

**IN THE SUPERIOR COURT OF LONG COUNTY
STATE OF GEORGIA**

Raiza Rojas,
PLAINTIFF

Verses

Civil Action File No. SUHC2023000005

The STATE Of GEORGIA,
DEFENDANT

AFFIDAVIT

STATE OF GEORGIA COUNTY
OF LONG

Personally appeared before the undersigned officer authorized to administer oaths, Raiza Rojas, who states under oath that s/he has personal knowledge of the following facts:

As the Court is aware I suffered a significant stroke resulting in my speech disability. I thank the Court and appreciate being afforded the opportunity to give testimony. A quick overview of events that transpired leading up to filing a Petition for Writ Of Habeas Corpus.

1. On the 13th day of October 2018 while approaching a 4 way stop sign I observed blue lights flashing off the side of the road. Two additional police cars parked on either side of the road without their lights on. I make my stop at the four-way stop sign as a deputy was signaling me with his flashlight. This being a dark rural back road in Long County at approximately 11:45 pm.

2. Long County Sheriff's Departments Derek Howard, one of the three deputies involved stepped up on the step of the truck. He advised me they were conducting a safety check point. Then deputy Howard, asked to see my driver's license. I handed deputy Howard, my drivers license he then asked if he smelled marijuana. My passenger and I both stated no sir no marijuana here. Deputy Howard, then asked if he could search the vehicle. I replied by asking do you need a warrant to search?

3. After asking that question everything immediately escalated. All three deputies quickly opened both doors entering the cab of the truck from both sides. Deputies are yelling get out it's a lawful order and start going hands on.

4. Repeatedly I asked deputies please don't touch me. Now with two deputies inside the cab on my side leaning over me. I was then told by deputy Horton, if I didn't get out he was going to shock me with his taser. Deputy Horton, then placed his taser on my thigh.

5. While pleading with deputies to not touch me. Immediately I was shocked with the taser while still sitting with my seat belt on and the truck motor running. Simultaneously I was attacked right after I had been shocked with the taser the first time. As I was snatched through my seatbelt and taken to the pavement below from an elevated position. Both deputies Howard, and Horton, are large men and myself being a small lady nevertheless both deputies man handled me. I was treated as if I was a dangerous wanted fugitive. On top of being shocked four or more times in less than a minute. Memorial

Medical Center in Savannah treated my injuries after I was released from custody.

6. This altercation left injuries covering the entire front of my body including road rash, cuts and bruises from my face to the bridge of my feet. I was repeatedly shocked with the taser to the point of losing my bowels. At my expense I was further subjected to humiliation by the deputies. As the deputies enjoyed making jokes regarding my accident. Even boldly using profanity within their sworn police report. The profanity used within the police report was done so without any context. Obviously done with the intentions of causing embarrassment and further humiliation. This type of careless attitude on display showing their willingness to intentionally causing emotional duress against a lady speaks volumes.

7. I was falsely charged with driving under the influence. Without being afforded an opportunity to prove otherwise. My license being suspended resulting from the charge of DUI.

8. My private property being my purse was seized from the truck. Resulting in several items not accounted for at the time my purse was released. One of these being a religious item containing cremains. My grandfather's cremains was seized from my purse and turned in as contraband to be tested according to the police reports.

(Exhibit-26-27-28-)

9. Sadly deputy Horton, on the 8th day of May 2019. Gave testimony to the fact my grandfather's cremains was destroyed without any kind of reasonable explanation.

(Exhibit-29- Probable Cause Transcript)

10. After requesting a F.O.I.A report on the three deputies operating the roadblock. It was discovered that in fact both deputies Horton and Howard lacked State required certification. Both deputies being in violation of State required taser certification at the time they both deployed them. Deputy Dunnem was in compliance with his State requirements but, never deployed taser. (Exhibit-32-&-33-)

11. I requested on more than one occasion verbally well as by motioning the Court requesting the Audio/Video from the arrest. I was repeatedly told there was only a little audio no video. Nevertheless I never received any Audio/Video until Post conviction. 12. On the 12th day of May 2022. I received a DVD file containing 139 minutes of

Audio/Video from Deputy Horton's Cruiser. I also received 10 minutes of Audio/Video from Deputy Howard's Cruiser.

