

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BERNHARDT TIEDE, II;
TEXAS PRISONS COMMUNITY
ADVOCATES; BUILD UP, INC. a/k/a
LIONESS: JUSTICE IMPACTED WOMEN'S
ALLIANCE; COALITION FOR TEXANS
WITH DISABILITIES; TEXAS CITIZENS
UNITED FOR REHABILITATION OF
ERRANTS,

Plaintiffs,

v.

BRYAN COLLIER, in his official capacity as
Executive Director of Texas Department of
Criminal Justice,

Defendant.

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Civil Action No.: 1:23-cv-01004-RP

**PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE REGARDING
DEFENDANT'S FAILURE TO NOTIFY THE COURT OF FALSIFIED EVIDENCE**

I. INTRODUCTION

During Defendant Bryan Collier's direct examination at last summer's preliminary injunction hearing, his counsel introduced into evidence Defendant's Exhibit 76—which purported to list the outside air temperature, humidity, and heat index at the Mark W. Stiles Unit in July 2022. Defendant's Exhibit 76 indicated that (1) the temperature on July 12, 2022, stayed at a consistent 79° from 12:30 a.m. to 4:30 p.m., and (2) the heat index that day never exceeded 85°. ¹ Mr. Collier's counsel introduced the exhibit to rebut testimony from one of Plaintiffs' witnesses that the heat index had reached 136° at the Stiles Unit that day. ²

¹ Def.'s Hearing Ex. 76; Hearing Tr. (Aug. 2, 2024) at 196:25-197:1.

² Pls.' Hearing Ex. 269 at 3; Hearing Tr. (Aug. 2, 2024) at 193:4-8, 196:23-197:1.

After consulting an authoritative source on the matter, the Court took judicial notice that the temperature in Beaumont (where the Stiles Unit is located) actually reached a high of 96° that day, contrary to the information contained in Defendant’s Exhibit 76.³ The Court also noted that the entries on the July 12 log appeared to be in the same handwriting, despite having purportedly been written by different people.⁴ Because of these discrepancies, the Court determined that the temperature log for July 12, 2022 was “fabricated.”⁵ Mr. Collier’s counsel nevertheless repeatedly insisted that the logs were nothing more than a “mistake”—not an intentional fabrication.⁶ At the conclusion of the hearing, the Court ordered Mr. Collier to get to the bottom of the issues with the log and report the results of that investigation to the Court.⁷ Mr. Collier promised to do so.⁸

Seven months have passed, and neither Mr. Collier nor his counsel have given the Court any update about whether the logs were fabricated. Plaintiffs recently learned, however, that Mr. Collier completed the Court-ordered investigation last fall and confirmed as early as September 20, 2024, exactly what the Court suspected: The July 12 temperature logs were “obviously and clearly false,” and other logs from the Stiles Unit showed similar evidence of fabrication.⁹ That investigation also revealed that the logs were fabricated in response to open records requests during the summer of 2022 in order “to avoid reporting missing temperature logs” and likely

³ Hearing Tr. (Aug. 2, 2024) at 196:6-11, 276:25-277:8.

⁴ Def’s Hearing Ex. 76.

⁵ Hearing Tr. (Aug. 2, 2024) at 278:22-23.

⁶ *Id.* at 278:11-19.

⁷ *Id.* at 280:20-25, 283:6-9.

⁸ *Id.* at 287:3-10.

⁹ Ex. 1, Email from C. Cirrito to B. Collier (Sept. 20, 2024) at TIEDE_DEF0168374.

with the “knowledge and/or consent of unit administrators.”¹⁰ Rather than produce the investigative report as required by the Court’s order, however, Mr. Collier and his counsel did nothing. They did not even bother to correct his counsel’s repeated false statements that that the Stiles Unit employee simply “made a mistake this day.”¹¹

Instead, they sat on the report for four months until producing it to Plaintiffs on February 24, 2025, in response to Plaintiffs’ discovery requests. Even then—and even though Plaintiffs’ preliminary injunction motion is still pending and summer is fast approaching—Mr. Collier chose not to file the report to correct the record or his attorney’s misrepresentations to the Court. This is a clear violation of the Court’s order, and may also constitute a violation of Mr. Collier’s counsel’s duty of candor. Rather than asking the Court to issue sanctions now, Plaintiffs request that the Court issue an order to show cause as to why sanctions should not be issued and hold an evidentiary hearing as to why Mr. Collier and his counsel never informed the Court of the results of his investigation—in direct violation of the Court’s order. At that hearing, the Court can also determine who is responsible for the non-disclosure, and whether any sanction is appropriate.

II. BACKGROUND

A. Mr. Collier’s Counsel Offers into Evidence Falsified Temperature Logs, and the Court Orders Further Investigation of the Issue.

On the fourth and final day of the preliminary injunction hearing, Mr. Collier attempted to rebut earlier testimony that the heat index at the Stiles Unit had reached 136° on July 12, 2022.¹² Mr. Collier attempted to rebut this evidence by introducing Defendant’s Exhibit 76—

¹⁰ Ex. 2, TDCJ Report at TIEDE_DEF0168226–27.

¹¹ Hearing Tr. (Aug. 2, 2024) at 278:13, 18-19.

¹² *Compare* Hearing Tr. (July 31, 2024) at 238:7-240:9 (Mr. Williams’ testimony regarding the inmate grievance noting a heat index of 136°), *with* Hearing Tr. (Aug. 2, 2024) at 193:4-13 (Mr. Collier’s testimony attempting to rebut Mr. Williams’ testimony).

which purported to list the outside air temperature, humidity, and heat index at the Stiles Unit in July 2022.¹³ At Mr. Collier’s request, the Court admitted Defendant’s Exhibit 76 into evidence.¹⁴ Mr. Collier then testified that he did not see “anywhere on [Defendant’s Exhibit 76] that says [the heat index was] 130 percent” at the Stiles Unit on July 12.¹⁵

On Defendant’s Exhibit 76, the outside temperature on July 12 never exceeded 87°, and the heat index never exceeded 85°¹⁶:

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
Temperature Log
 UNIT: MARK W. STILES

DATE:	Outside Air Temperature	Humidity or Wind Speed	Heat Index or Wind Chill*	Person Recording
7/12/22	79°	97% / 0	70°	JONES
12:30 a.m.	79°	97% / 0	75°	JONES
1:30 a.m.	79°	97% / 0	70°	JONES
2:30 a.m.	79°	97% / 0	75°	JONES
3:30 a.m.	79°	97% / 0	75°	JONES
4:30 a.m.	79°	97% / 0	75°	JONES
5:30 a.m.	79°	97% / 0	79°	JONES
6:30 a.m.	79°	97% / 0	79°	JONES
7:30 a.m.	79°	97% / 0	80°	JONES
8:30 a.m.	79°	97% / 0	80°	JONES
9:30 a.m.	79°	97% / 0	82°	JONES
10:30 a.m.	79°	97% / 0	82°	JONES
11:30 a.m.	79°	97% / 0	83°	JONES
12:30 p.m.	79°	97% / 0	83°	JONES
1:30 p.m.	79°	97% / 0	83°	JONES
2:30 p.m.	79°	97% / 0	83°	JONES
3:30 p.m.	79°	97% / 0	83°	JONES
4:30 p.m.	79°	97% / 0	83°	JONES
5:30 p.m.	87°	71%	85°	JONES
6:30 p.m.	87°	79%	85°	JONES
7:30 p.m.	85°	84%	85°	JONES
8:30 p.m.	82°	84%	85°	JONES
9:30 p.m.	80°	86%	83°	JONES
10:30 p.m.	78°	86%	83°	JONES
11:30 p.m.	77°	86%	83°	JONES

* Temperatures between 51 and 79 degrees Fahrenheit (°F) are not represented on the Wind Chill Index (Attachment A) or the Heat and Humidity Index (Attachment B). Indicate (N/A) in these fields when applicable.

¹³ Hearing Tr. (Aug. 2, 2024) at 194:17-195:1; Def.’s Hearing Ex. 76.

¹⁴ Hearing Tr. (Aug. 2, 2024) at 195:12-15.

¹⁵ *Id.* at 196:2-197:1.

¹⁶ Def.’s Hearing Ex. 76.

The Court immediately recognized there was “something wrong with this document.”¹⁷ As the Court later noted (after consulting a reliable source), the temperature in Beaumont that day had reached 96°. ¹⁸ Mr. Collier nevertheless insisted that he had no reason to believe that TDCJ employees were falsifying temperature logs or misrepresent temperatures to the Texas Legislature.¹⁹

After Plaintiffs’ cross-examination, the Court returned to the issue of the outdoor temperature logs, because it “want[ed] to talk to [Mr. Collier’s counsel] about whether this is any indication of [] how records are kept” at TDCJ.²⁰ The Court noted that, in addition to the discrepancy between the recorded and actual temperatures, there were two other obvious issues with the temperature log: (1) the heat index was sometimes recorded as less than the absolute temperature, and (2) all of the entries were written in the same handwriting even though they had purportedly been made by different people.²¹

In response to the Court’s questioning, Mr. Collier’s counsel repeatedly insisted that the document was simply “a mistake”—not an intentional fabrication²²:

Yes, your Honor. And I will represent that, unfortunately for me, *this is a mistake*. It looks like *there was a mistake by the unit* and I was attempting to impeach the grievance with what was actually reported to the I[o]g, which would be indoor

¹⁷ Hearing Tr. (Aug. 2, 2024) at 196:6-11.

¹⁸ *Id.* at 276:25-277:8.

¹⁹ *Id.* at 197:3-5, 198:11-15.

²⁰ *Id.* at 275:8-276:10.

²¹ *See id.* at 277:9-19. The logs for several other days in Defendant’s Exhibit 76 have similar discrepancies—including July 1 & 2, 2022 (“Wheeler” is in different handwriting, despite purportedly being entered by the same person); July 6, 2022 (similar handwriting for entries purportedly by different people); July 7, 2022 (similar handwriting and pen for entries purportedly by different people); July 13, 2022 (similar handwriting and pen for entries purportedly by different people); and July 14, 2022 (same).

