

Transcription of WCJ complaint amended as of Aug 12 2022

For violating the 1st, 6th, 8th and 14th Amendment of the United States Constitution, pursuant to 42 USC 2000 CL; 28 USC 1331 and states: and personal jurisdiction 42 USC 1983; 28 USC 1333 and 43

FACTUAL BACKGROUND

Since the start of 2020 and the horrible plague with the COVID A pandemic, the defendants halted all of the Wayne County Jail in-person visitation, as well as suspended all outside and inside recreation . . . terrible as it was the only chance for the Plaintiffs to get a whiff of a breath of fresh air, stay agile, healthy and in shape while immured during these troubling times.

Thank God, after getting ahold of the virus around the globe and in the jails with vaccines being pushed out, including in the Wayne County Jail, we (the world) began to see the number of deaths and contractions fall. A sense of new normal came about. Elizabeth Hertel of the Michigan Department of Health and Human Services Director even on June 22, 2021 rescinded all the mask and social gathering orders. Businesses and courts around the State fully opened. Yet, the Defendants despite this action began to inflict undue pain and punishment on Plaintiffs for being immured during this time, leaving all lockdowns in place. Weigh, for two long years now the Plaintiffs have been and are currently confined to their cell/rock, unable to get away from each other and breathe any fresh air, or go to recreation to exercise and manage their health. This is troublesome as the CDC has warned former smokers, African Americans, those with hypertension, asthma, heart problems and a body mass index (BMI) over 30 are at a heightened risk of serious illness or the possibility of death if infected with the virus. See: <https://www.CDC.gov/coronavirus>, It is also well known in the epistiological community that “jails are associated with high transmission possibilities for infectious disease. The World Health Organization has also stated that fatality rate of COVID is higher in men. (See www.worldmeters.info.) An enormous woe for Plaintiffs and all similarly situated in the jail.

Consider, due to the long-term denial of recreation and all those immured in the jail and confined strictly to their living quarters (cell), the Plaintiffs have put on and gained an excessive amount of weight during these trying times. Take Plaintiff Cotton for example . . . Since being denied recreation has gained approximately 200 pounds, is having heart problems, chest pains, became a diabetic, and is steadily gaining weight due to the Defendants’ denial of recreation. Further, Plaintiff Graham has put on 120 pounds since being denied recreation. This is sad, as jails and prisons across the state long ago gave inmates access to recreation, visitation, and fresh air.

Every Plaintiff and individual housed in the Wayne County Jail for the past two years have been denied the opportunity for months or years to properly manage their health and BMI. Guys have tried to work out off the bars and poles in the cells, which have broken due to being used as actual work-out equipment. Many getting injured this way only to be ticketed or fined for destruction of state property. According to all medical experts and doctors: fresh air and a regular workout routine can save your life and combat COVID scares.

All plaintiffs suffer from back pain and aches, being confined and left to a flimsy mat on a thin piece of steel. Even those who are in solitary confinement and maximum security have been deprived of fresh air, recreation and well needed sunlight. These torturous conditions have caused a deterioration of muscle mass of the plaintiffs, as well as have played and wearing on those jailed under these horrendous conditions psychological health,--a true hardship the plaintiffs are suffering. All plaintiffs and those jailed in this crumbling building suffer from breathing, stuffy and or congested nose problems due to the deprivation of fresh air, lack of open windows and proper ventilation.

In addition the jail is filled with asbestos and black mold, can't forget lead problems from all the paint chippings. Even the Deputies are hating these conditions and suffering from these conditions. Many plaintiffs' blood pressure and sugar have flared, or haven't been able to be managed of beat due to the denial of recreation. Plaintiff Richards' blood sugar level at 600 at times.

At the passage of the First Step Act, it was hailed on the floor of Congress. You can judge a nation by how its treats its prisoners. Leaving the question to be asked, are these horrible and torturous conditions fair? Or is this how those who are presumed innocent should be treated? Note Wayne County has been dubbed the holder of the nation's office with the highest wrongful convictions. More disturbingly, the defendants have and are currently inflicting punishment of the plaintiffs by denying visitation in prison, a created right of the Defendants. Those housed in the jail haven't seen their families and loved ones since COVID-19 reared its ugly head. The plaintiffs ranging from a year to two have gone without seeing their loved ones in person. Some even after being hospitalized and infected with COVID and on the flip side losing loved ones to the virus. Absurd,, as the jail already has a glass partition dividing visitors and detainees. It has long been noted how family ties and intimate association aid in the well-being, rehabilitation and protection of custodial staff. Guess that leaves no wonder as to why on Aug. 1, 2022, Ross Jones of WXYZ, Channel Seven News, just aired a special on how those housed in the juvenile division broke out of their cells, took over the detention center for hours and totally ransacked the place.

