbox"/> Fire Incident             | <input type="checkbox"/> Institutional Drill           | <input type="checkbox"/> Suicide                   |
| <input type="checkbox"/> Death                       | <input type="checkbox"/> Four Five Point Restraint | <input type="checkbox"/> Keys/Tools                    | <input type="checkbox"/> Taking Hostage            |
| <input type="checkbox"/> Disruptive Behavior         | <input type="checkbox"/> Homicide                  | <input type="checkbox"/> Maintenance Incident          | <input type="checkbox"/> Unauthorized Contact      |
| <input type="checkbox"/> Disruptive Event            | <input type="checkbox"/> Hunger Strike             | <input type="checkbox"/> Personal Dealings with Inmate | <input type="checkbox"/> Use of Force              |
| <input type="checkbox"/> Drugs                       | <input type="checkbox"/> Illness                   | <input checked="" type="checkbox"/> PREA - Allegation  | <input type="checkbox"/> Visitor Incident          |
| <input type="checkbox"/> Employee Contact with Blood | <input type="checkbox"/> Injury                    | <input type="checkbox"/> Projecting Bodily Fluids      | <input type="checkbox"/> Wireless Device           |
|  | <input type="checkbox"/> Inmate Internet Violation | <input type="checkbox"/> Property                      | <input type="checkbox"/> Wireless Device Accessory |

Involved INMATE Name	GDC #	UOF	DR	Injury	Weapon	Sex Alleg.	Directly Involved OR Witness		
							Involved	Witness	
Diamond, Ashley	1000290565	N/A	N/A	N/A	N/A	Yes	<input checked="" type="checkbox"/>	Involved	Witness
								Involved	Witness
								Involved	Witness
								Involved	Witness
								Involved	Witness
								Involved	Witness
								Involved	Witness
								Involved	Witness

Involved Staff Name / Title	Employee ID#	Race	Sex	Force Used	Staff Equip.	Equip. Type
Carl Betterson	<del>11404300</del> <u>00981118</u>	Black	Male	No	N/A	N/A

WITNESS Name	Number / Title	WITNESS Name	Number / Title
NA			

Name/Agency Notified	Date	Time	Name/Agency Notified	Date	Time

Reporting Official Signature: Constance Nettles Date: 9/14/2020 Supervisor Signature: Carl Betterson Date: 9-14-2020

WARDEN/SUPERINTENDENT REVIEW: Was this incident forwarded for investigation? Yes  No  Warden's Comments: \_\_\_\_\_

I concur with SART recommendation

Brooks Benton [Signature] 9/16/20  
Warden/Superintendent Signature Date

Retention Schedule: (3) years and then destroy



Supplement Report

SOP 303.03  
Attachment 2  
3/2/18

Incident ID: Facility: Coastal State Prison Incident Date: 9/02/2020 Time: Unknown Location: N-Building

Detailed Description: On 9/7/2020 at approximately 1300 hours SART member and MHC Tamara Cantera LAPC, NCC received a call informing her that Offender Diamond, Ashley #1000290565 had reported multiple PREA incidents. On 9/07/2020 at approximately 1400 hours MHC Cantera met with Offender Diamond who stated, "I need to file a PREA on DWCT Betterson. Before I left for Jackson (9/02/2020) he was in the dorm and said that I was a cancer to his prison." Offender Diamond then described another incident that occurred on 9/06/2020 also involving DWCT Betterson. Offender Diamond stated, "I sent an email to the PREA system." Offender Diamond allowed MHC Cantera to read the email and it stated, "I was singled out and cursed by Betterson about 10 minutes ago in regards to my window being covered. I did that because this dorm is full of men and there is no way that I can change without being seen. They all stand around during pill call so I cover it only when I am changing. He (DWCT Betterson) knows that I am transgender and a victim of multiple sexual assaults and harassment. I feel isolated and targeted." I, PREA backup Investigator Nettles, attempted to interview offender Diamond on 9/08/2020 in the presence of MHC Mrs. Cantera however, offender only disclosed "I have witness statements from others in the dorm to present and I want to present it all at one time." Offender Diamond stated she was "too mentally distraught to discuss allegations" at the time and that she had a scheduled phone session with her lawyer and only wanted to discuss after notifying her lawyer. MHC Mrs. Cantera stated offender agreed to discuss incident in scheduled mental health appointment on 9/09/2020 and offender Diamond agreed to provide witness statements then. On 9/10/2020 backup PREA Investigator Nettles and PREA Investigator Moody spoke with offender Diamond in regards to witness statements. Offender refused to discuss allegations stating she would only disclose in the presence of her lawyers. On 9/11/2020 offender Diamond provided a witness statement that stated "I do not feel safe enough to conduct PREA interviews without counsel present."