²² *Id.* at 278:11-19 (emphasis added).

temps and that was in the report, I mistakenly thought that the logs were also indoor temperatures. They're outdoor temperatures. *And unfortunately for me, the attorney, it looks like the unit employee made a mistake this day.*

The Court disagreed, noting: "It's not a mistake," and it was instead "a fabricated document."²³ And the Court expressed concern that the fabricated document had been used to suggest one of Plaintiffs' witnesses was not telling the truth.²⁴ The Court ordered that "somebody needs to look into this about how this happened, [and] why it happened."²⁵ And the Court said: "I want to get to the bottom of this and I believe [Mr. Collier and his attorneys] probably do, too."²⁶

Plaintiffs requested a specific deadline for Mr. Collier to provide an explanation to the Court regarding whether Defendant's Exhibit 76 was fabricated.²⁷ The Court denied that request, noting that such a deadline was unnecessary, because the Court was confident Mr. Collier would "get right on [it]."²⁸ Mr. Collier's counsel confirmed that he would do just that.²⁹

B. Investigation Shows that the Temperature Logs Were, in Fact, Fabricated, but Defendant Did Not Share the Results of that Investigation with the Court.

Despite assuring the Court and Plaintiffs that he would "get on it," Mr. Collier never informed the Court what occurred with Defendant's Exhibit 76 or why. In the more than seven

²³ *Id.* at 278:20-25.

²⁴ *Id.* at 278:3-10, 278:20-279:2, 279:13-20. During this discussion, the Court incorrectly assumed the temperature log had not been admitted into evidence by Mr. Collier—when, in fact, it was. (*Compare id.* at 275:13-18, 279:18-20, *with id.* at 195:12-15.)

²⁵ *Id.* at 280:15-18; *see also id.* at 283:4-9 (repeating same sentiment).

²⁶ *See id.* at 280:20-25.

²⁷ *See id.* at 287:3-6.

²⁸ *Id.* at 287:7-8.

²⁹ *Id.* at 287:3-10.

months since the preliminary injunction hearing has concluded, Mr. Collier and his counsel have remained silent. As a result, Plaintiffs served written discovery on January 24 2025, which sought all materials related to Mr. Collier’s investigation. Mr. Collier responded to those requests on February 24. Those responses revealed—for the first time—that Mr. Collier had ordered and completed an investigation which confirmed the Court’s suspicions: The July 12, 2022 log on Defendant’s Exhibit 76 was “falsified.”³⁰

Emails produced by Mr. Collier demonstrate that the investigation was started shortly after the hearing concluded. By September 20, 2024 (seven weeks after the hearing), the investigator informed Mr. Collier that the log was “obviously and clearly false.”³¹ Less than a week later, the investigator noted he was “confident in [his] conclusion” and had a “documentation trail, which is likely more than enough to satisfy the judge.”³²

The final report was dated November 8, 2024, and concluded that Defendant’s Exhibit 76 was, in fact, falsified—not to deceive this Court, but to deceive the public in response to open records requests. Among the conclusions reached by the investigator³³:

- Logs were falsified in response to an agency-wide effort to collect temperature logs in response to open records requests in the summer of 2022³⁴;
- The July 12, 2022 log was falsified twice, by two different people, with one uploaded to a shared drive and the other maintained in the unit file³⁵;

³⁰ Ex. 2, TDCJ Report at TIEDE_DEF0168226.

³¹ Ex. 1, TIEDE_DEF168374.

³² Ex. 3, Email from B. Collier to C. Cirrito (Sept. 26, 2024) at TIEDE_DEF0169071.

³³ Ex. 2, TDCJ Report at TIEDE_DEF0168225.

³⁴ *Id.* at TIEDE_DEF0168226.

³⁵ *Id.*

- Shift rosters show that the officers who purportedly made the temperature entries on the July 12, 2022 were not assigned to positions in which they could have done so³⁶;
- “Numerous” logs for other dates have indicators of falsification, including logs that showed temperature irregularities³⁷; and
- It was likely that employees “recreated” missing logs with the knowledge or consent of their unit administrators.³⁸

More than seven months passed since the Court expressed the need to “get to the bottom” of the fabricated logs, and more than four months passed since Mr. Collier received the final report demonstrating that the problem was not limited to the July 12, 2022 log. This forced Plaintiffs to seek the results of the investigation in discovery.

Yesterday afternoon, undersigned counsel conferred with counsel for Mr. Collier about this Motion. In an attempt to preempt it, Mr. Collier filed an “Advisory to the Court” today. The Advisory states that “the OAG did not construe the Court’s comment [at the preliminary injunction hearing] as an order to produce the results of the investigation to the Court.” (ECF 199 at 2.) Tellingly, however, the Advisory says nothing about how *Mr. Collier* interpreted the Court’s comments at the hearing, it says nothing about the email to Mr. Collier in which the investigator confirmed that the purpose of the investigation was “to satisfy the judge”³⁹ (i.e., comply with the Court’s order), and it says nothing about the remainder of the Court’s comments during the hearing—which clearly establish that the Court ordered Mr. Collier to investigate the fabricated temperature logs and inform the Court “how this happened, [and] why it happened.”⁴⁰

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ Ex. 3, Email from B. Collier to C. Cirrito (Sept. 26, 2024) at TIEDE_DEF0169071.

⁴⁰ *Id.* at 280:15-18; *see also id.* at 283:4-9 (repeating same sentiment).

In fact, Mr. Collier *still* has not submitted the investigative report to the Court. And, while the Advisory correctly notes that the “investigation revealed the outdoor temperature log was created in 2022, before the initiation of this lawsuit,” rather than to deceive the Court (ECF 199 at 2), it fails to mention the investigator’s key finding that the July 12, 2022 temperature log submitted to the Court was “falsified”—not a mistake.⁴¹

These omissions from the Advisory further underscore why an order to show cause (and an evidentiary hearing) is necessary to determine (1) why Mr. Collier and his counsel did not provide the investigative report to the Court (or otherwise apprise the Court of the investigation’s findings), (2) who is responsible for this violation of the Court’s order, and (3) whether sanctions are warranted.

III. ARGUMENT

A. Both Mr. Collier and his Counsel violated the Court’s Order by Failing to Notify the Court of the Results of the Investigation.

The Court’s order was clear: Mr. Collier must determine whether Defendant’s Exhibit 76 was falsified and provide an explanation to the Court. This was an enforceable order. *See Am. Airlines, Inc. v. Allied Pilots Ass’n*, 228 F.3d 574, 578 (5th Cir. 2000) (to be enforceable, order must be “definite and specific” but “need not anticipate every action to be taken in response to its order, nor spell out in detail the means in which its order must be effectuated”). A party must take “all the reasonable steps within their power to insure compliance with the orders.” *Alberti v. Klevenhagen*, 610 F. Supp. 138, 141 (S.D. Tex. 1985). A party’s failure to do so can lead to a finding of civil contempt. *See Sec. & Exch. Comm’n v. First Fin. Grp. of Texas, Inc.*, 659 F.2d 660, 669 (5th Cir. 1981); Fed. R. Civ. Pro. 70(e); *see also* 18 U.S.C. § 401. “The contemptuous

⁴¹ Ex. 2, Ex. 2, TDCJ Report at TIEDE_DEF0168226.

actions need not be willful,” so long as “the contemnor actually failed to comply with the court’s order.” *Am. Airlines*, 228 F.3d at 581. The defendant’s intent, for good or ill, is simply “not an element of civil contempt.” *Alberti*, 610 F. Supp. at 141 (citing *McComb v. Jacksonville Paper Co.*, 336 U.S. 187, 191 (1949)). To be held in contempt, the offending party needs only to fail “to accomplish what was ordered in meaningful respects.” *Ruiz v. McCotter*, 661 F. Supp. 112, 117 (S.D. Tex. 1986) (Justice, J.) (holding TDCJ’s predecessor agency in contempt).⁴²

Here, the Court made explicit its directive that Mr. Collier investigate the fabricated temperature logs and inform the Court “how this happened, [and] why it happened.”⁴³ The Court then removed any doubt that it was expecting a prompt explanation, when it declined to set a specific deadline “for the state to provide an explanation,” and instead confirmed that Mr. Collier and his attorneys were “going to get right on that.”⁴⁴ Mr. Collier’s post-hearing communications with the investigator also confirm that the purpose of the investigation was “to satisfy the judge”⁴⁵—i.e., to comply with the Court’s order. Yet, seven months have passed, and no explanation was provided to the Court. Mr. Collier and his counsel now stand in blatant violation of the Court’s order.

The Court’s order aside, Mr. Collier’s counsel also had an ethical obligation to correct the record after she offered the falsified temperature logs into evidence. Texas attorneys owe a duty

⁴² The Court also has the power to “conduct an independent investigation in order to determine whether it has been the victim of fraud.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991).

⁴³ Hearing Tr. (Aug. 2, 2024) at 280:15-18 (“[S]omebody needs to look into this about how this happened, why it happened”); *id.* at 280:20-25 (“I want to get to the bottom of this and I believe you probably do, too.”).

⁴⁴ *Id.* at 287:3-8.

⁴⁵ Ex. 2, TIEDE_DEF0169071.

of candor to the Court, so that it is not “misled by false statements.” *In re Ethics Investigation of Allegations Raised by UDF*, No. 4:22-MC-01-O, 2023 WL 3327251, *24 (N.D. Tex. Feb. 6, 2023), *report and recommendation adopted*, No. 4:22-MC-01-O, 2023 WL 3322586 (N.D. Tex. May 9, 2023) (citations and quotations omitted)). This duty did not end with the hearing. Mr. Collier’s counsel was obligated to correct the record even if she only later learned of the temperature log’s falsity. *See* Tex. Disciplinary Rule of Prof. Cond. 3.03 (requiring attorney who learns of evidence’s falsity to make a good faith effort to persuade client to correct or withdraw evidence and, if those efforts are unsuccessful, to take “reasonable remedial measures”); *see also* *Coleman v. United States*, No. SA-16-CA-00817-DAE, 2017 WL 9360840, at *2 (W.D. Tex. Aug. 16, 2017) (applying Disciplinary Rule 3.03 to proceedings in this District). She did not do so, despite now knowing full-well (and for several months) that the July 12, 2022 log on Defendant’s Exhibit 76 was fabricated.

