

Peterson continued the policy of seeking jail reimbursement fees from inmates, other counties, and the State of Georgia.

The parties, through counsel, have thoroughly briefed the legal issues presented by this case. After reviewing the parties' submissions and scheduling a hearing, the Court encouraged the parties to pursue mediation of this matter before United States Magistrate Judge Mallon Faircloth. The parties participated in mediation and mutually agreed to a settlement.

This Consent Order is submitted and entered into as a settlement of all claims set forth in Plaintiffs' Amended Complaint, as well as a settlement of all attorneys' fees and costs. This Consent Order represents the mutual agreement of the parties and shall not be deemed to be an admission by either Plaintiffs or Defendants concerning the merits of the case. In consideration of and in reliance on the parties' mutual agreement to the terms of settlement set forth herein, the Plaintiffs, Willie Williams, Jr. and Mickel Jackson, and the Defendants, Clinch County, Winston Peterson, and Patricia Suggs, hereby agree to a voluntary dismissal of this action pursuant to Fed. R. Civ. P. 41. All parties hereby agree to the following terms:

1. Reimbursement of Named Plaintiffs: Defendants will reimburse Plaintiffs Willie Williams, Jr. and Mickel Jackson any money they paid as jail reimbursement fees. Within seven (7) days of the date of this Order, Defendants will tender a check to Plaintiffs' counsel made out to Plaintiff Willie Williams, Jr. in the amount of \$100. Within seven (7) days of the date of this Consent Order, Defendants will tender a check to Plaintiffs' counsel made out to Plaintiff Mickel Jackson in the amount of \$718.

2. Reimbursement of Former Inmates Who Paid Jail Reimbursement Fees: Defendants will reimburse all persons who paid jail reimbursement fees in the four (4) year period prior to November 21, 2004, unless such persons paid the jail reimbursement fees pursuant to a court order. The reimbursement procedure will take place as set forth below, and will be subject to the oversight of the Honorable Mallon Faircloth, Magistrate Judge, United States District Court for the Middle District of Georgia.

(a) *Identification of persons entitled to reimbursement:* A list of people who paid jail reimbursement fees between November 21, 2000 and November 21, 2004 is attached as Exhibit A to this Order. The Defendants hereby agree to reimburse every person listed in Exhibit A, in the amount indicated on the list, unless there is a court order in the person's Superior Court file showing that the jail fee in question was imposed pursuant to court order before the

date of this Consent Order. Within ten (10) days of the date of this Order, Defendants' counsel will mail to Plaintiffs' counsel and to Judge Faircloth: (1) a list of each person in Exhibit A that Defendants contend is not due reimbursement under this Order; and (2) for each such person, the applicable court order showing that the person's jail fee was imposed by the Superior Court.

(b) Disagreement about who should be reimbursed: Should any disagreement arise between Plaintiffs' counsel and Defendants' counsel about whether a particular person shall be reimbursed under this Order, or how that reimbursement shall be effected, the parties will first make a good faith effort to resolve the disagreement. Any disagreement that cannot be resolved informally shall be presented to Judge Faircloth. The parties may make written submissions to Judge Faircloth, and he may decide the issue without conducting a hearing. Judge Faircloth's decision about whether the person is entitled to reimbursement pursuant to the terms of this Order, will be binding on all parties.

(c) Reimbursement period: The reimbursement period refers to the period of time during which Defendants will make reimbursement checks available to former inmates. The reimbursement period will last for one year,

commencing forty-five (45) days from the date of this Order and ending one year from the date of this Order.

(d) *Reimbursement procedure*: Within forty-five (45) days of the date of this Order, Defendants will make reimbursement checks available to each person entitled to reimbursement under this Order. Defendants will deliver all such checks to the Clinch County Board of Commissioners, 100 Court Square, Homerville, Georgia, within forty-five (45) days from the date of this Order. Thereafter, for a period of one year, Defendants will make the checks available to be picked up Monday through Friday, between the hours of 9 a.m. and 5 p.m. Those entitled to payment may collect their checks upon presentation of proper identification and upon signing an acknowledgement of receipt and a release of claims, as set forth below. If any person entitled to reimbursement under this Order is unable to pick up his or her check by reason of disability, illness, or incarceration, and such person (or, if such person lacks legal capacity, his/her legal guardian) puts Defendants on notice of the disability, illness or incarceration, Defendants shall mail the release form to an address designated by the person entitled to reimbursement. Upon receipt of the fully executed release form from that person, Defendants shall mail such person's check to the designated address.

