

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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DEC 23 2005

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Bynum)
)
 v.)
)
 District of Columbia et al.,)
_____)

Case No 02-956 (RCL)
Judge Lamberth

OFFICE OF THE
ATTORNEY GENERAL FOR THE
DISTRICT OF COLUMBIA
2005 DEC 23 A 10:07
EQUITY SECTION I

**MOTION IN OPPOSITION TO SETTLEMENT
AND ATTORNEY FEES**

Plaintiff, Richard C. Jones, pro-se pursuing to the Federal Civil Rules and Procedures
Objects to the settlement and the attorney fees for the following reasons set forth:

I. That \$3,000,000.00 Should Not Be Awarded to The District of Columbia.

Now according to the settlement it states that payment of \$3,000,000.00 will be spent
on District of Columbia programs and services to fund changes necessary to eliminated
the over detentions and strip searches that are subject to this lawsuit.

Now in terms of over detention, the District of Columbia needs to be accountable and
responsible detainees constitutional rights by releasing them from jail timely. It is the
District of Columbia responsibility to use their own fund, by adjusting their budget to
make sure detainees constitutional rights are not violated by releasing them on time and
not making unnecessary strip searches. The District of Columbia should not be awarded
\$3,000,000.00 of their own monies to help grant detainees procedural due process of law

and equal protection under the law. That \$3,000, 000.00 should be award the class action class members for pain and suffering.

II. That the Payment Formula is Unconstitutional.

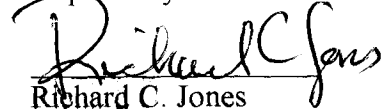
The settlement also provides that the payment formula will take into account issues such as, the length of any over detained, the nature of the arrest offense, prior arrest history, and the outcome of arrest. First of all, the factor use to compute a person payment is without a doubt discriminating and unconstitutional. A person prior arrest record or the nature of the offense is totally irrelevant. This class action lawsuit is about detainee civil rights being violated when they are incarcerated after their sentence expire and when the detainee are strip search unnecessary. Now, suppose you have two individual who was over-detained at D.C. jail for exactly 10 days. One of them has a long arrest record and is a career criminal and the other has only been arrested once and his case was dismissed. The questioned to be ask is should they both be awarded the same amount of monies for the 10 days they spent over detained or should they be awarded monies based upon their arrest record and the outcome of the case? The answer is simple. The fact that they both were illegally detained for ten days they both should be awarded the same amount of monies. A persons prior arrest record or the nature of their offense should not be a factor to determine how much money is due. A payment formula that takes into account a person arrest record or the nature of the offense is discriminating and denies a person "Equal Protection Under The Law". The payment formula should only use take into account the amount of days a person was over-detained and whether that person was strip searched unnecessary

III. That The Attorneys Should Not Be Awarded \$4,000,000.00

It is well established that normally in all civil cases that attorneys usually receives 1/3 of all monies awarded. However, in this particular case \$4000,000.00 is extremely to much money to award the attorneys. First of all, this case did not go to trial. Second, the amount of money that the attorneys will receive will almost be equivalent to the amount of money that would be awarded to member of this law suit. Now, this case was filed because inmate civil rights was being violated and they were seeking damages for pain and suffering. However, it appears that if the attorneys were to receive the \$4000,000.00 plus fees for expense, the attorneys will benefit more that the detainees who actually suffered. This lawsuit was filed for the benefit of inmates who was illegally detained and unnecessary stripped searched. So the majority of the \$12000,000.00 should be giving to the plaintiff not the attorneys. The fact that this case was not litigated at trial, I think it would only be fair that the attorneys get \$250,000.00 plus monies for cost of litigation and other expenses.

WHEREFORE, I am requesting that the class action members be awarded \$10,000,000.00-\$11,000,000.00 for their pain and suffering

respectfully submitted



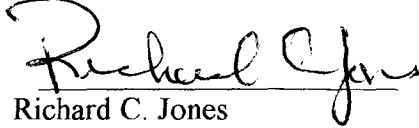
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DCDC

2-06-352

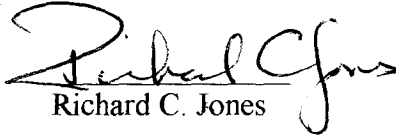
REQUEST TO BE HEARD AT HEARING

Plaintiff, request to be heard a the fairness hearing so that this motion can be argued properly.


Richard C. Jones

CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion in opposition to settlement and attorney fees was hand delivered Maria Amato, Senior Assistant Attorney General For the District Of Columbia, 441 4th Street N.W., Washington, D.C. 20001 and to William Claiborne Suite 210, 717 D Street N.W., Washington, D.C. 20004 on this 23rd day of December, 2005.


Richard C. Jones