



January 14, 2004

By Facsimile

Major Mike Herrell
Facility Commander
Franklin County Correction Center
2460 Jackson Pike
Columbus, OH 43233

Re: [REDACTED]

Dear Major Herrell:

I write on behalf of [REDACTED] who is scheduled to report to your facility tomorrow morning for a 10-day period of incarceration. Mr. [REDACTED] informs us that he is HIV+ and takes appropriate medications to treat that disease. Mr. [REDACTED] also informs us that he telephoned your facility today to ask about the procedure for ensuring that he would have access to HIV medications and was told by your staff that he could not bring his medications at all.

I have since spoken with a woman in your medical office who explained that the facility will provide the prescribed HIV medications for Mr. [REDACTED] according the instructions of his doctor. Mr. [REDACTED] has a letter from his doctor indicating the medications and dosage required, and Mr. [REDACTED] is prepared to bring new, unopened medications to the jail tomorrow morning if needed.

I write to urge the facility to ensure that Mr. [REDACTED] receives the proper medications, at the times indicated by his physician, without any delay or disruption in his treatment regimen. Interrupting or delaying Mr. [REDACTED] access to the appropriate medications for his HIV disease can constitute deliberate indifference to his medical needs, which is a constitutional violation. *See, e.g., McNally v. Prison Health Servs.*, 46 F. Supp. 2d 49 (D. Me. 1999) (refusal of prison to provide HIV medications for three days states a constitution claim); *Albertson v. San Francisco County Health & Welfare Dept.*, 1993 WL 313142 (N.D. Cal. Aug. 6, 1993) (prison's refusal to provide HIV medications states a constitutional claim); *Roe v. Fauver*, 1988 WL 106316 (D.N.J. Oct. 11, 1988) (refusal of prison to provide HIV medications at proper times, in proper dosages, states a constitutional claim).

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NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2627
F/212.549.2650
WWW.ACLU.ORG

CALIFORNIA OFFICE
1663 MISSION STREET,
SUITE 460
SAN FRANCISCO,
CA 94103-2400

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Major Mike Herrell
January 14, 2004
Page 2

I appreciate your prompt attention to this matter and I commend you on the receptivity of the staff in your medical office to our request.

Very truly yours,


James D. Esseks
Litigation Director

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