

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Monday April 16,2012, Special Agent MERLIN ECTOR recieved from Clayton County Sheriff Investigator SPENCER NORTON the statement forms of TYSHAWN DUNBAR, MARI LEMO, ULSES BERNARD, M.KEARNS,ENRIQUE ST.LOUIS, SHELINA FUQUA,HOLLY SUTTON, RICHARD BROWN and RODNEY LEE.These individuals provided statements in pursuant to this investigation and in reference to the actions they took or observed during this incident.

**ATTACHMENTS**

STATEMENTS

[\(Attachments\)](#)

**ID DATA:**

**NORTON, SPENCER** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/20/2012

mre: 11/26/2012

*ME ME dreg*

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Thursday, April 12, 2012 at approximately 12:06pm, Special Agent MERLIN ECTOR met with Clayton County Sheriff's Department Internal Affairs Investigators SERGEANT DWAYNE HARRISON and SPENCER NORTON HARRISON. NORTON briefed AGENT ECTOR on their agency's request to have the Georgia Bureau of Investigation investigate an incident that occurred with Clayton County inmate KEVIN GUERRIER. They stated essentially the following:

On Friday, APRIL 6, 2012 KEVIN GUERRIER, was in a hearing in Clayton County Judge RICHARD BROWN'S courtroom. During the proceedings, JUDGE BROWN held GUERRIER in contempt of court and put him in a holding cell. GUERRIER was put into a holding cell between the hours of 8:30am and lunch time. JUDGE BROWN called GUERRIER back into the courtroom at 2:30pm to hear his case.

GUERRIER became upset during the proceedings which related to him paying back child support. GUERRIER continued to get agitated during the hearing and at some point ran toward JUDGE BROWN. DEPUTIES LEE and BERNARD pursued him, stopping GUERRIER by tackling him to the floor as he approached the witness stand. More specifically, DEPUTY LEE tackled him from behind and knocked GURRIER forward, causing him to roll with the deputies unto the floor.

GUERRIER was put back into the holding cell located immediately outside the courtroom until he was taken over to the jail. When GUERRIER arrived at the jail there were no signs of bruising or swelling on him. GUERRIER was later taken to dialysis for a treatment and during the treatment he became unresponsive and was taken to

**10-0227-34-12**

Southern Regional Hospital, where he later went into a coma.

While GUERRIER was in a holding cell at the jail he contacted his girlfriend (KENSHI MARE BETHEA) three times and told her that deputies beat him up. GUERRIER said the deputies slammed him against a wall and on the floor behind the wall, he also sent text messages to her that indicated he was beat up and his head hurt really badly. During one phone conversation, GUERRIER said he was having a head pain and wanted to lie down.

In a prior incident on March 2, 2012, GUERRIER came to court and during these proceedings he ran out of the court room and was tackled by deputies, and arrested on that date. The charges were battery, escape and obstruction. He is presently on bond for simple battery on an officer and contempt of court.

It should be noted the entire incident in the courtroom was recorded with the exception of when GUERRIER was taken to the holding cell. There are no video cameras in the holding cell area. Agent ECTOR told SGT. HARRISON and INVESTIGATOR NORTON he needed a copy of the use of force report, and medical records of GUERRIER.

This concluded the interview at 1:30pm.

**ATTACHMENTS**

MEDICAL RECORDS

[\(Attachments\)](#)

OTHER

[\(Attachments\)](#)

OTHER

[\(Attachments\)](#)

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**ID DATA:**

**HARRISON, DEWAYNE** (Previously Submitted)

**NORTON, SPENCER** (INVESTIGATOR)

JONESBORO, GA

COUNTRY: UNITED STATES

OCCUPATION: INVESTIGATOR

EMPLOYER:

CLAYTON COUNTY SHERIFF DEPARTMENT

9157 TARA BOULEVARD

JONESBORO, GA 30236

CELLULAR (Redacted)

SPECIAL AGENT MERLIN R ECTOR: 4/15/2012

mre: 6/13/2012

*ME ME dreg*

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Thursday, April 12, 2012 at approximately 3:51pm., Special Agents DEBRA LOVING and MERLIN ECTOR and Clayton County Sheriff Investigator SPENCER NORTON interviewed CATHY CHAMBERS, who is a Registered Nurse at the Clayton County Jail. The interview of Mrs. CHAMBERS was digitally recorded using an Olympus WS-100 digital voice recorder. This recording will be downloaded and attached to this investigative summary. The above is a mere summation of the interview and for an exact account one should refer to the recordings. CHAMBERS stated essentially the following: Her duties are to get inmate medical histories and if they are on medications, call the doctor to get the medications started. If she is in the infirmary her duties are to check blood pressure and intravenous medications (IV). CHAMBERS said if she is in the clinic she is the charge nurse. AGENT ECTOR showed CHAMBERS a photo of KEVIN GUERRIER and she said she remembers him. AGENT ECTOR asked her to refer back to April 6, 2012. CHAMBERS said she had contact with GUERRIER on that day he either came in from court or the streets, but she recognized him as a Dialysis inmate from a previous stay at the jail. She asked GUERRIER if he had brought his medications with him, because he had in the past. GUERRIER said no, he was going to have someone bring them. CHAMBERS instructed him to call and have someone bring his medications as soon as the officers finished with him. CHAMBERS said that was the only interaction she had with GUERRIER. CHAMBERS said she got off at 6:00pm; that day. She said he did not mention anything about having an altercation with deputies or about being in pain. CHAMBERS said she did notice his shirt was torn, but did not notice any bleeding, scars, or marks on him.

**10-0227-34-12**

This concluded the interview at 3:55pm.

