

DECLARATION OF JOHN LEAGARD

I, John Leagard, certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is John Leagard. I am 31 years old and of sound mind.
2. I am currently detained in the East Baton Rouge Parish Prison. I have a \$25,000 bond and a parole hold. I have been here since February 18, 2020.
3. I wasn't arraigned until July 6, 2020, and I saw other guys who came in after me being arraigned before me. It had nothing to do with the pandemic—I think this is just an excuse they are making. I was in the jail about 130 days—longer than the law says I can be held—before I was billed and about 140 days before I was arraigned. I filed my own 701 motion to quash seeking release from custody around June 18th, but I never got a ruling from the 19th Judicial District Court on this motion. I also filed motions to release me from my bond obligation, for habeas corpus relief, and to act as co-counsel in my own case. I have not received rulings on any of these motions, either. I ultimately violated my parole because I was told that would get me home faster, but it didn't because it took so long for the system to bill me.
4. I have been on the Q3 line the whole time I've been in the jail. There is mold all over the line and on the dormitory ceiling, and the ceiling leaks onto the beds. It's nasty. When we bring these issues to the guards' attention, they don't do anything and tell us it's our responsibility to keep the line clean—even the rust on the vents high up on the walls. But if we try to climb up to clean the vents, we get a disciplinary charge accusing us of trying to hide something in the vents. So they say it's our job to clean it, but we get in trouble for trying to clean it.
5. There are about 116 beds on the line and about 90 people on the line right now because the jail has started shipping people who took DOC or Federal time out to other facilities. The jail also keeps bringing new people onto the line and have been doing that since they stopped taking temperatures. Some of the guys coming onto the line say they've come straight in from the streets.
6. We don't sleep head to foot in the bedroom—we all sleep with our heads the same way. The guards told us the head-to-foot rule applied only to the old building because of how close the bunkbeds are there. I think it was a tall Black Sergeant who told us this. All the rules to avoid coronavirus have been brushed off by the jail like it's not happening. They don't make us sleep head to foot or skip bunkbeds like we're supposed to. Our bunkbeds are bolted to the ground, so skipping bunks is the only way to put space between us in the bedroom. If I lay across my bed sideways, I can almost touch both beds on either side of mine, and I'm only 5'6". We try to hang towels or tee-shirts around where our heads are in bed to protect us from other guys coughing and sneezing, but the guards make us take the towels and shirts down. They woke me up around 3am this morning to take my towels down. They tried to take the towels away from me entirely until I asked for a grievance form. Then they gave me the towels back so I wouldn't write a grievance and told me not to put the towels up anymore. But if we can't socially distance, how else are

we supposed to protect ourselves in our beds? It's really hard for us to wear masks while we're sleeping.

7. It's also impossible for us to be six feet apart in the day room. There's always a crowd on the benches and tables, because those are the only seats and guys don't want to sit on the floor. So we're always really close to each other in the day room—every table is full every day, the benches are full every day. The guards don't tell us to keep our distance from each other when they see us on the benches or at the tables. They don't enforce social distancing at all.
8. The jail recently painted signs on the wall telling us to stay six feet apart, but I don't see how we could do that. What good are signs when there's no way to actually social distance?
9. Twice during the day, we have to cross over from our bedroom into the day room, and the guards shut the doors to the bedrooms to do roll call and shift change. We definitely can't be six feet apart then. Roll call usually lasts about 10 to 15 minutes, and shift change can take up to an hour.
10. We also have no privacy in the bathroom. We're stuck around each other all day and can't really move around. The bathroom is filled with mold, just like the rest of the line.
11. Only some of the guards wear masks. Some don't and some leave the masks just hanging off their ear. About half of the guards aren't wearing their masks anymore.
12. The jail still has the whole Q building on quarantine. We still can't go to the chow hall, and we get all our meals on the line. When they serve us our food, the guards talk over our food and cups without their masks on. We complain about this, but they threaten us with lockdown and tell us the problem is that we're not social distancing in the chow line. But how do we socially distance with all of us jammed up in here?
13. Only this week did the jail start letting us go outside regularly. Before this week, I had only been outside about two times during the whole quarantine. We usually get outside for only about 5 to 10 minutes each time.
14. I feel like the jail is handling the coronavirus all wrong. They put us all together around people who have the virus, and they tell us they won't test us unless our temperature is at least 100.4 degrees. But I heard on the news that not all people who have the coronavirus have temperatures, and I think it's not right for the jail to deny us tests.
15. I got sick around late March, around the time the whole dorm went on quarantine. They were still bringing guys in off the street when I got sick. I couldn't taste or smell, and I had body aches. It felt like a common cold at first, but I felt really bad for almost a month. I'm better now, but my body still aches and my chest still hurts when I sneeze. It don't feel normal when I sneeze at all.
16. I told the medical staff that I wasn't feeling well several times. Every time I complained that I wasn't feeling good, the nurses refused to test me for the coronavirus because my

temperature wasn't high enough. They didn't want to hear about my symptoms, and they never tested me.

