

Mar 10 15:07:17a

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p.18

ATTACHMENT
SOP IIB05-0001CONFIDENTIAL
Offender GRIEVANCE FORM

INSTITUTIONAL STAFF USE ONLY

OFFENDER NAME Ashley DiamondOFFENDER NUMBER 1000290565INSTITUTION BaldwinGRIEVANCE NUMBER 189275DATE COMPLETED FORM RECEIVED FROM OFFENDER 12/22/14 BY Mary Dany WHeDATE APPEAL RECEIVED 1/1/15

BY _____

THIS FORM MUST BE COMPLETED IN INK. YOU MUST INCLUDE SPECIFIC INFORMATION CONCERNING YOUR GRIEVANCE TO INCLUDE DATES, NAMES OF PERSONS INVOLVED AND WITNESSES.

DATE & DESCRIPTION OF INCIDENT:

On 2-9-14 While attending classes in education I went to use the bathroom at Valdosta State Prison when an unknown white male attacked me, put me in a chokehold pulled down my pants and attempted to force his penis in me. I stabbed him w/a pencil, escaped. I reported to Sart + M. H and wrote GDC pertaining to my safety and placement in Valdosta.

RESOLUTION REQUESTED:

I requesting GDC review my placement in its facilities & housing w/ close security inmates. And they take steps to protect me from future assaults and do a confidential investigation

OFFENDER Signature _____

DATE _____

Is this grievance being filed within the 10 day time limit? Please answer ☐ Yes or ☒ No. If the answer is No, please explain why.

I have been suffering from PTSD & there is no time limit on grievances under PREA

Mar 10 15:07:18a

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Printed By: KNOWLES, GAIL
Mar 10, 2015 07:14 AM

Pages 1 of 2



Nathan Deal
Governor

GEORGIA DEPARTMENT OF CORRECTIONS STATE OF GEORGIA

Incident Report



Homer Bryson
Commissioner

Facility: VALDOSTA STATE PRISON
Military Time: 01/28/2015 11:40
Number: 169573

Incident Type: MAJOR
Use Of Force: NO Use Of Weapon: NO
Nature of Incident: SEXUAL ALLEGATION
Wireless Devices Found: 0
Incident Location: OTHER
Chemical Incident: NO Fire: NO
Facility Mechanical Breakdown: NO
Incident Video Taped By: INCIDENT NOT VIDEO TAPED
Reporting Official: DAVE MCCrackEN MENTAL HEALTH UNIT MANAGER
Property Damaged: NO Damage Amount: 0
Damage Description:
Warden's Recomm./Comments:
Forward per PREA Policy.

Summary of Incident:

Grievance not signed or dated, received from Chief Counselor Woods on behalf of Inmate Diamond, Ashley GDC#1000290565 alleging that on 2/9/14 while at Valdosta State Prison he was sexually assaulted by an unknown white male who put him in a choke hold, pulled down his pants and attempted to "force his penis in me." He states, he stabbed his attacker with a pencil and escaped.

Staff

MCCRACKEN, WILLIAM DAVID - 1046776

Involvement	Injured?	Adverse Action Taken?	Use of Force	Weapon Type	Weapon Reason	Weapon Serial No	Weapon Cert Date	Ass Type	Reviewed Video
DIRECTLY INVOLVED	No	No	No						No

Comments: I have absolutely no knowledge or record of Inmate Diamond, Ashley GDC#1000290565 being sexually assaulted on 2/9/14 while at Valdosta State Prison.

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Mar 10, 2015 07:14 AM

Pages 2 of 2

Offenders

DIAMOND, ASHLEY ALTON - 1000290565

Involvement	Injured?	Disciplinary Filed?	Weapon Used	Sexual Allegat	Reviewed	Vid
DIRECTLY INVOLVED	No	No		Yes	No	

Comments: On 2/9/14 while attending classes in Education, I went to use the bathroom at Valdosta State Prison when an unknown white male attacked me, put me in a choke hold, pulled down my pants and attempted to force his penis in me. I stabbed him with a pencil and escaped. I reported to SART and Mental Health and wrote GDC pertaining to my safety and placement in Valdosta.

Mar 10 15 07:19a

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INCIDENT REPORT


 Attachment #1
 IIA04-0002
 05-15-2005

I. Incident ID# 169573
 Type Report:
 Major Incident: X Minor Incident: _____ Use of Force: _____ Use of Weapon: _____
 Facility: VALDOSTA STATE PRISON
 Date of Occurrence (M/D/Y) 1-28-15 Time: 11:40 Location: MENTAL HEALTH UNIT

II. A. Inmates Involved:

	Name	Number	Type Force	Disp. Filled?	Medical Compliant
1.	DIAMOND ASHLEY	1000290565			
2.					
3.					
4.					
5.					
6.					
7.					

B. Medical Findings (To be completed by appropriate staff within 24 hours):

C. Staff involved:

Name	Race	Sex	Employee ID Number

D. Witnesses:

Name	Number/Title	Name	Number/Title

Video Equipment Utilized: Yes _____ No X Name of Camera Operator: _____

E. Name/Agency Notified Date Time Name/Agency Notified Date Time

III. Summary of Incident (by Reporting Officer): GRIEVANCE, NOT SIGNED OR DATED, RECEIVED FROM CHIEF COUNSELOR WOODS ON BEHALF OF INMATE DIAMOND ASHLEY, GDC # 1000290565, ALLEGING THAT ON 2-9-14 WHILE AT VALDOSTA STATE PRISON HE WAS SEXUALLY ASSAULTED BY AN UNKNOWN WHITE MALE WHO PUT HIM IN A CHOKERHOLD, PULLED DOWN HIS PANTS AND ATTEMPTED TO "FORCE HIS PENIS IN ME" HE STATES HE STABBED HIS ATTACKER WITH A PENCIL AND ESCAPED.

IV. A. Weapon Certification Date: _____ Type: _____ Serial #: _____
 Ammo Type: _____ Weather: _____ Lighting: _____

B. Reason for Weapon Use:

1. Gain control of inmate	5. Stop Fight
2. Prevent escape	6. Kill snake / other animal
3. Accidental discharge	7. Other
4. Warning shot(s)	

V. Property Damages? If yes, explain: _____

VI. Wardens/Superintendent comments/recommendations: Forward per PREA policy

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Attachment 3 (SCP HB08-0001) 1/15/2012

VALDOSTA State Prison
Use of Force/Serious Incident Report Coversheet

PREA

Inmate Name DIAMOND, ASHLEY Date: 1-28-15
1000 290 565

Checklist:

1. Use of Force.....	Yes	No	<input checked="" type="checkbox"/> Pending
2. Supplemental Use of Force.....	Yes	No	<input checked="" type="checkbox"/> Pending
3. Videotape.....	Yes	No	<input checked="" type="checkbox"/> Pending
4. Photos.....	Yes	No	<input checked="" type="checkbox"/> Pending
5. Witness statements from all involved.....	Yes	No	<input checked="" type="checkbox"/> Pending
6. Disciplinary Report filed.....	Yes	No	<input checked="" type="checkbox"/> Pending
7. Medical Reports.....	Yes	No	<input checked="" type="checkbox"/> Pending
8. Mental Health Report/Statements.....	Yes	No	<input checked="" type="checkbox"/> Pending
9. Chain of Evidence.....	Yes	No	<input checked="" type="checkbox"/> Pending
10. Use of Weapons Report.....	Yes	No	<input checked="" type="checkbox"/> Pending

If pending is checked on any of the above, state the reason why: _____

III. Captain's Review: 1. Date received _____ 2. Date videotape reviewed: _____
3. Rating of Incident: Major: _____ Serious: _____ Minor: _____ Unusual: _____
4. Comments: _____

5. Signature of Captain: _____

IV. Deputy Warden's Review: 1. Date received _____ 2. Date videotape reviewed: _____

3. Comments: _____

4. Signature of Deputy Warden: _____

V. Warden's Review:

1. Date received: _____

2. Type and Forward: Yes No
Held in File: Yes No

3. Comments: _____

Signature of Warden/Designee: _____

Mar 10 15:07:19a

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GEORGIA DEPARTMENT OF CORRECTIONS
VALDOSTA STATE PRISON & LOWNDES UNIT

P.O. Box 310
Valdosta, Georgia 31603-0310
Information (229) 333-7900
Fax (229) 333-5387

Nathan Deal
Governor

Brian Owens
Commissioner

INCIDENT REPORT SUMMARY

TO: Marty C. Allen, Warden

FROM: DAVE MC CRACKEN

DATE: 1-28-15

RE: PREA ALLEGATION

GRIEVANCE, NOT SIGNED OR DATED, RECEIVED FROM CHIEF COUNSELOR WOODS ON BEHALF OF INMATE DIAMOND, ASHLEY, GDC# 1000290565, ALLEGING THAT ON 2-9-14 WHILE AT VALDOSTA STATE PRISON HE WAS SEXUALLY ASSAULTED BY AN UNKNOWN WHITE MALE WHO PUT HIM IN A CHOKEHOLD, PULLED DOWN HIS PANTS, AND ATTEMPTED TO "FORCE HIS PENIS IN ME." HE STATES HE STABBED HIS ATTACKER WITH A PENCIL AND ESCAPED. HE STATES HE REPORTED THE INCIDENT TO SART, MENTAL HEALTH, AND WROTE GDC.