B. TDCJ has a History of Falsifying Documents and Making Misrepresentations to Avoid Discovery of Dangerous Conditions.

This is not an isolated incident for the TDCJ. In *Cole v. Collier*, Judge Ellison granted Plaintiff’s motion for sanctions for TDCJ and Mr. Collier violating the terms of the settlement agreement. *See Cole v. Collier*, No. 4:14-CV-1698, 2019 WL 6733002, at *2-3 (S.D. Tex. Dec. 11, 2019). Mr. Collier and TDCJ admitted to the Court “that they failed to maintain indoor heat index temperatures below 88°F in both the Stiles and LeBlanc Units, failed to notify Class Counsel when temperatures exceeded 88°F, and transported class members on non-air-conditioned buses on at least one occasion.” *Id.* at *3. And they admitted that they “previously made *several serious misrepresentations to both Class Counsel and this Court*” about their compliance with the settlement agreement. *See id.* Judge Ellison noted that the TDCJ and Mr. Collier’s “failure to stymie these violations over two years after the Court’s initial preliminary

injunction and over one year after the Court approved the settlement agreement is of particular concern to the Court,” and their “promises that they will do better without intervention by this Court fall flat.” *Id.* To investigate the severity and extent of the defendants’ misconduct, Judge Ellison awarded additional discovery and attorney’s fees. *See id.* at *4. He determined that the plaintiffs could “take up to five depositions of TDCJ officials of their choosing,” and “may also serve written discovery requests” relating to violations of the settlement agreement and Defendants “ensuing misrepresentations made to Class Counsel and th[e] Court.” *Id.*

Evidence presented at the preliminary injunction hearing also demonstrated other, more recent TDCJ practices that have almost certainly led to heat-related deaths being undercounted and underreported:

- TDCJ does not consistently take the core body temperatures of deceased inmates found in high ambient temperatures, and it has no policy requiring temperatures be taken in those circumstances⁴⁶;
- TDCJ only considers a death “heat-related” if the autopsy report lists hyperthermia as the *sole* cause of death⁴⁷; and
- TDCJ often waits several days to perform autopsies, despite the standard of care requiring that an autopsy be performed within 48 hours of an individual’s death.⁴⁸

In addition, TDCJ reported to the Texas Legislature that only 17 TDCJ inmates developed heat-related illnesses in all of 2023,⁴⁹ while at least one report from UTMB identified

⁴⁶ ECF 155, TDCJ 30(b)(6), 245:17-246:4. Notably, recently disclosed autopsies and death investigations from the hundreds of people who died during last summer show that this critical piece of information is still not being obtained.

⁴⁷ *Id.* at 244:25-245:12.

⁴⁸ Hearing Tr. (July 31, 2024) at 292:14-293:1.

⁴⁹ Pls.’ Hearing Ex. 102 at 5.

37 TDCJ inmates with heat-related illnesses *in a single month* (June 2023).⁵⁰ Mr. Collier acknowledged at the preliminary injunction hearing that he was aware of UTMB’s June 2023 heat-related illness report, but claimed (without further explanation) that the data UTMB reported to TDCJ contained “significant inaccuracies.”⁵¹ When combined with the inaccurate temperature logs, the discrepancies between TDCJ’s report to the Legislature and UTMB’s report to the TDCJ, and TDCJ’s practices and policies governing autopsies present a clear pattern of poor—and perhaps intentionally false—recordkeeping that raises significant questions about the veracity and reliability of the other documents Mr. Collier presented at the hearing regarding TDCJ’s compliance with its own heat-mitigation policies. And, as in the *Cole* case, TDCJ’s attempts to prevent the “discovery of these dangerous conditions,” continues to put inmates “lives in danger,” and has “serious consequences for individuals in TDCJ’s custody.” 2019 WL 6733002, at *2-3.

C. The Court Should Issue an Order to Show Cause and hold an Evidentiary Hearing.

By not providing the Court with the investigative report confirming that the July 12, 2022 temperature log in Defendant’s Exhibit 76 was falsified, Mr. Collier and his counsel violated the Court’s order, and counsel may have breached her duty of candor to the Court. Either may expose them to sanctions. *See, e.g., Johnson v. Lumpkin*, 76 F.4th 1037, 1038 (5th Cir. 2023) (recognizing courts’ discretion to impose sanction for counsel’s lack of candor); *Am. Airlines*, 228 F.3d at 578 (contempt sanctions for violation of order). Yet on this record, it is not entirely

⁵⁰ Pls.’ Hearing Exs. 84 & 85.

⁵¹ Hearing Tr. (Aug. 2, 2024) at 227:20-228:24.

clear where the fault for the report's non-disclosure lies, or why the report was never submitted to the Court.

Given these open questions, Plaintiffs are reluctant to ask the Court to issue a specific sanction at this time. Instead, Plaintiffs request that the Court issue an order to show cause and hold an evidentiary hearing to determine why the investigative report was not provided to the Court (or the Court was not otherwise apprised of the results of the investigation), and who is responsible for that nondisclosure.

IV. CONCLUSION

For these reasons, Plaintiffs respectfully request that the Court issue an order to show cause as to why Defendants and his counsel should not be sanctioned for failure to update the Court on the results of their investigation into falsified temperature logs and to hold an evidentiary hearing to determine why those results were not timely provided to the Court, and who is responsible for the violation of this Court's order.

DATED: March 18, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on March 18, 2025, I electronically filed the foregoing **PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE REGARDING DEFENDANTS' FAILURE TO NOTIFY THE COURT OF FALSIFIED EVIDENCE** with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/Kevin D. Homiak

Kevin D. Homiak

CERTIFICATE OF CONFERRAL

By my signature above, I certify that Plaintiffs' counsel conferred with counsel for Defendant by email on the afternoon of March 17, 2025, and Defendant's counsel stated Defendant opposes to the relief requested in this motion.

/s/Kevin D. Homiak

Kevin D. Homiak

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

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TEXAS PRISONS COMMUNITY
ADVOCATES; BUILD UP, INC. a/k/a
LIONESS: JUSTICE IMPACTED WOMEN’S
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Plaintiffs,

v.

BRYAN COLLIER, in his official capacity as
Executive Director of Texas Department of
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Defendant.

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Civil Action No.: 1:23-cv-01004-RP

**ORDER RE: PLAINTIFFS’ MOTION FOR AN ORDER TO SHOW CAUSE
REGARDING DEFENDANTS’ FAILURE
TO NOTIFY THE COURT OF FALSIFIED EVIDENCE**

Before the Court is Plaintiffs’ Motion for an Order to Show Cause Regarding Defendants’ Failure to Notify the Court of Falsified Evidence (ECF 199). At last summer’s preliminary injunction hearing, this Court ordered Defendant Bryan Collier to investigate whether the July 12, 2022 temperature log on Defendant’s Exhibit 76 was fabricated and report the results of that investigation to the Court. Mr. Collier promised to do so. Several months have passed since the investigation was completed in November 2024, and Mr. Collier’s counsel still has not provided that report to the Court. Nor did Mr. Collier or his counsel even apprise the Court of the results of that investigation until March 18, 2025—i.e., after Plaintiffs conferred with Mr. Collier about their Motion.

Given the foregoing, the Court hereby issues an order to show cause as to why Mr. Collier and his counsel should not be sanctioned for their failure to timely update the Court on the results of their investigation into falsified temperature logs. The Court directs the parties to confer and provide their mutual availability for an in-person evidentiary hearing, and inform the Court of that availability by no later than March 21, 2025. Thereafter, the Court will schedule an evidentiary hearing to determine why the investigative report was not provided to the Court, and who is responsible for the violation of this Court's order.

SIGNED ON _____, 2025.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

Exhibit 1

From: Chris Cirrito[chris.cirrito@tdcj.texas.gov]
Sent: Fri 9/20/2024 1:36:05 PM (UTC-05:00)
To: Bryan Collier[bryan.collier@tdcj.texas.gov]
Cc: Stephanie Greger[Stephanie.Greger@tdcj.texas.gov]; Eric Miller[Eric.Miller@tdcj.texas.gov]
Subject: Stiles Outside Temperature Log Update - Confidential Update Memo

Bryan,

I am nearing the end of the work I've been conducting on the events surrounding the Stiles outside temperature log introduced into evidence during recent federal court proceedings. I have one interview left to conduct next week and then work should be complete. I'll need to tie up some loose ends in my working papers and I'm going to send them through our quality control process as if this were an audit. That process takes some time but this update serves to keep you in the loop should any external questions arise.

Preliminarily:

The document is obviously and clearly false. However, **there is no evidence to suggest that it was created to deceive the court, Office of the Attorney General, or plaintiff's counsel.**

Instead, it appears that it was most likely created in response to an email generated on August 10, 2022 by the Executive Assistant to CID Deputy Director Eric Guerrero sent to all CID regions in an effort to coordinate CID's response to a public information request for temperature logs from all units. This email required each unit scan and upload the requested logs or "...ensure an Inter-Office Communication (IOC) justification is submitted for each missing date and scanned in order with that month's logs." It also referenced the scanned logs would be checked for accuracy by each regional office.

The unit has changed administration several times since these events and Warden Norsworthy is no longer employed by TDCJ. Therefore, I cannot account for the overall leadership tone at the unit at that time. However, documentary and testimonial evidence supports that the Stiles unit line level staff responsible for collecting and uploading those documents attempted to recreate any missing logs using temperature data available from neighboring units and Stiles unit shift rosters, rather than submitting IOC's for missing dates. Although strictly my opinion, this decision was likely strongly influenced by the use of the word "justification" to describe the nature of the IOC for missing dates and some level of interaction with the warden. A better phrasing regarding the IOC might have been, "accounting for" or something similar but more benign, "justification" almost connotes, "explain why you messed up". While unintended, I think the message impacted the outcome.

