

1983 Form

CV-13-PT-2186-W

FILED

2013 DEC -3 P 12:24

U.S. DISTRICT COURT
N.D. OF ALABAMAIn the United States District Court
For the Northern District of AlabamaTERRY KILLINGSWORTH, #188954(Enter above the full name(s) of the
plaintiff(s) in this action)

Jury Trial Demanded

Warden Willie Thomas, et al.,
Officer Cordero Melton
Officer Gaston(Enter above full name(s) of the
defendant(s) in this action)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ☒ No
- B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiff(s): Terry L. KillingsworthDefendant(s) Correctional Medical Services, et al.,

2. Court (if Federal Court, name the district; if State Court, name the county)

United States District Court Northern District Alabama3. Docket Number U.S.D.C. 5:10-cv-03484-AKK-HGD4. Name of judge to whom case was assigned Abdul K. Kallon, U.S. Dist. Jdg.

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Pending Appeal U.S.C.A. Case No. 13-11308-D
Summary Judgment Entered For Defendants

6. Approximate date of filing lawsuit Dec. 15, 2010

7. Approximate date of disposition March 19, 2013

II. Place of present confinement Bibb County Correctional Facility

- A. Is there a prisoner grievance procedure in this institution?

Yes () No ☒

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes () No ☒

- C. If your answer is YES:

1. What steps did you take? I filed a complaint with the personnel
Dept. and to the Commissioner Office, ADOC
2. What was the result? Nothing

- D. If your answer is NO, explain why not? There is no prison grievance
procedures for inmates that have complaints anymore. DOC
stop taking such grievances, and inmates now file complaints
with the State Personnel Department.

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

- A. Name of plaintiff(s) TERRY KILLINGSWORTH, AIS# 188954
Bibb County Correctional Facility

Address 565 Bibb Lane - Brent, Alabama 35034

In Item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item C for the names, positions, and places of employment of any additional defendants.

- B. Defendant Willie Thomas
 is employed as Warden - Bibb County Correctional Facility
 at 565 Bibb Lane - Brent, Alabama 35034
- C. Additional Defendants Cordero Melton - Officer - Bibb County
Correctional Facility - 565 Bibb Lane - Brent, Alabama 35034
COI Gaston - Officer - William E. Donaldson Correctional
Facility - 100 Warrior Lane - Bessemer, Alabama 35023

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

On April 9, 2013 between the hours of 10:00pm and 11:00pm
Warden Willie Thomas entered into the inmate living area of Dorm
E, Bay 3 accompanied by numerous Officers screaming, hollering,
and beating on windows, beds, and swatting inmates with batons, and
kicking feet. As a direct result of Warden Willie Thomas' actions,
defendants Officer C. Melton and Gaston snatched the Plaintiff
Terry Killingsworth off his assigned top bed to the floor kicking
him in his groin, back, and legs while striking him with batons
without provocation or resistance, whereby the defendants then
threw the Plaintiff back onto his top bed and ordered him
to lay on his stomach, cross his legs, put his face in his
pillow and his hands behind his head; and upon complying.

The Plaintiff was again maliciously struck in his side by defendant Gaston, breaking the Plaintiff's 10th Rib laterally, then was again struck in the back of the head by defendant Melton for screaming out in pain that something was broke inside of him. The defendants left the Plaintiff in bed screaming out in pain to other inmates, striking them as they went.

V. RELIEF

State briefly *exactly* what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

The Plaintiff will seek awards in punitive and compensatory damages against each defendant, specifically, \$10,000. against Defendant Willie Thomas; \$30,000. against Defendant C. Melton, and \$25,000. against Defendant Officer Gaston. Plaintiff will seek an additional \$5,000. from each Defendant for mental pain and suffering, and failure to protect from physical assault and abuse by Prison Officers in their individual and official capacity.