[Lined area for additional text or notes]

Reporting Official Signature: Constance Nettles *C. Nettles* Date: 9/14/2020 Supervisor Signature: Carl Betterson *Carl* Date: 9-14-2020

Retention Schedule: (3) years and then destroy

CASE # 8170

Incident Report

SOP 209.04  
Attachment #2  
4/10/19

Major  Minor  
 Incident ID: 31077 Facility: Coastal State Prison Incident Date: 9/02/2020 Time: unknown Location/Dorm: N-Building  
 Reporting Official: C. Nettles Video Used?  Y  N Operator Name: \_\_\_\_\_

Did incident result in serious injury?  No  Staff  Inmate  
 Offender Weapon?  Y  N Weapon Description: \_\_\_\_\_  
 Use of Force?  Y  N UOF Equipment Used?  Y  N  Taser  Chemical  Firearm  Hands-On  Other: \_\_\_\_\_  
 Does this incident report contain contraband?  Y  N If Yes, it was found...  Inside Grounds  Outside Grounds  
 Is the contraband associated with a throw-over?  Y  N

Incident Category: Check all that apply:

<input type="checkbox"/> Accident	<input type="checkbox"/> Escape	<input type="checkbox"/> Inmate Special Transport	<input type="checkbox"/> Self-Injurious Behavior
<input type="checkbox"/> Attempted Suicide	<input type="checkbox"/> Escape Attempt	<input type="checkbox"/> Inmate Strip Cell Status	<input type="checkbox"/> Shakedown
<input type="checkbox"/> Cell Extraction	<input type="checkbox"/> Failure to Execute Policy	<input type="checkbox"/> Inmate to Inmate Assault	<input type="checkbox"/> Staff Shakedown
<input type="checkbox"/> Contraband - Hard	<input type="checkbox"/> Fight	<input type="checkbox"/> Inmate to Staff Assault	<input type="checkbox"/> Staff to Staff Assault
<input type="checkbox"/> Contraband - Nuisance	<input type="checkbox"/> Fire Incident	<input type="checkbox"/> Institutional Drill	<input type="checkbox"/> Suicide
<input type="checkbox"/> Death	<input type="checkbox"/> Four/Five Point Restraint	<input type="checkbox"/> Keys/Tools	<input type="checkbox"/> Taking Hostage
<input type="checkbox"/> Disruptive Behavior	<input type="checkbox"/> Homicide	<input type="checkbox"/> Maintenance Incident	<input type="checkbox"/> Unauthorized Contact
<input type="checkbox"/> Disruptive Event	<input type="checkbox"/> Hunger Strike	<input type="checkbox"/> Personal Dealings with Inmate	<input type="checkbox"/> Use of Force
<input type="checkbox"/> Drugs	<input type="checkbox"/> Illness	<input checked="" type="checkbox"/> PREA - Allegation	<input type="checkbox"/> Visitor Incident
<input type="checkbox"/> Employee Contact with Blood	<input type="checkbox"/> Injury	<input type="checkbox"/> Projecting Bodily Fluids	<input type="checkbox"/> Wireless Device
	<input type="checkbox"/> Inmate Internet Violation	<input type="checkbox"/> Property	<input type="checkbox"/> Wireless Device Accessory

Involved INMATE Name	GDC #	UOF	DR	Injury	Weapon	Sex Alleg.	Directly Involved OR Witness
Diamond, Ashley	1000290565	N/A	N/A	N/A	N/A	Yes	<input checked="" type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness

Involved Staff Name / Title	Employee ID#	Race	Sex	Force Used	Staff Equip.	Equip. Type
Carl Betterson	<del>11004200</del> 00981118	Black	Male	No	N/A	N/A

WITNESS Name	Number / Title	WITNESS Name	Number / Title
NA			

Name/Agency Notified	Date	Time	Name/Agency Notified	Date	Time

Reporting Official Signature: Constance Nettles Date: 9/14/2020 Supervisor Signature: Carl Betterson Date: 9-14-2020

WARDEN / SUPERINTENDENT REVIEW: Was this incident forwarded for investigation?  Yes  No Warden's Comments: I concur with SART recommendation

Brooks Benton [Signature] Date: 9/16/20  
 Warden/Superintendent Signature Date

Retention Schedule: (3) years and then destroy





Supplement Report

SOP 203.0  
Attachment 1  
3.2.18

Incident ID: Facility: Coastal State Prison Incident Date: 9/02/2020 Time: Unknown Location: N-Building

