

FEDERAL PUBLIC DEFENDER

NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI

200 SOUTH LAMAR STREET ~ SUITE 200-N
JACKSON, MISSISSIPPI 39201
(601) 948-4284 FACSIMILE (601) 948-5510

S. DENNIS JOINER
Federal Public Defender

GEORGE L. LUCAS
Senior Litigator

TOM TURNER
Research & Writing Specialist

265 NORTH LAMAR BLVD. ~ SUITE D
OXFORD, MISSISSIPPI 38655
(662) 236-2889 FACSIMILE (662) 234-0428

2510 14th STREET - SUITE 902
GULFPORT, MISSISSIPPI 39501
(228) 865-1202 FACSIMILE (228) 867-1907

Asst. Federal Public Defenders
OMODARE B. JUPITER
KATHRYN N. NESTER
ABBY BRUMLEY

Oxford
GREGORY S. PARK
KEVIN J. PAYNE

Gulfport
JOHN W. WEBER III
ELLEN M. ALLRED

September 29, 2008

Hand Delivery

Honorable Nehemiah Flowers, U.S. Marshal
U.S. Marshal's Office
P.O. Box 959
Jackson, MS 39205

Criminal Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66018
Washington, DC 20035-6018

Agent Jimmy DeLoach
Federal Bureau of Investigations Office
100 West Capitol Street, Suite 1553
Jackson, MS 39269

Hand Delivery

Honorable Dunn Lampton, Esq.
United States Attorney
188 East Capitol Street, Suite 500
Jackson, MS 39201

Coordination and Review Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66560
Washington, DC 20035-6560

Ronald R. Welch, Esq.
1823 St. Mary
Jackson, MS 39202

RE: Madison County Jail - Second Supplemental Complaint Letter

Gentlemen:

I am requesting the following on behalf of our client Roderick Stutts.

1. An investigation of civil rights violations on the afternoon of Tuesday, September 23, 2008 when Mr. Stutts was assaulted by a correctional officer without provocation and then did not receive needed medical attention until the next day.

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2. A copy of the video, or an opportunity to view the video, made by employees on the Madison County Jail of this incident on Tuesday, September 23, 2008.

Mr. Stutts reported the following to Assistant Federal Public Defender on September 25, 2008:

On Tuesday (9/23/08), in the afternoon, he was in his cell along with his cell mate and a third person. Mr. Stutts admitted that he is aware of a rule that only two people are supposed to be in a cell at a time. The three were not violating any other rules of the facility. There were talking to each other. Numerous correctional officers stormed into that area. At that time, one of the occupants stepped out of the cell in order to comply with the two-persons per cell rule. Mr. Stutts and the others immediately dropped to the floor and placed their foreheads on the ground as they are taught to do so in this facility during shakedowns, even before the officers started yelling at them to do so.

An officer started accusing the inmates of having a cell phone. Mr. Stutts was not aware of any such phone.

Mr. Stutts and the others were in handcuffs. While handcuffed Mr. Stutts was slung across the floor on his ribs causing serious bruises and lacerations. While they were lead down stairs, his cell mate was pushed down the stairs. Mr. Stutts showed me fresh bruises on his ribs area. I could see a scar about an inch in diameter. He also reported that while he was on the floor he could feel something on his back. After the assault, officers had him and the others walking around the area barefoot from one location to another.

That evening, a different officer noticed that he was bleeding and asked him about it. He reported the assault and that he needed medical attention, but nothing was done. After he was placed in a cell, he pressed the distress button and begged for medical attention. This request was denied. He was not seen by the nurse until Wednesday, September 24, 2008. On that day, x-rays were taken and he was given ibuprofen. He has not been provided with the results of his x-rays. His pain continues, although lessened by the Ibuprofen.

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Mr. Stutts was placed on lock down after this incident. Mr. Jupiter went to visit him on Thursday, September 26. He saw the bruised area by his rib cage. Mr. Stutts told Mr. Jupiter that the ibuprofen eased the pain but that he thought the pain would return after the effects of the medicine dissipated. Mr. Stutts also said that the incident was videotaped.

Gentlemen, I do not believe every complaint that an inmate reports to the Federal Public Defender. In fact, there are few that I believe completely. In this instance, however, it is difficult for us to believe that your officer would have been justified in using physical force on our client if he was in fact handcuffed and laying on the floor. I am therefore requesting that you allow us to view the videotape that was produced of this incident, if one does exist. I am also asking you to investigate this matter immediately. At the very least, I would ask that you preserve the video for other authorities to see it to determine if a civil rights violation did occur.

Please contact me with your response either by phone (601)948-4284 or in writing.

Sincerely,



S. Dennis Joiner
Federal Public Defender

SDJ:aah