**ID DATA:**

**CHAMBERS, CATHY** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/15/2012

mre: 6/13/2012

ME ME

HCB

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Thursday, April 12, 2012 at approximately 3:44pm., Special agent MERLIN ECTOR and Clayton County Sheriff Investigator SPENCER NORTON interviewed LEKISHA GREENE who is a medical assistant at the Clayton County Jail. The interview of Mrs. GREENE was digitally recorded using an Olympus WS-100 digital voice recorder. This recording will be downloaded and attached to this investigative summary. The below is a mere summation of the interview and for an exact account one should refer to the recordings. GREENE stated essentially the following.

GREENE has worked at the Sheriff's Department for two and a half years, her duties are to screen inmates that come in, ask them about medical problems, take vitals, get allergies from them and give TB. shots. NORTON showed GREENE a picture of KEVIN GUERRIER and she said she remembered him, but she did not do his intake screen on April 6, 2012. GREENE remembers him because his shirt was torn. She thinks ANGELA GRIFFIN the second shift medical examiner did GUERRIER'S intake screening. GREENE did not know anything that went on with GUERRIER on April 6; she only heard that he was in a coma.

This concluded the interview at 3:50pm.

**ID DATA:**

**GREENE, LEKISHA** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/15/2012  
mre: 6/13/2012

ME ME

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**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Thursday, April 12, 2012 at approximately 4:10 pm., Special Agent MERLIN ECTOR interviewed TAYSHAWN DUNBAR, who is a Clayton County Deputy. The interview of DUNBAR was digitally recorded using an Olympus WS-100 digital voice recorder. This recording will be downloaded and attached to this investigative summary. The above is a mere summation of the interview and for an exact account one should refer to the recordings.

Officer DUNBAR was advised that this investigation is to determine whether any criminal laws have been violated that resulted in the hospitalization of KEVIN GUERRIER. It is not an administrative or disciplinary inquiry. He is not being compelled to give any statement or answer any questions. His cooperation in this investigation is voluntary. DUNBAR said he understood and stated essentially the following:

ON April 6, 2012, DUNBAR was working overtime in the jail and GUERRIER was in custody in cell no. 5. DUNBAR said GUERRIER was being disorderly at first, he kept yelling things out, like "I have a headache" and was cursing and stuff like that at first. Later on he said he needed to see a nurse. DUNBAR saw him sweating and went to ask a medical assistant (MA) if there was a nurse there, because he did not see one in the nurses' office. DUNBAR asked the MA when the nurse was coming back and the MA said she did not know. DUNBAR told the MA, GUERRIER needed some help and she said she could not diagnose him. DUNBAR then called the infirmary control where all then nurses are located and made contact with a nurse. DUNBAR told her GUERRIER was sweating, saying his head was hurting and he needed to see a nurse. DUNBAR also notified Sergeant LISA JOHNSON, who was the supervisor in intake at the time. GUERRIER did make an utterance that an officer had slammed him on his head but did not identify the officer. DUNBAR did not see any bruising or bleeding on

**10-0227-34-12**

GUERRIER.

This interview was concluded at 4:15pm

**ID DATA:**

**DUNBAR, TYSHAWN** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/20/2012

mre: 6/13/2012

ME ME

ACB

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Thursday, April 12, 2012, at approximately 3:14pm., Special Agent MERLIN ECTOR interviewed BARBARA J. PEDERSEN, who is the Health Services Administrator at the Clayton County Jail. Agent Ector asked PEDERSEN who was part of the medical staff that was on duty on April 6, 2012, when KEVIN GUERRIER was taken into custody. PEDERSEN said LAKEISHA COMBS was the medical assistant on the day shift and ANGELA GRIFFIN the night shift, the day shift intake nurse was CATHY CHAMBERS. The charge nurse was CHEKELI ROACH on that day. MRS. PEDERSEN said that whoever the nurse in clinic is, is the charge nurse and supervises the other nurses. The duties of the charge nurse are oversight of the facility, assist EMT and paramedics and off hour sick call. The medical assistant duties are basic first aid, drawing blood, checking vitals and EKG's.

Mrs. PEDERSEN said she was notified Friday night about MR. GUERRIER's condition by a message left on her phone. She was notified that GUERRIER was sent to Southern Regional Hospital, because he had been having dialysis and started seizing. EMS was called and transported GUERRIER to the hospital. PEDERSEN instructed Charge Nurse STONE to call DR. SMITH the Medical Director for the facility so that he could follow up and to pull GUERRIER's medical charts. PEDERSEN said that on Sunday, April 8, 2012 a doctor from the hospital called to get permission to do a Electromyography (EMG) test on GUERRIER and she approved it.

Agent Ector asked PEDERSEN if she thought her staff did everything by the book and did what they could do for GUERRIER, she answered "based on the information they had they did what any prudent person would do". She explained there was no

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documentation of injuries to his head, or any visible injuries at all. He only mentioned to the dialysis nurse that he had an altercation with deputies.

This interview was concluded at 3:30pm.