NOTE: THERE IS NO RECORD OR MENTION OF CONTACT IN SART OR SCRIBE NOTES.

Signature

Dave Mc Cracken

Date

1-28-15

Mar 10 15 07:20a

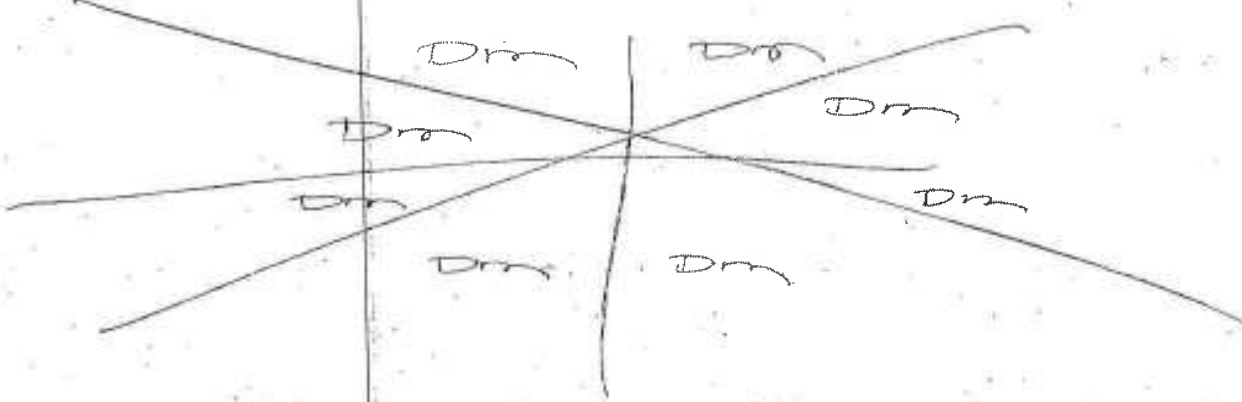
VSP

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ATTACHMENT
SOP IIB05-0001

5/15/2005

WITNESS STATEMENT			
LOCATION Valdosta State Prison	DATE: 1-28-15	TIME: 17:10	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME MC CRACKEN, W. DAVID	EMPLOYEE ID NUMBER 1046776	STATE ID NO.	
INSTITUTION OR ADDRESS VALDOSTA STATE PRISON			
SWORN STATEMENT			
<p>I HAVE ABSOLUTELY NO KNOWLEDGE OR RECORD OF I/M DIAMOND, ASHLEY, GDC # 1000 290 565, BEING SEXUALLY ASSAULTED ON 2-9-14 WHILE AT VALDOSTA STATE PRISON.</p> <p style="text-align: center;">  </p>			
EXHIBIT 1 OF 1	INITIALS OF PERSON MAKING STATEMENT DM		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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ATTACHMENT A

SC# IB95-3001
8/15/01

STATEMENT (Continued)

Dm Dm
 Dm Dm
 Dm Dm
 Dm Dm

AFFIDAVIT

I, MC CRACKEN 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.

W. David McCracken
 (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)

(Typed Name of Person Administering Oath)

INSTITUTION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

Exhibit G

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FAX NO. : 4784454997

Feb. 03 2015 04:52PM P4

FILED

Nathan Deal
Governor

GEORGIA DEPARTMENT OF CORRECTIONS
COMMISSIONER'S OFFICE
 State Office South at Tift College

Brian Owens
Commissioner

DATE: 04/01/2014
 TO: DIAMOND, ASHLEY ALTON 1000290565
 BALDWIN STATE PRISON
 FROM: MCKINNON, MELISSA
 VALDOSTA STATE PRISON
 RE: FORMAL, 189273, 04/01/2014

This memorandum is in response to your grievance 189273 that was filed on 04/01/2014. Upon review, it has been determined that due to the nature of the allegation, a request for a formal investigation is warranted.

Therefore, your grievance has been forwarded to the Georgia Department of Corrections Internal Investigations Unit on 01/27/2015 for review. That Unit will determine what action is appropriate. As a result, this letter serves as the formal response to your grievance and effectively closes your grievance. The decision to forward your grievance to the Internal Investigation Unit and close your grievance is not appealable.

Ashley Diamond
 DIAMOND, ASHLEY ALTON 1000290565

M. McKinnon
 MCKINNON, MELISSA

1-27-15

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ATTACHMENT
SOP IIB05-00

STAFF LOCAL INVESTIGATIVE REPORT AND RECOMMENDATION FORM

INSTITUTION: VALDOSTA STATE PRISON

DATE: 2/05/15

TO: GRIEVANCE COORDINATOR/ALTERNATE GRIEVANCE COORDINATOR

FROM: S. Brockington

OFFENDER: NAME: Diamond, Ashley

GRIEVANCE#189273

GDC #: 1000290565

INMATE'S BASIC ALLEGATION OR COMPLAINT:

Inmate alleges 4/01/14 he was physically and sexually assaulted and made not leave his room from 4/1/14-4/2/14.

SUMMARY OF INVESTIGATION:

I recommend grievance be forwarded to Internal Affairs.

STAFF SIGNATURE

2/05/15
DATE:Concur with Staff Findings: Yes: ☒ No: ☐

Grievance Coordinator:

DATE:

S. Woods
02/05/15(Reproduced locally)
RETENTION SCHEDULE: Upon completion of this form, it will be placed in a file in the Grievance Coordinator's office

Mar 10 15 07:21a

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ATTACHMENT 1
SOP IIB05-0001CONFIDENTIAL
Offender GRIEVANCE FORM

INSTITUTIONAL STAFF USE ONLY

OFFENDER NAME

Ashley Diamond

OFFENDER NUMBER

1000290565

INSTITUTION

Baldwin State

GRIEVANCE NUMBER

189273

DATE COMPLETED FORM RECEIVED FROM OFFENDER

12-22-14

BY

Mary Danzy Litter

DATE APPEAL RECEIVED

BY

THIS FORM MUST BE COMPLETED IN INK. YOU MUST INCLUDE SPECIFIC INFORMATION CONCERNING YOUR GRIEVANCE TO INCLUDE DATES, NAMES OF PERSONS INVOLVED AND WITNESSES.

DATE & DESCRIPTION OF INCIDENT:

On 4-1-14 I was physically and sexually assaulted and made not to leave my room from 4-1 til 4-2, I reported my assaults to GDC officials including Commissioner Owens but no one took action. I have been raped & sexually assaulted multiple times in close security facilities. But placements aren't being revised.

RESOLUTION REQUESTED:

I request GDC officials follow PREA guidelines, reevaluate my placement in close security environments and take steps to reduce my risks of harm, and do Confidential investigations into my S.A. allegations

OFFENDER Signature

Ashley Diamond

DATE

12-21-14

Is this grievance being filed within the 10 day time limit? Please indicate

☐ Yes

or

☐ No

If the answer is No, please explain why

I have been suffering from PTSD as a result of my assaults No time limit applies to grievances under PREA

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Mar 10, 2015 07:13 AM

Pages 1 of 2



Nathan Deal
Governor

GEORGIA DEPARTMENT OF CORRECTIONS STATE OF GEORGIA

Incident Report



Homer Bryson
Commissioner

Facility: VALDOSTA STATE PRISON

Military Time: 01/28/2015 11:40

Number: 169571

Incident Type: MAJOR

Use Of Force: NO

Use Of Weapon: NO

Nature of Incident: SEXUAL ALLEGATION

Wireless Devices Found: 0

Incident Location: OTHER

Chemical Incident: NO

Fire: NO

Facility Mechanical Breakdown: NO

Incident Video Taped By: INCIDENT NOT VIDEO TAPED

Reporting Official: DAVE MCCracken MENTAL HEALTH UNIT MANAGER

Property Damaged: NO

Damage Amount: 0

Damage Description:

Warden's Recomm./Comments:

Forward per PREA Policy.

Summary of Incident:

Grievance dated 12/21/14 received from Chief Counselor Woods written by Inmate Diamond, Ashley GDC#1000290565 that on 4/1/14 he was physically and sexually assaulted while at Valdosta State Prison and forced to stay in his room until 4/2/14. He maintains he has been raped and sexually assaulted in more than one close security facility.