I'm available if you have any questions.

Chris Cirrito, CIA, CFE, CGAP
Director, Chief Audit Executive
Texas Board of Criminal Justice
Windham School District
Texas Board of Pardons and Paroles

"Do the best you can until you know better. Then, when you know better, do better."
Maya Angelou

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Exhibit 2



CONFIDENTIAL REPORT

ON AN INVESTIGATION RELATED TO THE
INTRODUCTION OF A FALSIFIED DOCUMENT DURING
A FEDERAL COURT PROCEEDING

November 8, 2024

OUR MISSION

The mission of the Office of the Independent Auditor is to assist agency administrators by furnishing independent analyses, appraisals, and recommendations concerning the adequacy and effectiveness of the agency's system of internal control procedures, and the quality of performance in carrying out assigned responsibilities.

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DISTRIBUTION

Eric Nichols, TBCJ Chairman
Stephanie Greger, General Counsel
Bobby Lumpkin, Chief Operating Officer
Eric Miller, Deputy General Counsel
Michael Britt, Region III Director
James Danheim, Stiles Senior Warden

Mr. Collier:

I have completed my investigation into the circumstances surrounding the July 12, 2022, Stiles Unit *Outside Temperature Log* introduced into evidence in U.S. District Court, Western District of Texas, on August 2, 2024. It is my opinion, although the log was not reflective of actual events, there was no intent to deceive the court, plaintiffs, or respective counsels.

I would like to express my thanks to you, the Office of General Counsel, and Correctional Institutions Division leadership for your cooperation during the investigation. I also extend additional thanks to CID Region III Director Michael Britt, current Stiles unit Senior Warden James Danheim, and participating Stiles unit employees for their assistance and transparency in these matters.

This investigation was performed as a service to the agency and did not constitute an audit. No inference related to the system of controls related to temperatures should be made. This report is confidential and only intended for those specifically listed. Additional distribution may occur at your discretion and at the discretion of the TBCJ Chairman.

Sincerely,

Chris Cirrito, CIA, CFE, CGAP
Chief Audit Executive
Texas Board of Criminal Justice

RESULTS OF INVESTIGATION

I have completed my investigation into the circumstances surrounding the July 12, 2022, Stiles Unit outside temperature log (Exhibit 1) introduced into evidence during proceedings in U.S. District Court, Western District of Texas, on August 2, 2024. It is my opinion, although the log was not reflective of actual events, there was no intent to deceive the court, Office of the Attorney General, plaintiffs, or counsel. Instead, the log appears to have been created as part of the unit's actions to comply with an agency-wide effort to collect temperature logs for all prison units in response to one or more open records requests occurring during the summer of 2022. Collectively, the evidence supports periods of carelessness in record creation and/or retention and an attempt by the unit to avoid reporting missing temperature logs.

This investigation concluded the log in question was falsified. Key indicators of falsification included, but were not limited to:

- Employee testimony that certain logs were “recreated” for various reasons.
- All entries on the log appeared to be written in the same ink and in the same handwriting (Exhibit 1).
- A second log (Exhibit 2), representing the same date as Exhibit 1, was maintained in the unit file, completed in different handwriting, but contained the same irregularities.
- The handwriting for one officer on both logs (Exhibit 1 and 2), was not consistent with the officer's handwriting on a current log (Exhibit 3).
- The officers on the log were not listed on the shift rosters (Exhibits 4 – 6) as working the position (Perimeter Picket A) responsible for completing the log at the times in question.
- Numerous logs for other dates contained the same indicators of falsification mentioned in the second bullet (Exhibit 9).
- The unit file coversheet for June 2022 (Exhibit 10) contained several dates in which there was a “?” in the remarks section subsequently covered with a “✓”. A search of employee emails resulted in discovery of a document (Exhibits 11 – 12) titled “Logs Not Turned In”, although the unit file contained logs for dates listed in the document. Comparison of the unit file coversheet to the “Logs Not Turned In” document revealed most of the dates aligned.

The temperature log displayed in court was obtained by the Office of the General Counsel via coordination of an open records request occurring in the summer of 2022. Through interviews with current staff and staff formerly assigned to the Stiles Unit, and a review of relevant documentation, I was able to create an evidence-based conclusion I believe accurately reflects events.

On August 10, as a coordinated effort to respond to an open records request, a systemwide email (Exhibit 13) informed all units to upload all temperature logs to a shared drive. It appears, from context, other communications related to the request occurred prior to the creation of this email. The email, originating from the office of a Correctional Institutions Division Deputy Director, instructed units to upload the logs and, “...please ensure an IOC justification is submitted for each missing date and scanned in order with that month's logs. When your region is complete and logs

RESULTS OF INVESTIGATION

have been checked for accuracy by the regional office, please notify our office. Please have this information uploaded by August 19.” It is my opinion the use of the word “justification” may have induced a perceived pressure related to being unable to locate logs.

In response to the email, unit staff collected the logs for the dates requested. However, staff reported there were logs the unit could not locate or had been defaced (e.g., doodles, stick figure cartoons, etc.) by staff working the duty post. According to this discussion, the unit’s approach was to “recreate” these logs by either approximating the hourly temperatures using other sources such as logs for the same date from two other local units or directly copying those that had been defaced. In fact, the unit file coversheet for July 2022 (Exhibit 7) contained a bracketed note, “Gist and LeBlanc logs for 7/7 to 7/11 for review” and logs in the Stiles unit file for those dates (Exhibit 8) have headings from these units. However, upon comparison, often, they did not align with the documents that were uploaded. It should be noted that July 12, 2022, was not on this coversheet.

In addition, it appears several unit employees were assigned to compile the missing or defaced logs, including the Risk Manager and Administrative Directive - 10.20 Officer. Specifically, evidence supports the Risk Manager (Shahnawazshah Sayed) compiled the documents and the Administrative Directive 10.20 Officer (Stacy Smith) provided testimony regarding the method to address missing or defaced documents. Circumstances suggest they may have been among those physically creating the documents. However, I believe others were involved but could not identify them. The most likely explanation for the two separate but identical falsified logs dated July 12, 2022, as noted above, is that two staff members independently chose that date to address. One version was uploaded to the shared drive, while the other was retained in the unit file, without either staff member being aware of the other’s actions. This duplication appears to have been undetected until this investigation.

While it is conceivable the involved employees acted of their own accord when “recreating” these documents, it is unlikely they would have done so without knowledge and/or consent of unit administrators (Exhibit 14). Ultimately, I believe responsibility for ensuring an accurate response resided with the senior warden, who is no longer employed by the agency. Both the Unit Risk Manager and Administrative Directive – 10.20 Officer have since been promoted and, according to the testimony of their superiors, are valued employees.

As an additional observation, the July 12, 2022 log was not the only document with irregularities regarding temperature. For example, the log for June 8, 2022 (Exhibit 15) recorded the temperature as 84 degrees for the entire day, without variation, when in fact, the temperature ranged from 76 to 91 degrees. As an additional example, the July 31, 2022, log (Exhibit 16) recorded the temperatures between 3:30 and 5:30 a.m. as 60, 59, and 58 degrees, respectively, while the lowest actual recorded temperature for that day was 76 degrees.

EVIDENTIARY EXHIBITS

Exhibit 1: July 12, 2022 Log Entered into Evidence (Return to Page 2)

AD-10.64 (rev. 10)
Attachment C

TEXAS DEPARTMENT OF CRIMINAL JUSTICE Temperature Log

UNIT: MARK W. STILES

DATE: 7/12/22	Outside Air Temperature	Humidity or Wind Speed	Heat Index or Wind Chill*	Person Recording
12:30 a.m.	79	97%	70	JONES
1:30 a.m.	79	97%	75	JONES
2:30 a.m.	79	92%	70	JONES
3:30 a.m.	79	97%	75	JONES
4:30 a.m.	79	97% / 6	75	HARDY
5:30 a.m.	79	97% / 0	75	HARDY
6:30 a.m.	79	97% / 1	79	HARDY
7:30 a.m.	79	97% / 1	79	HARDY
8:30 a.m.	79	99%	80	HARDY
9:30 a.m.	79	99%	80	JONES
10:30 a.m.	79	99%	80	JONES
11:30 a.m.	79	99%	82	JONES
12:30 p.m.	79	97%	82	JONES
1:30 p.m.	79	97%	83	JONES
2:30 p.m.	79	97%	83	JONES
3:30 p.m.	79	64	83	JONES
4:30 p.m.	79	67%	83	JONES
5:30 p.m.	87	71	85	JONES
6:30 p.m.	87	79	85	JONES
7:30 p.m.	85	84	84	JONES
8:30 p.m.	82	84	84	JONES
9:30 p.m.	80	86	83	JONES
10:30 p.m.	78	86	83	JONES
11:30 p.m.	77	84	83	JONES

* Temperatures between 51 and 79 degrees Fahrenheit (°F) are not represented on the Wind Chill Index (Attachment A) or the Heat and Humidity Index (Attachment B). Indicate (N/A) in these fields when applicable.

EVIDENTIARY EXHIBITS

Exhibit 2: July 12, 2022 Log Found in Unit File (Return to Page 2)

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Temperature Log

Unit: STILES

Date:	Outside Air Temperature	Humidity or Wind Speed	Heat Index or Wind Chill*	Person Recording
7-12-22 12:30 a.m.	79°	97%	70°	JONES
1:30 a.m.	79°	97%	75°	JONES
2:30 a.m.	79°	97%	70°	JONES
3:30 a.m.	79°	97%	75°	JONES
4:30 a.m.	79°	97%	75°	JONES
5:30 a.m.	79°	97%	75°	JONES
6:30 a.m.	79°	97%	79°	Hardy
7:30 a.m.	79°	97%	79°	Hardy
8:30 a.m.	79°	99%	80°	Hardy
9:30 a.m.	79°	99%	80°	Hardy
10:30 a.m.	79°	99%	80°	Hardy
11:30 a.m.	79°	99%	82°	Hardy
12:30 p.m.	79°	97%	82°	Hardy
1:30 p.m.	79°	97%	83°	Hardy
2:30 p.m.	79°	97%	83°	Hardy
3:30 p.m.	79°	64%	83°	Hardy
4:30 p.m.	79°	67%	83°	Hardy
5:30 p.m.	87°	71%	85°	Hardy
6:30 p.m.	87°	79%	85°	JONES
7:30 p.m.	85°	84%	84°	JONES
8:30 p.m.	82°	84%	84°	JONES
9:30 p.m.	80°	86%	83°	JONES
10:30 p.m.	78°	86%	83°	JONES
11:30 p.m.	77°	86%	83°	JONES

* Temperatures between 51 and 79 degrees Fahrenheit (°F) are not represented on the Wind Chill Index (Attachment A) or the Heat and Humidity Index (Attachment B). Indicate (N/A) in these fields when applicable.