(e) *Proper identification*: Proper identification means the following:

- (1) A valid Georgia driver's license;
- (2) A valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification;
- (3) A valid United States passport;
- (4) A valid employee identification card containing a photograph of the person and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid employee identification card containing a photograph of the person and issued by any employer of the person in the ordinary course of such person's business;
- (6) A valid student identification card containing a photograph of the person from any public or private college, university, or postgraduate technical or professional school located within the State of Georgia;
- (7) A valid United States military identification card;
- (8) A certified copy of the person's birth certificate;
- (9) A valid social security card;
- (10) Certified naturalization documentation.

(f) *Release of Claims*: Any person receiving monies from the Defendants pursuant to this Consent Order must execute a release of claims form before receiving his or her reimbursement check. The release of claims form that shall be used by Defendants is attached as Exhibit B.

(g) *Documents to be provided to Plaintiffs' counsel:* Defendants shall mail the following documents to Plaintiffs' counsel, once every sixty (60) days, starting on the 60th day of the reimbursement period and ending on the last day of the reimbursement period:

1. copies of all release of claims forms obtained during the preceding 60-day period;
2. complete log of all people who received reimbursement during the preceding 60-day period (Defendants shall use the log form attached as Exhibit C);
3. list of all people who sought to receive reimbursement during the preceding 60-day period, but did not receive reimbursement for any reason (Defendants shall use the log form attached as Exhibit C).

3. Notice: Plaintiffs' counsel shall provide Defendants with the last known address for each individual entitled to reimbursement under this Order. Within thirty (30) days after the date of this Order, Defendants shall mail a written statement of notice to those persons entitled to reimbursement at their last known address. The notice letter that Defendants shall use is attached as Exhibit D.

4. Advertisements: Defendants will place and pay for advertisements in the *Clinch County News* in order to notify persons who are eligible for reimbursement

of the process necessary to collect the reimbursement. The advertisements will take up approximately one-quarter of one newspaper page and will run, weekly, for a period of four weeks, starting thirty (30) days from the date of this Order. The advertisement will state as follows: "Pursuant to a settlement agreement in the case of *Williams v. Clinch County*, No.: 7:04-CV-124-HL (M.D. Georgia), the Clinch County Sheriff's Department will reimburse certain persons who paid jail reimbursement fees. Those entitled to reimbursement under this agreement are former inmates who paid jail reimbursement fees in the four (4) year period between November 21, 2000 and November 21, 2004, unless such inmates paid the jail reimbursement fees pursuant to a written court order. Those entitled to reimbursement may claim their reimbursement check between [date: forty-five days after the date of the Order] and [date: one year plus forty-five (45) days after the date of the Order] at the Clinch Office of the County Board of Commissioners." The advertisement shall also state that persons seeking to claim reimbursement checks must bring identification, and shall list the forms of identification set forth in ¶ 2(e) (above).

5. Agreement Regarding Future Conduct: Sheriff Peterson agrees that neither he nor any of his employees or agents will seek jail reimbursement fees from any person incarcerated or formerly incarcerated at the Clinch County Jail in the future, unless such fees are specifically ordered by a court of competent

jurisdiction. In the event that the State of Georgia enacts legislation specifically authorizing the recovery of jail reimbursement fees by the duly elected Sheriffs within the state of Georgia, Sheriff Peterson would be permitted to follow Georgia law.

6. Litigation Costs and Attorneys' Fees: On behalf of Defendants, the Association of County Commissioners of Georgia's Interlocal Risk Management Agency (ACCG-IRMA) will pay a lump sum amount of \$30,000 to Plaintiffs' counsel. That amount shall represent the entire sum to be paid as litigation costs and attorneys' fees to plaintiffs and/or their counsel in connection with this civil action. Neither Plaintiffs nor their counsel will file any other application for attorneys' fees or costs pursuant to any federal or state law in connection with this civil action. Defendants' counsel will tender a check in the amount of \$30,000 to Plaintiffs' counsel within fourteen (14) days of the date of this Order.

