

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION
JUL 13 1991 7:27

RONALD PATRICK SWINEY,
PLAINTIFF,

V.

E. L. HARRELSON, et al.
DEFENDANT.

THOMAS C. COOPER, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO. 91-T-978-N

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and in said State, personally appeared, Odelle N. Swiney, who being known to me and being by me first duly sworn, deposes and says as follows:

My name is Odelle N. Swiney. I am over twenty-one (21) years of age and am a resident citizen of Alabaster, Shelby County, Alabama.

I am a Registered Nurse employed part time at Shelby Medical Center in Alabaster, Shelby County, Alabama. I am the mother of the Plaintiff, Ronald Patrick Swiney.

During the time that my son was a patient at the Humana Hospital in Montgomery, Alabama, my sister, Loreta Cooper, my daughter, Robbie Carter, and I were allowed several visits.

On or about August 22, 1989, during one of our visits, while my daughter and I were present, one of the guards, without provocation, made a threat to my sons life. The statement made by the guard was something to the effect of the following: "I used to have compassion for prisoners; but now, I'd just as soon shoot them as not." (This was said while placing his hand on his pistol in a threatening action.)

My son got very angry and upset. The nurses came running in the room immediately when they noticed that the telemetry monitor on his heart gave indication of distress. We were able to get him calmed down after a few minutes and I suppose the nurses phoned the prison because Capt. McDonald arrived shortly thereafter and we were instructed to leave.

We went to Montgomery Security to see the owner regarding this incident (it was our understanding that they supplied all guards for inmates while they are at the Humana Hospital.) When we got there, Mrs. Moody came in and introduced herself and said her husband was out of the office but that they were co-owners and

she could help us. She was very nice and when I told her what happened, the seriousness of my sons condition and that the guard's interruption of our visit was totally uncalled for, she was very diplomatic. Apologizing for the incident, she assured us that it would not happen again.

During one of several conversations with Warden Barrelson, who was always kind, considerate and understanding, I explained femoral puncture of the angioplasty which is the procedure that was done on my son, the problem of having to keep the leg completely still for hours and the danger of bleeding, he then told me that he had ordered one of the leg irons removed and it would not be replaced without direct orders from him. The other leg iron remained in place and was secured to the bed frame.

At no time during my visits did my son cuss me or anyone else in my presence. He was calm, quiet and polite to the guards and nurses except the one who had threatened him. He complained of weakness and I think under the circumstances of his prevailing health condition, just didn't feel like talking too much to anyone, much less pose a threat.

Odelle N. Swiney
Odelle N. Swiney, Affiant

STATE OF ALABAMA)

JEFFERSON COUNTY)

Sworn to and subscribed before me and given under my hand this 6th day of January, 1992.

Carl J. Cant
Notary Public / State at Large

My Commission Expires: 12-7-92