**ID DATA:**

**PEDERSEN, BARBARA** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/15/2012

mre: 6/13/2012

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ACB

**GEORGIA BUREAU OF INVESTIGATION  
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INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Friday, April 13, 2012 at approximately 1:31pm., Special agent MERLIN ECTOR and Clayton County Sheriff Sergeant DWAYNE HARRISON interviewed ANGELA R GRIFFIN who is a medical assistant at the Clayton County Jail. The interview of Mrs. GRIFFIN was digitally recorded using an Olympus WS-100 digital voice recorder. This recording will be downloaded and attached to this investigative summary. The above is a mere summation of the interview and for an exact account one should refer to the recordings. GRIFFIN stated essentially the following:

GRIFFIN has been employed as a medical assistant with the Clayton County Sheriff's Department for two and a half years. Her Duties are intake screening. AGENT ECTOR showed her a picture of KEVIN GUERRIER and GRIFFIN said she recognized him. AGENT ECTOR asked her to refer back to April 6, 2012. GRIFFIN said when she arrived to intake at 7:00pm., GUERRIER was in the intake area from the previous shift and he was being combative. GUERRIER was knocking and banging on the intake windows. GRIFFIN came into contact with him while he was talking to a booking clerk and he was acting like he did not want to talk to answer their questions. GUERRIER was acting real agitated. GUERRIER told someone he had not had dialysis and he was brought to GRIFFIN. GRIFFIN started doing her intake screening of him and asking him the required questions, GUERRIER said "mam, I just want to lay down I haven't had my dialysis today." GRIFFIN called her charge nurse C.C. STONE over and told her about GUERRIER not having his dialysis. Because of this GRIFFIN did not do a screening package on GUERRIER, and he was taken to dialysis.

GRIFFIN said GUERRIER did not complain to her about any headaches or altercation with deputies. She also said she does not remember Deputy Dunbar saying anything to

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her concerning GUERRIER and that she did not write anything in the inmates progress notes. AGENT ECTOR read GRIFFIN officer DUNBAR'S statement about telling her GUERRIER was complaining of a headache and wanted to see the nurse immediately and that he found the medical assistant who told DUNBAR she could not give GUERRIER any medicine. GRIFFIN said DUNBAR could have talked to her but she can't recall and she cannot give medications.

This interview was concluded at 2:02pm.

**ID DATA:**

**GRIFFIN, ANGELA** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/15/2012

mre: 6/13/2012

ME ME

HCB

**GEORGIA BUREAU OF INVESTIGATION  
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**10-0227-34-12**

On Friday April 13, 2012 at 2:55pm., Special Agent MERLIN ECTOR and Clayton County Sergeant DWAYNE HARRISON were located at the Clayton County Sheriffs Office, for the purpose of interviewing CEQUILLIA STONE. The interview of Mrs. STONE was digitally recorded using an Olympus WS-100 digital voice recorder. This recording will be downloaded and attached to this investigative summary. The above is a mere summation of the interview and for an exact account one should refer to the recordings. STONE stated essentially the following:

She is a Registered Nurse and has worked at the Clayton County Jail for almost a year; May 1, 2012 will make a year. AGENT ECTOR showed her a picture of KEVIN GUERRIER and STONE was familiar with him. AGENT ECTOR asked her to refer back to April 6, 2012, STONE said she was Charge Nurse on this day and received a phone call from medical to access an inmate in cell 5. STONE went to the cell area and told an officer she needed to see the inmate that had requested her and the officer went and got GUERRIER and brought him to her. GUERRIER came to the nursing area and STONE was talking with him and he started getting hyper verbal about some things. GUERRIER was upset about court and was saying something about it. STONE was redirecting him by asking him why he wanted to see the nurse. GUERRIER yelled out "I am a dialysis patient and I need to dialyze". GUERRIER told STONE he had not dialyzed in two days. STONE asked him if he was supposed to dialyze today and GUERRIER said yes but he had court. STONE said every time GUERRIER said something about court he would really blow up, she tried to calm him down. STONE said she noticed that his shirt had been torn. STONE did a brief assessment of GUERRIER and called the doctor so that GUERRIER could be dialyzed.

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This interview was concluded at 3:20pm.

**ID DATA:**

**STONE, CEQUILLA** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/15/2012

mre: 6/13/2012

ME ME

ACB

**GEORGIA BUREAU OF INVESTIGATION  
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On Friday April 13, 2012 at 12:17pm., Special Agent MERLIN ECTOR, Clayton County Sergeant DWAYNE HARRISON and Clayton County Chief Judge DAPHNE WALKER were located at the Clayton County Court House, for the purpose of interviewing LATASHA R CUFFEE- MYERS. The interview of Mrs. MYERS was digitally recorded using an Olympus WS-100 digital voice recorder. This recording will be downloaded and attached to this investigative summary. The above is a mere summation of the interview and for an exact account one should refer to the recordings. MYERS stated essentially the following:

She is a contract worker with Clayton County and has been employed there since December 2011; her parent company is LM Court Services Consultants. Her duties are secretary work. AGENT ECTOR showed MYERS a picture of KEVIN GUERRIER and asked her if she remembers him, she answered yes. AGENT ECTOR asked MYERS to tell him what happened in court on APRIL 6, 2012, concerning GUERRIER. MYERS said GUERRIER was really argumentative with the Judge BROWN, the Judge BROWN kept asking him to calm down but GUERRIER kept trying to over talk the Judge BROWN about things he said JUDGE BROWN has told him to do. At some point Judge Brown told GUERRIER he would be going to jail. GUERRIER then ran towards JUDGE BROWN and the sheriff's deputies and put GUERRIER down. After they put him down they picked GUERRIER up and GUERRIER was yelling if you put me in jail I will lose my social security and I wont be able to pay child support. MYERS watched the deputies take him to the door, and GUERRIER was standing in the door facing MYERS and he darted out towards the judge again and the deputies took him down again and they picked him up by his pants and shirt and carried him out. This was the second time when he ran out from the holding cell area.

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Because of some inconsistencies in MYERS story Agent ECTOR stopped the interview to retrieve the video from inside the court room to show Myers.

The interview was restarted at 12:34pm., after reviewing the video tape she believes that GUERRIER went to the judge two times once he was walked out by the deputies and the second carried out. She only saw the deputies put hands on GUERRIER once when they took him to the floor.