Staff

MCCRACKEN, WILLIAM DAVID - 1046776

Involvement	Injured?	Adverse Action Taken	Use of Force	Weapon Type	Weapon Reason	Weapon Serial	Weapon Cert Date	Amo Type	Reviewed Video
DIRECTLY INVOLVED	No	No	No			No			No

Comments: I have absolutely no knowledge or record of Inmate Diamond, Ashley GDC#1000290565 being sexually assaulted on 4/1/14 while at Valdosta State Prison

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Mar 10, 2015 07:13 AM

Pages 2 of 2

Offenders

DIAMOND, ASHLEY ALTON - 1000290565

Involvement	Injured?	Disciplinary Filed?	Weapon Used	Sexual Allegat	Reviewed Vid
DIRECTLY INVOLVED	No	No	-	Yes	No

Comments: On 4/1/14, I was physically and sexually assaulted and made not to leave my room from 4/1 til 4/2. I reported my assaults to GDC Officials including Commissioner Owens but no one took action. I have been raped and sexually assaulted multiple times in close security facilities but placements aren't being revised.

Mar 10 15 07:22a

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INCIDENT REPORTAttachment #1
IIA04-0002
05-15-2005**COPY**

I. Incident ID#: 169571
 Type Report: _____
 Major Incident: ☒ Minor Incident: _____ Use of Force: _____
 Facility: VALDOSTA STATE PRISON Use of Weapon: _____
 Date of Occurrence (M/D/Y): 1-28-15 Time: 11:40 Location: MENTAL HEALTH UNIT

II. A. Inmates Involved:

	<u>Name</u>	<u>Number</u>	<u>Type Force</u>	<u>Disp. Filed?</u>	<u>Medical Compliant</u>
1.	<u>DIAMOND, ASHLEY</u>	<u>1000290565</u>			
2.					
3.					
4.					
5.					
6.					
7.					

B. Medical Findings (To be completed by appropriate staff within 24 hours):

C. Staff involved: Name Race Sex Employee ID NumberD. Witnesses: Name Number/Title Name Number/TitleVideo Equipment Utilized: Yes _____ No ☒ Name of Camera Operator: _____E. Name/Agency Notified Date Time Name/Agency Notified Date Time

III. Summary of Incident (by Reporting Officer): GRIEVANCE DATED 12-21-14 RECEIVED FROM CHIEF COUNSELOR WOODS WRITTEN BY INMATE DIAMOND, ASHLEY, GDC# 1000290565 THAT ON 4-1-14 HE WAS PHYSICALLY AND SEXUALLY ASSAULTED WHILE AT VALDOSTA STATE PRISON AND FORCED TO STAY IN HIS ROOM UNTIL 4-2-14. HE MAINTAINS HE HAS BEEN RAPED AND SEXUALLY ASSAULTED IN MORE THAN ONE CLOSE SECURITY FACILITY.

IV. A. Weapon Certification Date: _____ Type: _____ Serial #: _____
 Ammo Type: _____ Weather: _____ Lighting: _____

B. Reason for Weapon Use:

- | | |
|---------------------------|------------------------------|
| 1. Gain control of inmate | 5. Stop Fight |
| 2. Prevent escape | 6. Kill snake / other animal |
| 3. Accidental discharge | 7. Other |
| 4. Warning shot (s) | |

V. Property Damages? If yes, explain:

VI. Wardens/Superintendent comments/commendations: Forward on Area Police

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Attachment 3 (SOP 0058-0001) 1/15/2012

VALDOSTA State Prison
Use of Force/Serious Incident Report Coversheet

PREA

Inmate Name DIAMOND, ASHLEY Date: 1-28-15
1000290565

Checklist:

	Yes	No	<input checked="" type="checkbox"/> Pending
1. Use of Force.....	Yes	No	<input checked="" type="checkbox"/> Pending
2. Supplemental Use of Force.....	Yes	No	<input checked="" type="checkbox"/> Pending
3. Videotape.....	Yes	No	<input checked="" type="checkbox"/> Pending
4. Photos.....	Yes	No	<input checked="" type="checkbox"/> Pending
5. Witness statements from all involved.....	Yes	No	<input checked="" type="checkbox"/> Pending
6. Disciplinary Report filed.....	Yes	No	<input checked="" type="checkbox"/> Pending
7. Medical Reports.....	Yes	No	<input checked="" type="checkbox"/> Pending
8. Mental Health Report/Statements.....	Yes	No	<input checked="" type="checkbox"/> Pending
9. Chain of Evidence.....	Yes	No	<input checked="" type="checkbox"/> Pending
10. Use of Weapons Report.....	Yes	No	<input checked="" type="checkbox"/> Pending

If pending is checked on any of the above, state the reason why: _____

II. Captain's Review: 1. Date received _____ 2. Date videotape reviewed: _____

3. Rating of Incident: Major: _____ Serious: _____ Minor: _____ Unusual: _____

4. Comments: _____

5. Signature of Captain: _____

VI Deputy Warden's Review: 1. Date received _____ 2. Date videotape reviewed: _____

3. Comments: _____

4. Signature of Deputy Warden: _____

V Warden's Review:

1. Date received: _____

2. Type and Forward: Yes No
Hold in File: Yes No

3. Comments: _____

Signature of Warden/Designee: _____

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GEORGIA DEPARTMENT OF CORRECTIONS
VALDOSTA STATE PRISON & LOWNDES UNIT

P.O. Box 310
Valdosta, Georgia 31603-0310
Information (229) 333-7900
Fax (229) 333-5387

Nathan Deal
Governor

Brian Owens
Commissioner

INCIDENT REPORT SUMMARY

TO: Marty C. Allen, Warden
FROM: DAVE McCracken
DATE: JANUARY 28, 2015
RE: PREA ALLEGATION

GRIEVANCE DATED 12-21-14 RECEIVED FROM
CHIEF COUNSELOR WOODS WRITTEN BY INMATE
DIAMOND, ASHLEY, GDC# 1000290565, THAT
ON 4-1-14 HE WAS PHYSICALLY AND SEXUALLY
ASSAULTED WHILE AT VALDOSTA STATE PRISON
AND FORCED TO STAY IN HIS ROOM UNTIL 4-2-14. ^{WDM}
HE MAINTAINS HE HAS BEEN RAPED AND
SEXUALLY ASSAULTED IN MORE THAN ONE
CLOSE SECURITY FACILITY.

NOTE: NO RECORD OF CONTACT OR
COMPLAINT IN SART RECORDS OR
SCRIBE

Signature

Dave McCracken

Date

1-28-15

Mar 10 15 07:23a

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ATTACHMENT 3
SOP IIB05-0001
5/15/2005

WITNESS STATEMENT			
LOCATION Valdosta State Prison	DATE:	TIME:	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	EMPLOYEE ID NUMBER		STATE ID NO.
INSTITUTION OR ADDRESS VALDOSTA STATE PRISON			

SWORN STATEMENT

I HAVE ABSOLUTELY NO KNOWLEDGE
OR RECORD OF I/M DIAMOND, ASHLEY,
GDC# 1000290565, BEING SEXUALLY
ASSAULTED ON 4-1-14 WHILE AT
VALDOSTA STATE PRISON.

DM DM DM DM DM DM DM DM

EXHIBIT 1 OF 1	INITIALS OF PERSON MAKING STATEMENT DM	PAGE 1 OF 1 PAGES
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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.

Mar 10 15 07:24a

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ATTACHMENT

SOP IIB05-0601
8/15/01

STATEMENT (Continued)

DM DM DM DM DM DM DM DM

AFFIDAVIT

I, MEGRACKEN DAVID HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 11. 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.

W. David Mc Cracken
(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)

(Typed Name of Person Administering Oath)

INSTITUTION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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Nathan Deal
Governor

GEORGIA DEPARTMENT OF CORRECTIONS

Baldwin State Prison
Deputy Warden of Care & Treatment
Post Office Box 218
Hardwick, Georgia 31034
478/445-6164
FAX 478/445-6507



Brian Owens
Commissioner

MEMORANDUM

TO: Grievance Coordinator
FROM: Sebreana Grant, Chief Counselor
DATE: 1/13/15
SUBJECT: Grievance

Inmate Ashley Diamond GDC # 1000290565 has filed a grievance against
Valdosta State Prison I am forwarding this grievance for processing.