Detailed Description: On 9/7/2020 at approximately 1300 hours SART member and MHC Tamara Cantera LAPC, NCC received a call informing her that Offender Diamond, Ashley #1000290565 had reported multiple PREA incidents. On 9/07/2020 at approximately 1400 hours MHC Cantera met with Offender Diamond w stated, "I need to file a PREA on DWCT Betterson. Before I left for Jackson (9/02/2020) he was in the dorm and said that I was a cancer to his prison." Offender Diamond then described another incident that occurred on 9/06/2020 also involving DWCT Betterson. Offender Diamond stated, "I sent an email to the PREA system." Offender Diamond allowed MHC Cantera to read the email and it stated, "I was singled out and cursed by Betterson about 10 minutes ago in regards to my window being covered. I did that because this dorm is full of men and there is no way that I can change without being seen. They all stand around during pill call so I cover it only when I am changing. He (DWCT Betterson) knows that I am transgender and a victim of multiple sexual assaults and harassment. I feel isolated and targeted." I, PREA backup Investigator Nettles, attempted to interview offender Diamond on 9/08/2020 in the presence of MHC Mrs. Cantera, however, offender only disclosed "I have witness statements from others in the dorm to present and I want to present it all at one time." Offender Diamond stated she was "too mentally distraught to discuss allegations" at the time and that she had a scheduled phone session with her lawyer and only wanted to discuss after notifying her lawyer. MHC Mrs. Cantera stated offender agreed to discuss incident in scheduled mental health appointment on 9/09/2020 and offender Diamond agreed to provide witness statements then. On 9/10/2020 backup PREA Investigator Nettles and PREA Investigator Moody spoke with offender Diamond in regards to witness statements. Offender refused to discuss allegations stating she would only disclose in the presence of her lawyers. On 9/11/2020 offender Diamond provided a witness statement that stated "I do not feel safe enough to conduct PREA interviews without counsel present."

[Empty lined area for additional text or notes]

Reporting Official Signature: Constance Nettles *C. Nettles* Date: 9/14/2020 Supervisor Signature: Carl Betterson *Carl* Date: 9-14-

Retention Schedule: (3) years and then destroy



**GEORGIA DEPARTMENT OF CORRECTIONS**



COASTAL STATE PRISON  
PO BOX 7150  
GARDEN CITY, GEORGIA 31418-7150  
PHONE 912-965-6330  
FAX 912-966-6799



**Brian P. Kemp**  
Governor

**Timothy C. Ward**  
Commissioner

**TO:** Brooks L. Benton – Warden

**FROM:** Carl Betterson – Deputy Warden of Care and Treatment

**DATE:** 7/7/2020

**RE:** Prison Rape Elimination Act – DIAMOND, ASHLEY ALTON – GDC#1000290565

On July 7, 2020 DWCT Betterson received a letter from the attorney of Offender Diamond, Ashely #1000290565 which included a PREA allegation. The allegation stated, "Unit Manager Jackson approached Ms. Diamond while she was in medical quarantine and harassed her about being transgender. Jackson called Ms. Diamond a man and proceeded to make inappropriate comments about her breasts and genitalia as well as her facial hair. Ms. Diamond told Mr. Jackson that those comments were harmful to her mental health, and Jackson walked away. A few days later, on June 18, 2020 GDC officials informed Ms. Diamond that she would be moved out of medical quarantine to another dormitory (DormN-B).

Dormitory N-B houses a maximum of 96 offenders. When she entered the dormitory, Ms. Diamond noticed that several people were staring at her. Ms. Diamond eventually learned, through conversations with other incarcerated people in the dormitory, that Jackson had called a dormitory-wide meeting on June 17, the day before Ms. Diamond's move, during which Jackson told everyone gathered that a 'treak is about to walk in' and that they would just have to deal with it. Jackson disclosed Ms. Diamond's private medical information, made derogatory remarks about Ms. Diamond's breasts and genitalia, intentionally misgendered her, and said, 'don't try touching him [Ms. Diamond] no matter how much of a woman he [Ms. Diamond] looks.' Ms. Diamond was repeatedly referred to as 'he' and 'it' by Jackson during the meeting.

The SART team met and determined that this allegation does not meet criteria for a PREA incident due to being a single incident of harassment. The comments made to the Offenders in the dorm were not made in the presence of Offender Diamond nor were overheard by Offender Diamond and therefore do not qualify as harassment under PREA SOP.

