

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
J. FREDERICK MOTZ  
UNITED STATES DISTRICT JUDGE

101 W. LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
(301) 962-0782  
FTS 922-0782

July 20, 1990

MEMO TO COUNSEL RE: Crutchfield, et al. v. Wright  
Civil No. JFM-88-2308


Dear Counsel:

I have entered the consent decree which you have submitted.

I am writing this letter (and making it a part of the court record) to state that by signing this consent decree I am not ruling upon the constitutionality of the procedures which it establishes. I am merely acknowledging that the parties have agreed that the procedures are constitutional. I am making this disclaimer because, as you know, I presently have pending before me litigation involving the policies and procedures concerning the treatment of HIV-positive inmates in the state correctional system, and I do not want my signing of the consent order in these cases to be deemed to be a prejudgment of the issues which remain to be resolved in the other litigation.

I again want to thank you for the responsible manner in which you have handled these cases.

Very truly yours,



J. Frederick Motz  
United States District Judge

cc: Court File

Crutchfield v. Wright



JC-MD-003-002

JUL 24 1990

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

FILED  
LODGED  
JUL 18 1990  
ENTERED  
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CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
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KAREN RENEE CRUTCHFIELD, et al., \*

Plaintiff \*

v. \*

JOHN E. WRIGHT, \*

Defendant \*

CIVIL ACTION NO.  
JFM-88-2308

\* \* \* \* \*

CONSENT DECREE

Plaintiffs, Karen Crutchfield, Tawanda Powell, and Jacqueline Walker, and Defendant, John Wright, through their respective undersigned attorneys, agree to the dismissal of the above-captioned matter and in support thereof state:

1. This case arose from three separate complaints filed in the U. S. District Court for the District of Maryland, namely, Case Nos. JFM 88-2392 (Jacqueline Walker v. John Wright), JFM 88-2351 (Tawanda Powell v. John Wright), and JFM 88-2308 (Karen Crutchfield v. John Wright). The three cases were consolidated as JFM 88-2308 by Order of this Court dated September 15, 1988.

2. Plaintiffs asserted that Defendant had violated their respective constitutional rights pursuant to the Eighth and Fourteenth Amendments and, therefore, had violated 42 U.S.C. §1983. The factual predicate for this claim derived from Plaintiffs' respective placement in an area of the Montgomery

County Detention Center that was segregated from the general population. Plaintiffs had been placed in this manner pursuant to their having tested positive for the HIV virus (AIDS).

3. By July, 1989, the Detention Center had ceased the practice set forth in paragraph 2, supra.

4. The Policy and Procedure used by the Montgomery County Detention Center has been revised to remedy the problem addressed by Plaintiffs in their Complaints and, also, to provide further confidentiality regarding any inmates who may have tested positive for the HIV virus.

5. The parties, through their attorneys, agree that the Policy and Procedure 3000-17, effective July 1, 1990, responds to their respective concerns and constitutes a fair and reasonable policy. (A copy of the Policy is attached hereto as Exh. A.) As such, the parties agree that further proceedings in this cause of action are unnecessary.

6. Defendant agrees henceforth to operate the Montgomery County Detention Center in a manner consistent with the terms of Policy and Procedure 3000-17 and the Constitution of the United States.

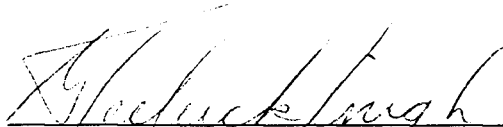
7. The parties agree that nothing in this Agreement is intended to prevent Defendant from implementing new procedures which benefit Plaintiffs and other inmates similarly situated, and it shall not diminish any substantive rights or procedural protection they may now have or hereafter acquire under state or federal statutes.


8. This Consent Decree does not resolve the claims of Plaintiffs for attorneys' fees and costs. Plaintiffs may petition the Court for reasonable attorneys' fees and costs. Defendant reserves the right to contest any petition by Plaintiffs for attorneys' fees and costs.


WHEREFORE, the parties, through their undersigned attorneys, respectfully request that the Court accept this Consent Decree and dismiss this cause with prejudice.

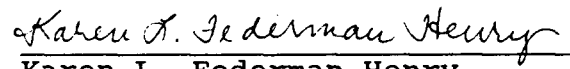
Respectfully submitted,

CLYDE H. SORRELL  
County Attorney

  
Anthony V. Teelucksingh  
Whiteford, Taylor & Preston  
Seven Saint Paul Street  
Suite 1400  
Baltimore, Maryland 21202

  
Linda D. Berk  
Senior Assistant County  
Attorney  
Bar No. 03903


  
Susan Goering, Esquire  
American Civil Liberties  
Union of Maryland  
Ten North Calvert Street  
Suite 405  
Baltimore, Maryland 21202

  
Karen L. Federman Henry  
Associate County Attorney  
Bar No. 04068

Attorneys for Defendant  
101 Monroe Street  
Third Floor  
Rockville, Maryland 20850  
(301) 217-2600

It is so Ordered this 20<sup>th</sup> day of July,

1990.

  
\_\_\_\_\_  
J. Frederick Motz, Judge  
U. S. District Court for the  
District of Maryland