17. I think pretty much everyone on the line got sick. We were all coughing, sneezing, and most of us couldn't taste or smell. But the nurses wouldn't test most of us. I don't know how many people they tested, but the jail took about 20 people off the line earlier this spring. Some of the men have come back, and some haven't. Some of the guys they took off the line were really sick—they couldn't move or talk—and some of them went to Angola.
18. The medical staff lied in the news and said they were taking everyone's temperatures in the jail before they actually were. They started sometime in mid-March, I think, but this was after they were supposed to have started. They stopped taking our temperatures in early May.
19. A couple other detainees have had some symptoms that seemed like the coronavirus recently, but the jail isn't testing people anymore, so we don't know if they actually had coronavirus again. That scares me—I'm afraid of catching the virus again and of what will happen to me if I do. Nothing has changed in the way the jail handles things or in our ability to get sick again. This is the truth. How are they going to stop us from getting sick again? They didn't stop it the first time.
20. I've had a toothache for the longest time, and I have to write medical requests over and over. The nurses aren't supposed to charge us for medical requests right now, but they have started charging us again anyways. Before that, but they just kept trying to push us out so we have to keep writing requests until they could charge us again. All they gave me is ibuprofen for my toothache. I've asked for my tooth to be pulled, but they won't do it. Finally, the doctor gave me penicillin, but I've been waiting for that for so long that I've lost count.
21. It's really sad how the medical staff in the jail operates—it feels like they just hate to do their jobs. When we complain about medical issues, the guards threaten us with lockdown and the nurses tell us to put in a sick call. But it's hard to get sick call forms: we have to ask the line deputy for the forms, and the line deputy usually says he doesn't have any and that we have to ask the nurses. The nurses tell us they're not allowed to give us any sick call forms and we have to get them from the deputy. The guards and nurses don't seem to care that we keep having to go back and forth between them. Even when people submit sick calls, I don't see anything being done. All the nurses do is put a cuff on you to check your blood pressure and give out Tylenol or ibuprofen.
22. One time when I asked the guards for a grievance form, they gave me one, but they had scratched out the word "Grievance" on the form and wrote "Rat" in its place. I've attached a copy of this grievance form to this declaration. I submitted one of these forms with my grievance around June 5th, but I haven't heard back from the jail on this grievance yet.

23. Not really much has changed since the inspection in early June. They're getting away with everything they're doing that's out of line.

24. If I am released into the community, I would live with my mother, where I have room to quarantine if I need to. I would also be able to stay away from people who are sick and buy alcohol-based cleaning supplies. I would have access to clean water, healthy food, and the medical care of my choice if I needed it.

This declaration was orally sworn to by John Leagard on August 8, 2020, because the East Baton Rouge Parish Prison is currently not permitting documents to be exchanged for signature.

Under penalty of perjury, I declare that I have read the foregoing in its entirety to John Leagard on August 8, 2020.

By: 

Miriam Nemeth

Date: August 8, 2020

EAST BATON ROUGE PARISH PRISON

INMATE GRIEVANCE **RAT**

(Mail Deputy -
date stamp
copies 1-3 here)

- The grievance must be filed within 90 days of the complained-of event.
- File the grievance by placing it in the grievance box. The grievance officer will pick it up and stamp it and return copy 3 to you.
- If you are not in this prison, mail the grievance to the Warden; it must be received within 90 days of the complained-of event.
- Make sure all 3 copies are legible, use a separate form for each complaint, and do not file duplicate grievances.
- You will receive a response within 15 days. If you are not in this prison the grievance proceeding will be mailed to your last known address.
- Failure to timely file and complete this procedure may result in dismissal of a claim filed in federal or state court.

INMATE NAME _____ DATE OF BIRTH _____ ASSIGNED CELL _____

INCIDENT DATE & TIME _____ INCIDENT LOCATION _____

PRISON STAFF INVOLVED _____

OTHER EYEWITNESSES _____

SUMMARY OF COMPLAINT _____

RELIEF REQUESTED _____

(Attach any additional information you wish to have considered.)

Inmate signature: _____

----- Do not write below this line when filing grievance -----

Grievance # _____	Type _____	(If mailed, receipt date: _____)	Screened by _____
REJECTED: (return to inmate; no re-filing) <input type="checkbox"/> Outside the scope of this procedure because: _____ does not personally affect this inmate _____ Disciplinary/Lockdown Bd. decision _____ criminal case matter _____ medical complaint (file w/ Med. Dept) <input type="checkbox"/> Untimely; not within 90 days of event <input type="checkbox"/> Premature; event has not yet occurred <input type="checkbox"/> Duplicate grievance by this inmate			
RETURNED: (return to inmate; correct & refile) <input type="checkbox"/> Multiple complaints; file separate grievances <input type="checkbox"/> Vague complaint: _____ state more facts/explain complaint _____ summarize / clarify complaint _____ state/ clarify relief requested (If rejected/returned, deliver copy 2 to inmate & obtain inmate receipt on Warden's original.)			
ACCEPTED: <input type="checkbox"/> Hold pending response in grievance # _____ <input type="checkbox"/> Referred to: _____ _____ for investigation/ response (Response due 15 days after stamped/mailed receipt date.)			

INMATE RECEIPT OF REJECTED/RETURNED GRIEVANCE

- Rejected grievance cannot be re-filed.
- Returned grievance may be corrected & re-filed within 5 days of delivery (or 15 days of mailing), or 90 days of the complained-of incident.

Date delivered/mailed: _____
 If inmate refuses to sign: ☐ refused
 If inmate not in EBR PP: ☐ response mailed
 Deputy signature: _____

I have received this rejected/returned grievance.

Inmate signature: _____