SG/dd

Exhibit H

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

ASHLEY A. DIAMOND, :
: Case No. 5:15-CV-50-MTT
VS :
: April 20, 2015
COMMISSIONER BRIAN OWENS :
SHARON LEWIS, ET AL :
DEFENDANTS. : Macon, Georgia

TEMPORARY RESTRAINING ORDER HEARING
BEFORE THE HONORABLE MARC T. TREADWELL
UNITED STATES DISTRICT JUDGE, PRESIDING

APPEARANCES:

FOR THE PLAINTIFF: DAVID DINIELLI
CHINYERE EZIE
NATALIE LYONS
SOUTHERN POVERTY LAW CENTER
400 WASHINGTON AVENUE
MONTGOMERY, AL 36104

FOR THE DEFENDANTS: DEBORAH NOLAN GORE
ELIZABETH CROWDER
40 CAPITOL SQUARE, SW
ATLANTA, GA 30334

DAVID V. JOHNSON
INSLEY AND RACE
THE MAYFAIR ROYAL
181 14TH STREET, NE
SUITE 200
ATLANTA, GA 30309

TAMMY W. FLETCHER USCR
P. O. BOX 539
MACON, GA 31202-0539
(478-752-3497)

1	I N D E X	
2	ASHLEY DIAMOND	
3	DIRECT EXAMINATION	
4	BY MR. DINIELLI:	3
5	CROSS EXAMINATION	
6	BY MS. CROWDER:	54
7	REDIRECT EXAMINATION	
8	BY MR. DINIELLI:	79
9	EXAMINATION	
10	BY THE COURT:	82
11	CALVIN MILTON SMITH	
12	DIRECT EXAMINATION	
13	BY MS. GORE:	85
14	EXAMINATION	
15	BY THE COURT:	95
16	CROSS EXAMINATION	
17	BY MR. DINIELLI:	96
18	REDIRECT EXAMINATION	
19	BY MS. GORE:	108
20	REDIRECT EXAMINATION	
21	BY MS. GORE:	109
22	EXAMINATION	
23	BY THE COURT:	109
24		
25		

1 Q. When did you file that grievance, Mr. Ashley -- Ms.
2 Ashley? I'm sorry.

3 A. That grievance was -- it was filled out the day
4 after these assaults, but because there's no MFO, which is
5 a multi-functional officer, those are the only people who
6 can take those grievances, because you can't just hand a
7 grievance to just anybody. It has to be a particular
8 person. So the particular MFO for our dorm had resigned,
9 and they were looking to have her replaced. So I held on
10 to the grievances for three weeks before it was actually
11 filed.

12 Q. So your testimony is you filled out a grievance?

13 A. Uh-huh (affirmative).

14 Q. What day would that have been?

15 A. That would've been the day of the PREA assessment,
16 which is the same day the PREA investigation ensued.

17 Q. So April 1st?

18 A. Yes.

19 Q. That would be the day you filled out the grievance
20 form?

21 A. Uh-huh (affirmative).

22 Q. And if you filled out a grievance form on April 1st,
23 you would have dated it April 1st?

24 A. I would have, but there is a ten-day filing limit.
25 And so if it's dated for April the 1st, I would've had to

1 rewrite it and re-date it again. So the last grievance I
2 filed I didn't even put a date on it. I just grieved the
3 actual policy.

4 Q. And can you not give that grievance to Lieutenant
5 Johnson while he's there --

6 A. No, absolutely not.

7 Q. -- doing the PREA investigation?

8 A. I can't.

9 Q. Who can you hand that grievance to?

10 A. To the MFO.

11 Q. And who is that person now?

12 A. They haven't assigned one, but one finally came
13 down, but I don't think she's going to be the one that's
14 assigned to us. So at this point, I don't know. I'm not
15 familiar with the names. I know Lieutenant Johnson. I
16 know Warden Brewton. I know the major players, but I
17 don't know officers and different people. I haven't been
18 there long enough.

19 Q. So it's your testimony that you tried to file a
20 grievance back in March?

21 A. Yeah, I've been trying to file a grievance, because
22 I had a grievance appeal pending for the -- I filed a
23 grievance at Baldwin alleging, you know, that I was
24 suffering significantly because of the posttraumatic
25 stress syndrome and being housed around the same people

1 that had assaulted me, and it was taking its toll. And so
2 I filed a grievance to request that I be transferred. The
3 Warden wrote me back and told me that that's not -- a
4 transfer is not a grievable issue but that he had issued a
5 transfer for me on March the 7th anyway and so --

6 Q. That was the grievance that you filed at Baldwin
7 State Prison, correct?

8 A. Yes.

9 Q. I'm trying to focus on Georgia State Prison.

10 A. Yes, but see, that's the -- I had to turn that
11 grievance in as well because it was an appeal grievance,
12 and you only have seven days from the date you receive
13 that grievance. And I was transferred, so I was just
14 letting you know that not only had I tried to turn in the
15 original grievances that I filed pertaining to the
16 incidents at GSP, but I also was trying to turn in the
17 grievance appeal that was under a timeline.

18 Q. Can you tell me, just for clarification, in the
19 affidavit that you filed that's dated March 31st, is there
20 any discussion of your attempts to file a grievance?

21 A. No.

22 Q. Is there any discussion of your attempts to make a
23 PREA complaint?

24 A. No.

25 Q. Is there any discussion of your dissatisfaction with

1 not having had a PREA assessment as of yet?

2 A. No.

3 Q. How many people come through the dorm on a daily
4 basis that are officers and/or counselors, deputy wardens
5 of that type come through the DW-1 dorm on a daily basis
6 at GSP?

7 A. Well, when I first got there it wasn't very often.
8 The Warden came to meet me, eventually, after my third day
9 there. He came down to the dorm, it was a Friday, to meet
10 me. But normally the only time an officer comes through
11 is during the count times. But my understanding was that
12 they stated that there is an officer who remains in that
13 dorm at all times, and that just has not been the case.

14 Q. You said the Warden came to meet you the third day
15 after you got to GSP?

16 A. Yes.

17 Q. You arrived on March 17th?

18 A. Uh-huh (affirmative).

19 Q. So that would have been March 20th?

20 A. Or the 19th, I'm not sure.

21 Q. Did you tell the Warden about being dragged into the
22 stairwell on March 19th or 20th when the Warden came to
23 see you?

24 A. No, it was kind of an awkward moment. It was early
25 in the morning. I was in a bathrobe. I was in my cell.

1 A. Yes, ma'am.

2 Q. Okay. Since April 9th, are you aware of any changes
3 that have taken place in terms of security in the D West 1
4 dorm?

5 A. Yes, ma'am. We have put an officer in there 24/7.
6 And they -- which we escort them all to chow and bring
7 them back and leave the officer, the officer remains in
8 the building while they are out to chow. In other words
9 that officer stays in there 24/7. She don't leave.

10 Q. Okay. So the officer, in other words, if the
11 inmates are going to chow, there's still an officer
12 remaining in the dorm in case someone still stays back?

13 A. Yes, ma'am.

14 Q. Okay. What about the doors that you enter and exit
15 from the dorm? Has there been any change in terms of how
16 those can be --

17 A. Yes, ma'am. The officer that's in the dorm opens
18 the door with the keys. Now where -- when we're in there,
19 when we go in there, they come and let us in or either the
20 control room sees us and then they'll get the officer to
21 the door and then they'll let us in and out.

22 Q. Okay. Do you know why that change has been
23 implemented?

24 A. Just for the safety of the inmates.

25 Q. Okay. Does it make it more difficult to prop open a

1 Q. I want to ask you a quick question about grievances.

2 You're familiar with the grievance process? You're
3 familiar with the grievance process, correct?

4 A. Yes, ma'am.

5 Q. In fact you kind of, as chief counselor, run that
6 grievance process; is that fair to say?

7 A. Yes, ma'am.

8 Q. Now, earlier Ms. Diamond testified that she had a
9 grievance she wrote out a few days after arriving at GSP,
10 but for three weeks there was no one available to accept
11 her grievance. Is that something that you -- common in
12 your experience?

13 A. No, ma'am. If the counselor is not in there, the
14 building officer will call, and I will see that someone is
15 there or picks up the grievance. If there is for some
16 reason the counselor is out I'll send someone there to
17 pick it up or either when the counselor does come in I'll
18 accept the grievance. Very seldom do I let one run out.

19 Q. So is it the case -- so is it true to say that there
20 is only one person who is capable of receiving a grievance
21 from an inmate?

22 A. Counselor.

23 Q. If that person is not available they just can't file
24 a grievance; is that correct?

25 A. No, ma'am. They can file a grievance. The

1 counselor picks up the grievance and we have 12
2 counselors. And if the counselor in that building is out
3 for some reason and once they notify me I will send
4 somebody around there and pick it up.

5 Q. And a counselor, you testified, goes through the
6 dorm pretty much every day; is that correct?

7 A. Yes, ma'am.

8 Q. Now, if Fred Wilson met with -- Fred Wilson gave an
9 affidavit that he met with Diamond on April 20th, a few
10 days after some of Diamond's alleged assaults occurred
11 could Diamond have turned in a grievance to Fred Wilson?

12 A. Yes, ma'am.

13 Q. Do you know if Diamond has turned in a grievance?

14 A. Yes, ma'am. I received one from him Thursday or
15 Friday.

16 Q. So Thursday or Friday?

17 A. Of last week.

18 Q. Of last week. Do you know if Diamond filed any
19 other grievances prior to that time?

20 A. No, ma'am.

21 Q. Is it true that there still isn't an officer
22 assigned to Diamond's unit that's capable of accepting
23 grievances?

