IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RONALD PATRICK SWINEY,	)	
	)	
PLAINTIFF,	)	
	)	
V.	)	CIVIL ACTION NO. 91-T-978-N
	)	
E. L. HARRELSON, et al,	)	
	)	
DEFENDANT.	)	

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and in said State, personally appeared, Robbie S. Carter, who being known to me and being by me first duly sworn, deposes and says as follows:

My name is Robbie S. Carter. I am over twenty-one (21) years of age and am a resident citizen of Alabaster, Shelby County, Alabama.

I am the owner of All Star Trophy located in Alabaster, Shelby County, Alabama. I am the sister of the Plaintiff, Ronald Patrick Swiney.

During the time that my brother was a patient at the Humana Hospital in Montgomery, Alabama, my aunt, Loreta Cooper, my mother, Odelle Swiney, and I were allowed several visits.

On or about August 22, 1989, during one of our visits, while my mother and I were present, one of the guards, without provocation, made a threat to my brother's life. The statement made by the guard was something to the effect of the following: "I used to have *compassion* for prisoners; but now, I'd just as soon *blow their brains out* as not." (This was said while placing his hand on his pistol in a threatening action.)

My brother got very angry and upset. The nurses came running in the room immediately when they noticed that the telemetry monitor on his heart gave indication of distress. We were able to get him calmed down after a few minutes and I suppose the nurses phoned the prison becsuse Capt. McDonald arrived shortly thereafter and we were instructed to leave.

We went to Montgomery Security to see the owner regarding this incident (it was our understanding that they supplied all guards for inmates while they are at the Humana Hospital.) When we got there, Mrs. Moody came in and introduced herself and said her husband was out of the office but that they were co-owners and