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

Executed on November 30, 2013
(date)

Terry Boyers
Signature(s)

FROM: TERRY KILLINGSWORTH
AIS# 188954
BIBB COUNTY CORR. FAC.
565 BIBB LANE
BRENT, AL. 35034-4040

TO: ALABAMA PERSONAL DEPT.
64 N. UNION STREET
MONTGOMERY, AL. 36130

INRE: VIOLATION OF ADMINISTRATIVE REGULATION: 208
OFFICER MILTON AND WARDEN WILLIE THOMAS
ASSAULT ON AN INMATES AND CREATING A SECURITY RISK AND
HEALTH HAZARD

Comes now the complaintant, Terry Killingsworth, and move this honorable board to reprimand and discipline the above named insubordinate correctional officer in the complaint below: .

JURISDICTION

This honorable board has jurisdiction to reprimand and discipline the above named insubordinate officer in accordance with title 36, Chapter 26, ALA. CODE, 1975. SEE ALSO STATE PERSONAL DEPT. V. COOKE, 530 So. 2d 839 (ALA.CIV.APP. 1988).

-COMPLAINT-

On April 9, 2013, at Bibb county coRrectional facility Warden Willie Thbmas created A security risk and health hazard when he called other prison officials and told them that he had A full fledged riot situation within his population that needed to be handled, but the real trouble ~~was~~ actually was going on in his two segregation dorms which he felt that he could not handle in-house because he had to C-51 several inmates to

other camps.

But this situation had nothing to do with population and this was not the first time he lied to higher ranking officials about problems within his segregation dorms because this same problem happen on September 10, 2012 which his own officers who he refused to get rid of since they was first got here and he learned that they was security risks.

On this day between 10:00 to 10:30 P.M. I was sitting on my bed when the riot squad came running through the door and my bunky started running toward the bed and when he dove at the bed but he did not make it because he was caught in mid air by officer MElton and A another giant size officer who started kicking and punching him for no reason.

When they got through working him over then they jumped up and poked me in the side and asked me what I was looking at, but I did not respond. But this did not do any good because they snatched me out of the bed and slammed me on the floor, then started punching and kicking me until I was almost unconscious. Then they slammed me back in the bed and then the bigger officer punched me in the ribs and heard my ribs popped and screamed, but before officer MElton left the bed he slapped me up side my head,

This was all captured on the institutional camera if they had it on, **AT DORM E3-3DB.**

Some 40 minutes had passed when officer Colvin came in the dorm and I told him that I needed to go to the HCU.

They gave me A ice pack after they did A body chart and then told me to fill out A sick call so they will get me A X-ray in A day or two.

The following inmates was witnesses to these assaults on the attached sheets:

RELIEF SOUGHT

1. Implementation of disciplinary action under administrative regulation 208.
2. Not limiting or excluding A ninety day suspension without pay.
3. Psychological counseling be given.
4. Anger management classes attended.
5. Reduction in rank.
6. Removal from this institution as correctional officers.
7. Placed in A position where they can come in contact with inmates.
8. Immediate actions be taken to correct this situation.
9. *Invoking 36-26-27 B, Demanding by law, a open brand hearing
Due to the severity of this matter*

my copy

CORRECTIONAL MEDICAL SERVICES
HEALTH SERVICES REQUEST FORM

FOR MEDICAL USE ONLY

Date Received: _____

Time Received: _____

Print Name: Terry Killingworth Date of Request: 7-14-13ID #: 188954 Date of Birth: _____ Housing Location: F-3, 27A

Nature of problem or request:

ON April the ninth two thousand and thirteen c. 1 million & Garden stock me and broke my ribs I'm having
problems with my bile movements I need milk withness in lacerative and bottom rack protein need to be reviewed

I consent to be treated by health staff for the condition described.

It runs out 7-25-13 I need to see the Doctor and I'm still in pain

SIGNATURE

PLACE THIS SLIP IN MEDICAL REQUEST BOX OR DESIGNATED AREA

DO NOT WRITE BELOW THIS AREA

Triaged by: _____ Referred to: (Circle ONE)

Initials NSC Mid-level SC Physician SC MH Dental

Other: _____

HEALTH CARE DOCUMENTATION

Subjective:

Objective: BP _____ T _____ P _____ R _____ Wt _____

Assessment:

Plan:

☐ Inmate education handout reviewed with and given to the patient.