24 A. Officers hand out the grievances. They have to turn
25 them into the counselor.

1 Q. So is it true that there was still no one available
2 yet at D-1 dorm to have a grievance turned in to; is that
3 an accurate statement?

4 A. No. There is someone there. Mr. Wilson goes in
5 there on a regular basis.

6 Q. Has there ever been, since Diamond first arrived,
7 has there ever been a period beyond a day that an inmate
8 cannot -- there is no one available for an inmate to turn
9 a grievance in to?

10 A. Not that I know of. If they have I haven't been
11 notified.

12 Q. Do you know if counselors have been going through
13 the dorm on a daily basis?

14 A. They sign in the log book every time that a
15 counselor goes in there or someone goes in there other
16 than an officer and we can check easily that way.

17 Q. Can an inmate turn a grievance into a mental health
18 counselor?

19 A. Yes, ma'am.

20 Q. So for instance Stephanie Spencer, mental health
21 counselor, could accept a grievance on behalf of a --

22 A. Yes, ma'am. Because they have brought them to me
23 before.

24 MS. GORE: I have nothing further, Your Honor.

25 THE COURT: Mr. Dinielli?

1 the dorm currently housing Ms. Diamond?

2 A. That I don't know. I didn't check. We just went in
3 there to just check and see how everything was going on
4 our daily rounds or weekly rounds.

5 Q. Mr. Smith, I presume you have read the PREA
6 regulations?

7 A. Yes, sir.

8 Q. And so you were aware that there is no deadline for
9 filing a grievance with respect to sexual assault?

10 A. That's correct. There's no deadline whatsoever.

11 Q. You are also aware that the PREA regulations say
12 that employees of a facility should be trained on how to
13 communicate and interact effectively with transgender
14 people and gender nonconforming inmates?

15 A. Correct.

16 Q. Has that occurred at Georgia State Prison?

17 A. Training? Yes, sir, they do training once a year,
18 20 hours a year.

19 Q. With respect to transgender inmates?

20 A. I haven't been trained this year, but I go every
21 year.

22 Q. You haven't been trained this year?

23 A. No, sir.

24 Q. When were you last trained?

25 A. Last November.

1 Q. On transgender inmates?

2 A. No, it was on our regular training. In our regular
3 training the Corrections makes us do yearly, we go through
4 what is PREA, all of it, you know, goes through -- we go
5 through what part of it's PREA, grievance process,
6 classification, security measures, different articles of
7 that nature.

8 Q. In your capacity, are you able to require people at
9 Georgia State Prison to undergo particular forms of
10 training?

11 A. At my capacity, no, sir. That would be the --

12 Q. Who would that be?

13 A. -- that would be the warden and the deputy warden.

14 Q. Have you ever discussed with the warden whether
15 people ought to be trained --

16 A. Oh, we're fixing to go through --

17 Q. I'm sorry. Let me finish the question.

18 THE COURT: Okay. One at a time.

19 BY MR. DINIELLI:

20 Q. Have you ever considered asking him whether people
21 should be trained on how to interact with and communicate
22 with transgender inmates?

23 A. No, sir. We are going through the training though.

24 Q. You are aware that the PREA regulations also say
25 that in making determinations about housing the views of

1 A. Is it Ashley?

2 Q. -- you mean Ms. Diamond?

3 A. Is it Ms. Diamond or Mr. Diamond?

4 Q. It's Ms. Diamond.

5 A. Ashley Diamond. I had heard of him. And when I
6 walked in there and we talked, we were sitting there
7 talking and he showed me the article. And then Mr. Wilson
8 was telling me some more stuff, in front of him, and we
9 were, you know, it wasn't downgrading or nothing, we were
10 just listening to him talk.

11 Q. Mr. Smith, if training were provided to you, made
12 available to help you interact and communicate with
13 transgender inmates, would you attend?

14 A. Yes, sir. We attend all of it.

15 Q. But that's not been offered?

16 A. We were told it was coming and security might have
17 already been through it. I just hadn't been through it
18 myself yet.

19 Q. Why can't Ms. Diamond be transferred to Central or
20 Johnson?

21 THE COURT: I think he's answered that.

22 WITNESS SMITH: Yeah. I couldn't enter him. I
23 hadn't checked his file or nothing. That is not a -- I
24 mean, it's not a problem of entering him. We just have to
25 check and see if he qualifies for that institution.

1 compound.

2 Q. Well, what's the compound?

3 A. That's where all general population go to the yards,
4 go to education, go to programs.

5 Q. Is there ever, if things are being operated as they
6 normally operate, is there ever any contact between closed
7 security inmates in the SMU and those not in the SMU?

8 A. There shouldn't be. I, you know, I don't know. I'm
9 not there all the time.

10 Q. But the procedures are that there would not be such
11 contact?

12 A. Right.

13 THE COURT: Any follow-up questions on the
14 questions I asked?

15 MS. GORE: No, Your Honor.

16 MR. DINIELLI: No, Your Honor.

17 THE COURT: All right. Thank you, Mr. Smith.
18 You may step down, and you can remain in the courtroom if
19 you wish. Ms. Gore, anything further by way of evidence?

20 MS. GORE: No, Your Honor.

21 THE COURT: Ms. Gore, let me ask you some
22 questions.

23 MS. GORE: Yes, sir.

24 THE COURT: As I understand today, the decision
25 to man the guard post in the specialized living unit where

1 Ashley Diamond is was made after our April 9th hearing; is
2 that correct?

3 MS. GORE: Your Honor, my understanding is that
4 at the hearing Ms. Brewton -- my understanding is that
5 counsel had suggested to Ms. Brewton that maybe this was
6 an issue she was not aware of and indicated that she would
7 go back and take any additional steps to address that
8 issue. That's my understanding.

9 THE COURT: Well, her testimony was that that
10 post was manned 24 hours a day.

11 MS. GORE: My understanding was she was talking
12 about the control room as opposed to a floor officer. And
13 I'm telling you what my understanding is, Your Honor, so I
14 hope I'm not getting it incorrect. But my understanding
15 was she was talking about having a floor officer on
16 patrol. And since that time they've made sure there was
17 one 24/7 so that if someone goes out, say for instance, to
18 escort there isn't that period of time when someone is
19 escorting that there is no longer a floor officer. And my
20 understanding again was that one of the intents was to
21 address the concern about the doors. If they're unlocked
22 just from the control room as opposed to a person actually
23 unlocking and locking them maybe it would be propped from
24 the control room, and then someone could leave it propped
25 and the control room officer would not be able to see that

1 as opposed to having a floor officer.

2 THE COURT: Let me be sure I understand. The
3 control room is not there in or adjacent to the
4 specialized living unit?

5 MS. GORE: My understanding, and perhaps he
6 could be more clear on that, is that's in the living unit.

7 THE COURT: Hey, Mr. Smith, just walk up to the
8 podium and shed some light on this issue.

9 WITNESS SMITH: All right. The control room is
10 sitting over here and they can see in the dorm at all
11 times. And the officer sits in that control room and can
12 look at all times down that corridor where the inmates are
13 at. The building officer, she stays in the dorm, she will
14 open the back door and let the inmates out, and then
15 she'll come back in the dorm. And that's what he was
16 telling me when we were in there so the officer will stay
17 in there.

18 THE COURT: Well, then the control room is
19 staffed 24 hours?

20 WITNESS SMITH: 24/7.

21 THE COURT: And then, Ms. Gore, you're saying in
22 addition to that what has happened.

23 WITNESS SMITH: The floor officer, 24/7.

24 THE COURT: The floor officer arrangements have
25 been made for what, specifically?

1 MS. GORE: That a floor officer would also be on
2 the floor 24/7. So not just someone in the control unit
3 24/7 but a floor officer 24/7. So, and correct me if I'm
4 wrong please, so if there's a change of shift or if a
5 floor officer is escorting, there wouldn't be a time now
6 where there's not a floor officer there for any amount of
7 time.

8 THE COURT: Okay. Thank you. Dr. Maish. Is
9 that how you pronounce his name?

10 MR. DINIELLI: Yes, Your Honor.

11 THE COURT: But it's spelled M-A-I-S-H
12 (spelling). Ms. Gore, have you had any communications
13 with Dr. Maish?

14 MS. GORE: No, Your Honor. All communications
15 go through Mr. Johnson because he's Dr. Maish's counsel.

16 THE COURT: Well, since our last hearing, has --
17 to your knowledge has anybody from the Attorney General's
18 office had any communication with Dr. Maish?

19 MS. GORE: No, Your Honor, we -- well, we have
20 contact through David --

21 THE COURT: Just through Mr. Johnson?

22 MS. GORE: Yes, and to obtain an affidavit as
23 part of the preliminary injunction, which -- in opposition
24 to a preliminary injunction which Dr. Maish did sign and
25 we submitted it to the Court.

1 transferred from Georgia State Prison to another prison
2 because the other letters were not signed or otherwise
3 identified the authors sufficiently, and he could not
4 determine who wrote the other letters.

