

To whomever this may concern,

Did you know that physical and/or mental disabilities in no way diminish a person's right to fully participate in all aspects of society? Yet many people with physical or mental impairments have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination.

Did you know historically, society has tended to isolate and segregate qualified inmates with disabilities? And, despite some improvements, such forms of discrimination against qualified inmates with disabilities continue to be a serious and pervasive social problem(s).

Did you know discrimination against qualified inmates with a disability persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting and access to public services?

Did you know unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination?

Did you know qualified inmates with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation and regulation to lesser services, programs, activities, benefits, jobs or other equal opportunities?

Did you know census data, national polls, and other studies have documented that qualified inmates with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically and educationally?

Did you know the Nation's proper goals regarding qualified inmates with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals?

And did you know the continuing existence of unfair and unnecessary discrimination and prejudice denies qualified inmates with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity?

Accordingly, per Federal Statute § 12101 the purpose of the Americans with Disabilities Act (A.D.A), is to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of qualified inmates with disabilities and to invoke the sweep of Congressional authority, including the power to enforce the fourteenth ammendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

Given these points, the Florida Department of Corrections has indeed established guidelines in accordance with the American with Disabilities Act of 1990 (42 U.S.C 12131, and Section 504 of the 1973 Rehabilitation Act). Likewise, the purpose is to provide equal access to Florida Department of Correction's A.D.A services, activities and programs to qualified inmates with disabilities who have documented physical impairments which affects major life activities.

As was previously stated, in enacting the A.D.A, Congress "invoked the sweep of congressional authority, including the power to enforce the fourteenth ammendment..." 42 U.S.C § 12101(b)(4). Moreover, the A.D.A provides that "a State shall not be immune under the 11th ammendment to the Constitution of the United States from an action in Federal Court or state of competent jurisdiction for a violation of § 12202."

Most noteworthy, § 5 grants Congress the power to "enforce... the provisions" of the Ammendment by creating private remedies against the states for actual violations of those provisions. "Section 5 authorizes Congress to create a cause of action through which the qualified inmate with a documented disability may vindicate his 14th Ammendment rights." In § 5 Congress is expressly granting authority to enforce... the substantive provisions of the 14th Ammendment by providing actions for money damages against the state of Florida.

Thus, with this in mind, as Title II creates a private cause of action for damages against the state of Florida for conduct that actually violates the Fourteenth Amendment. Title II validity abrogates state sovereign immunity.

Speaking about this, I am suffering from a developmental disability, which refers to a diverse group of chronic conditions that is due to mental and/or physical impairments. Developmental Disabilities causes individuals living with them many difficulties in certain areas of life, especially in "language, mobility, learning, self-help and independent living." Also it reflects the qualified incapacitated inmate's need for a combination and sequence of special, interdisciplinary, or generic care treatment, or other services which are life long or extended duration and are individually planned and coordinated; for example Traumatic Brain Injury.

In general, T.B.I (Traumatic Brain Injury) is an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment or both that adversely affects my health care decision making ability.

Considering this, on approximately January [REDACTED] 2006, while incarcerated inside the infamous Duval County Pre-Trial Detention Facility. Whereupon, I encountered a near death experience and physical assault via a fellow inmate (whom had the physique of The Notorious B.I.G.). For the most part I attempted to stand my ground... Consequently, because of gravity and due to the antagonist's size advantage which ultimately resulted to my body crash landing on the ground up-side at an acute angle.

Most noteworthy, 20 days later and I repeat with an exegetical emphasis (see Job 16:12). After the aboved incident, "TWENTY" whole entire days came to pass there to me pretentiously pleading and practically begging for medical treatment... Until February 11th, which is the date I was finally delivered to the Emergency Room to receive an X-Ray and CAT-scan.

In fact, after a thorough examination, the neuro-surgeon's hypothesis indicated that my cervicals #1 and #2 vertabrae fractured, due to delay of adequate medical services. Next thing I know, my Cranium was interjacented into a sling known as a halo apperatus from February 2006 thru November 2006. And thats not tallying the 20 days prior (the medical staff forced me to reside amongst open

population with a broke neck) before I was finally transported to the outside hospital for an X-ray.

More recently, the following triggers set me off which includes... I can't feel my face! Do you know the feeling a person acquires when their foot falls asleep? Well, I'm frequently enduring that same exact tingling sensation and emotional numbness around my visage and also my tongue. Likewise, I'm unbalanced when I walk which is contemporaneously progressing into a stagger. Also, I'm experiencing extreme excruciating neuralgia all through out my peripheral, autonomic and central nervous system, to the extent that I'm now breaking down physically, mentally and financially. Right now, I'm so broke (impecunious) literally and figuratively speaking that I'm forced to barter my food trays just so I can solicit fellow inmates pain medication because the health care staff refuses to recognize and verify my documented pre-existing developmental disability. Basically, the prison doctors are refusing to ~~prescribe~~ me anything other than Ibuprofins which has been scientifically proven to cause severe liver/kidney damage among other things.