This concluded the interview at 12:45

**ID DATA:**

**CUFFEE- MYERS, LATASHA** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 5/15/2012

mre: 6/13/2012

ME ME

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**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Friday April 13, 2012 at 2:30pm., Special Agent MERLIN ECTOR and Clayton County Sergeant DWAYNE HARRISON were located at the Clayton County Sheriff's Office, for the purpose of interviewing KALLY ROEY. The interview of Mrs. ROEY was digitally recorded using an Olympus WS-100 digital voice recorder. This recording will be downloaded and attached to this investigative summary. The above is a mere summation of the interview and for an exact account one should refer to the recordings. ROEY stated essentially the following:

AGENT ECTOR showed ROEY a picture of KEVIN GUERRIER and she said she was familiar with him. AGENT ECTOR then asked her to refer back to April 6, 2012, ROEY said she was called before she could get out of her car at the Sheriff's Office and told to head straight to the infirmary there was an emergency. ROEY went straight to the infirmary and back to the dialysis area when she arrived. GUERRIER seemed to be in a postictal state which usually happens after a seizure. ROEY asked the dialysis nurse if she had cleaned any drugs out of him, which would have caused him to have a seizure. ROEY also asked her if she knew if he had a seizure and what could have caused it. ROEY thinks the dialysis nurse name is Mrs. ROACH. ROEY said the nurse told her GUERRIER had only admitted to smoking some marijuana earlier in the day. GUERRIER had been put on 100% oxygen by the nursing staff earlier. ROEY put a pulse oximeter on him, got some vitals on him and stayed with him till the ambulance came. ROEY was there 15 minutes before the ambulance came, she gave them a report and they took him to the hospital. ROEY thinks GUERRIER had a seizure, she was told that he had vomited, was shaking and became unconscious. It appeared to ROEY as symptoms of a seizure or head injury. ROEY said anytime you have high

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blood pressure like GUERRIER had it could have been a stroke or a bleed in his head, who could know for sure. ROEY said you don't know what's going on inside somebody's head without an x-ray. ROEY noticed that GUERRIER had some periorbital swelling, his eyes were bulged out a little bit, more so than normal. She saw no injuries to GUERRIER face or head. GUERRIER blood pressure was 170 over 140 and that can cause a stroke or a bleed on the head.

ROEY said when GUERRIER was in the postictal state he was not obeying commands but fighting, he seemed like he recognized his name, but would not let them do anything to him. She said when you are fighting "you are aware of what's going on but you don't want to do what's going on". ROEY said she did not see anything to indicate GUERRIER had been in a fight.

This concluded the interview at 2:44pm

**ID DATA:**

**ROEY, KALLY** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/15/2012

mre: 6/13/2012

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**GEORGIA BUREAU OF INVESTIGATION  
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**10-0227-34-12**

On Friday April 13, 2012 at 2:07pm., Special Agent MERLIN ECTOR and Clayton County Sergeant DWAYNE HARRISON were located at the Clayton County Sheriff's Office, for the purpose of interviewing SHAKELLIE ROACH. The interview of Mrs. ROACH was digitally recorded using an Olympus WS-100 digital voice recorder. This recording will be downloaded and attached to this investigative summary. This is a mere summation of the interview and for an exact account one should refer to the recording. ROACH is a registered nurse, who is contracted through For Heaven's Sake Dialysis and has been assigned to the Clayton County Jail for six months. During the interview, ROACH stated essentially the following:

AGENT ECTOR showed ROACH a picture of KEVIN GUERRIER and she said she was familiar with him. AGENT ECTOR then asked her to refer back to April 6, 2012. ROACH said she received a call from the intake charge nurse, C.C. STONE, and she said they had a repeat patient KEVIN GUERRIER. STONE further stated that GUERRIER had gotten into an altercation with officers and his shirt was torn off - so they were going to dress him out. ROACH also indicated he was lying on the floor. ROACH asked STONE if GUERRIER was ok to submit to dialysis. STONE indicated he was ok and had been cleared by the doctor to come to dialysis. She said his blood pressure was 140 over 80.

ROACH said it took about thirty minutes for them to bring GUERRIER over. He was in a wheel chair. GUERRIER got out of the wheel chair and was able to walk. He was weighed. ROACH remembered him from being there in March, 2012 and GUERRIER also dialyzed at a center at which she used to work. ROACH asked GUERRIER what

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happened and he said I will tell you about it later.

ROACH had him fill out paper work and do his pre-dialysis steps and she started GUERRIER'S treatment. GUERRIER told ROACH he had got into an altercation with the police again, but he did not say when or where. She remembered the last time he was there he had been in an altercation with the police. ROACH examined him to see if he had any injuries, bleeding or bruises, so that she could document them in his chart. GUERRIER said he had a headache. ROACH told him his blood pressure was a little high. ROACH asked him if he had his blood pressure medicine for the day and GUERRIER answered at 4:00am, this morning. ROACH called STONE and told her she needed to give GUERRIER blood pressure medicine because his blood pressure was a little high. STONE told her it will dialyze out. ROACH said it is true that it can dialyze out.

STONE called the Doctor and got approval to provide GUERRIER the medication clonidine. The doctor said they could give him his regular dose of clonidine which is 0.3 milligrams and the infirmiry nurse brought it over. GUERRIER was also complaining about headaches so ROACH went and got GUERRIER some Tylenol. GUERRIER kept saying his head hurt. ROACH told him to try and relax.

About 30 to 45 minutes later GUERRIER said it felt like he had to throw up. GUERRIER threw up some clear liquid and ROACH asked him if he had eaten anything today and he answered "no". She then offered him some peanut butter crackers but he refused. About thirty to thirty five minutes later he kept turning and ROACH told him he had to stop or he was going to tear the needles from the machine out from his body at this point he had been on the dialysis machine for two hours. Because GUERRIER kept

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moving ROACH decided to take him off the machine so she rinsed him back.

