

September 7, 2005

Linwood Fulton  
1243 Patterson Avenue  
Winston-Salem, NC 27101

Re: Unconstitutional Pretrial Detention Issues  
42 U.S.C. 1983

Dear Sheriff Barnes:

This letter is to advise you of my willingness to settle a claim against you and the county before the commencement of a lawsuit under 42 U.S.C. 1983. As I am sure you are aware, there is a practice in Guilford County to house 40 or more detainees in a cell which is designed for 16 people. While I was detained in Guilford County, this condition led me to develop a neurological condition in my right side, concerns for my safety from men that beat up prisoners that were known to deputies (Big Timers), a threat against my life, and the absence of exercise in the manner required by Campbell v. Cauthron, 623 F.2d 503 (8<sup>th</sup> Cir. 1980).

It is clear from case law that a facility that exceeds its capacity and does not provide exercise to inmates must either build a larger facility, provide bail for persons that do not pose a threat of physical harm to the community, and shorten prison sentences to comply with the Fourteenth Amendment's prohibition against unhealthy and unsafe incarceration conditions.

Accordingly, I am offering to settle my claim individually for \$100,800. Should my offer not be accepted, I will consider commencing this action as a class action and open the issue to the thousands of detainees that have been exposed to these unconstitutional conditions during the period of the statute of limitations. In that case, any proposed settlement would have to be substantially in excess. It would be my hope that an individual settlement would promote the leaving of funds available for the construction of a facility on the order of that which exists in Forsyth County where only two men share a room and have individual desks for study.

Likewise, Article 1, Section 19 of the North Carolina Constitution provides that a person is entitled to sanitary and safe pretrial detention areas. If these rights are not to be protected, the county has the option not engage in pretrial detention to protect it from violating these rights.

I look forward to your prompt response.

Sincerely

  
Linwood Fulton