In addition, I'm now undergoing sleep deprivation because my medulla oblongata is constantly causing sharp stabbing neuritis located near the vertex of my cerebellum and between my upper spinal cord. This direct threat is not only a physical impairment but also delegates an intellectual disability which is affecting my major life activities such as caring for oneself, performing manual tasks and sleeping.

In all honesty, I'm forced to masturbate to release the endorphine from my norepinephrine just to calm down my nerves enough so I can sleep at night. On that account, my hands and fingers are weakening to the degree simple gestures such as lifting and applying a firm grip on a writing pen and handle eating utensils has both become a challenge for me.

More than that, I'm in fear for my health and safety because the consequences of atrophy are a matter of life and death! Notwithstanding, it's not just the physical signs of my body's detriments, per se. Hence, I'm also a hypochondriacal valetudinarian concerning my state of mental health in like manner. Between me and you I'm suffering from P.T.S.D as it correlates to the Florida State Prison experience.

As a result, I'm haunted by the memory of the exploitation that I've experienced and I frequently have scary moments when I'm forced to frequent amid crowds. Thus, its like Im stranded in a concrete jungle amongst lions, tigers and bears but only the strong will survive, especially within this wicked hostile environment at Florida State Prison, where a 15 year sentence could verily reciprocate into the Death Penalty but without Due Process.

Thus, the crux of the matter is the fact that I had to recondition my pusillanimous mentality and train my body to always be ~~always~~ on alert to any harmful attacks whether the challenge be an adversary or situation. Thus, my psychoanalysis to any possible threat in regards to my safety is often calculated like an algorithm.

Along with, I am in fear for my life because if I died tonight at the hands of security guards and/or the medical staff's deliberate indifference while under the unlawful custody at Florida State Prison. More likely than not, the cause of death from the medical examiner's office would be ficticiously listed as undetermined or fraudulently written up as a cover up because the medical staff and so-called law enforcement officers are all in cahoots in a conspiracy to infringe on my constitutional and human rights!

By the same token, I am in fear for my life because the so-called law enforcement officers at Florida State Prison are notorious for administering subversive activities such as applying excessive force and physically assulting inmates while in restraint gear (shackles and handcuffs), unreasonably discharging chemical agents, refusing to provide food services, put on strip (i.e all property is taken, mattress, sheets, blanket etc.) among other things to retaliate against the inmate class all because we have the temerity to request for A.D.A services, activities and programs.

By way of example, due to my Traumatic Brain Injury I am too incompetent and unable to fathom the rules to the rignmarole grievance procedure(s). Thru due diligence, I've been humbly requesting for legal assistance but the law library supervisor is reluctant to oblige me with conducting legal research, or to provide inmate law clerks to assist me with the preparation of legal documents.

To put another way, the law library supervisor's refusal to approve copying services which is now interfering with my right to access to the courts and other administrative actions filed before the Florida Commission On Offender Review, the Agency for Persons with Disabilities, the Conviction Integrity Review Division, inter alia. Therefore, without legal assistance I don't know what else to do???

Under those circumstances, due to the severity of my documented disability I am now an incapacitated inmate that lacks the capacity to take those actions necessary to provide the health care, food, shelter, clothing, personal hygiene and other essential health and safety requirements without which serious and imminent physical injury or illness is more likely than not to occur.

As previously stated, the Florida Department of Corrections is discriminating against me on the basis of my pre-existing life threatening impairment in regards to its A.D.A services, activities and programs. All qualified inmates with developmental disabilities shall be provided the opportunity to identify and verify the nature of any disability and to request an accommodation in accordance with the American with Disabilities Act (A.D.A) 42 U.S.C. 12101 et. seq.

Consequently, the Comprehensive Health Care Contractor's staff at Florida State Prison has actual possession of my outside (in-patient) hospital records, which was transferred from U.F Health & Shands at Jacksonville to Florida State Prison Medical Records Department on or about September 2016. However, the Institutional Impaired Inmate Committee, the A.D.A Coordinator, Warden of programs, and the medical administration are all adamant at trying to absolve themselves from A.D.A standards and other legal binding responsibility by using the rationale of H.I.P.A.A policy and procedures, as an escapegoat.

With this intention, the Health Care staff at Florida State Prison has the audacity to separate my outside (in-patient) hospital records apart from my medical file within the prison's institutional records. Basically, they are attempting to sweep my cognizable A.D.A allegations under the rug without Due Process.