ROACH thought GUERRIER just did not look right, so she asked two other nurses to come in and help her. ROACH told them GUERRIER was not acting right, like he was having a seizure and she wanted to call an ambulance. He went from being responsive to unresponsive at times. The nurses told her the charge nurse would have to call the ambulance. The charge nurse came over and they called 911 and administered oxygen to GUERRIER.

ROACH said GUERRIER has a history of missing dialysis treatments, not taking his medications and running high blood pressures in the 200 range. GUERRIER had a pressure of 201 over 130 at one point on April 6, 2012, and ROACH said that was not unusual for GUERRIER and dialysis usually brings it down.

This interview was concluded at 2:20pm.

**ID DATA:**

**ROACH, SHAKELLIE** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/15/2012

mre: 6/13/2012

*ME ME drug*

**GEORGIA BUREAU OF INVESTIGATION  
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**10-0227-34-12**

On Friday April 13, 2012 at 12:52pm., Special Agent MERLIN ECTOR, Clayton County Sergeant DWAYNE HARRISON and Clayton County Chief Judge DAPHANE WALKER were located at the Clayton County Court House, for the purpose of interviewing RUBY WEST. The interview of Mrs. WEST was digitally recorded using an Olympus WS-100 digital voice recorder. This recording will be downloaded and attached to this investigative summary. The above is a mere summation of the interview and for an exact account one should refer to the recordings. WEST stated essentially the following:

WEST is a contract worker with Clayton County Courts, her duties in the court room are to do paper work for the judges, and take people back and forth where they need to go. West has been working for the courts for a period of over four years. Agent ECTOR showed WEST a picture of KEVIN GUERRIER and she said she was familiar with him from court. AGENT ECTOR also showed WEST the video tape from JUDGE BROWNS court room on April 6, 2012, and asked her to tell the Agent what she remembers happening that day. WEST said GUERRIER case was about child support, GUERRIER was saying he had done all the court asked him to do and had made a payment. GUERRIER was wondering why the JUDGE was doing this to him because he had done what was asked. The JUDGE wanted him to pay a certain amount and GUERRIER kept talking back; he would never stop talking when the JUDGE asked him to. After a while GUERRIER got up and started running toward the judge; the deputies caught him and "tussled" GUERRIER down. After that GUERRIER was still trying to get away and still talking and the deputies took him to the back to the holding cell. GUERRIER tried to come back again, the deputies were pulling his arms holding him

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back from reentering the court room.

It should be noted WEST felt the deputies took GUERRIER down hard and fell on him, she wondered if they could have just held him, but she went on to say that GUERRIR was out of control and doing what he wanted to do, like trying to get to the JUDGE.

This interview was concluded at 1:00pm.

**ID DATA:**

**WEST, RUBY** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/15/2012

mre: 6/13/2012

ME ME

HCB

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**10-0227-34-12**

On Monday, April 16, 2012 at 2:45pm Special Agents DEBRA LOVING and MERLIN ECTOR interviewed ULYSSES BERNARD at the Atlanta Field office in reference to this investigation. BERNARD is a Clayton County Sheriff's Deputy and assigned to courts services. The interview of BERNARD was digitally recorded using an Olympus WS-100 digital voice recorder. This recording will be downloaded and attached to this investigative summary. The above is a mere summation of the interview and for an exact account one should refer to the recordings.

Officer BERNARD was advised that this investigation is to determine whether any criminal laws have been violated that resulted in the hospitalization of KEVIN GUERRIER. It is not an administrative or disciplinary inquiry. He is not being compelled to give any statement or answer any questions. His cooperation in this investigation is voluntary. BERNARD said he understood and stated essentially the following:

On April 6, 2012, BERNARD came to work at 7:30 am; he first came in contact with KEVIN GUERRIER after calendar call around 8:30 am in JUDGE RICHARD BROWN's courtroom. GUERRIER was there for a status hearing and had to show that he had made child support payments that was ordered by the judge last month in court. GUERRIER was getting mouthy with the judge and JUDGE BROWN ordered BERNARD to take GUERRIER to the back. BERNARD called for a court security officer to come to the holding area. BERNARD pulled GUERRIER from the podium and took him to the door of the holding cell and handcuffed him and sat him in a chair in the hallway of the holding cell. GUERRIER was still being mouthy but not resistant. The court security officer came in pats him down and takes GUERRIER possessions and

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places them in a plastic bag. The court officer then puts GUERRIER in the holding cell. JUDGE BROWN had GUERRIER brought back out to the courtroom as the last case of the day. GUERRIER was getting mouthy with the judge again, the judge was saying something to him about owing \$1,500 dollars to the petitioner and they were discussing a DNA test. The judge told BERNARD to take GUERRIER to the back again and GUERRIER said "you got to listen to me" and charged toward JUDGE BROWN. BERNARD said him and DEPUTY RODNEY LEE pushed GUERRIER toward the podium and took him down. BERNARD said his focus was to just get him to the back holding cell area. When they got GUERRIER to the back they tried to sit him in a chair, he stood up and LEE was holding him near the door. BERNARD went back out the door into the court room and GUERRIER was coming right back out with him. BERNARD and LEE pushed GUERRIER back in and it appeared to BERNARD that LEE had him under control and BERNARD went into the court room again. BERNARD went over the radio and called for his supervisor. At some point BERNARD went back into the hallway of the holding cell and saw GUERRIER sitting on the floor and BERNARD was waiting for someone to bring a key so that he could put GUERRIER in the holding cell. The Judge had said a contempt order was coming down. LIEUTENANT WALTER SMITH showed up and BERNARD briefed him on what had happened. Lt. SMITH was familiar with GUERRIER from a March 2012 incident when GUERRIER had run from the courtroom and was arrested. Lt. SMITH had a conversation with GUERRIER .BERNARD said that was basically it.