All Plaintiffs and class members have shockingly been charged and detained in the Wayne County Jail without being tried for years, a violation of both the Michigan and U.S. Constitutions.

Heed, the Defendants opened the doors of the Third Circuit Court just partially a year ago now. This following the downslope of infections, issuance of vaccines in the people of the nation's arms and millions of dollards spent on personal protection equipment—plexiglass, sanitizer, masks—to safely open the Frank Murphy Hall of Justice fully. Yet the defendants have instituted an overbalancing policy and procedure of the court that only allows trials to take place in select courtrooms and a rotations. This only allows two to five trials to take place. In addition, the defendants have instituted a policy to send out a few juror summons, thus only allowing a trial or two to be impaneled.

Plaintiffs Antonio Richards, Javonte Wiley and Lamont Lofton to be held without being tried in the excess of three years—a conscience-shocking constitutional violation that thousands are suffering from, solely due to the policies in place, the only court in the state to create an overbalance as here. One would think this past spring and summer while the COVID numbers were down, the defendants would have lifted these draconian policies and fully opened the Court and sent out pre-pandemic jury summons to loosen the backlog but now Plaintiffs Graham and Groom are like the thousands awaiting their day in court, being held without being tried, the presumed prejudicial speed trial violation time—18- months—due to this overbalance.

This is mind-blowing Sixth Amendment violations. Victims, Plaintiffs and their loved ones have protested in front of the courthouse to open its doors, yet still no relief in sight. How long shall “we the people” wait on long overdue constitutional action, protection and justice? Plaintiffs due to the unfair policies put in place, have lost witnesses, others' memory has waned and faded, exculpatory proofs and testimony now gone and it can't be emphasized on how much extreme mental anguish, anxiety and stress plaintiffs have/are dealing with praying to God they make it out, as COVID steady rocks the nation.

Wayne County Prosecutor Kym Worthy has even taken to the news media announcing the back-log of 10,000 cases, with the current overreaching policies in place by the defendants, it would be year 2050 or more for those cases to be resolved, not even including the cases that will steadily build up. The Defendants are the only court facilitators in the state and believed nation to not fully open and get to the full administration of the court's business. Bars, arenas, concerts, Democratic and COP ventions, flights and mails have been opened and to capacity, sold out.

But here we are with the defendants not fully opening the court. Moreover, the defendants also assume residents of Wayne County (the impoverished) can afford access to Zoom or YouTube to observe court. A recession looms and inflation is at an all time high, yet the defendants have instituted draconian policies mandating the people of our great state to view court only via Zoom and YouTube, not allowing in-person spectators. These incredible policies have left a host of people without knowing an inkling about what's transpiring in the realm of the court. This ought not to be in today's time, when there's a whopping or enormous amount of distrust for police and the judicial system, with an incredible rate of wrongful convictions.

Lastly, for the past two years, plaintiffs U.S. Mail has/is being held and stockpiled by the defendants, in the excess of two to three weeks, on up to 30 to 60 days. This being legal mail from courts and attorneys, as well as regular U.S. Mail that normally is the longest. At times the defendants will just send mail back to sender, no notifications to Plaintiffs of justification. When Plaintiffs complain to the Defendants on rounds, the Defendants plainly and without a concern state, "I know, I know, put it in a grievance."

Plaintiffs seek punitive damages totaling \$1 million from each defendant totaling \$7 million in punitive damages.

Plaintiffs seek compensatory damages of \$1 million from each defendant totaling \$17 million.

More importantly, plaintiffs seek the following injunctive relief:

- 1) An order for the complete opening of the Third Circuit Court to protect plaintiffs' Sixth Amendment rights to speedy trial guarantee, loosening the backlog of cases.
- 2) An order overruling the inequitable policy of not allowing trials to take place in every courtroom during the court's business hours. And in any way best tailored by this court.
- 3) An order undoing the Third Circuit's unfair policy of not issuing sufficient jury summons so that more trials can take place.
- 4) An order undoing the overbalance of access to the courts, mandating immediate access to public trials, best tailored to fit any public health scare.
- 5) An order for the immediate guarantee of the Sixth Circuit's minimum of five hours a week of recreation and access to fresh air.
- 6) An order for immediate access to in-person visitation, a created right of the Wayne County Jail.
- 7) An order calling for dismissals, bonds, or home confinement for those held in violation of the presumed prejudicial time violation of a speedy trial.
- 8) An order mandating the prompt issuing of U.S. Mail (in any reasonable period of the Court) with legal mail being daily prioritized and logged/tracked for passage to Plaintiffs.

And or,

- 9) Any other relief this Honorable Court deems fit.