**SEE, BELIEVE, LEAD**

PLAINTIFF'S  
EXHIBIT

**107A**

## GEORGIA DEPARTMENT OF CORRECTIONS



COASTAL STATE PRISON  
PO BOX 7150  
GARDEN CITY, GEORGIA 31418-7150  
PHONE 912-965-6330  
FAX 912-966-6799



Brian P. Kemp  
Governor

Timothy C. Ward  
Commissioner

**TO:** Brooks L. Benton – Warden

**FROM:** Carl Betterson – Deputy Warden of Care and Treatment

**DATE:** 10.16.2020

**RE:** Prison Rape Elimination Act – Victim (Diamond, Ashley – 1000290565)  
Prison Rape Elimination Act – Aggressor (Christopher Graham GDC#1000474852)  
Prison Rape Elimination Act – Witness (Thigpen, Earl #560373)

MHC and SART member Tamara Cantera LAPC, NCC met with Offender Diamond, Ashley #1000290565 on 10/14/2020 following the report of a PREA incident. Offender Diamond had initially reported the incident to her MHC Ms. Pepin but had declined to discuss it at that time. Offender Diamond reported that on the morning of 10/11/2020 she was informed by another Offender (Thigpen, Earl #560373) that on the night of 10/10/2020 an unnamed aggressor was observed by Offender Thigpen inside of Offender Diamond's room while she was sleeping on her stomach. While in the Offender Diamond's room, the alleged aggressor was seen touching the buttocks of Offender Diamond. Offender Thigpen then verbally chastised the alleged aggressor causing the alleged aggressor to leave the Offender Diamond's room. Offender Diamond stated that she did not wake due to mental health medication.

On 10/15/2020 @ 1739 an interview was conducted with offender Earl Thigpen. Offender Thigpen was advised to provide his account on what transpired on 10/10/2020 involving offender Ashley Diamond. Offender stated that at approximately 2215 he went to offenders Diamonds room and found offender Christopher Graham GDC#1000474852 standing over Ashley Diamond while he was asleep. Thigpin stated that he was fondling the buttock of offender Ashley Diamond. Thigpen stated that he forced offender Graham out of the room and told him not to come back.

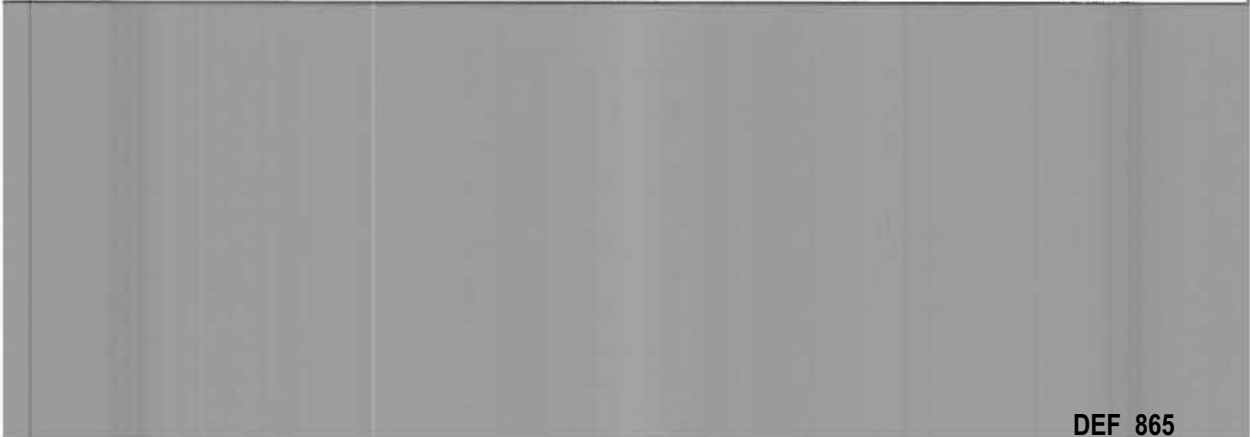
On 10/15/2020 @2120 An interview was conducted with offender Christopher Graham. Offender Graham stated that he had no knowledge of the incident.

On 10/16/2020 at 0748 an interview was conducted with offender Ashley Diamond, offender Diamond stated that she does not recall the incident. Offender Diamond stated that she was informed someone came into her cell and groped her buttock while she was asleep.