AGENT ECTOR put the courtroom video on to review with BERNARD. AGENT ECTOR asked BERNARD when he and LEE were in the holding cell area did they use any kind of force or put their hands on GUERRIER. BERNARD said LEE did when he held GUERRIER up against the wall after he tried to run back into the courtroom. BERNARD

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said GUERRIER did not complain about any pain to him. AGENT ECTOR asked BERNARD if he and LEE caused GUERRIER to hit his head on the witness table when they tackled him. He said GUERRIER did not hit his head on the table as far as he knew. BERNARD said coming to work on that following Monday he was surprised to hear what had happened.

BERNARD said there is some disagreement between him and Lt. SMITH as to why a use of force report was not done the day of the incident. He said he was told not to do one but Lt. SMITH three days later said he did tell BERNARD to do one.

AGENT ECTOR told BERNARD that he was setting up a polygraph test for him. BERNARD agreed to take the test. AGENT ECTOR said he would let him know when to come for the test.

This interview was concluded at 3:08pm.

**ID DATA:**

**BERNARD, ULYSSES** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/20/2012

mre: 6/13/2012

ME ME

HCB

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Monday, April 16, 2012 at 2:15pm Special Agents DEBRA LOVING and MERLIN ECTOR interviewed RODNEY GARETT LEE, the Atlanta Field office in reference to this investigation. LEE is a Clayton County Sheriff's Deputy and assigned to courts services. The interview of LEE was digitally recorded using an Olympus WS-100 digital voice recorder. This recording will be downloaded and attached to this investigative summary. The above is a mere summation of the interview and for an exact account one should refer to the recordings.

Officer LEE was advised that this investigation is to determine whether any criminal laws have been violated that resulted in the hospitalization of KEVIN GUERRIER. It is not an administrative or disciplinary inquiry. He is not being compelled to give any statement or answer any questions. His cooperation in this investigation is voluntary. LEE said he understood and stated essentially the following:

AGENT ECTOR asked LEE to reflect back on the date of APRIL 6, 2012 and his encounter with GUERRIER in the court room. On that morning Deputy ULYSES BERNARD mentioned in roll call that GUERRIER was going to be in his court room for a hearing and he referred back to the month before when GUERRIER tried to flee the court room and LIEUTENANT SMITH and BERNARD had to tackle him to the floor after the judges ruling. BERNARD was asking if anybody not tied up in the afternoon could help him, because he could use another deputy or two. After LEE's courtroom went down for the day around 1:45 or 2:00pm, he went to BERNARDS courtroom. When he got there DEPUTIES MICHAEL KERN and BERNARD were in the courtroom and GUERRIER was in a holding cell, there was also the petitioner and two other females

**10-0227-34-12**

later identified as the judges wife and daughter. JUDGE BROWN was ready for GUERRIER and was letting him into the courtroom. LEE positioned himself behind where GUERRIER would be sitting. When GUERRIER came out he was already in waist and leg restraints. During the proceedings GUERRIER kept talking back to the judge and seemed to be getting more and more agitated as the hearing went on. At some point BERNARD thought GUERRIER was not going to be taken into custody and radioed the corrections officer that works in the holding area that he could go because GUERRIER was not being arrested. LEE approached BERNARD to confirm if the judge was going to let GUERRIER go and BERNARD answered he thinks so. DEPUTY KERNS had already left so LEE stayed over in the right side of the courtroom next to BERNARD. The judge gave GUERRIER a chance to speak and say everything. During this time the judge got upset and was arguing with GUERRIER that he understood what his previous child support order was and the judge decided to hold GUERRIER in contempt until he could pay the sum of \$700 or so dollars and told GUERRIER to go with the deputies. LEE opened the door to the holding cell and instructed GUERRIER to come on, GUERRIER stood up and hit the table, saying "no, you are going to listen to me" to the judge. GUERRIER started moving toward the petitioner and BERNARD started to follow him. After passing the petitioners table GUERRIER made a charge towards the judge, he was still yelling and cursing. LEE and BERNARD went to get him and they slammed into each other as they got to GUERRIER at the witness table, they had grabbed him and he was still cursing and trying to pull away from their hold on him. To get control of GUERRIER they took him to the ground and all three of them ended up going to the ground. Lee secured GUERRIERS head and told him to get up so they could take him to the holding area, GUERRIER said a curse word and that he was not going anywhere. GUERRIER was really irate and upset. BERNARD and LEE had to carry him like luggage; LEE garbed his leg irons with his left hand and tried to grab his

**10-0227-34-12**

shoulder with his right hand as they carried him to the holding cell. Once in the holding cell they sat GUERRIER down and BERNARD went immediately back out the door because you never leave the judge alone. LEE was moving a chair that was in the holding area because he did not want GUERRIER to get a hold of it and use it as a weapon, while moving the chair LEE heard the rustling of GUERRIER chains and turned to see him on his knees trying to get out of the door, back into the courtroom. LEE grabbed him by the arm and stood him up, then took him to the doorway of the holding cell, BERNARD had come into help LEE but went right back out. LEE told GUERRIER to lean back against the wall and calm down. HE was still upset and yelling "get me to the judge; I need to talk to him." About two minutes later LT. SMITH came into the holding area and talked with GUERRIER for a minute then went out to talk to BERNARD. BERNARD came back in the holding area and brought GUERRIER his legal paperwork that he had brought to court with him. DEPUTY KERNS returned and took GUERRIER into the holding cell and told BERNARD he would escort GUERRIER to the jail. LEE left and about 2 hours later KERNS called him and asked him to bring him his water. When LEE brought him the water he asked KERNS what was taking so long and he said they were still waiting on the contempt order from the judge. DEPUTY SHELLINA FYALL was in the holding area now with KERNS and she said GUERRIER was fine. She had been sitting and talking to him for a while. Lee was concerned about him and did not want him to hurt himself, because he still had his belt on and was cuffed in front. They all sat there till 4:30pm, when the judges' clerk called and said they were finished with the contempt order. They then escorted him from the holding cell to the elevator without incident. When GUERRIER went up on the elevator that was the last LEE saw or knew anything about him.