Refer to: (Circle any applicable) Mid-level Physician MH Dental Other: _____

Signature & Title: _____ Date: _____ Time: _____

ADOC

SPECIAL NEEDS COMMUNICATION FORM

Date: 1/25/13To: ADOCFrom: HCUInmate Name: Killingsworth, Terry ID#: 188954

The following action is recommended for medical reasons:

1. House in _____
2. Medical Isolation _____
3. Work restrictions _____
4. May have extra _____ until _____
5. Other BB Profile X 180 days

Comments:

ED Profile X 150 daysStarts → 1/25/13 END → 7/25/15

PROFILE APPROVED BY

Date: 1/25/13 MD Signature: J. WHITLEY M.D.Time: 8⁰⁰Am

	NAME	AIS#
1.	Earl Dalton	233267
2.	W. A. P. Phil	187212 Assaulted 108299
3.	Jason Rudolph	178538
4.	Joe Lark Jr. Larks	263971 Assaulter
5.	Edward Kemp	258125
6.	Mickel Hart	139505
7.	Cipiti Petru	239066
8.	Jose Dicco	248123
9.	Jose Perez	260051
10.	Bob B. B. D. D. D.	146091
11.	Eric O'Hall	242344
12.	Giffey Pollard	283350
13.	Ray Rock	212454
14.	Kevin Trahan	281360 Assault
15.	XXXXXXXXXX	
16.	Ronald Averett	1166276 ASSAULTED
17.	Kevin Thompson	211682 ASSAULTED
18.	Joseph Johnson	270528
19.	Josiah Jones	287808
20.	Robert W. Jones	139313 ASSAULT
21.	Donell Muledd	267430 ASSAULT
22.	Travis McWhirter	233984 Assault
23.		
24.		
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27.		
28.		
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON THIS 15 DAY OF April, 2013.
I HAVE SERVED A COPY OF THIS FOREGOING COMPLAINT ON HTE
ADDRESSEE(S) BELOW, BY PLACING THE SAME IN THE INSTITUTIONAL
MAILBOX, ALL POSTAGE PREPAID AND PROPERLY ADDRESSED AS FOLLOWS:

RESPECTFULLY SUBMITTED,

Terry Killingsworth
TERRY KILLINGSWORTH
AIS# 188954
BED# E3-30B
BIBB COUNTY CORR. FAC.
565 BIBB LANE
BRENT, AL. 35034-4040

CC:

ALABAMA PERSONAL DEPT.
300 ADMINISTRATIVE BLDG.
64 N. UNION STREET
MONTGOMERY, AL. 36130

KIM THOMAS, COMM.
301 S. RIPLEY STREET
P.O. BOX 301501
MONTGOMERY, AL. 36130-1501

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA

TERRY KILLINGSWORTH, #188954)

Plaintiff,)

vs.)

Warden WILLIE THOMAS, et al.,)

Defendants.)

CASE NO.:

(TO BE SUPPLIED BY THE CLERK)

STATE OF ALABAMA
B I B B COUNTY:

AFFIDAVIT OF TERRY KILLINGSWORTH

Before me, a Notray Public in and for the said State of Alabama and County at large personally appeared Terry Killingsworth, AIS# 188954, who being known and identified by me first, and him being first duly placed under oath, deposes and says as follows:

My name is Terry Killingsworth and I am over twenty-one years of age and competent to testify before a Court of Law as to the facts and statements made in this Affidavit which I make of my own free will, knowledge, and recollection of the events that led to this affidavit being deposed.

On April 9th, 2013 while being incarcerated at the Bibb County Correctional Facility located at 565 Bibb Lane, Brent, Alabama 35034 under the direct custody and care of Warden Willie Thomas serving a sentence imposed by a lawful court of jurisdiction.