Offender Diamond was taken to medical and assessed by nurse Gatewood on 10/14/2020. Diamond was seen and assessed by mental health on 10/13/2020 and 10/14/2020. Offender Diamond refused the first two attempts to complete the mental health sexual allegations evaluation however, she completed the assessment on 10/14/2020 later in the evening.

PLAINTIFF'S  
EXHIBIT

**107F**



*A thorough investigation was completed and found that offender Christopher Graham was moved out of building N-B prior to the alleged incident date. On 10/16/2020 at 0800 a meeting was conducted with the SART team and determined that the offenders claim is unfounded due to the offender not being in the building when the incident occurred. The alleged offender is no longer housed in the same dormitory as offender Diamond. No further action is needed at this time.*

**SEE, BELIEVE, LEAD**

GEORGIA DEPARTMENT OF CORRECTIONS



COASTAL STATE PRISON  
PO BOX 7150  
GARDEN CITY, GEORGIA 31418-7150  
PHONE 912-965-6330  
FAX 912-966-6799



Brian P. Kemp  
Governor

Timothy C. Ward  
Commissioner

**TO:** Brooks L. Benton – Warden

**FROM:** Carl Betterson – Deputy Warden of Care and Treatment

**DATE:** 11.1.2020

**RE:** Prison Rape Elimination Act –  
Alleged Victim – Ashley Diamond GDC#1000290565  
Alleged Aggressor – Christopher Graham GDC#00942184

On 10.29.2020 Offender Diamond Stated that she was approached by offender Christopher Graham GDC#1000474852. Diamond stated that offender Graham reported to her that he was aware she named him as an aggressor in a PREA incident.

On 10.29.2020 @ 1229 An interview was conducted with offender Ashley Diamond regarding the above allegations. Offender Diamond was asked where the incident took place; she replied on the walk but could not provide me with any specific information regarding the incident. When asked what time the incident took place Diamond stated that she was not sure. When asked if there were any staff or offenders present Diamond stated no. Diamond was asked if she was threatened or physically touched in any way and she stated no.

On 10.29.2020 @ 1330 an interview was conducted with offender Christopher Graham regarding the incident. Offender Graham stated that he has not see Diamond since being moved from N building.

Based on the information obtained during the investigation it was determined that the offender's allegations were unfounded. A meeting with the SART team was conducted and presented with the above information. That SART team determined that the incident does not meet the threshold for PREA. No further actions will be taken.

SEE, BELIEVE, LEAD

PLAINTIFF'S  
EXHIBIT

**107G**



BIM

MH

G-A-123

Adv/Wit

Gen Pop

DISCIPLINARY REPORT

Coastal State Prison 523  
INSTITUTION NAME CODE # TPM/MAX DATE

I. Offender: Diamond, Ashley Medium 1000290565  
Name: Last, First, M.I. Security ID Number

II. Offense Data:

A. Charge	Code	Plea	Finding	Charge	Code	Plea	Finding
1 Sexual Behavior	B-8	NG	G	4			
2 [REDACTED]				5			
3 Indecent Exposure	B-11	NG	G	6			

October 31, 2020 0840hrs Courtney Brown, COI Courtney S. Brown  
Date Time of Offense Signature of Reporting Official

B. Factual Statement: On the above date and time I, Ofc Brown, entered N-Building B-Range to count. When I approached rm #136, I observed offender Diamond, Ashley #1000290565 on top of offender John Doe on the bottom bunk. Both offenders had their pants down. Offender Diamond's penis was inside of offender DOE's anus and they were moving in a back and forth motion. I opened the door to room #136 and neither offender moved. I then yelled "Aye." Both offender Diamond and Doe jumped up and pulled their pants up. Offender Diamond stated "oh shoot!" Both offenders sat on the bed. I then notified my supervisor and separated the offenders from each other.

Reviewed by the appropriate supervisor: Lt Khaliah Reeves Khaliah Reeves 10-31-20  
Signature M/o./day/year

C. Charges served on accused: 11-1-20@0825 Lt Khaliah Reeves Khaliah  
Mo./day/year/time Signature of Serving Official PRELIES

III. Investigative Report:

A. Summary of Investigation: Investigation started 11/03/20 and complete on 11/04/20, upon investigation I formally charge offender and recommend a hearing.

B. COI Morgan Odum 11/04/2020  
Title Signature Mo./day/year

C. Advocate's Name: Gerlyn Pepin MH Counselor

IV. Hearing Officer's Recommendation: High [checked] Moderate Low  
UM Cameron Mack 11-5-20  
Signature Mo./day/year

V. Disposition of disciplinary hearing:  
A. Justification for Findings: Offender Diamond, Ashley was found guilty of Sexual Behavior and Indecent Exposure due to the supporting documentation.

