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ASHLEY DIAMOND,

Plaintiff,

v.

BRIAN OWENS, Commissioner, et al.,

Defendants.

Civil Action No.:
5:15-CV-50-MTT



COME NOW Defendants Brian Owens, Sharon Lewis, Shay Hatcher, Ruthie Shelton, and Marty Allen, by and through counsel, the Attorney General for the State of Georgia, and Chinyere Ezie, David Dinielli, counsel for Plaintiff Ashley Diamond (“Plaintiff,” “Ms. Diamond”).¹ On April 20, 2015, this Court held a hearing on Plaintiff’s Emergency Motion for TRO and Preliminary Injunction, which this Court denied. (Doc. 44). However, this Court indicated that counsel for the Defendants named herein and Plaintiff were to notify this Court of any changes to Plaintiff’s status, including new safety concerns raised by Plaintiff, or additional adjustments by Defendants to Plaintiff’s housing and safety.

On or about April 30, 2015, Stephanie Spencer, while conducting a group activity game, observed another inmate touch Ms. Diamond on the face. In an abundance of caution, Ms. Spencer initiated a PREA investigation. After both parties were interviewed, the investigation was closed.

¹ Because Ashley Diamond identifies as a transgender woman, female pronouns are used to address her, consistent with contemporary standards.

On May 3, 2015, a PREA complaint was filed wherein Ms. Diamond alleged that she had been passed a note from another inmate while at church. Ms. Diamond provided officials a copy of the note, which contained sexually explicit and threatening language. Because Ms. Diamond was unable to provide more than the nickname and a minimal description of the inmate who passed the note to her, the SART team was unable to determine the source of the note, and the complaint could not be investigated any further.

In addition, Ms. Diamond, through counsel, advised Defendants that both she and her family were receiving letters similar to the one she received at church on Sunday.

The Department of Corrections maintains that Georgia State Prison was an appropriate housing environment for Ms. Diamond when the decision to transfer her from Baldwin State Prison to Georgia State Prison was put in place. However, as with all inmates, housing decisions are fluid, and reassessed as needed. After careful consideration by the Georgia Department of Corrections Officials, including both the needs of Ms. Diamond and the Georgia Department of Corrections, Ms. Diamond was moved from Georgia Sta

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