EVIDENTIARY EXHIBITS

Exhibit 3: Officer Jones Handwriting Sample (Return to Page 2)

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Temperature Log

Unit: Shiles

Date	Outside Air Temperature	Humidity or Wind Speed	Heat Index or Wind Chill*	Person Recording
8-11-24	79°	N/A	N/A	Jones
12:30 a.m.	79°	N/A	N/A	Jones
1:30 a.m.	79°	N/A	N/A	Jones
2:30 a.m.	78°	N/A	N/A	Jones
3:30 a.m.	79°	N/A	N/A	Jones
4:30 a.m.	78°	N/A	N/A	Jones
5:30 a.m.	77°	N/A	N/A	Jones
6:30 a.m.	77°	N/A	N/A	Jones
7:30 a.m.	78°	95%	NA	Channey
8:30 a.m.	80°	91%	NA	Channey
9:30 a.m.	85°	80%	95	Channey
10:30 a.m.	91°	64%	105	Channey
11:30 a.m.	91°	59%	101	Channey
12:30 p.m.	94°	59%	107	Channey
1:30 p.m.	95°	53%	106	Channey
2:30 p.m.	97°	48%	108	Channey
3:30 p.m.	95°	48%	103	Channey
4:30 p.m.	94°	57%	108	Channey
5:30 p.m.	92°	63%	107	Channey
6:30 p.m.	92°	63%	107°	Chestnut
7:30 p.m.	91°	63%	104°	Chestnut
8:30 p.m.	87°	72%	100°	Chestnut
9:30 p.m.	85°	79%	94°	Chestnut
10:30 p.m.	84°	75%	92°	Chestnut
11:30 p.m.	82°	81%	90°	Chestnut

* Temperatures between 51 and 79 degrees Fahrenheit (°F) are not represented on the Wind Chill Index (Attachment A) or the Heat and Humidity Index (Attachment B). Indicate (N/A) in these fields when applicable.

EVIDENTIARY EXHIBITS

Exhibit 4: July 11, 2022 Second Shift Roster (Return to Page 2)

Stiles Unit - 2nd Shift GP Turnout Roster

Date: 07-11-2022			Supervisor's Signature: 				
Day of Week: Monday			Supervisor's Name: Capt. B. Dean				
Priority 1 Positions	Officer's Name-1st Half	Officer's Name-2nd Half	Priority 1 Positions	Officer's Name-1st Half	Officer's Name-2nd Half		
1	Perimeter Picket A	Hardy	Wilson	43	Corridor Control 3/4	Not Filled	Not Filled
2	Perimeter Picket B	Valastro	Hardy	44	Corridor Control 7/8	Not Filled	Not Filled
3	Perimeter Picket C	Wilson	Valastro	45	Corridor Control 18/19	Not Filled	Not Filled
4	Central Control	D. Jones	D. Jones	46	Front Gate	Stokes	Stokes
5	3 Building A Picket (Housing)	Ogunmola	Sales(AJ)	47	Gate Control ODR	Not Filled	Not Filled
6	3 Building B Picket (Housing)	Akero(R3)	Nzie	48	Turnout Door A	Gabriel	Gabriel
7	3 Building C Picket (Housing)	Stewart(GC)	Stewart(GC)	49	Mobile Patrol	Brazil(Vot)	Brazil(Vot)
8	4 Building D Picket (Housing)	Lambeth(LT)	Kazim	50	Utility / Highway Gate	Not Filled	Not Filled
9	4 Building E Picket (Housing)	Moukoudi(R2)	Moukoudi(R2)	51	Shakedown / Escort	Not Filled	Not Filled
10	4 Building F Picket (Housing)	Ikekwen	Sibandze	52	Shakedown / Escort	Not Filled	Not Filled
11	7 Building G Picket (Housing)	Ebere(R2)	Ebere(R2)	53	Shakedown / Escort	Not Filled	Not Filled
12	7 Building H Picket (Housing)	Bel(HG)	Emenike		Priority 2 Positions	Officer's Name-1st Half	Officer's Name-2nd Half
13	7 Building I Picket (Housing)	Enyong(R1)	Momoh(R1)	54	Utility	Not Filled	Not Filled
14	8 Building J Picket (Housing)	Idled	Idled	55	Recreation	Not Filled	Not Filled
15	8 Building K Picket (Housing)	Idled	Idled	56	Recreation	Not Filled	Not Filled
16	8 Building L Picket (Housing)	Idled	Idled	57	Recreation	Not Filled	Not Filled
17	18 Dorm Picket (Housing)	McCoy	Thansilas	58	Recreation	Not Filled	Not Filled
18	19 Dorm Picket (Housing)	Thansilas	McCoy	59	Recreation	Not Filled	Not Filled
19	3 Building A Rover (Housing)	Sales(AJ)	Ogunmola	60	Recreation	Idled	Idled
20	3 Building B Rover (Housing)	Nzie	Anero(R3)	61	Rotation	Not Filled	Not Filled
21	3 Building C Rover (Housing)	Not Filled	Not Filled	62	Rotation		
22	4 Building D Rover (Housing)	Kazim	Lambeth(LT)				
23	4 Building E Rover (Housing)	Not Filled	Odogwu(R3)(0200-0600)				
24	4 Building F Rover (Housing)	Sibandze	Ikekwen				
25	7 Building G Rover (Housing)	Not Filled	Theriot(0200-0600)				
26	7 Building H Rover (Housing)	Emenike	Bel(HG)				
27	7 Building I Rover (Housing)	Momah(R1)	Enyong(R1)				
28	8 Building J Rover (Housing)		Idled				
29	8 Building K Rover (Housing)	Idled	Idled				
30	8 Building I Rover (Housing)	Idled	Idled				
31	Close Custody (housing)	Idled	Idled				
32	Close Custody (housing)	Idled	Idled				
33	Close Custody (housing)	Idled	Idled				
34	Close Custody (housing)	Idled	Idled				
35	18 Building R/S Rover (Housing)	Ikekwen	Not Filled				
36	18 Building T/U Rover (Housing)	Not Filled	Ikekwen				
37	19 Building W/X Rover (Housing)	Not Filled	Iworie				
38	19 Building Y/Z Rover (Housing)	Iworie	Not Filled				
39	Housing Control Desk-3 Bldg	Jackson	Robinson		Positions	Officer's Name-1st Half	Officer's Name-2nd Half
40	Housing Control Desk-4 Bldg	Emeh	Jackson		Unit Entrance Shakedown	Osagie	Not Filled
41	Housing Control Desk-7 Bldg	Robinson	Emeh		Unit Entrance Shakedown	Not Filled	Osagie
42	Housing Control Desk-8 Bldg	Idled	Idled				

Changes to the shift rosters may only be made pursuant to SS-08.05

EVIDENTIARY EXHIBITS

Exhibit 5: July 12, 2022 First Shift Roster (Return to Page 2)