By the way, I'm more than willing to sign a "Consent and Authorization For Use and Disclosure Inspection and Release of Confidential Information" form, to members of The United States Congress. Hence, this is the only feasible method for the Department of Health and Human Services; the deputy secretary for medicaid in the Agency for Health Care Administration; the director of the Agency for Persons with Disabilities; the Director of the Department of Economic Opportunity and the Florida Statewide Advocacy Council volunteers could be enabled adequate access to all my pertinent medical information/records so they may evaluate a clinical research study and to diagnose the following:

- "Whether the concussion that I sustained during the physical assault resulted to a Traumatic Brain Injury and/or Whether the 20 days delay of medical treatment hindered the healing process or caused it to be counter productive?"
- "Whether the physical and mental impairment that substantially limits my major life activities, meets the essential eligibility requirements of Title II of the A.D.A and qualifies my developmental disability status?"
- "Whether the City of Jacksonville or the State of Florida should be held accountable/liable for all my medical expenses and the reimbursement, remunerations, reparation and/or indemnities but not limited to all my financial debt and unpaid loans due to my inability to sell my labor, plus for all the pain and suffering I've endured perennally thru the years?"
- "Whether a 15 year sentence inside Florida Department of Corrections constitutes an auspicious anachronism or whether wasting my time and the tax payers money being unproductive while warehoused under the unlawful detention amounts to a school of crime?"
- "And if so, what alternative resources or A.D.A programs are available while Im incarcerated until my eventual release from Florida State Prison?"

As a final point, the Secretary of Florida Department of Corrections has failed or refuses to establish adequate effective communication for qualified inmates with disabilities, for the simple reason that we'll have access to report staff abuse without revealing the nature of our A.D.A grievance(s). By means of, not requiring the Regional Directors of Institutions to open a line of adequate communication with all disabled inmates so to effectively and timely address A.D.A issues within Florida State Prison is indirectly permitting these abuses to continue without Due Process.

Seeing that, there are no effective means for inmates to convey an A.D.A complaint to central office staff. For instance, in case of a physical assault or abuse by staff at the institutional level without the institutional staff retaliating against inmates whom is attempting to complain of abuse as the return of any response from Central Office addressing the A.D.A complaint to the inmate and then returned to the grievant when delivered back to the complaining inmate through the process of routine delivery of institutional mail which is read by correctional staff (so-called law enforcement officers) prior to delivery and the complaint being made by the disabled inmate is then conveyed to the corrupt and abusive staff so that reprisal could continue to occur for the disabled inmate having made the complaint which creates a revolving door of abuse by the corrupt staff!

All in all, both the Florida Department of Corrections and the qualified inmate with a documented disability share responsibility to verify an incapacitated inmate's physical or mental impairments. However, if the claimed disability is not obvious, staff may request additional documentation to verify the disability. Verification of an inmate's disability may be triggered when the qualified inmate self-identifies or claims to have a physical or mental impairment or disability. Similarly, when Florida Department of Corrections Health Services Medical Records Department contains documentation of a disability by Florida State Prison medical provider.

That being the case, in *Olmstead v. L.C.*, 527 U.S. 581 (1999) (the "Olmstead decision"), the Supreme Court construed Title II of the ADA [42 USC §§ 12131 et seq.] to require States to place qualified individuals with developmental disabilities in community settings, rather than in institutions, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement and the State can reasonably accommodate the placement, taking into account the resources available to the State and the needs of others with disabilities.

Otherwise, unjustified isolation or segregation of qualified inmates with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 et seq. [42 USC §§ 12131 et seq.]. States must avoid disability-based discrimination unless doing so would fundamentally alter the nature of the service, program, or activity provided by the State.

Eventually, the Federal Government must assist States and localities to implement swiftly the *Olmstead* decision, so as to help ensure that all Americans have the opportunity to live close to their families and friends, to live more independently, to engage in productive employment, and to participate in community life.

To summarize, a qualified inmate with a disability shall be assigned to a facility that can meet the special needs and medical treatment of an incapacitated inmate with a developmental disability as identified by the A.D.A Coordinator. And to the extent possible, that can meet the disabled inmate's special medical needs for A.D.A programs that may appropriate security and supervision. And last but not least, determine my A.D.A eligibility before the Florida Commission on Offender Review in regards to my approval for the Conditional Medical Release and/or transition to a residential family care treatment program.

Last but not least, the duty of society does not end with my transition back into society. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after care directed towards the lessening of prejudice against ex-convicts and disabled inmates towards the goal of social rehabilitation.

I await and anticipate your response with interest.