

SEP 20 1983

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IN THE CRIMINAL COURT FOR ROBERTSON COUNTY, TENNESSEE, AT
SPRINGFIELD

STATE OF TENNESSEE)
VS.) RULE NO. _____
EDMUND GEORGE ZAGORSKI)

MOTION TO BE REMOVED FROM SOLITARY CONFINEMENT

COMES the Defendant, Edmund George Zagorski, by and through his attorneys and most respectfully moves the court that appropriate Order enter ordering the Sheriff of Robertson County to remove the Defendant from solitary confinement and that he be allowed to be incarcerated with the general population at the Robertson County Jail, or in the alternative that the Defendant be removed and incarcerated in the nearest sufficient jail in the State or in the alternative, to the State Penitentiary pursuant to State vs Grey 602 S.W. 2d 259, Tennessee Criminal Appeals, 1980, and in support thereof would state as follows:

subpoena transfer to nearest county jail - not open

I

That the Defendant has been incarcerated in solitary confinement in the Robertson County Jail since the 6th day of June, 1983. That his cell is totally and completely enclosed from floor to ceiling with sheets of steel, that the only door to Defendant's cell is heavy steel with only a small peep-hole through the door. That the cell that the Defendant is incarcerated in is approximately eight by eight feet in size and within the cell there are two steel bunk beds, a commode and wash basin, a shower stall and a steel desk. That there is only a small amount of walking space within the small cell to which the Defendant is confined. That the only time the Defendant has been removed from the above described cell since his incarceration has been when he is handcuffed and shackled, both hand and both feet, and this has only been when his attorneys have been present and the occasions when it was necessary for him to seek

medical attention, or make an appearance in court. That his cell has no air conditioning or ventilation and he is unable to communicate verbally with the other prisoners or with anyone except the jailer who brings him his food. That there is no room for the Defendant to have any form of exercise or fresh air, no daylight and the only light in his cell is a small artificial light in the cell.

II

That since being incarcerated, the Defendant has experienced migraine headaches and has become so disturbed that he has acted irrationally and has struck the heavy steel surrounding his cell with his fist causing injuries to the Defendant. That said condition has caused the Defendant to be so mentally disturbed that it has been necessary that emergency medical treatment be given to him and he has been placed under heavy sedation. That the Defendant has been taken to the emergency room of Jesse Holman Jones Hospital on two occasions, once for treatment of excessive medication and once for treatment of electrical shock resulting from contact with an electrical cord.

III

That the conditions as set out above constitute severe, cruel, and inhuman treatment in that the Defendant is caged like a wild animal, all of which is in total violation of the Defendant's constitutional rights.

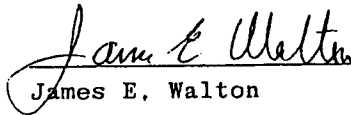
IV

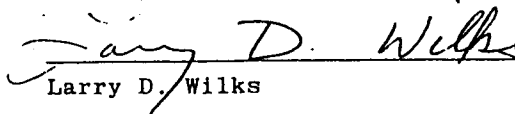
That said incarceration of the Defendant as above set out is in violation of an agreed order entered in the U. S. District Court for the Middle District of Tennessee, Nashville Division, in the case of Samuel E. Douglas, et al vs. Ted Emery, et al which in part reads as follows:

"Defendants are enjoined from placing an inmate in disciplinary or administrative segregation for more than ten days. This does not include inmates who are segregated at their own request..."

That the incarceration of the Defendant as above set out requires the invocation of Tennessee Code Annotated 41-4-121 et seq.

WHEREFORE, your Defendant most respectfully moves the Court that he be removed from solitary confinement and placed in the general population at the Robertson County Jail or in the alternative, that he be removed to the nearest sufficient jail in the state or in the alternative to the State Penitentiary, pursuant to State vs. Grey 602 S.W. 2d 259 (Tennessee Criminal Appeals, 1980) and that the Defendant be granted an expedited hearing upon this motion.

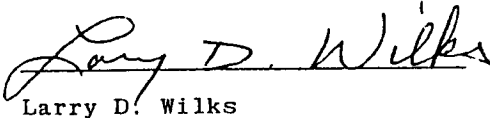

James E. Walton


Larry D. Wilks

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Be Removed From Solitary Confinement has been delivered to the Honorable Dee Gay, Assistant District Attorney General, at his office located on Fifth Avenue, Springfield, Tennessee, on this the 20th day of Sept., 1983.


Larry D. Wilks