Stiles Unit - 1st Shift GP Turnout Roster

Date: 07-12-2022			Supervisor's Signature: 		
Day of Week: TUESDAY			Supervisor's Name: LT. BOYKIN		
Priority 1 Positions	Officer's Name-1st Half	Officer's Name-2nd Half	Priority 1 Positions	Officer's Name-1st Half	Officer's Name-2nd Half
1 Perimeter Picket A	WILLIAMS-HARRIS	BENNETT	45 Searchers Desk	SMITH(H-CARD) B	FOREMAN
2 Perimeter Picket B	BENNETT	OROCK(LJ)	46 Corridor Control 3/4	NOT FILLED	NOT FILLED
3 Perimeter Picket C	OROCK(LJ)	WILLIAMS-HARRIS	47 Corridor Control 7/8	EMENIKE(0600-1000)	NOT FILLED
4 Central Control	FOREMAN	SMITH(H-CARD)	48 Corridor Control 18/19	EMEH(0600-1000)	NOT FILLED
5 3 Building A Picket (Housing)	ODOGWU(R3)	SIMS(J4)	49 Front Gate	NWAZOJIE	BRANTLEY
6 3 Building B Picket (Housing)	NZE(0600-1000) AKANGBE(R3)	KADLEMYER(HI)	50 Gate Control ODR	NOT FILLED	NOT FILLED
7 3 Building C Picket (Housing)	K. MATTHEWS	EZEKWU(R1)	51 Turnout Door A	SHARP	THEROIT
8 4 Building D Picket (Housing)	BATIST	H. WILLIAMS	52 Turnout Door B	THEROIT	SHARP
9 4 Building E Picket (Housing)	WHITEMORE	J. WILLIAMS	53 Utility 19 MEDICAL	BRANTLEY	NWAZOJIE
10 4 Building F Picket (Housing)	BEASLEY	ADEKUNLE(R1)	54 Utility / Highway Gate	NOT FILLED	NOT FILLED
11 7 Building G Picket (Housing)	BRODREAU	ALAO(R3)	55 CHAPLE	BATIST(VOT)	WOODCOCK
12 7 Building H Picket (Housing)	ROBINSON(R3)	BAMIGBE(R3)	56 PERIMETER D PICKET	WOODCOCK	BATIST(VOT)
13 7 Building I Picket (Housing)	CALVIN	BAZUNU(R1)	57 Shakedown / Escort	NOT FILLED	NOT FILLED
14 8 Building J Picket (Housing)	Idled	Idled	58 Shakedown / Escort	NOT FILLED	NOT FILLED
15 8 Building K Picket (Housing)	Idled	Idled	Priority 2 Positions	Officer's Name-1st Half	Officer's Name-2nd Half
16 8 Building L Picket (Housing)	Idled	Idled	59 Central Control	NOT FILLED	NOT FILLED
17 18 Dorm Picket (Housing)	NIXON	L. JOHNSON	60 Mobile Patrol	NOT FILLED	NOT FILLED
18 19 Dorm Picket (Housing)	L. JOHNSON	NIXON	61 Recreation	NOT FILLED	NOT FILLED
19 3 Building A Rover (Housing)	SIMS(J4)	ODOGWU(R3)	62 Recreation	NOT FILLED	NOT FILLED
20 3 Building B Rover (Housing)	KADLEMYER(HI) A	AKANGBE(R3)	63 Recreation	NOT FILLED	NOT FILLED
21 3 Building C Rover (Housing)	EZEKWU(R1)	K. MATTHEWS	64 Recreation	NOT FILLED	NOT FILLED
22 4 Building D Rover (Housing)	H. WILLIAMS	BATIST	65 Recreation	NOT FILLED	NOT FILLED
23 4 Building E Rover (Housing)	J. WILLIAMS A SIBANZE(0600-1000)	WHITEMORE	66 Recreation	Idled	Idled
24 4 Building F Rover (Housing)	ADEKUNLE(R1)	BEASLEY	67 Rotation	NOT FILLED	NOT FILLED
25 7 Building G Rover (Housing)	ALAO(R3)	BRODREAU	68 Rotation	NOT FILLED	NOT FILLED
26 7 Building H Rover (Housing)	BAMIGBE(R3) A	ROBINSON(R3)	69 Rotation	NOT FILLED	NOT FILLED
27 7 Building I Rover (Housing)	BAZUNU(R1)	CALVIN	70 Rotation	NOT FILLED	NOT FILLED
28 8 Building J Rover (Housing)	Idled	Idled	71 Rotation	NOT FILLED	NOT FILLED
29 8 Building K Rover (Housing)	Idled	Idled	72 Rotation	NOT FILLED	NOT FILLED
30 8 Building L Rover (Housing)	Idled	Idled	73 Rotation	NOT FILLED	NOT FILLED
31 Close Custody (housing)	Idled	Idled	74 Rotation	Idled	Idled
32 Close Custody (housing)	Idled	Idled			
33 Close Custody (housing)	Idled	Idled			
34 Close Custody (housing)	Idled	Idled			
35 18 Building R/S Rover (Housing)	IKERWEM(0600-1000) A SAKO(HM)RUFFIN(OJT)	SAKO(HM)RUFFIN(OJT)			
36 18 Building TU Rover (Housing)	NOT FILLED	NOT FILLED			
37 18 Building Rover (Housing)	NOT FILLED	NOT FILLED			
38 19 Building VWX Rover (Housing)	KAZIM(0600-1000) B UCHEDU(R1)	DE JESUE(HM)			
39 19 Building YZ Rover (Housing)	IWORIE(0600-1000) DE JESUE(HM)	UCHEDU(R1)			
40 19 Building Rover (Housing)	NOT FILLED	NOT FILLED			
41 Housing Control Desk-3 Bldg	ALEXANDER	COLLINS	Positions	Officer's Name-1st Half	Officer's Name-2nd Half
42 Housing Control Desk-4 Bldg	COLLINS	S. MATTHEWS	Unit Entrance Shakedown	WATT(H-CARD)	NIPPER(R1)
43 Housing Control Desk-7 Bldg	S. MATTHEWS	ALEXANDER	Unit Entrance Shakedown	NOT FILLED(0600-1000) NIPPER(R1)	WATT(H-CARD)
44 Housing Control Desk-8 Bldg	Idled	Idled			

Changes to the shift rosters may only be made pursuant to SS-08.05

EVIDENTIARY EXHIBITS

Exhibit 6: July 12, 2022 Second Shift Roster (Return to Page 2)

Stiles Unit - 2nd Shift GP Turnout Roster

Date: July 12, 2022			Supervisor's Signature: 		
Day of Week: Tuesday			Supervisor's Name: Capt. B. Dean		
Priority 1 Positions	Officer's Name-1st Half	Officer's Name-2nd Half	Priority 1 Positions	Officer's Name-1st Half	Officer's Name-2nd Half
1 Perimeter Picket A	J. Jones	Wilson(vol)	43 Corridor Control 3/4	Adeyeye	Wohu Owo Obia(R1)
2 Perimeter Picket B	K. Jones	Brazil	44 Corridor Control 7/8	Wohu Owo Obia(R1)	Adeyeye
3 Perimeter Picket C	Wilson(vol)	Miranda	45 Corridor Control 18/19	Not Filled	Not Filled
4 Central Control	Leonard	Leonard	46 Front Gate	Emenogu	Emenogu
5 3 Building A Picket (Housing)	Antoine	Lambeth(L.T)	47 Gate Control ODR	Emeh(vol)	Emeh(vol)
6 3 Building B Picket (Housing)	Bland(GC)	Ebong	48 Turnout Door A	Onuoha	Onuoha
7 3 Building C Picket (Housing)	Clark	Ogunyemi(R3)	49 Mobile Patrol	Brazil	J. Jones
8 4 Building D Picket (Housing)	Shonoki	Chukwura(R3)	50 Utility / Highway Gate	Not Filled	Odogwu(R3)
9 4 Building E Picket (Housing)	Ikefun(R3)	Gage	51 Shakedown / Escort	Carter(vol)	Oduntan(R3)
10 4 Building F Picket (Housing)	Balandra	Modunlans(R3)	52 Shakedown / Escort	Adamson(R3)	Carter(vol)
11 7 Building G Picket (Housing)	Bell	Kayode(R3)	53 Shakedown / Escort	Oduntan(R3)	Adamson
12 7 Building H Picket (Housing)	Kazim(vol)	Oladojo(R1)	Priority 2 Positions		Officer's Name-1st Half
13 7 Building I Picket (Housing)	White	Babalogbon(R3)	54 Utility		Officer's Name-2nd Half
14 8 Building J Picket (Housing)	Idled	Idled	55 Recreation		
15 8 Building K Picket (Housing)	Idled	Idled	56 Recreation		
16 8 Building L Picket (Housing)	Idled	Idled	57 Recreation		
17 18 Dorm Picket (Housing)	Roberts	Roberts	58 Recreation		
18 18 Dorm Picket (Housing)	Shelton	Shelton	59 Recreation		
19 3 Building A Rover (Housing)	Lambeth(L.T)	Antoine	60 Recreation	Idled	Idled
20 3 Building B Rover (Housing)	Ebong	Bland(GC)	61 Rotation		
21 3 Building C Rover (Housing)	Ogunyemi(R3)	Clark	62 Rotation		
22 4 Building D Rover (Housing)	Chukwura(R3)	Shonoki(R3)			
23 4 Building E Rover (Housing)	Gage Matthews1800-2000	Ikefun(R3)			
24 4 Building F Rover (Housing)	Oduntan(R3) Boudreaux1800-2110	Balandra			
25 7 Building G Rover (Housing)	Kayode(R3) Nwachukwu1800-2100	Bell			
26 7 Building H Rover (Housing)	Oladojo(R1) Catalin1800-2122	Kazim			
27 7 Building I Rover (Housing)	Babalogbon(R3)	White			
28 8 Building J Rover (Housing)	Idled	Idled			
29 8 Building K Rover (Housing)	Idled	Idled			
30 8 Building L Rover (Housing)	Idled	Idled			
31 Close Custody (housing)	Idled	Idled			
32 Close Custody (housing)	Idled	Idled			
33 Close Custody (housing)	Idled	Idled			
34 Close Custody (housing)	Idled	Idled			
35 18 Bldg R/S Rover (Housing)	Malone(vol)	Malone(vol)			*
36 18 Bldg T/U Rover (Housing)	Olurwa(R2)	Adebris(R2)			
37 19 Bldg W/X Rover (Housing)	Ansa	Ansa			
38 18 Bldg Y/Z Rover (Housing)	Tchoua(R2)	Akindey(R2)			
39 Housing Control Desk-3 Bldg	Dudley	Dudley	Positions	Officer's Name-1st Half	Officer's Name-2nd Half
40 Housing Control Desk-4 Bldg	Knoblock	Knoblock	Unit Entrance Shakedown	Osagie(vol)	Tucker(R2)
41 Housing Control Desk-7 Bldg	Upokolo	Upokolo	Unit Entrance Shakedown	Not Filled	Osagie(vol)
42 Housing Control Desk-8 Bldg	Idled	Idled			

Changes to the shift rosters may only be made pursuant to § 87-06.05

EVIDENTIARY EXHIBITS

Exhibit 7: July 2022 Unit File Coversheet ([Return to Page 2](#)) ([Return to Page 3](#))

AD 10.64 (rev. 10) Attachment C

TEMPERATURE LOGS

July 2022

** Heat Index discrepancy but attached Gist/LeBlanc for review.*

DATE	RECEIVED/ REVIEWED	REMARKS
1	<input checked="" type="checkbox"/>	
2	<input checked="" type="checkbox"/>	
3	<input checked="" type="checkbox"/>	
4	<input checked="" type="checkbox"/>	
5	<input checked="" type="checkbox"/>	
6	<input checked="" type="checkbox"/>	
7	<input checked="" type="checkbox"/>	<i>Gist and LeBlanc logs for 7/7 to 7/11 for review</i>
8	<input checked="" type="checkbox"/>	
9	<input checked="" type="checkbox"/>	
10	<input checked="" type="checkbox"/>	
11	<input checked="" type="checkbox"/>	
12	<input checked="" type="checkbox"/>	
13	<input checked="" type="checkbox"/>	
14	<input checked="" type="checkbox"/>	
15	<input checked="" type="checkbox"/>	
16	<input checked="" type="checkbox"/>	
17	<input checked="" type="checkbox"/>	
18	<input checked="" type="checkbox"/>	
19	<input checked="" type="checkbox"/>	
20	<input checked="" type="checkbox"/>	
21	<input checked="" type="checkbox"/>	
22	<input checked="" type="checkbox"/>	
23	<input checked="" type="checkbox"/>	
24	<input checked="" type="checkbox"/>	
25	<input checked="" type="checkbox"/>	
26	<input checked="" type="checkbox"/>	
27	<input checked="" type="checkbox"/>	
28	<input checked="" type="checkbox"/>	
29	<input checked="" type="checkbox"/>	
30	<input checked="" type="checkbox"/>	
31	<input checked="" type="checkbox"/>	

