

EXHIBIT H

DATE: Sept. 12th, 2005

TO: Presiding Judge In re Williams v. Lt. Ross et. al.,

FROM: Mr. Charles Jordan B#54540 (FA4-147), P.O. Box 1050, Soledad CA. 93960-1050/
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SUBJECT: Declaration / Affidavit from Charles Jordan to C/O Tuntakit

I, [Charles Jordan], being of sound mind and free of any threats, coercions, or reprisals make the following statements:

- 1) On _____ at approximately _____ hours while being housed in cell B5-127-L I witnessed an incident involving Inmate ("I/M") Williams and I/M White, who were housed in cell B5-126. This incident involved a fight between I/M Williams, I/M White, and a Staff Response Team which included C/O Maze, C/O Roach, C/O Tuntakit, and other C/O's identified as "defendants" in the case Williams v. Lt. Ross et. al.,.
- 2) That on or about 12/01/04 and on several subsequent occasions while in the D2 exercise cages), inmate Williams and I spoke extensively about the defendants he intend to file civil charges against relative to the way he was treated by guards in response to the incident he had with I/M White.
- 3) Mr. Williams requested an affidavit regarding my knowledge of the incident. During my conversation with Mr. Williams, I made it clear to I/M Williams that I never witnessed any misconduct on behalf of C/O Tuntakit and C/O Maze. At this time I/M Williams informed me that he had no intentions of perusing litigation against C/O Tuntakit or Maze, and that at some point during the litigation process he planned to drop them as defendants and pursue other guards who's actions were more malicious and injurious to his welfare. I/M Williams further explained that the only reason he had included C/O Tuntakit in the law-suit is because it was necessary in order to him to strengthen his charges against other guards and to fight off Summary Judgement, which was anticipated to be filed by other defendants. Again, I/M Williams assured me that at some point after Summary Judgement he would drop C/O Tuntakit as a defendant, because none of his actions were considered malicious or unprofessional. I then agreed to give I/M Williams an affidavit on the contingency he would not pursue false claims against this officer.
- 4) It should be noted that while I did in fact give Mr. Williams an affidavit to pursue his claims, it is my Information & Belief that C/O Tuntakit has always performed all "duties as Correctional Officer in a respectful and professional manner. During my residence at SVSP I have "never" observed C/O Tuntakit use excessive force against inmates, nor have I ever observed him to conspire with other guards to do anything that would be considered unprofessional. It is my Information & Belief C/O Tuntakit is one of the few staff working here who has always treated both staff and inmate as "human beings" deserving of respect and the best of professionalism.
- 5) Should this matter come to trial, I would be willing to voluntarily testify to the "facts" in this matter regarding there being no inappropriate behavior on behalf of C/O Tuntakit.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct, except for those matter alleged on Information & Belief, and to those matters I believe to be true also. This declaration was executed on _____, at SVSP Facility "A" in the County of Monterey, and in the City of Soledad California.

1/s/ Charles Jordan
Mr. Charles Jordan B#54540 (FA4-147)