5 Again, another statement was written and signed
6 by Ms. Diamond. She contends it was not voluntary.

7 Prison officials who witnessed it contend that it was. We
8 had clarification with regard to the specialized living
9 unit. It's unclear -- there was some suggestion today
10 whether or not it currently houses transgender inmates.
11 But Ms. Brewton said most of the transgender inmates at
12 Georgia State Prison are generally housed in the general
13 population, she claims with no complaints by them in years
14 past, as did Lieutenant Johnson, that is he denied having
15 knowledge of any prior complaints from the transgender
16 inmates at Georgia State Prison, with the exception of one
17 call to the PREA, a hotline, which he investigated and
18 that inmate, a transgender inmate, said he did not make --
19 she did make that complaint. But with regard to the
20 circumstances in the specialized living unit, it is a
21 13-cell facility. Ms. Diamond is in cell number 1 which
22 the evidence is is in proximity to the video and the
23 guards the closest of the 13 cells. As a result of
24 clarification I got today, I understand now that there is
25 a command post or control post within eyesight of that

1 unit that is manned 24 hours a day.

2 In addition, apparently this was done since our
3 last hearing, a dorm officer, I believe the position was
4 called, is now assigned there on a constant basis.

5 The door that was complained about that in the
6 past apparently was not secured as perhaps it should have
7 been, there's been changes made with regard to that so
8 that it is secure. As Mr. Smith said and his counsel
9 pointed out, can we say with certainty that there won't be
10 some glitch or some failure to secure the door? That's
11 certainly possible, but there have been changes made to
12 ensure that the door will be secured.

13 Now, we heard compelling testimony from Ms.
14 Diamond this morning much of which did conflict with the
15 testimony that we've heard from prison officials and I
16 can't tell precisely where the truth lies at this point.
17 An example perhaps of the difficulty in that is the dining
18 situation. And I should mention that too appears to be a
19 change that has been made recently, whether not in
20 response to Ms. Diamond's complaints, I don't know; but
21 that inmates in the specialized living unit are, as a
22 matter of course now, escorted to dining. As I understand
23 it, Ms. Diamond hasn't denied additional escorts beyond
24 that routine escort for reasons that she explained;
25 particularly she is concerned about being a snitch or

Exhibit I

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

ASHLEY A. DIAMOND, :
: Case No. 5:15-CV-50-MTT
VS :
: April 9, 2015
COMMISSIONER BRIAN OWENS :
SHARON LEWIS, ET AL :
DEFENDANTS. : Macon, Georgia

TEMPORARY RESTRAINING ORDER HEARING
BEFORE THE HONORABLE MARC T. TREADWELL
UNITED STATES DISTRICT JUDGE, PRESIDING

APPEARANCES:

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I N D E X

STEVE UPTON

DIRECT EXAMINATION 47

BY MS. GORE:

CROSS EXAMINATION

BY MR. DINIELLI: 55

JANET BREWTON

DIRECT EXAMINATION

BY MS. GORE: 61

CROSS EXAMINATION

BY MR. DINIELLI: 75

JAVAKA JOHNSON

DIRECT EXAMINATION

BY MS. GORE: 87

CROSS EXAMINATION

BY MR. DINIELLI: 101

1 Q. Good morning, Ms. Brewton.

2 A. Good morning.

3 Q. In your affidavit you've described your job
4 responsibilities as including identifying training needs
5 and providing guidance and training to correctional staff.
6 Do you remember describing it in that way?

7 A. Yes, sir, I do.

8 Q. Have you personally ever received any training on
9 the proper interaction in a correctional setting with
10 transgender inmates?

11 A. No, sir, I have not.

12 Q. Have you ever identified any such need for the staff
13 you supervise?

14 A. No, sir, I have not.

15 Q. Have you ever instructed your staff on the proper
16 way to refer to transgender inmates?

17 A. I have on that, sir.

18 Q. What guidance have you provided in that regard?

19 A. I provide guidance with the fact that we need to
20 respect all whether they are transgender or not. So
21 whether if you see someone with female attributes let's
22 not just automatically assume. So yes, sir, I have.

23 Q. I'm sorry, assume what?

24 A. Assume anything. We're going to treat all offenders
25 the same, sir.

1 Q. You have referred to Ms. Diamond using the male
2 pronoun several times today, correct?

3 A. I did, sir.

4 Q. And you did so in your affidavit as well?

5 A. Yes, sir.

6 Q. Do you do so to her face?

7 A. Yes, sir, I do.

8 Q. Why?

9 A. Because it is a male facility, sir, and he is,
10 indeed for what I have been told, from my experience, it
11 is a male offender.

12 Q. For how long have you had responsibilities with
13 respect to the transgender inmates at Georgia State
14 Prison?

15 A. The first transgender inmate that I came in contact
16 with is far back as 1995.

17 Q. That's 20 years ago, correct?

18 A. That's correct, sir.

19 Q. So for 20 years you've been referring to transgender
20 inmates with the male pronoun because you view the
21 facility as a male facility?

22 A. That is correct, sir.

23 Q. Have you instructed your staff to do the same
24 thing?

25 A. Yes, sir, I have.

1 Q. For 20 years?

2 A. I haven't been in a supervisor position for 20 years
3 but that's the way I have been taught, sir.

4 Q. You, in fact, have referred to Ashley Diamond as a
5 "sick young man"; isn't that correct?

6 A. As a what, sir?

7 Q. A sick young man.

8 A. No, sir.

9 Q. You referred to a camera in front of a cell that
10 currently houses Ms. Diamond?

11 A. Yes, sir.

12 Q. And I believe you testified that Ms. Diamond was
13 moved into that cell recently?

14 A. I did.

15 Q. In fact, after the filing of the TRO in this case?

16 A. Yes, sir.

17 Q. How long have you referred to the dorm that
18 currently houses Ms. Diamond as a "PREA dorm"?

19 A. Well, we started identifying PREA dorms -- it's been
20 probably right over a year ago, sir.

21 Q. Recently, in fact, you started telling people that
22 they should refer to this dorm as a PREA dorm?

23 A. No, sir. It's been identified as a PREA dorm for
24 mental health level three supportive living inmates.

25 Q. Recently though you instructed people to start

1 A. I do not have any answer for that one, sir.

2 Q. Do you have any additional precautions you intend to
3 take with respect to access to the dormitory?

4 A. The dormitory is occupied by a correctional staff 12
5 hours a day. It is a primary post and if anything is
6 going on in that dormitory I want the offender to be able
7 to have the ability to report it to the correctional
8 officer or to the alarm button that is there, mash it and
9 press it so you could notify the central station operator.
10 We run inspection daily through there. We do daily tours
11 that is unannounced through there. If there is anything
12 else that we can do from this point on we will. But the
13 overall is that the safety and orderly operation of
14 Georgia State Prison, as well as for offender Ashley
15 Diamond, is the utmost importance for the Department of
16 Corrections.

17 Q. You said that it's staffed 12 hours a day?

18 A. Yes, sir. Not 12 hours, 12 hours one shift and 12
19 hours the next shift. Twenty four hours a day, sir.

20 Q. Thank you.

21 A. Pardon me for that.

22 Q. But today testifying you can't think of anything,
23 specifics you're going to do about the fact that the dorm
24 may sometimes be not secured to the facility?

25 A. We're going to definitely get with the staff and

1 make them aware and probably some more training. We can
2 all benefit from that.

3 Q. Do you have authority to provide any kind of safety
4 to inmates in that facility as they move about other areas
5 within the Georgia State Prison?

6 A. Yes, sir. We have means in place, sir.

7 Q. Those would include escorting?

8 A. Sometimes would include escorting. But we move by
9 block movement, that is with an escort, with a built-in
10 sergeant along with those inmates, yes, sir.

11 Q. Is it possible, is it within your power to ensure
12 that Ms. Diamond whenever she wants to leave the dormitory
13 can have access to an escort to keep her safe and go
14 wherever she wants?

15 A. No, sir, I can't tell you that.

16 Q. Why not?

17 A. Because she can't go wherever she wants. We move by
18 schedule. If she's scheduled to be at mental health, if
19 she's scheduled to be in the library I can tell you that I
20 can provide escort for that dormitory to move along with
21 Diamond being in that escort, being escorted with the
22 other offenders.

23 Q. So if there's a place that she's entitled to go to
24 whether that's mental health or the mess hall you can
25 testify today that you can ensure that an escort will be

1 provided for her at all times?

2 A. I can assure that Georgia Department of Corrections
3 and Georgia State Prison will provide an escort for those
4 offenders to move in a safe and secure manner.

5 Q. Have you ever told Ms. Diamond that this is an
6 option for her?

7 A. Diamond has been made aware of that through the
8 admission and orientation process, sir.

9 Q. Were you present for that?

10 A. No, sir, I was not present.

11 Q. Do you know if she currently knows that this is an
12 option?

13 A. I want to think so but if I guess at that it would
14 be a guess.

15 Q. That's right. Will you take any steps to make
16 certain that she knows that this is a possibility?

17 A. I will.

18 Q. In your affidavit your also write that "Diamond was
19 neither threatened nor appeared to be in any duress when
20 writing his statement." Do you remember writing that?

