

IN THE OHIO COURT OF CLAIMS

TERRI GARKO,

Plaintiff

v.

OHIO DEPARTMENT OF  
REHABILITATION AND CORRECTION,

Defendant

Case No. 2020-00369JD

Magistrate Holly True Shaver

AFFIDAVIT OF SHELBY  
BENNETT

STATE OF OHIO )

COUNTY OF Clark )

SS:

The affiant, Shelby Bennett, being duly sworn, deposes and says as follows:

1. I am a <sup>Corrections</sup> Lieutenant at the Ohio Reformatory for Women (ORW), an institution run by the Ohio Department of Rehabilitation and Correction. On December 13, 2019 I was a Lieutenant.
2. I have personal knowledge of the facts contained in this Affidavit.
3. On December 13, 2019 I was in a Rules Infraction Board (RIB) hearing for Ms. Garko. She was screaming and cussing during her hearing, so it was terminated due to her non-compliance. Ms. Garko dropped to the floor. I directed her several times to stand to her feet and walk. She finally complied and Officer Arthur Jones and I escorted Ms. Garko back to the Residential Treatment Unit (RTU).
4. Once inside the recreation room, Ms. Garko was kicking and trying to pull away from us and threw her head back and spit on Officer Jones' left chest area and arm. She then started to kick and had to be placed on the ground. Ms. Garko was trying to pull her hands out of the handcuffs. She continued to spit and did spit on another inmate. She turned in my direction and pulled her head back like she was going to spit on me, so I deployed OC to protect myself and others from being spit on.
5. The OC was ineffective because Ms. Garko turned her face away.

6. Further, Affiant sayeth naught.

*[Handwritten Signature]*

Sworn to and subscribed in my presence this 12<sup>th</sup> day of October, 2021.



MARY FITZPATRICK  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
03-22-2022

*[Handwritten Signature]*  
Notary Public

## Disposition of the Rules Infraction Board

Institution: ORW	RIB Case Number: ORW-19-009416
Inmate Name: GARKO, TERI R	Number: W84180
Date of Hearing: 12/21/2019	Time: 11:12 AM

<b>Inmate Plea:</b>	GUILTY	Rule:07 _____	Rule: _____	Rule: _____	Rule: _____	Rule: _____	Rule: _____
	NOT GUILTY	Rule: _____	Rule: _____	Rule: _____	Rule: _____	Rule: _____	Rule: _____

**State the facts that explain the board's decision:**

The rules infractions board finds offender Garko guilty of a rule violation 07. Officer A. Jones did state that offender Garko did spit on him in 2 different areas . Offender Garko did plead guilty to the rule violation 7.

Particular evidence or statements relied on:

conduct report/ offenders statement/ Officer A. Jones statement

Did the inmate offer any defense? ☐ Yes ☒ No

Did the Board believe the inmate's defense? ☐ Yes ☒ No

### Why?

Did the board rely on any confidential statement(s) ☐ Yes ☒ No

Did the board determine the informant(s) to be credible? ☐ Yes ☒ No

Disposition of the Hearing Officer is: ☒ Affirmed ☐ Returned for reconsideration

**Decision:** Based on the above stated facts the Board believes that:

Inmate GARKO, TERI R violated rule(s) Rule:07 Rule: Rule: Rule: Rule: Rule: Rule:

Inmate <u>GARKO, TERI R</u>	did not violate rule(s)	Rule:	Rule:	Rule:	Rule:	Rule:	Rule:
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Therefore, the RIB Officer imposes the following disposition:

Check "Stacked" if you wish to stack housing record, otherwise housing record will be combined with other housing records.

☐ RIB recommends a Security Review be conducted.

Identify the disposition imposed and the reasons for the action taken:

Offender Garko will serve a total of 14 days for the rule violation 7. 14 days RH status, No of Days in RH: 14, Serve Order requested: Stack

Appeal form given to inmate? ☐ Yes ☒ No

Signature RIB Chairperson: 

Date: 12/26/2019

**Notice To Inmate:** You may appeal this decision to the Warden.

## Case Details by Case Number - RIB2

### Case Details

Select Case

Number:

ORW

23

Load  
Case

GO TO RHWRL

GO TO RHIDB

GO TO RIB1

Inmate#: W84180

Name: GARKO, TERI R

Institution: ORW

Case#: ORW-19-009416

Case Status:

CLOSED - Warden's Decision - Disposition Modified

Guilty Offenses:

▼

▼

▼

▼

▼

▼

07

▼

▼

▼

▼

▼

▼

Not-Guilty Offenses:

Last Updated By:

GOLDING, CLARA on 01/07/2020 05:13 AM

Update Selected Case

Case File Information

Case Status History

Attachments




### Forms




Create New Form:

DRC4018 - Conduct Report

Create

Please select from below:

Form Name	Created On			
DRC4024 – Disposition of the RIB	12/26/2019	Edit	Print	<input type="checkbox"/>
DRC4025 – Record of Proceedings of RIB	12/26/2019	Edit	Print	<input type="checkbox"/>
DRC4190 – Testimony of Accused Inmate at RIB	12/26/2019	Edit	Print	<input type="checkbox"/>
				Delete

Form Name	Created On			
DRC2530 – Mental Health Assessment / RIB	12/21/2019	<input type="button" value="Edit"/>	<input type="button" value="Print"/>	<input type="checkbox"/>
DRC4022 – Rule Violation – Inmate Rights	12/21/2019	<input type="button" value="Edit"/>	<input type="button" value="Print"/>	<input type="checkbox"/>
DRC4020 - Hearing Officer's Report	12/21/2019	<input type="button" value="Edit"/>	<input type="button" value="Print"/>	<input type="checkbox"/>
DRC4018 - Conduct Report	12/13/2019	<input type="button" value="Edit"/>	<input type="button" value="Print"/>	<input type="checkbox"/>

Case Archiving

# Conduct Report

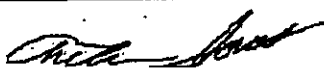
<b>Name:</b> GARKO, TERI R		<b>Institution:</b> ORW	<b>Case Number:</b> ORW-19-009416
<b>Date/Offense:</b> 12/13/2019		<b>Number:</b> W84180	<b>Lock:</b> D/A3/326
<b>Time/Offense:</b> 09:40 AM		<b>Location:</b> Arn-3 dayroom	
<b>Rule(s) Violated:</b>			

**Supporting Facts (Describe what occurred and how the inmate violated the rule[s]):**

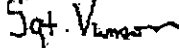
On the above date I went to assist in R.I.B. with inmate Garko 84180, as we were escorting her back to her room she tried to pull away from me. She then turned her face left and spit on my left arm and chest area. For this I'm charging her with a rule 7 violation EOR

(Use Conduct Report Supplement sheet, if needed)

As the Charging Official, do you wish to have input into the disciplinary proceedings? ☒ Yes ☐ No

<b>Printed Name:</b> jonesag	<b>Signature:</b> 	
<b>Shift:</b> SPECIAL DUTY	<b>Days Off:</b> T/S/S	<b>Date:</b> 12/13/2019

A copy of this conduct report was served upon the above-named inmate on: December, 21, 2019, at 10:35 AM

**Staff Signature:** 

I acknowledge receipt of the conduct report on the above stated date and time:

<b>Inmate Signature:</b> 	<b>Number:</b> W84180
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DRC 4018 (rev 12/05) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate ACA 4214 through 4236, 4269

none of  
this ever  
mentioned  
on report or  
original conduct  
court bill of particulars

Does NOT  
match Bennett affidavit  
or Bill of particulars