On April 9, 2013 approximately 10:15pm to 10:40pm, I was sitting on my assigned bed (top bunk) and my bunk partner, Joe, AIS# 263971 was in the bathroom. Next thing I knew, there was some beating on the windows with sticks in front of the dorm, and 10 to 12 Officers running around about 10 miles per hour (mph) screaming, "get on your racks!" I was already on my rack; my bunk partner was running for his bottom rack, and they caught him mid-air in front of our beds and twirled him slamming him into the floor. Officer Melton and Officer

AFFIDAVIT OF TERRY KILLINGSWORTH

PAGE TWO OF SIX

Gasden, a CERT TEAM Officer from William E. Donaldson Correctional Facility beat him in his back and hit him in various places. After they got done with him, Officer Melton looked up at me and said 'what are you looking at?' I shrugged and nodded my head, indicating nothing. Then Officer Melton said, better yet, and reached up and snatched me off my top rack. He slammed me into the floor. I came down on my right side knee first. Then Officer Melton stomped me in my groin area, and hit me one or two times. Officer Gasden hit me from behind in my shoulder. He made me get up pushing me up on my top rack. Then Officer Gasden told me to put my hands behind my back, told me to cross my feet, and put my face into the pillow, while on my stomach Officer Gasden stepped right next to my bed on the side and said 'take them fucking boots off.' He then punched me in my rib cage on my left side. I immediately screamed a long groan because I hear something pop inside me, and I then told him "you broke my ribs." Officer Gasden told me to shut the fuck up, and I told him again "you broke my ribs." He was standing there on the side of my bed rubbing his right hand with his left hand after punching me with his right hand. Officer Melton was standing there smiling about the situation. I then felt a sting in the back of my head, I'm not sure who slapped me, and then they left from my area. Warden Thomas said out loud, "y'all think its a fucking joke. Do you think its a fucking game?" Warden Thomas witnessed the beatings taking place throughout the dorm, and just watched it all, then they left the dorm going to other areas of the Dorm.

People were sitting around moaning and groaning in pain, and I also was too. I couldn't breathe. Some 20 to 30 minutes later, Officer Colvin came into the Bay and I was on my top rack. I explained to him what happened. I was in a lot of pain and couldn't breathe right. I told him that something snapped in my rib cage and that I needed to go to the infirmary. He sent a medical inmate down to the dorm with a wheel chair to my bed. Officer Colvin and another inmate helped me out of the bed into the wheel chair. The infirmary gave me an ice pack, 2 motrin pills, and did a body chart. I asked them to take me to the free world hospital. I told them I was in a lot of pain and that there was something broken in me. They told me I was in the wrong place for that. So they sent me back to the dorm. I borrowed a friend's bottom

AFFIDAVIT OF TERRY KILLINGSWORTH

PAGE THREE OF SIX

rack and slept there because I could not climb onto the top rack due to the pain in my side and chest area, and he slept in my rack on top.

On April 10, 2013 I went to the Prison Shift Office that morning and the Lieutenant called somebody and to my understanding, the Captain wanted another body chart done on me and sent me back to the dorm after the body chart was done. On April 11, 2013 they called me for X-Rays, took them and sent me back to my dorm. On April 12, 2013 ~~I saw Captain Butler at the Shift Office and told her everything that~~ happened. She made me pull my shirt up and take the Ace Bandage Off I had wrapped around my chest and told me to turn around slowly. I told her that I had a bottom rack profile and that I cannot not sleep on a top rack. She told Sergeant Cook to take me to ICS and get me on a bottom rack somewhere. I told her that I was already approved for the Faith Base Dorm and was waiting to be moved. That's where they put me.

On April 14, 2013 Lt. Butler and Officer Nelson shook me down at 5:00pm. They were looking for the bracelet that came off Officer Gasden arm when he had punched me in my ribs. They didn't say what they were looking for, but I knew that's what they were looking for. On April 17, 2013, I went to the Health Care Unit at 2:30am in pain and had problems breathing, they told me to sign up for sick call, that there was nothing they could do. I showed Officer Rush my ribs as I laid on my bed, and she told me that I needed to contact a lawyer. On April 19, 2013 at 12:00am I went back to the HCU, I talked to Officer Rush on the 19th of April, and that's when she told me to contact a lawyer. I went back to the HCU on April 24, 2013 in pain and had problems breathing at 12:58am, they told me that there was nothing that they could do, Officer Rush had me sent up there. Later that day I went to the Shift Office and saw Lt. Bennett and explained to him that I had signed up for sick call on April 10, and April 11, 2013 and they called me for my sick call. When I set down beside the Nurse, she started doing my sick call so that I could be seen by the doctor. Ms. Kirk, the head Nurse came walking up and said, "what are you doing here?" I said that I was there for my sick call and was in a lot of pain. She said, "Dr. Whitley has already ordered your x-rays and some