21 A. I do.

22 Q. This meeting that we're referring to where she wrote
23 this statement, this was the March 24th meeting?

24 A. Yes, sir.

25 Q. At that time were you aware of the medical records

1 for an interpretation. Maybe his understanding is
2 appropriate but not a legal interpretation.

3 MR. DINIELLI: I would accept that, Your
4 Honor. I am asking for his interpretation as the SART
5 leader and not his legal interpretation.

6 THE COURT: What was the question again?

7 MR. DINIELLI: He understands that these
8 regulations don't require the use of any kind of informal
9 grievance process?

10 MS. GORE: But, Your Honor, I have to object
11 because the heading here says exhaustion of administrative
12 remedies and he's not making it clear to the witness that
13 he's talking about a particular subsection of legal
14 writing and asking him to comment on it. I think it's
15 misleading.

16 THE COURT: I will allow the question.

17 THE WITNESS: Okay, your question, sir.

18 BY MR. DINIELLI:

19 Q. Lieutenant Johnson, you understand that these
20 regulations make clear that the agency shall not require
21 the use of an informal grievance process?

22 A. Okay.

23 Q. Up above subsection B.1 can you read that paragraph
24 into the record, please?

25 A. "The agency shall not impose a time limit on when an

1 inmate may submit a grievance regarding allegations of
2 sexual abuse."

3 Q. Thank you. If you'd look at the second column
4 subsection E.1 that begins third parties. Can you read
5 that into the record, please?

6 A. "Third parties including fellow inmates, staff
7 members, family members, attorneys and outside advocates
8 shall be permitted to assist inmates in filing requests
9 for administrative remedies related to allegations of
10 sexual abuse and shall be permitted to file such request
11 on behalf of inmates."

12 Q. And, in fact, I believe you testified that your
13 understanding is that other inmates would be permitted to
14 make either claims or reports on Ms. Diamond's behalf?

15 A. Yes. If an inmate stated that Inmate Ashley Diamond
16 had been sexually abused I would immediately investigate
17 and do -- and conduct an investigation of that. I would
18 check to see whether it was substantiated or
19 unsubstantiated. Because some inmates may be shy. Some
20 inmates may feel more comfortable speaking to another
21 inmate than the staff. So they may use another inmate as
22 an advocate per se -- per se an advocate to speak on their
23 behalf in reference to that.

24 Q. That's right. And some inmates might feel more
25 comfortable speaking with their lawyers than the staff?

Exhibit J

ST02 [4685 ON XR/XT] 87:4T QEM 5102/12/10

Attachment 4
SOP IIB05-0001

WARDEN'S/SUPERINTENDENT'S GRIEVANCE RESPONSE

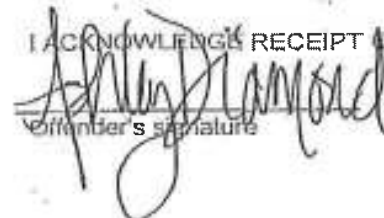
Offender's Name: **Ashley Diamond** Grievance Number: **184215**
GDC #: **1000290565** Facility: **Baldwin State Prison**

RESPONSE TO GRIEVANCE:
Recommend grievance rejected, due to filed out of allotted time frame.


Warden's/Superintendent's signature

11-17-14
(date)

I ACKNOWLEDGE RECEIPT OF THE ABOVE RESPONSE ON THIS DATE:


Offender's signature

01-20-15
(date)

You have seven (7) calendar days within which to appeal this Response to your Grievance Coordinator. If the last day is not a business day at your institution, you may file it on the next day that is a business day.

STAFF LOCAL INVESTIGATIVE REPORT AND RECOMMENDATION FORM

INSTITUTION: Baldwin State Prison

DATE: November 7, 2014

TO: GRIEVANCE COORDINATOR/ALTERNATE GRIEVANCE COORDINATOR

FROM: Sebrena Grant

OFFENDER: NAME: Diamond, Ashley

GDC #: 1000290565

INMATE'S BASIC ALLEGATION OR COMPLAINT:

Inmate alleges that on 10/20/14, he had a meeting with his legal team and there were multiple Staff and the CERT officers lingered in the area in ear shot of private and confidential info. with his lawyers. These meetings should be confidential and private. Private information was exposed and details of his case made it's way to other staff and inmates.

SUMMARY OF INVESTIGATION::

This grievance should be rejected due to grievance filed out of time frame as outlined in the policy. Inmate went out to court on 10/14/14.

Sebrena Grant
STAFF SIGNATURE:

11-7-14
DATE:

Concur with Staff Findings: Yes: ☒ No: ☐
Grievance Coordinator:

[Signature]

RETENTION SCHEDULE: Upon completion of this form, it will be placed in a file in the Grievance Coordinator's office (Reproduced locally)

L10 [1688 ON X8/XL] 87:41 DEM SI02/12/10

Movement History

DIAMOND, ASHLEY ALTON - GDC ID 1000290565

Move Date	Move Type	Move Reason	Moved To Location
10/23/2014	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	BALDWIN STATE PRISON J-C-138-T
10/14/2014	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	CARROLL COUNTY COURT
09/30/2014	BED MOVE	ADMINISTRATIVE	BALDWIN STATE PRISON J-C-138-T
09/25/2014	GDC MOVE	ADJUSTMENT	BALDWIN STATE PRISON J-D-186-T
08/20/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON F-1-74-T
06/25/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON G-2-54-T
04/22/2014	BED MOVE	ADJUSTMENT	VALDOSTA STATE PRISON G-3-73-T
04/04/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON G-1-72-B
04/01/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON H-1-29-B
03/24/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON A-1-39-T
03/20/2014	BED MOVE	ADJUSTMENT	VALDOSTA STATE PRISON E-1-30-T
03/18/2014	BED MOVE	DISCIPLINARY	VALDOSTA STATE PRISON E-1-30-B
01/22/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON G-1-79-T
12/31/2013	GDC MOVE	DISCIPLINARY	VALDOSTA STATE PRISON F-1-78-T
12/31/2013	BED MOVE	ADJUSTMENT	RUTLEDGE STATE PRISON MED-3-2-B
12/26/2013	BED MOVE	MENTAL HEALTH	RUTLEDGE STATE PRISON G-2-2-B
12/20/2013	BED MOVE	SEGREGATION	RUTLEDGE STATE PRISON G-3-8-B
12/11/2013	BED MOVE	POPULATION REDISTRIBUTION	RUTLEDGE STATE PRISON F-1-21-T
12/05/2013	BED MOVE	DISCIPLINARY	RUTLEDGE STATE PRISON G-3-5-T
10/24/2013	BED MOVE	ADJUSTMENT	RUTLEDGE STATE PRISON F-1-5-T
10/01/2013	GDC MOVE	ADJUSTMENT	RUTLEDGE STATE PRISON E-4-15-T
08/23/2013	BED MOVE	CORRECTING ERRONEOUS MOVE	BALDWIN STATE PRISON J-C-139-T
08/22/2013	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	BALDWIN STATE PRISON H-C-139-T
07/02/2013	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	FLOYD CO. COURT
04/25/2013	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	BALDWIN STATE PRISON J-A-114-T
03/05/2013	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	FULTON CO. COURT
02/04/2013	BED MOVE	ADMINISTRATIVE	BALDWIN STATE PRISON J-A-109-B

810 [PAGES ON X8/XL] 87:41 DEM 5102/12/10

Movement History

DIAMOND, ASHLEY ALTON - GDC ID 1000290565

01/24/2013	BED MOVE	ADJUSTMENT	BALDWIN STATE PRISON K-1-11-B
01/09/2013	BED MOVE	ADMINISTRATIVE	BALDWIN STATE PRISON K-2-2-B
01/03/2013	BED MOVE	ADMINISTRATIVE	BALDWIN STATE PRISON J-C-150-B
12/18/2012	BED MOVE	ADJUSTMENT	BALDWIN STATE PRISON J-C-148-T
12/18/2012	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	BALDWIN STATE PRISON H-B-124-T
11/27/2012	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	FULTON COUNTY COURT
09/05/2012	BED MOVE	POPULATION REDISTRIBUTION	BALDWIN STATE PRISON J-C-150-T
08/28/2012	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	BALDWIN STATE PRISON K-1-4-T
05/29/2012	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	FLOYD COUNTY COURT
05/24/2012	GDC MOVE	MENTAL HEALTH	BALDWIN STATE PRISON K-1-14-B
05/23/2012	BED MOVE	SEGREGATION	MACON STATE PRISON J-1-123 B
05/23/2012	ARRIVE HOSPITAL TRANSPORT	RETURN FROM MEDICAL	MACON STATE PRISON MHD-A-240-B
05/23/2012	HOSPITAL TRANSPORT	MEDICAL	FLINT RIVER COMMUNITY HOSP
04/12/2012	GDC MOVE	ADMINISTRATIVE	MACON STATE PRISON U-1-106-T
03/27/2012	DIAGNOSTIC	NEW SENTENCE - COURT COMMIT	CA DIAG CLASS PRISON DORM-1-067-T
02/06/2012	PROBATION CUSTODY STATUS	JAIL AWAITING SP	
11/18/2011	PROBATION CUSTODY STATUS	JAIL AWAITING REVOCATION	
11/14/2011	PROBATION CUSTODY STATUS	JAIL NEW CHARGE	
07/28/2010	PROBATION CUSTODY STATUS	NOT IN CUSTODY	
06/29/2010	PROBATION CUSTODY STATUS	JAIL NEW CHARGE	

