

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 )

SS:

COUNTY OF Clark )

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

VIDEO Surveillance Footage  
of December 12, 2019 Destroyed

This is the original  
CONDUCT REPORT written  
on December 21, 2019.

They changed their entire  
story in 2021

When I was representing  
myself PRO-SE

and TOLD the TRUTH  
that they were trying  
to hide

and Bennett ADDED  
all those other EXTRA  
LIES to make it  
look like she  
was justified in her use  
of force.

Bennett actually bent Down  
while I was Taken face  
first on the ground flat  
on my STOMACH and  
I was already cuffed in  
back the whole time  
and she bent Down and  
sprayed me Directly on side  
of my face on the right  
side Directly in my

eye that was going blind  
JUST to cause me pain and harm

Widespread  
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Union County Court of Common Pleas  
Criminal Court Division

State of Ohio, **Exhaust** Plaintiff  
vs. **Denied**

Teri Garko, Defendant  
Mr Hill  
Son + Steve Stregal

CASE NO. 2020-CR-0055  
JUDGE Don W. Fraser

**BILL OF PARTICULARS**

Responding to the request of the Defendant, Teri Garko, for a Bill of Particulars, the Assistant Prosecuting Attorney says that the State of Ohio will prove on the trial of the above-entitled case, the following:

• **Count 1: Harassment with a Bodily Substance, 2921.38(A), 2921.38(D)**

That on or about December 13, 2019, and at the location of 1479 Collins Ave, Marysville, OH 43040, the Defendant, Teri Garko, did, while being confined at a detention facility, with intent to harass, annoy, threaten, or alarm Corrections Officer Jones, cause or attempt to cause Corrections Officer Jones to come into contact with blood, semen, urine, feces or another bodily substance by throwing or expelling substance at Corrections Officer Jones or in any other manner contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

On or about December 13, 2019, the Defendant was an inmate in the Ohio Reformatory for Women, a prison with the Ohio Department of Rehabilitation and Corrections, and had been in the RIB office. In order to be escorted back, a Corrections Officer was asked to come to the RIB office. As the Corrections Officer was escorting the Defendant back to her cell, she began to pull and yell at the Corrections Officer. She then turned her head and spit on the Corrections Officer. She was then taken to the ground, OC spray was deployed and compliance was gained. The jacket of the Corrections Officer was obtained and it was submitted to BCI for testing. Following the testing, it was determined that amylase, a component of saliva, was found on the jacket. This occurred in Union County, Ohio.

See Response to Request for Discovery for further information.

*Handwritten notes:*  
- "Kept in State Cell eye" (top left)  
- "S-61 - 6009" (top center)  
- "violations" (top right)  
- "DWO hill PY your just mad mont Co. found your notes" (top right circle)  
- "Conspiracy + Spoilation" (left margin)  
- "Altered and Destroyed" (left margin)  
- "were NOT medical" (left margin)  
- "Bennet" (center)  
- "Shelby Bennet" (center)  
- "Denial" (left margin)  
- "Denied" (left margin)  
- "9:00 Am" (left margin)  
- "Honey" (left margin)  
- "Found" (left margin)  
- "in R.H. Transport To Ab handcuff in back" (bottom left)  
- "handcuff During Rib" (bottom left)  
- "handcuff Transport back from Rib" (bottom left)  
- "During Rib witness Rib reporter + Jones" (bottom left)  
- "Told Bennet about rights - replied 'I'll spray you'" (bottom center)  
- "Took 5 hours to go to infirmary 2:00 pm" (bottom center)  
- "excessive force" (bottom right)  
- "use of force" (bottom right)  
- "deliberate" (bottom right)

No mention  
of LT. Bennett

- again,  
No mention of  
pulling out of cuffs
- no mention of inmate
- no mention of continuing
- no mention of spitting
- no mention of spitting
- no mention of threatening

because these happened  
things on Bennett  
she never happened  
in 2021 added them  
lie to

and they  
destroyed  
surveillance  
video

**Conduct Report**

Institution: ORW

Case Number: ORW-19-009416

Name: GARKO, TERI R

Number: W84180

Lock: D/A3/326

Date/Offense: 12/13/2019

Time/Offense: 09:40 AM

Location: Arn-3 dayroom

Rule(s) Violated:

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

Printed Name: jonesag

Signature: 

Shift: SPECIAL DUTY

Days Off: T/S/S

Date: 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:

Inmate Signature: 

Number: W84180

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

There is no mention  
at all of Lt. Shelby Bennet.  
no mention of pulling out of cuffs  
no mention of spitting on inmate  
no mention of continuing to spit  
no mention of threatening to  
spit on Lt. Bennett.  
no mention AT ALL of the  
use of pepper spray by  
Lt. Bennett.