AGENT ECTOR asked LEE if they hit GUERRIER head on the witness stand when they

**10-0227-34-12**

they were taking him down. He answered no.

AGENT ECTOR asked LEE how he secured GUERRIER head when he was on the floor. He answered by the back of his neck and his head was turned to the side.

AGENT ECTOR asked LEE if GUERRIER complained about his head hurting. He answered no his only complaint was he wanted to see the judge.

AGENT ECTOR asked LEE about a thump he said he heard. LEE thinks it was GUERRIER falling from the leg irons or his knee hitting the ground, but he is not sure what it was.

AGENT ECTOR asked LEE if he or BERNARD used any force on GUERRIER when they were in the holding area. LEE said he only touched him when picking him up and holding his arm from running back into the courtroom.

AGENT ECTOR asked LEE if he would take a polygraph and LEE said yes and he understood why.

It should be noted agent ECTOR reviewed the courtroom video with LEE.

This interview was concluded at 2:44pm.

**ID DATA:**

**LEE, RODNEY** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 4/20/2012

mre: 6/13/2012

ME ME

ACB

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Tuesday, April 17, 2012, at approximately 11:21 am, SPECIAL AGENT (S/A) DEBORAH A. LOVING was contacted by SPECIAL AGENT IN CHARGE (SAC) CARTER BRANK and requested to obtain medical records for KEVIN GUERRIER, the subject of a use of force investigation in Clayton County, Georgia, who had passed away following hospitalization at Southern Regional Medical Center. S/A LOVING made contact with DEATH INVESTIGATION SUPERVISOR ASHLEY GARRISH in the Georgia Bureau of Investigation (GBI) Medical Examiner's Office at 11:23 am to confirm that a Subpoena (attached in the investigative file) was faxed to Southern Regional Medical Center.

S/A LOVING contacted KATE MOTLEY with the Medical Records Department at Southern Regional Medical Center at 11:42 am and confirmed her receipt of the subpoena and scheduled to pick up the requested medical records on the afternoon of April 17, 2012.

Arrangements were made with S/A MERLIN ECTOR to leave the video footage from the courtroom and any pertinent nurse's interview notes at GBI Headquarters for DR. KRIS SPERRY'S review.

S/A LOVING arrived at Southern Regional Medical Center located at 11 Upper Riverdale Road in Riverdale, Georgia at 2:43 pm and met with WENDY HARRIGAN of the Intensive Care Unit who provided a copy of the medical records, including the CT images, laboratory reports and a blood sample that was drawn on April 16, 2012.

**10-0227-34-12**

The medical records were hand delivered to DR. SPERRY at the GBI Medical Examiner's Office located at 3121 Panthersville Road in Decatur, Georgia by S/A LOVING at 3:10 pm. DR. SPERRY was performing the post-mortem examination of the decedent at that time.

The medical records will remain in the custody of DR. SPERRY and will be released to the GBI Atlanta Regional Office at a later date.

**ATTACHMENTS**

SUBPOENA

[\(Attachments\)](#)

SPECIAL AGENT DEBORAH A LOVING: 4/17/2012

dal: 4/20/2012

*(DAL) ME dreg*

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Thursday, April 19, 2012, at approximately 10:15 am, SPECIAL AGENT (S/A) DEBORAH A. LOVING met with DR. KRIS SPERRY and DEATH INVESTIGATION SPECIALIST SUPERVISOR (DISS) ASHLEY GARRISH at the Georgia Bureau of Investigation (GBI) Medical Examiner's Office.

DR. SPERRY requested the following information to assist in his determination of the cause and manner of death of KEVIN GUERRIER, the subject of a use of force investigation in Clayton County, Georgia:

- (1) Timeline of the events on the date of the incident;
- (2) Infirmary records from the Clayton County Sheriff's Office;
- (3) Dialysis records for one (1) month prior to the incident specifically detailing the decedent's blood pressure readings, procedures used, machines used and the anticoagulants used in the machine and/or tubing;
- (4) Medical records from the primary care physician for approximately two (2) months prior to the incident; and
- (5) The disc containing the CT scan and chest x-rays from Southern Regional Medical Center.

DISS GARRISH agreed to obtain the dialysis records from Emory Dialysis, the disc from Southern Regional Medical Center and medical records from the primary care physician.

DR. SPERRY provided a copy of an article titled "Treatment of subdural and

**10-0227-34-12**

intracerebral haematomas in a haemodialysis patient with tranexamic acid” which was attached to this investigative summary.

**ATTACHMENTS**

OTHER

[\(Attachments\)](#)

SPECIAL AGENT DEBORAH A LOVING: 4/30/2012

dal: 4/30/2012

(DAL) ME

ACB

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Thursday, April 26, 2012 Special Agent MERLIN ECTOR met with Special Agent ARTHEZ WOODRUF of the GBI Polygraph Unit in reference to him polygraphing Clayton County Deputies ULYSSES BERNARD and RODNEY LEE on this same date. After administering the polygraph examinations, AGENT WOODRUF told AGENT ECTOR that LEE had shown no signs of deception, while BERNARD's polygraph examination results were inconclusive. AGENT ECTOR told AGENT WOODRUF that he would schedule another time for BERNARD to take another test. AGENT ECTOR advised BERNARD that he would need to be retested.