EVIDENTIARY EXHIBITS

Exhibit 8: July 8, 2022 Gist Unit Log Found in Stiles Unit File (Return to Page 2) (Return to Page 3)

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
Temperature Log

Unit: G-51

7.8.2022

Date:	Outside Air Temperature	Humidity or Wind Speed	Heat Index or Wind Chill*	Person Recording
12:30 a.m.	80°	88%	88°	Doyle
1:30 a.m.	80°	90%	88°	Doyle
2:30 a.m.	79°	94%	88°	Doyle
3:30 a.m.	79°	95%	86°	Doyle
4:30 a.m.	79°	95%	86°	Doyle
5:30 a.m.	79°	97%	83°	Doyle
6:30 a.m.	77°	97%	83°	Manuel
7:30 a.m.	80°	96%	88°	Manuel
8:30 a.m.	84°	88%	90°	Manuel
9:30 a.m.	87°	88%	102°	Manuel
10:30 a.m.	89°	71%	104°	Manuel
11:30 a.m.	91°	69%	110°	Manuel
12:30 p.m.	90°	72%	107°	Manuel
1:30 p.m.	92°	65%	108°	Manuel
2:30 p.m.	91°	64%	108°	Manuel
3:30 p.m.	93°	55%	113°	Rayton
4:30 p.m.	94°	57% 62%	117 112°	Rayton
5:30 p.m.	93°	68%	114°	Rayton
6:30 p.m.	92°	66%	110°	Rayton
7:30 p.m.	90°	65%	103°	Rayton
8:30 p.m.	83°	84%	92°	Rayton
9:30 p.m.	83°	84%	92°	Rayton
10:30 p.m.	81°	88%	91°	Doyle
11:30 p.m.	81°	90%	91°	Doyle

* Temperatures between 51 and 79 degrees Fahrenheit (°F) are not represented on the Wind Chill index (Attachment A) or the Heat and Humidity Index (Attachment B). Indicate (N/A) in these fields when applicable.

EVIDENTIARY EXHIBITS

Exhibit 9: Example of Log with Attributes of Falsification (Return to Page 2)

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
Temperature Log
 UNIT: MARK W. STILES

DATE:	Outside Air Temperature	Humidity or Wind Speed	Heat Index or Wind Chill*	Person Recording
7/7/22				
7/7/22	80°	90%	77	JONES
12:30 a.m.	80°	90%	77	JONES
1:30 a.m.	79°	90%	75	JONES
2:30 a.m.	79°	91%	75	JONES
3:30 a.m.	79°	90%	75	JONES
4:30 a.m.	79°	90%	75	JONES
5:30 a.m.	79°	90%	75	JONES
6:30 a.m.	77°	90%	74	JONES
7:30 a.m.	81°	90%	74	JONES
8:30 a.m.	81°	65%	77	JONES
9:30 a.m.	81°	59%	101	L. BROWN
10:30 a.m.	81°	55%	104	L. BROWN
11:30 a.m.	88°	63%	105	L. BROWN
12:30 p.m.	91°	61%	103	L. BROWN
1:30 p.m.	92°	61%	77	L. BROWN
2:30 p.m.	95°	90%	77	L. BROWN
3:30 p.m.	91°	90%	77	L. BROWN
4:30 p.m.	91°	90%	77	L. BROWN
5:30 p.m.	91°	90%	77	L. BROWN
6:30 p.m.	91°	90%	77	L. BROWN
7:30 p.m.	81°	90%	77	L. BROWN
8:30 p.m.	81°	90%	77	L. BROWN
9:30 p.m.	81°	90%	77	L. BROWN
10:30 p.m.	81°	90%	77	L. BROWN
11:30 p.m.	81°	90%	77	L. BROWN

* Temperatures between 51 and 79 degrees Fahrenheit (°F) are not represented on the Wind Chill Index (Attachment A) or the Heat and Humidity Index (Attachment B). Indicate (N/A) in these fields when applicable.

EVIDENTIARY EXHIBITS

Exhibit 10: Stiles Unit File June 2022 Coversheet ([Return to Page 2](#))

TEMPERATURE LOGS		
June 2022		
DATE	RECEIVED/ REVIEWED	REMARKS
1	<input checked="" type="checkbox"/>	
2	<input checked="" type="checkbox"/>	
3	<input checked="" type="checkbox"/>	
4	<input checked="" type="checkbox"/>	✓
5	<input checked="" type="checkbox"/>	
6	<input checked="" type="checkbox"/>	
7	<input checked="" type="checkbox"/>	
8	<input checked="" type="checkbox"/>	
9	<input checked="" type="checkbox"/>	✓
10	<input checked="" type="checkbox"/>	
11	<input checked="" type="checkbox"/>	✓
12	<input checked="" type="checkbox"/>	✓
13	<input checked="" type="checkbox"/>	✓
14	<input checked="" type="checkbox"/>	✓
15	<input checked="" type="checkbox"/>	
16	<input checked="" type="checkbox"/>	
17	<input checked="" type="checkbox"/>	
18	<input checked="" type="checkbox"/>	
19	<input checked="" type="checkbox"/>	
20	<input checked="" type="checkbox"/>	
21	<input checked="" type="checkbox"/>	
22	<input checked="" type="checkbox"/>	
23	<input checked="" type="checkbox"/>	
24	<input checked="" type="checkbox"/>	
25	<input checked="" type="checkbox"/>	
26	<input checked="" type="checkbox"/>	
27	<input checked="" type="checkbox"/>	
28	<input checked="" type="checkbox"/>	✓
29	<input checked="" type="checkbox"/>	
30	<input type="checkbox"/>	✓
	<input type="checkbox"/>	

EVIDENTIARY EXHIBITS

Exhibit 11: Logs Not Turned In Attachment to Email ([Return to Page 2](#))

TEMPERATURE LOGS
MARK W. STILES UNIT

DATE	REMARKS
01/01/2022	
01/02/2022	
02/26/2022	
02/27/2022	
02/28/2022	
04/16/2022	
04/17/2022	
06/04/2022	
06/09/2022	
06/11/2022	
06/12/2022	
06/13/2022	
06/14/2022	
06/04/2021	
06/05/2021	
06/10/2021	
06/15/2021	
06/17/2021	
06/19/2021	
06/20/2021	
06/21/2021	NOT TURNED IN
06/27/2021	
06/28/2021	
06/29/2021	
12/01/2021	
12/02/2021	
12/09/2021	
12/10/2021	
12/11/2021	
12/17/2021	
12/18/2021	
12/20/2021	
12/21/2021	
12/22/2021	
12/23/2021	
12/24/2021	
12/25/2021	
12/26/2021	
12/28/2021	
12/29/2021	
12/30/2021	
12/31/2021	


EVIDENTIARY EXHIBITS


Exhibit 12: Document Properties for Exhibit 12 (Return to Page 2)


Info


Temperature Logs Report

E-mail attachment: C:\Users\sc01983\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\2CAZ2FQT\Temperature Logs Report.docx


 **Save As**



 **Read-Only Document**
This file has been opened in read-only mode. Changes cannot be made to the original file.

 **Protect Document**
Control what types of changes people can make to this document.

 **Check for Issues**
Before publishing this file, be aware that it contains:

- Document properties and author's name
- Headers
- Content that people with disabilities find difficult to read

 **Version History**
View and restore previous versions.

 **Manage Document**
 There are no unsaved changes.


Properties


Size 17.2KB
Pages 1
Words 47
Total Editing Time 94 Minutes
Title Add a title
Tags Add a tag
Comments Add comments

Related Dates

Last Modified 8/10/2022 7:29 PM
Created 8/10/2022 5:55 PM
Last Printed

Related People

Author  Shahnawazshah Sayed
Add an author

Last Modified By  Shahnawazshah Sayed

Show All Properties

EVIDENTIARY EXHIBITS

Exhibit 13: Email to Field [\(Return to Page 2\)](#)

FW: Request - Logs



Brittanie Silvertooth-Dugas
To: Chris Cirrito



Wed 10/23/2024 4:10 PM

From: Brittanie Silvertooth-Dugas

Sent: Wednesday, August 10, 2022 4:12 PM

To: Joel Gauna <Joel.Gauna@tdcj.texas.gov>; Carol Monroe <Carol.Monroe@tdcj.texas.gov>; Maricia Jackson <Maricia.Jackson@tdcj.texas.gov>; David Blackwell <david.blackwell@tdcj.texas.gov>; Stephen Bryant <Stephen.Bryant@tdcj.texas.gov>; Denise Williams <Denise.Williams@tdcj.texas.gov>; Andrea Lozada <Andrea.Lozada@tdcj.texas.gov>

Cc: Breanna Weatherspoon <Breanna.Weatherspoon@tdcj.texas.gov>; Summer Pettigrew <Summer.Pettigrew@tdcj.texas.gov>; Richard Babcock <Richard.Babcock@tdcj.texas.gov>; Marisa Lopez <Marisa.Lopez@tdcj.texas.gov>; Brenda Pulido <Brenda.Pulido@tdcj.texas.gov>; Samantha Dodd <Samantha.Dodd@tdcj.texas.gov>; Eric Guerrero <Eric.Guerrero@tdcj.texas.gov>; Miguel Martinez <Miguel.Martinez@tdcj.texas.gov>; Rhea Shaunty-Docis <Rhea.Shaunty-Docis@tdcj.texas.gov>; Lindsey Derden <Lindsey.Derden@tdcj.texas.gov>; Samantha Rolfe <SAMANTHA.ROLFES@tdcj.texas.gov>; Alecia Dudley <Alecia.Dudley@tdcj.texas.gov>; Amberly Northcutt <Amberly.Northcutt@tdcj.texas.gov>

Subject: Request - Logs

Good afternoon,

We have received a request for outdoor temperature logs from each unit, January 2021 through July 2022. I will be sending you a OneDrive link to your region's folder which you will be able to share with the units. All logs will need to be uploaded into the appropriate folder in order by date.