AFFIDAVIT OF TERRY KILLINGSWORTH

PAGE FIVE OF SIX

investigator pulled them out of the yellow envelope. There was a radiology report of my x-rays, specifying that the 10th rib was broken laterally, which means on the side. Also, there was one body chart, done on April 10, 2013 and one sick call slip which shows that I signed up for sick call on April 10, 2013. There was a progress note from Dr. Whitley, as well. I asked the investigator, "where is the body chart done on April 9, 2013, the night the incident occurred." She said that she would call over there and report it. She then called Dr. Whitley and asked for him to come over there where she was, so that she could talk to him. I don't know if she ever received the body chart done on April 9, 2013 or if she talked to Dr. Whitley, because it was time for me to go. Warden Thomas walked in and said, "I cannot seem to find this incident on video. Where did this take place at?" I told him, in front of the investigator, that the incident took place in E-3, bed 30B, the time frame 10:15pm to 10:40pm. I said, it's on there. There should be no reason why it shouldn't be on there, because the cameras do point in plain view of the institutional camera, in the middle of the Bay in the dorm. Then on May 1, 2013 at 7:30am Sergeant Cook called Officer Mayfield and told Officer Mayfield to come get the 2 extra blankets I had because he was watching my area in the shift office, and told him to get them because he was watching on the monitor in the shift Office. Later that day, I went to see Lt. Butler in the shift Office, and told him, You were the one who authorized me to have those two blankets, to elevate my back. he said, what is actually wrong with you? I said, I already told you I have a broken rib, so Lt. Butler called the HCU and Ms. Kirk answered the phone. Lt. Butler said, you are exactly the one I need to speak with Ms. Kirk. he said to her, what is wrong with Killingsworth? She said he's got a broken rib. I heard her say this on the phone to Lt. Butler. he hung the phone up and said, she didn't deny the fact that you had a broken rib. He said, I'm not allowed to let you have those blankets. There's nothing I can do.

Then on May 9, 2013 at approximately 12:00pm Captain Hutton called me to the ICS Office and asked me if I would take a lie detector test, that I & I wants to know. I said. I will be honored to take one. Then, he told me that I could leave and go back to my dorm. Then I got to thinking about what they did to an inmate named Robert Ray. He had an

AFFIDAVIT OF TERRY KILLINGSWORTH

PAGE SIX OF SIX

an incident which occurred a while back. He passed 2 of the lie detector tests, and then was asked to take another one and failed it. They changed the questions on him, and the DOC wrote him a disciplinary for lying and put him in lock-up, shipping him 2 weeks later. So, I returned to captain Hutton's office and told him that I needed to consult with my attorney first. I told him, I don't need to take one anyway, because it happened in plain view of the institutional camera. He said Its just a yes or no killingsworth. I said It's a No, Captain Hutton. On May 13, 2013 at 12:03am I asked Officer Colvin, do you remember the incident on April 9, 2013? Do you remember getting me a wheel chair and helping me with the inmates to get me off my top rack into the wheel chair/ I asked him, and he replied, Yes! I do remember. I said, the x-rays came back and said that my 10th rib is broken. He said, take it easy and be careful.

On May 16, 2013 at 7:45am HCU called me for more x-rays on my ribs. And then later that same day at 10:25am they called me for more x-rays, this time focusing on a floating rib. On May 24, 2013, at 5:10 pm, Officer Melton, one of the Officer that had assaulted me walked by me when I was walking out of the chow hall. he stared at me hard and kept walking. I filed an administrative Complaint with the State Personnel Department concerning the activities reference in this affidavit, and there was never any response.

I swear under the penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, recollection, and understanding of the events that occurred on April 9, 2013 and thereafter with being treated and investigated.

Done on this the 15 day of NOV, 2013.

Terry Killingsworth
AFFIANT

SWORN TO AND SUBSCRIBE BEFORE ME A NOTARY PUBLIC IN AND FOR THE SAID STATE OF ALABAMA AND COUNTY AT LARGE AND UNDER MY SEAL OF OFFICE ON THIS THE 15 DAY OF November, 2013.