01/21/2015 WED 14:48 [TX/RX] NO 53941 01019

ATTACHMENT 1
SOP IIB05-0001CONFIDENTIAL
Offender GRIEVANCE FORM

INSTITUTIONAL STAFF USE ONLY

OFFENDER NAME Ashley Diamond OFFENDER NUMBER 1000290565
 INSTITUTION Baldwin State Prison GRIEVANCE NUMBER 184215
 DATE COMPLETED FORM RECEIVED FROM OFFENDER 10/27/14 BY M. Dany mHCO
 DATE APPEAL RECEIVED BY

THIS FORM MUST BE COMPLETED IN INK. YOU MUST INCLUDE SPECIFIC INFORMATION CONCERNING YOUR GRIEVANCE TO INCLUDE DATES, NAMES OF PERSONS INVOLVED AND WITNESSES.

DATE & DESCRIPTION OF INCIDENT:

On October 10, 2014, I was in a meeting with my legal team in which multiple members of staff and Cert officers, lived in ear shot of private and confidential info w/ my lawyers. These meetings should be confidential & organized, private information disclosed was exposed and details of my case on file. There was no other staff & inmates.

RESOLUTION REQUESTED:

To arrange a place where I can privately meet with my legal team w/out interference & the risk of staff/inmates listening, as well as 24 hour notice before I'm scheduled to meet w/ my lawyers.

OFFENDER Signature Ashley Diamond DATE 10-24-14

Is this grievance being filed within the 10 day time limit? Please answer ☐ Yes or ☒ No. If the answer is No, please explain why.

Inmate was out to Court on 10-9-14 and returned on 10-23-14 and has been unable to find someone to give the grievance to.

01/21/2015 WED 14:48 [TX/RX NO 53941] 020

Nathan Deal
Governor

GEORGIA DEPARTMENT OF CORRECTIONS

STATE OF GEORGIA

Offender Grievance

Diamond, Ashley Alton - GDC ID 1000290565

Grievance# 184215 - Status: Pending Resolution

Brian Owens
Commissioner

Facility Grievance Against:	Baldwin State Prison	Grievance Type:	Formal
Grievance Date:	10/27/2014	Form Received Date:	10/27/2014
Expedited Grievance:	No	Grievance Category:	Conditions Of Confinement
Complaint/Resolution:	<p>On October 20, 2014 I was in a meeting with my legal team in which multiple members of staff and CERT officers lingered in ear shot of private and confidential info w/my lawyers. These meetings should be confidential and organized, private information disclosed was exposed and details of my case made there way to other staff and inmates.</p> <p>Resolution: To arrange a place where I can privately meet with my legal team without interference and the risk of staff/inmates listening as well as 24 hour notice before I'm scheduled to meet w/my lawyers.</p>		
Persons Involved:			
No Persons Involved			
Incidents Involved:			
No Incidents Involved			
Status:	None	Status Date:	
Resolution Comments:			

12/6

01/21/2015 WED 14:46 [TX/RX NO 5394] 12021

Attachment 4
SOP QB05-0001

WARDEN'S/SUPERINTENDENT'S GRIEVANCE RESPONSE

Offender's Name: Ashley Diamond

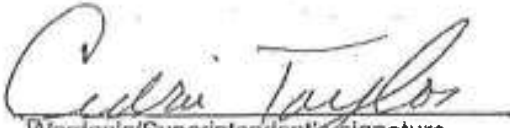
Grievance Number: 184215

GDC #: 1000290565

Facility: Baldwin State Prison

RESPONSE TO GRIEVANCE:

Recommend grievance rejected, due to filed out of allotted time frame.


Warden's/Superintendent's signature

11-17-14
(date)

I ACKNOWLEDGE RECEIPT OF THE ABOVE RESPONSE ON THIS DATE:

Offender's signature

(date)

You have seven (7) calendar days within which to appeal this Response to your Grievance Coordinator. If the last day is not a business day at your Institution, you may file it on the next day that is a business day.

ATTACHMENT 1
SOP IIB05-0001CONFIDENTIAL
Offender GRIEVANCE FORM

INSTITUTIONAL STAFF USE ONLY	
OFFENDER NAME <u>Ashley Diamond</u>	OFFENDER NUMBER <u>1000290565</u>
INSTITUTION <u>Baldwin State Prison</u>	GRIEVANCE NUMBER <u>184215</u>
DATE COMPLETED FORM RECEIVED FROM OFFENDER <u>10-27-14</u> BY <u>M. Dancy MHC</u>	
DATE APPEAL RECEIVED <u>1/1/</u>	BY <u></u>

THIS FORM MUST BE COMPLETED IN INK. YOU MUST INCLUDE SPECIFIC INFORMATION CONCERNING YOUR GRIEVANCE TO INCLUDE DATES, NAMES OF PERSONS INVOLVED AND WITNESSES.

DATE & DESCRIPTION OF INCIDENT:

On October 10, 2014, I was in a meeting with my legal team in which multiple members of staff and Cert officers, lived in ear shot of private and confidential info w/ my lawyers. These meetings should be confidential & organized, private information disclosed was exposed and details of my case were then w/ other staff & inmates.

RESOLUTION REQUESTED:

To arrange a place where I can privately meet with my legal team without interference & the risk of staff/inmates listening, as well as 24 hour notice before I'm scheduled to meet w/ my lawyers.

OFFENDER Signature Ashley DiamondDATE 10-24-14Is this grievance being filed within the 30 day time limit? Please answer ☐ Yes or ☒ No. If the answer is No, please explain why.

Inmate was out to Court on 10-9-14 and returned on 10-23-14 and has been unable to find someone to give the grievance form to.

Exhibit K

GEORGIA DEPARTMENT OF CORRECTIONS

MENTAL HEALTH PROGRESS NOTE

Facility: Baldwin State PrisonName: ASHLEY DIAMONDID#: 1000290565Date: 1/6/15Race: B Sex: Male

I. Data: Purpose: ☒ Individual Counseling/Therapy ☐ Crisis ☐ Other: _____
 Location: ☐ Private Office ☐ Cell Front ☐ Other: _____
☒ On site ☐ Tele-MH

Chief Complaint: FEAR OF STAFFTarget Symptom(s) from Treatment Plan addressed in this contact: SYMPTOMS RELATED TO PTSD AND GENDER DYSPHORIA

Attitude: Cooperative Hygiene: Adequate Orientation: Times four Suicide Risk: Denied

Judgment: Fair Mood: LABILE Affect: Appropriate Hom. Ideation: Denied

Thought Processes and Content: I/M is alert, linear and coherent.

Description of session (include discussion of abnormal findings):

THE INMATE WAS SEEN IN MY OFFICE. SHE CONTINUES TO FEEL AT RISK WITH THE CLOSE SECURITY INMATES IN HER DORM. WE DISCUSSED THE HOSTILE ENVIRONMENT AT BSP. SHE HAS NOT SELF HARMED IN THE LAST WEEK EVEN THOUGH IT IS A CONSTANT CONSCIOUS OPTION FOR HER. SHE CONTINUES TO REQUIRE HORMONE THERAPY AND GENDER ROLE CHANGE IF SHE IS TO RECEIVE ADEQUATE CARE. WITHHOLDING THIS THERAPY FROM HER INCREASES HER RISK OF SELF HARM. SHE WAS GIVEN A CALL TO HER MOTHER.

Clinical Interventions (during this session): ASSESSED MENTAL STATUS, CBTII. Assessment: Problem/Target Symptoms are: ☒ Worse ☐ Unchanged ☐ Improved ☐ EliminatedDiagnosis: GENDER DYSPHORIA, PTSD Unchanged/Changed as of: _____ (date)
(circle)Comments: ON EDGE WITH LABILE MOODIII. Clinical Plan for subsequent sessions: FOCUS ON THE DESIRE TO SELF HARMNext Appointment: WEEKLY
(date)Page 1 of 1 ☐ Attachment

 PH. D.
Signature/Title

STEPHEN L. SLOAN, PH. D.
Printed/Typed Name