(Exhibit-13-)

13. DVD files from deputies Cruisers. Audio/Video Files contradict deputies either sworn police reports or, sworn testimony giving on the 8th day of May 2019.

14. Even after it was known fact the truck had valid insurance and registration the night in question. Mr. Ridgeway announced to the Court that fact at Sentencing hearing the 24th day of January 2022. Judge Jeffrey Arnold, informed District Attorney Billy Nelson, at the probable cause hearing on the 8th day of May 2019. The fact that the insurance and registration did not apply to the driver it's a commercial vehicle. It would fall back on the company if in violation but, would not be the responsibility of Ms. Rojas.

(Exhibit -14- & -15- & -16-)

15. I then hired Mr. Jenkins for post conviction relief on the 7th day of December 2022. 16. Documents shows I was charged and convicted of misdemeanor obstruction but, sentenced to felony obstruction. (Exhibit-18-)

17. I became aware of this fact the day of sentencing. When receiving sentencing documents from a probation officer after transferred to the Wayne County Jail.

(Exhibit-19-)

18. I tried calling Mr. Jenkins, several times without any success. Mr. Lucas, on my behalf sent Mr. Jenkins, a certified letter. This letter asking to be informed on current situation. Most importantly asking Mr. Jenkins, for his help with my PTSD medication that was being withheld from me.

(Exhibit- -)

19. Ultimately my medication was withheld the duration of my confinement. This causing many health issues and possibly caused my stroke. As I had been taken this medication since 2017 for PTSD resulting from combat stress involving three tour's in Afghanistan and Iraq.

20. The first contact I received from Mr. Jenkins was by letter. This was only informing me of the fact I was on my own. With only a few days to prepare a Motion For New Trial.

21. My Motion for new trial was dismissed. Based on legal grounds barring a Pro Se defendant from filing any Motions while represented by an attorney.

22. Next I filed a Motion for Reconsideration. Explaining to the Court my issue with Mr. Jenkins, but that too was denied.

23. I filed my Petition for Writ Of Habeas Corpus on the 23rd day of May. With the Evans County Clerks Office Kathy Hendrix.

This started with a makeshift roadblock that in my opinion would never pass the constitutional requirements. Deputies State mandatory taser requirements was not valid. Deploying a taser multiple time's in absence of a valid State required certification seems reckless or, an intentional criminal offence. Regarding Mr. Jenkins, he essentially blocked

me from accessing the Court on my own behalf. Mr. Jenkins, refused to moved the Court in my behalf eliminating any possibility of receiving post conviction relief. I was denied critical evidence as it was withheld in the form of Audio/Video. This Audio/Video definitely projects a different light on the situation. This new evidence brings into question the truthfulness of the deputies sworn reports and testimony that was used against me. There are many troubling issues surrounding this case. Just the fact that my medication was withheld should have never happen. The repercussions unfortunately has caused many health issues that I'll have to deal with for the rest of my life. I understand the Court can not just roll back the clock and prevent these type of incident regardless of their ruling. By bringing this to the Courts attention I am hopeful it may prevent its recurrence or have the possibility of producing change to improve procedures, rules or, policy that may help protect others that suffer from disabilities. In closing I honestly believe and feel that any reasonable person would say that beyond a reasonable doubt I was denied due process of a fair trial. I would ask the Court to enter into the record Exhibits Marked (8-12-13-14-15-16-18-19-26-27-28-32-33)

Raiza Rojas, duly swear under the penalty of perjury all statements and attached documents provided herein are true to the best of my knowledge. Rebuttal in opposition of the facts documented and or, stated of any parties mentioned herein shall do so within 14 days of receiving. Rebuttal shall be by affidavit under the penalty of perjury with documentation to the contrary. Any non responding does so adopt all facts as truth provided herein without the possibility of doing so in the future.

This _____ day of _____, 20____.

Affiant

Notary Public

Sworn to and subscribed before me this _____ day of _____, 20__.