On Thursday, May 3, 2012, AGENT WOODRUF again administered a polygraph examination to BERNARD. After the examination, AGENT WOODRUF called AGENT ECTOR and advised him that the results of BERNARD's second polygraph examination were also inconclusive.

**ATTACHMENTS**

OTHER

[\(Attachments\)](#)

**ID DATA:**

**WOODRUFF, ARTHEZ**

COUNTRY: UNITED STATES

OCCUPATION: AGENT

EMPLOYER:

GEORGIA BUREAU OF INVESTIGATION

3121 PANTHERSVILLE ROAD

DECATUR, GA

BUSINESS:(404)244-2600

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

SPECIAL AGENT MERLIN R ECTOR: 4/30/2012

mre: 6/13/2012

*ME ME dreg*

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Tuesday, June 12, 2012, at approximately 3:09 p.m., SPECIAL AGENT (S/A) DEBORAH A. LOVING was located at the Clayton County Sheriff's Office at 9157 Tara Boulevard in Jonesboro, Georgia for a meeting with SERGEANT DEWAYNE HARRISON in the Special Investigations Section. The purpose of the meeting was to review the personnel file of ULYSSES A. BERNARD, the subject of a use of force investigation.

A review of the personnel file provided an employment start date of March 17, 2008. There were no complaints or disciplinary actions against BERNARD. There was a letter dated June 23, 2009 that stated that the Clayton County Board of Commissioners had designated the Risk Management Department's Safety Officer to investigate a motor vehicle accident that occurred on June 9, 2009 involving BERNARD. It was determined that the accident was "non-preventable" and no points were assessed to BERNARD'S County Employee Driving Record.

The personnel file held Employee Performance Evaluations that contained no derogatory information. The most recent Evaluation for the appraisal period of January 1, 2010 through January 1, 2011 was attached to this Investigative Summary. In this Evaluation, BERNARD received "Below Acceptable Performance - Needs Improvement" on interpersonal relations but average to outstanding performance on the other appraisal elements.

There was a letter of commendation from SHERIFF KEMUEL KIMBROUGH dated August 17, 2010 acknowledging BERNARD'S actions while participating in the rescue

**10-0227-34-12**

efforts of a citizen at the Harold R. Banke Justice Center on August 11, 2010.

There was no Internal Affairs file on BERNARD.

**ATTACHMENTS**

OTHER

[\(Attachments\)](#)

**ID DATA:**

**HARRISON, DEWAYNE** (Previously Submitted)

SPECIAL AGENT DEBORAH A LOVING: 6/13/2012

dal: 6/13/2012

*(DAL) ME*

*HCB*

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Tuesday, June 12, 2012, at approximately 3:20 p.m., SPECIAL AGENT (S/A) DEBORAH A. LOVING was located at the Clayton County Sheriff's Office at 9157 Tara Boulevard in Jonesboro, Georgia for a meeting with SERGEANT DEWAYNE HARRISON in the Special Investigations Section. The purpose of the meeting was to review the personnel file of RODNEY GARY LEE, the subject of a use of force investigation.

A review of the personnel file provided an employment start date of March 5, 2011. LEE had transferred from the Clayton County Police Department. There were no complaints or disciplinary actions against LEE.

The personnel file contained no Employee Performance Evaluations and no other records with the exception of a Request for Authorization for Part-Time Employment at Hooter's Restaurant dated April 27, 2011.

There was no Internal Affairs file on LEE.

**ID DATA:**

**HARRISON, DEWAYNE** (Previously Submitted)

SPECIAL AGENT DEBORAH A LOVING: 6/13/2012

dal: 6/13/2012

*(DAL) ME HCB*

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Thursday, June 14, 2012, Special Agent MERLIN ECTOR received an email from RYAN POWELL, Director of Operations Division of POST in reference to POST record review of RODNEY LEE and ULYSSES BERNARD. The review reveals that LEE has a prior investigation and has completed probation on it. The review and POST records are attached to this summary.

**ATTACHMENTS**

OTHER

[\(Attachments\)](#)

OTHER

[\(Attachments\)](#)

OTHER

[\(Attachments\)](#)

**ID DATA:**

**POWELL, RYAN** (Previously Submitted)

SPECIAL AGENT MERLIN R ECTOR: 6/14/2012

mre: 6/14/2012

*ME ME*

*HCB*

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

On Tuesday October 23, 2012, SPECIAL AGENT MERLIN ECTOR received the Autopsy report of KEVIN GUERRIER from the crime lab. DR. KRIS SPERRY noted the manner of death as accidental .The full report is attached to this summary.

**ATTACHMENTS**

CRIME LAB REPORT

[\(Attachments\)](#)

SPECIAL AGENT MERLIN R ECTOR: 10/23/2012

mre: 10/23/2012

ME ME

HCB

**GEORGIA BUREAU OF INVESTIGATION  
REGION 10  
INVESTIGATIVE SUMMARY**

**10-0227-34-12**

**FINAL INVESTIGATIVE SUMMARY**

On Monday, March 12, 2013 Special agent MERLIN ECTOR received a letter from the district Attorneys office of Clayton County informing the Agent that this case will not be presented to the Grand Jury after a review of the facts and circumstances surrounding this investigation. Because of these facts Agent ECTOR respectfully request that this case be closed. The District Attorneys letter along with the evidence room and crime lab reports are attached to this summary

**ATTACHMENTS**

OTHER

[\(Attachments\)](#)

SPECIAL AGENT MERLIN R ECTOR: 3/12/2013

mre: 3/12/2013

ME ME

HCB