B. Action Recommended: 120 Days WAP B-8, B-11

C. TPM Extension: NA Isolation: NA

D. Offender advised of his/her right to appeal: Yes [checked] No

UM Cameron Mack 1700 11-5-20  
Signature of Disciplinary Hearing Officer Time of Hearing Mo./day/year

VI. Reviewing Officer: [Signature] SWS 11/04/2020  
Signature Title mo. dy. year





**RECEIVED**

**NOV 03 2020**

**O.I.D.**

WITNESS STATEMENT			
PLACE Coastal State Prison	DATE 11.23.2020	IAT# 1345	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME Betterson Carl E.	EMPLOYEE ID NUMBER 00981118	STATE ID NO.	
INSTITUTION OR ADDRESS 200 Gulfstream Rd Garden City GA			
SWORN STATEMENT			
<p>I, <u>Carl E. Betterson</u>, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>On 11.16.2020 @ 1345 an interview was conducted with offender <u>John Doe, GDC #</u> regarding a possible PREA allegation involving offender Ashley Diamond GDC# 1000290565. On 11/14/2020 While conducting administrative segregation rounds Offender <u>John Doe</u> stated that he wanted to speak with me regarding being placed in administrative segregation for homosexual activity in the dorm. On Monday 11.16.2020 offender <u>Doe</u> was called to my office in Post 3A, escorted by a member of CERT. Offender <u>Doe</u> wanted to know if he would be allowed back into the Evidence based program. <u>Doe</u> was advised that due to his recent behavior he would not be allowed back into the dorm however, we he would be re-evaluated for EBP programing later.</p> <p>During the meeting offender <u>Doe</u> commented on being in offender Diamonds cell overnight. <u>Doe</u> stated that he was aware that he was not supposed to be in Diamonds room, and nothing happened while he was there. <u>Doe</u> was advised that per the officer he was caught in the act of having intercourse with offender Diamond. <u>Doe</u> stated I know, but other people made mistakes and were allowed to remain he program (Evidence Based Program).</p> <p>On 11.23.2020 Offender <u>Doe</u> requested to speak with me regarding his time in administrative segregation. Offender <u>Doe</u> stated that he wanted to remain in EBP programing but wanted to go to another dorm. <u>Doe</u> was advised that being honest was a major part of being an EBP participant. <u>Doe</u> stated that he knows that it was against the rules for him to be in offender Diamonds room. Offender <u>Doe</u> stated that he would be honest and not lie about anything. <u>Doe</u> was asked what he was doing in the room he <u>Doe</u> stated, "we were fooling around". <u>Doe</u> was advised that sex between offenders is not permitted in prison. <u>Doe</u> stated, "yes sir I know". <u>Doe</u> was thanked for being honest about what had occurred and escorted back to administrative segregation.</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>CB</u>		PAGE 1 OF 1 PAGES
<small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND BE INITIALED AS "PAGE _____ OF _____" WHEN ADDITIONAL PAGES ARE UTILIZED. THE BACK OF PAGE TABLE BE LINED OR L AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</small>			

OK, printed locally

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**PLAINTIFF'S  
EXHIBIT**  
  
92Y

STATEMENT (Continued)

CB

CP

CB

CB

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AFFIDAVIT

I, Carl Better HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

CB  
(Signature of Person Making Statement)

WITNESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

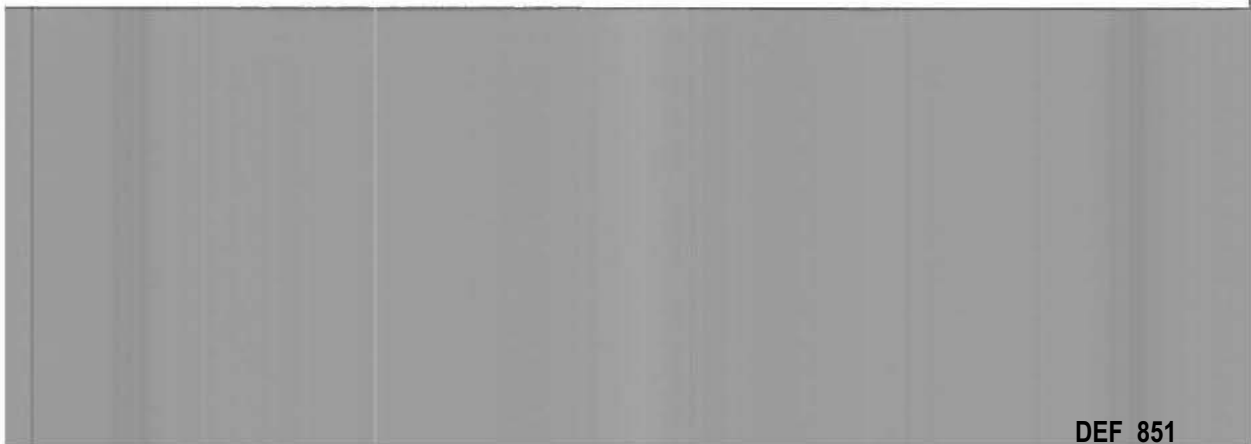
INSTITUTION OR ADDRESS

INSTITUTION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT CB

PAGE 1 OF 2 PAGES

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## Daily Movement Report

### COASTAL STATE PRISON

Report For: 10/09/2020  
Report Printed On: 10/16/2020 @ 07:56

#### Offenders Arrived

GDC ID	Offender Name	Supervision Level	Move Type	Moved From Location	Bed Assignment
1000272885	HALL, BRANDON LEE	MEDIUM	GDC MOVE	EFFINGHAM COUNTY CI	G-C-213-B

#### Offenders Departed

GDC ID	Offender Name	Supervision Level	Move Type	Moved To Location
1018519	ROBERTS, TYRONE		RELEASE	
1001630777	CLARK, RUSSELL EUGENE	STANDARD	RELEASE	
1002540330	SALLINS, JARON LAWSTON	STANDARD	RELEASE	
1002445523	GRANT, TIMOTHY MARK	STANDARD	RELEASE	
1002017173	NOBLES, JEREMY GLENN		RELEASE	
1002198534	OBERRY, HENRY WAYNE	STANDARD	RELEASE	
1153795	MARTIN, HUGH PETERSON		RELEASE	
1210277	JEANMARIE, JOHNNY EMMANUEL	STANDARD	RELEASE	
404184	SMITH, JIMMY MARK		RELEASE	
1290983	CONY, DERRICK DEWAYNE	STANDARD	RELEASE	
497957	WALKER, KEITH	STANDARD	RELEASE	

#### Offender Bed Moves

GDC ID	Offender Name	Supervision Level	Bed Moved From	Bed Moved To
1002550556	FREEMAN, DEON DONTAVIOUS	MEDIUM	J-A-117-2	N-B-243-B
1001032721	BOWENS, ANTHONY RAMOND	MEDIUM	J-B-128-4	N-B-240-T
898504	SWINFORD, GARY DALE	MEDIUM	N-A-107-B	N-B-246-B
1175677	ANTHONY, JOSHUA DEWITT	MEDIUM	N-B-236-B	J-B-134-6
1000474852	GRAHAM, CHRISTOPHER NICHOLAS	MEDIUM	N-B-146-B	J-C-213-3
1178147	LEIBY, MICHAEL JAMES	MEDIUM	O-A-1-B	N-B-147-B
1002583772	VALLEJO, DANIEL	MEDIUM	N-B-147-B	O-A-1-B
1000928322	ALLTSON, BRANDON JAMES	CLOSE	N-A-214-T	N-A-214-B
543290	SMITH, DEMETRIUS	MEDIUM	Q-C-22-T	F-A-109-5
1065881	PITTS, TYLER WALKER	MEDIUM	N-B-251-B	F-D-228-1
1002501474	HALL, KENNETH DELOS	MINIMUM	D-C-211-4	N-B-148-B
1002717213	RALSTON, JEFFREY KEITH	MEDIUM	D-C-212-1	N-B-146-B
715305	RILEY, DARRELL MAURICE	MINIMUM	N-B-234-B	Q-C-13-B
273229	JONES, ALFRED ELIJAH	MEDIUM	D-C-205-1	N-B-251-B
1070786	PARKER, RICHARD EUGENE	MEDIUM	D-C-202-3	N-B-234-B
1002662141	UGALDE-ARAIZA, MIGUEL	MEDIUM	D-C-206-T	N-A-107-B
1002722071	GREENLEAF, EARNEST IRVIN	MINIMUM	D-C-211-2	N-B-236-T
1002689732	GOLDY, JAMES CHARLES	MEDIUM	D-C-211-1	N-B-236-B
1002176484	JONES, JIMMY LEE	MEDIUM	D-C-206-B	N-B-150-B
1002633583	PARKER, DILLON	MEDIUM	D-C-211-3	N-B-232-B
1000992250	BURKS, CHRISTOPHER ALLEN	MEDIUM	D-C-202-4	N-B-252-T
1002463610	HOWSE, WILLIAM IRA	MEDIUM	MED-S-159-T	MED-S-173-B
1101422	KARR, GARY ANTHONY	MEDIUM	N-B-152-T	D-A-111-4
1131803	BOWERS, MARK	MEDIUM	N-B-240-T	F-A-111-1
1131803	BOWERS, MARK	MEDIUM	F-A-111-1	D-A-112-B