Christopher Welch
NOTARY PUBLIC

MY COMMISSION EXPIRES ON: 9/29/2015.

STATE OF ALABAMA
B I B B COUNTY:

SWORN AFFIDAVIT

ANTONIO CIERS, AIS# 245122

Before me, a Notary Public in and for the said State of Alabama and County at large personally appeared Antonio Ciers, AIS# 245122 who being known and identified by me personally, and who being duly ~~placed under oath, deposes to tell the truth, says as follows:~~

My name is Antonio Ciers, AIS# 245122 and I am over twenty-one years old and competent to testify to the matters contained in this Affidavit which I give without threats, promises or coercion.

On April 9th, 2013 while being incarcerated at the Bibb County Correctional Facility located at 565 Bibb Lane, Brent, Alabama 35034 in the E Dorm Housing Unit in Bay 3 Bed 7A, I personally witnessed the following activities take place:

On April 9th, 2013 I Antonio Ciers, AIS# 245122 was in E-3-7A, around 10:15 pm alot of officers came in the Bay during alot of yelling, the next thing I know I was hit across my head with a stick, it could have knocked me out, I also notice alot of other inmates getting hit with sticks also fist by the officers, they was using there force upon the Warden's permission. They came into the Bay, the first person they seen outta pocket they started hitting him with they sticks as well as there hands, stomped one inmate in his side, also another inmate got snatched off the top rack was stomped by Officer Melton and Officer Gaston, they put him back on his rack and punched him some more and that's when the inmate started sream-ing you broke my ribs, I later learned that this inmate was Terry Killingsworth, I didn't know his name until then, after everything

AFFIDAVIT OF ANTONIO CIERS

PAGE TWO OF TWO

settled down Officer Covin come in E-3 that's when the inmate told him what happen to him then Officer Colvin called Health Care Unit for a wheel chair, and they helped the inmate (Terry Killingsworth) into the wheel chair off the top rack and took him out the dorm to the health care unit. After everybody was sitting around wondering ~~what we had done to deserve this from the warden and them officers.~~ All of this took place in E Dorm bay 3 living area. I swear this to be correct and true under the penalty of perjury on this the 15 day of November, 2013.



A F F I A N T

SWORN TO AND SUBSCRIBED BEFORE ME A NOTARY PUBLIC IN AND FOR THE SAID STATE OF ALABAMA AND COUNTY AT LARGE AND UNDER MY SEAL OF OFFICE ON THIS THE 15 DAY OF November, 2013.


NOTARY PUBLIC

MY COMMISSION EXPIRES ON: 9/29/2015.

STATE OF ALABAMA

B I B B COUNTY:

SWORN AFFIDAVIT

ROBERT SOUTHBY, AIS# 255480

Before me, a Notary Public in and for the said State of Alabama and County at large personally appeared Robert Southby, AIS# 255480 who being known and identified by me personally, and who being first duly deposed and placed under oath and sworn to tell the truth, says as follows:

My name is Robert Southby, AIS# 255480 and I am over twenty-one years old and competent to testify to the matter in which I give testimony to herein this affidavit without threats, promises or coercion.

On April 9th, 2013 while being incarcerated at the Bibb County Correctional facility located at 565 Bibb Lane, Brent, Alabama 35034 in the E Dorm Housing Unit in Bay 3 Bed 44B I personally witnessed the following activities take place between Officers and Inmates:

At Bibb County Correctional facility on the date of April 9th, 2013 at approximately 10 to 11pm the Alabama department of Corrections Riot Squad, consisting of 8 to 12 Officers, along with a dozen Bibb County Correctional facility Guards and the Warden, Willie Thomas entered Dorm E-3 where I resided. As they came into our dorm all were yelling and smashing their billy clubs repeatedly on the plexiglass entrance way, then they proceeded to spread throughout the Dorm and yelling at all the inmates to catch our racks. There was a considerable amount of confusion and noise as inmates tried to get to their bunks and avoid the billy clubs. I was already sitting on my bunk which is at the rear of the dorm, so I was able to watch and observe