As before, please ensure an IOC justification is submitted for each missing date and scanned in order with that month's logs. When your region is complete and logs have been checked for accuracy by the regional office, please notify our office. Please have this information uploaded by **August 19, 2022**.

Thank you,

Brittanie Dugas

Executive Assistant I

Office of Deputy Division Director – CID

936.437.6318

EVIDENTIARY EXHIBITS

Exhibit 14: Email to Unit Administration of Missing Logs (Return Page 3)

Temperature Logs Folder - Stiles

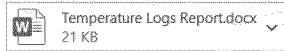


Shahnawazshah Sayed

To: Christopher Norsworthy; LaShaunda Fisher; Chibuike Onwuka; Cedric Washington; Zachary Davis; Kristenia Davis

Reply Reply All Forward ...

Wed 8/10/2022 7:36 PM



Here's a OneDrive link to [Temperature Logs](#).

Warden Norsworthy/ Fisher/ Onwuka
CC: Major Washington/ Davis/ Sgt. Davis

Please find attached Temperature Logs Folder link for Stiles Unit for your kind review.

- Attachments:
1. Temperature Logs Report for any temperature logs not turned in for review as well
 2. Temperature Logs from June 2021 to April 2022 and June-2022, July-2022 for review as well

EVIDENTIARY EXHIBITS

Exhibit 15: June 08, 2022 Log With Erroneous Temperatures (Return Page 3)

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
Temperature Log
Unit: Files

6-8-22 Date	Outside Air Temperature	Humidity or Wind Speed	Heat Index or Wind Chill*	Person Recording
12:30 a.m.	84°	85%	95°	Broussard
1:30 a.m.	84°	85%	95°	Broussard
2:30 a.m.	84°	85%	95°	Broussard
3:30 a.m.	84°	85%	95°	Broussard
4:30 a.m.	84°	85%	95°	Broussard
5:30 a.m.	84°	85%	95°	Broussard
6:30 a.m.	84°	85%	95°	Wheeler
7:30 a.m.	84°	85%	95°	Wheeler
8:30 a.m.	84°	85%	95°	Wheeler
9:30 a.m.	84°	85%	95°	Wheeler
10:30 a.m.	84°	85%	95°	Wheeler
11:30 a.m.	84°	85%	95°	Wheeler
12:30 p.m.	84°	85%	95°	Wheeler
1:30 p.m.	84°	85%	95°	Wheeler
2:30 p.m.	84°	85%	95°	Wheeler
3:30 p.m.	84°	85%	95°	Wheeler
4:30 p.m.	84°	85%	95°	Wheeler
5:30 p.m.	84°	85%	95°	Wheeler
6:30 p.m.	84°F	85%	95°F	T Thompson
7:30 p.m.	84°F	85%	95°F	T Thompson
8:30 p.m.	84°F	85%	95°F	T Thompson
9:30 p.m.	84°F	85%	95°F	T Thompson
10:30 p.m.	84°F	85%	95°F	T Thompson
11:30 p.m.	84°F	85%	95°F	T Thompson

* Temperatures between 51 and 79 degrees Fahrenheit (°F) are not represented on the Wind Chill Index (Attachment A) or the Heat and Humidity Index (Attachment B). Indicate (N/A) in these fields when applicable.

EVIDENTIARY EXHIBITS

Exhibit 16: July 31, 2022 Log With Erroneous Temperatures (Return Page 3)

TEXAS DEPARTMENT OF CRIMINAL JUSTICE Temperature Log

Unit: Mark W. Stiles

Date:	Outside Air Temperature	Humidity or Wind Speed	Heat Index or Wind Chill*	Person Recording
7/31/2022				
12:30 a.m.	80°	77%	89°	Hardy
1:30 a.m.	77°	80%	89°	Hardy
2:30 a.m.	75°	90%	88°	Hardy
3:30 a.m.	60°	92%	92°	Hardy
4:30 a.m.	59°	92%	89°	Hardy
5:30 a.m.	58°	89%	89°	Hardy
6:30 a.m.	84°	80%	90°	Wheeler
7:30 a.m.	83°	79%	93°	Wheeler
8:30 a.m.	83°	79%	93°	Wheeler
9:30 a.m.	86°	74%	97°	Wheeler
10:30 a.m.	90°	59%	99°	Wheeler
11:30 a.m.	90°	59%	99°	Wheeler
12:30 p.m.	91°	55%	101°	Wheeler
1:30 p.m.	92°	55%	101°	Wheeler
2:30 p.m.	94°	55%	104°	Wheeler
3:30 p.m.	94°	55%	104°	Wheeler
4:30 p.m.	93°	55%	104°	Wheeler
5:30 p.m.	92°	55%	102°	Wheeler
6:30 p.m.	90°	55%	101°	Hardy
7:30 p.m.	89°	68%	91°	Hardy
8:30 p.m.	85°	66%	90°	Hardy
9:30 p.m.	81°	80%	80°	Hardy
10:30 p.m.	81°	87%	87°	Hardy
11:30 p.m.	78°	81%	81°	Hardy

* Temperatures between 51 and 79 degrees Fahrenheit (°F) are not represented on the Wind Chill Index (Attachment A) or the Heat and Humidity Index (Attachment B). Indicate (N/A) in these fields when applicable.

Exhibit 3

From: Bryan Collier[bryan.collier@tdcj.texas.gov]
Sent: Thur 9/26/2024 10:00:24 AM (UTC-05:00)
To: Christopher Cirrito[christopher.cirrito@tdcj.texas.gov]
Cc: Stephanie Greger[Stephanie.Greger@tdcj.texas.gov]; Eric Miller[Eric.Miller@tdcj.texas.gov]
Subject: Re: Stiles Outside Temperature Log Update - Confidential Update Memo

Chris, thank you very much. Bryan

From: Christopher Cirrito <christopher.cirrito@tdcj.texas.gov>
Sent: Thursday, September 26, 2024 9:58:52 AM
To: Bryan Collier <bryan.collier@tdcj.texas.gov>
Cc: Stephanie Greger <Stephanie.Greger@tdcj.texas.gov>; Eric Miller <Eric.Miller@tdcj.texas.gov>
Subject: FW: Stiles Outside Temperature Log Update - Confidential Update Memo

Bryan,

The final interview is resulting in additional work. I'm confident in my conclusion and have it narrowed down to a very specific window in August 2022 with a documentation trail, which is likely more than enough to satisfy the judge. However, I might be able to prove it out even further and think it's worth turning over the rock.

I'm working with Tina to pull email for a specific employee, as I suspect there might be additional documentary evidence. We're expediting it but it will take a little bit of time to pull and thoroughly review.

I'll consult with Stephanie and Eric on the "official" report.

Chris Cirrito, CIA, CFE, CGAP
Director, Chief Audit Executive
Texas Board of Criminal Justice
Windham School District
Texas Board of Pardons and Paroles

"Do the best you can until you know better. Then, when you know better, do better."
Maya Angelou

This message contains information which may be an audit working paper and/or may be confidential, privileged, or otherwise exempt from open records. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message. Please contact the Texas Board of Criminal Justice Internal Audit Division before releasing this document in response to an open records request.

From: Christopher Cirrito
Sent: Friday, September 20, 2024 1:36 PM
To: Bryan Collier <bryan.collier@tdcj.texas.gov>
Cc: Stephanie Greger <Stephanie.Greger@tdcj.texas.gov>; Eric Miller <Eric.Miller@tdcj.texas.gov>
Subject: Stiles Outside Temperature Log Update - Confidential Update Memo

Bryan,

I am nearing the end of the work I've been conducting on the events surrounding the Stiles outside temperature log introduced into evidence during recent federal court proceedings. I have one interview left to conduct next week and then work should be complete. I'll need to tie up some loose ends in my working papers and I'm going to send them through our quality control process as if this were an audit. That process takes some time but this update serves to keep you in the loop should any external questions arise.

Preliminarily:

The document is obviously and clearly false. However, **there is no evidence to suggest that it was created to deceive the court, Office of the Attorney General, or plaintiff's counsel.**

Instead, it appears that it was most likely created in response to an email generated on August 10, 2022 by the Executive Assistant to CID Deputy Director Eric Guerrero sent to all CID regions in an effort to coordinate CID's response to a public information request for temperature logs from all units. This email required each unit scan and upload the requested logs or "...ensure an Inter-Office Communication (IOC) justification is submitted for each missing date and scanned in order with that month's logs." It also referenced the scanned logs would be checked for accuracy by each regional office.

The unit has changed administration several times since these events and Warden Norsworthy is no longer employed by TDCJ. Therefore, I cannot account for the overall leadership tone at the unit at that time. However, documentary and testimonial evidence supports that the Stiles unit line level staff responsible for collecting and uploading those documents attempted to recreate any missing logs using temperature data available from neighboring units and Stiles unit shift rosters, rather than submitting IOC's for missing dates. Although strictly my opinion, this decision was likely strongly influenced by the use of the word "justification" to describe the nature of the IOC for missing dates and some level of interaction with the warden. A better phrasing regarding the IOC might have been, "accounting for" or something similar but more benign, "justification" almost connotes, "explain why you messed up". While unintended, I think the message impacted the outcome.

I'm available if you have any questions.

Chris Cirrito, CIA, CFE, CGAP
Director, Chief Audit Executive
Texas Board of Criminal Justice
Windham School District
Texas Board of Pardons and Paroles

"Do the best you can until you know better. Then, when you know better, do better."
Maya Angelou

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