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PLAINTIFF'S  
EXHIBIT

110

1001882326	DAVIS, CHRISTOPHER LEE	MEDIUM	N-8-231-T	L-A-34-T
1000222446	GLICK, ALBERT JOSEPH	STANDARD	G-C-213-B	T-D-23-B
214588	ROBINSON, EFREM WAYNE	MEDIUM	Q-A-5-B	Q-C-5-B
214588	ROBINSON, EFREM WAYNE	MEDIUM	N-B-150-B	Q-A-5-B
1202082	LANGLEY, GARY SHAWN	MINIMUM	H-B-135-3	Q-C-22-T
1002710006	ROSE, REGINALD CHARLES	MEDIUM	H-B-135-1	Q-C-4-T
1002602874	HAMILTON, AKINNOLA M	MEDIUM	G-C-218-B	F-C-211-3
1002066190	MOBLEY, MALCOLM JAMAL	MEDIUM	G-B-146-T	F-D-228-2
1001411854	TAYLOR, WILLIE DANIEL	MEDIUM	G-C-207-B	D-C-205-1
1002330572	WATKINS, COLBY	HIGH	H-B-125-1	D-B-124-B
1002330572	WATKINS, COLBY	HIGH	D-B-124-B	H-B-135-1
184414	WESTBROOKS, RICKY RUSSELL	MEDIUM	H-B-124-B	D-B-136-1
418748	SULLIVAN, DARRELL VONZELL	MEDIUM	D-A-111-6	G-B-134-B
418748	SULLIVAN, DARRELL VONZELL	MEDIUM	G-B-134-B	D-A-111-6
1000482537	RUSSELL, RONALD KENTRELL	MEDIUM	F-B-126-3	G-C-219-B
1002581079	WILLIAMS, DASHAWN MALIK	MEDIUM	J-B-136-5	G-C-207-B
1002424399	HOGAN, JAYLON DERONTAE	MEDIUM	Q-C-26-T	N-B-144-B
990042	BELL, JASON ERIC	STANDARD	G-B-133-B	G-C-220-B
1002692628	SAMUEL, MARKEVIOUS JAHEEM	MEDIUM	N-A-214-B	N-A-214-T
184414	WESTBROOKS, RICKY RUSSELL	MEDIUM	D-B-136-1	H-B-136-1
443437	TANNER, DAVID	STANDARD	G-C-219-B	D-C-203-1

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 Send your system questions and recommendations to us

<http://jscribe.dcor.state.ga.us:8888/mov/dailyMovementReport.jsp?isFromScribe=false&...> 10/16/2020



STATEMENT (Continued)

At 11:15 pm About A week and ~~ago~~ ago I went to check on ~~Doimeon~~ <sup>Doimeon</sup> when I ~~opened~~ <sup>opened</sup> the door of his Room I saw Someone Roben on her Butt he to me to come get some too. I told him to get The Hell out of ~~his~~ <sup>Doimeon's</sup> Room or I was going to tell someone. he told me he was just talking to Doimeon. He Did Walk out of Doimeon's Room. And went to his Room. He never went Back in Doimeon's Room no more.

AFFIDAVIT

I, EAC Thompson HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1 FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Signature]  
(Signature of Person Making Statement)

WITNESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_

INSTITUTION OR ADDRESS

\_\_\_\_\_  
(Signature of Person Administering Oath)

INSTITUTION OR ADDRESS

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT  
[Signature]

PAGE 1 OF 1 PAGES

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PLAINTIFF'S EXHIBIT  
**233B**



WITNESS STATEMENT			
PLACE <i>Castro State Prison</i>	DATE <i>10/15/2020</i>	TIME:	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <i>Thigpen Earl</i>	EMPLOYEE ID NUMBER		STATE ID NO
INSTITUTION OR ADDRESS			
SWORN STATEMENT			
I, _____ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>ET</i>		PAGE 1 OF _____ PAGES
<small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES" WHEN ADDITIONAL PAGES ARE UTILIZED. THE BACK OF PAGE 1 WILL BE FINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</small>			

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