7. Release of Claims: In consideration of this agreement, Plaintiffs Willie Williams and Mickel Jackson release Defendants Clinch County, Winston Peterson, and Patricia Suggs in full, with regard to all claims made in the Complaint, the Amended Complaint, and in the course of this lawsuit. Plaintiffs agree that they will not file any civil action in state or federal court dealing with the issue of jail reimbursement fees arising from any period of incarceration prior to the date of this Order. This agreement does not prevent Mr. Williams or Mr.


Jackson from making any claim regarding jail fees or other costs in the context of any criminal case in which they are named as defendants.

8. Unclaimed Monies: If a person entitled to reimbursement under this Order does not come forward to collect the money by the later of: (a) four (4) years from the date on which he/she last paid fees; or (b) one (1) year after the date of this Order, such monies shall be donated to Family Connections Collaborative in Homerville, Georgia.

9. Enforcement: If Plaintiffs or Defendants fail to comply with the terms and conditions of this Order, the opposing party may apply to the Court for a finding of contempt or appropriate relief. Prior to approaching the Court for such relief, the party seeking such relief will bring, in writing, any alleged deficiencies to the attention of counsel for the opposing party and will make reasonable attempts to resolve the issues informally. The parties agree that the Court shall retain jurisdiction of this action for purposes of enforcing this Consent Order.

WHEREFORE, the Court, with the consent of the parties, hereby dismisses this case pursuant to Fed. R. Civ. P. 41. The Court retains jurisdiction of the case to enforce the terms of this Order.

IT IS SO ORDERED this 14 day of April, 2006.


The Honorable Hugh Lawson
United States District Court Judge

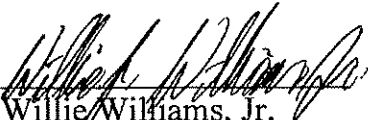
APPROVED AND CONSENTED TO BY:




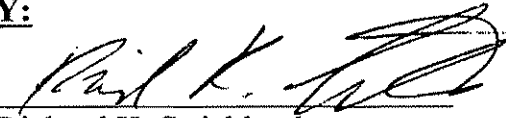
Sarah Geraghty
Ga. Bar 291393
Stephen B. Bright
Ga. Bar No. 082075
SOUTHERN CENTER FOR HUMAN
RIGHTS
83 Poplar Street, N.W.
Atlanta, GA 30303
(404) 688-1202 (T)
(404) 688-1202(F)

Courtland Reichman
Ga. Bar No. 599894
Stephen Devereaux
Ga. Bar No. 219791
Amy L. Madigan
Ga. Bar No. 465501
KING & SPALDING, LLP
1180 Peachtree Street, N.E.
Atlanta, GA 30309
(404) 572-4600 (T)
(404) 572-5100 (F)

Attorneys for Plaintiffs

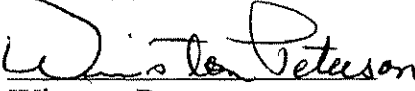

Willie Williams, Jr.
Plaintiff



Mickel Jackson
Plaintiff

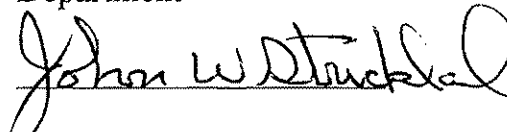


Richard K. Strickland
Ga. Bar No. 687830
BROWN, READDICK,
BUMGARTNER, CARTER,
STRICKLAND & WATKINS, LLP
5 Glynn Avenue
P.O. Box 220
Brunswick, GA 31521
(912) 264-9667 (T)
(912) 264-9687 (F)

Attorney for Defendants


Winston Peterson
Sheriff of Clinch County


Patricia Suggs
Deputy Sheriff, Clinch County Sheriff's
Department


John W. Strickland
Clinch County Commissioner
(on behalf of Clinch County)