AFFIDAVIT OF ROBERT SOUTHBY

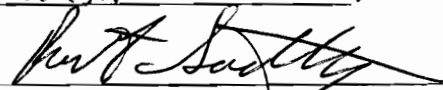
PAGE TWO OF TWO

their entrance for about fifteen seconds before I laid face down on my upper bunk. I heard alot of yelling and shouting as the officers ran around the dorm hitting our metal bed racks and assaulting inmates who were on their beds or trying to get to their beds. I recognized a inmate's voice yell out in pain "you broke my ribs" as being that of Terry Killingsworth, who slept about fourteen feet from my bunk, it turns out that Terry was roughed up and then received a sever punch to his ribcage. Terry was helped off his bunk and put into a wheelchair and taken to medical after the officers and the warden had left our dorm and went to the next one.

Fortunately I was not punched or hit with any swinging clubs, but I did experience the stree, and a high level of anxiety of being surrounded by that amount of violence. Then on top of all this, as they all are exiting our dorm, the Warden Willie Thomas yells out a comment to us inmates that we deserved this and yells " you all think it's a fuckin joke and game, then these are the guys you can all play with." That night there was quite a few stories of inmates getting hit that were in our dorm as well as other dorms.

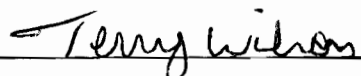
I swear that this is the truth to the best of my knowledge and recollection of the events that occurred on April 9, 2013.

Done on this the 22nd day of November, 2013.



A F F I D A V I T

SWORN TO AND SUBSCRIBED BEFORE ME A NOTARY PUBLIC IN AND FOR THE SAID STATE OF ALABAMA AND COUNTY AT LARGE AND UNDER MY SEAL OF OFFICE ON THIS THE 22nd DAY OF November, 2013.



NOTARY PUBLIC

MY COMMISSION EXPIRES ON: 8-9-2017.

STATE OF ALABAMA
B I B B COUNTY:

SWORN AFFIDAVIT

ROBERT JONES, AIS# 134313

Before me, a Notary Public in and for the said State of Alabama and County at large personally appeared Robert Jones, AIS# 134313 who being known and identified by me personally, and who being duly placed under oath and sworn to tell the truth, says as follows:

My name is Robert Jones, AIS# 134313 and I am over twenty-one years old and competent to testify to the matters in which I give without threats, promises or coercion.

On April 9th, 2013 while being incarcerated at the Bibb County Correctional Facility located at 565 Bibb Lane, Brent Alabama 35034 in the E Dorm Housing Unit in Bay 3 Bed 41A I personally witnessed the following activities take place:

On April 9th, 2013 I was on my bed sewing on a pair of shirts when the Riot Team entered E-3, they rushed in telling everyone to lay face down on their beds. I have a pace-maker, so I can't lay on my stomach. They were yelling and beating people up throughout the Dorm. I started yelling that I have a pace-maker I can't lay on my stomach, at that time I was slapped in the face and told to close my eyes. I was scared because I observed them beating other inmates up around me. I saw them when they snatched Terry Killingsworth off his bed and was beating him up. They were beating another inmate up calling him names like fatboy. I also heard Terry started screaming that you broke my ribs, once everything was over with everyone was sitting around shocked at the way they did us. I at no time observed any inmate refuse to do as they ask, why they beat us up, I don't

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know, there was no cause for that type of treatment. We didn't do anything, the Warden Willie Thomas was present while this was taking place and just stood there watching it. After it was over the Warden made a statement that this is just a sample of what I will have them do next time. He said that you think this is a fucking joke, this is no game, and then they all left. From what I've heard all this come behind segregation kicking a camera off the wall.

I swear that the above statements are true and correct to the best of my knowledge and personal observance of the events that did occur on the 9th day of April, 2013 in E Dormitory Bay 3.

Done on this the 22nd day of November, 2013.

Robert W Jones

A F F I A N T

SWORN TO AND SUBSCRIBED BEFORE ME A NOTARY PUBLIC IN AND FOR THE SAID STATE OF ALABAMA AND COUNTY AT LARGE AND UNDER MY SEAL OF OFFICE ON THIS THE 22nd DAY OF November, 2013.

Terry Wilson

NOTARY PUBLIC

MY COMMISSION EXPIRES ON: 8-9-2017.