

STETSON LAW

**2019**  
**Twelfth Annual**  
**National Pretrial Competition**  
  
**Competition Problem**

This Competition will be held October 10-13, 2019  
at Stetson University College of Law  
Gulfport, Florida

The 2019 Stetson Law National Pretrial Competition Problem was drafted by Stetson University College of Law Alumni Brandon K. Breslow, Esq., (J.D. '16) and Lara E. Breslow, Esq., (J.D. '16) in association with the Stetson University College of Law Center for Excellence in Advocacy, Advocacy Center Director Professor Roberta Flowers and Professor Kelly Feeley. The 2019 Competition Problem is the property of the Stetson College of Law Center for Excellence in Advocacy.

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**UNITED STATES DISTRICT COURT  
DISTRICT OF MILTON  
CARVER COVE DIVISION**

JESSICA DAY PERALTA,  
f/k/a JAKE PERALTA

CASE NO. ~~15:19-CV-01770-RJH~~

Plaintiff,

v.

MORGAN GRANVILLE, in the official capacity as  
WARDEN, CARVER COVE  
CORRECTIONAL INSTITUTION

Defendant.

**COMPLAINT**

Plaintiff JESSICA DAY PERALTA, by and through undersigned counsel, sues  
Defendant MORGAN GRANVILLE, in the official capacity as WARDEN of CARVER COVE  
CORRECTIONAL INSTITUTION, demands a jury trial, and alleges the following:

1. This is a civil rights action on behalf of Ms. Peralta, a transsexual female inmate diagnosed with gender dysphoria at Carver Cove Correctional Institution (CCCI) in Carver Cove, Milton, against Warden Granville, as the final policymaker who established and was responsible for the lawful and necessary medical treatment of Ms. Peralta and other CCCI inmates.

2. Ms. Peralta alleges Warden Granville violated the Eighth Amendment's prohibition on cruel and unusual punishment when Warden Granville was deliberately indifferent to her medical need for feminizing hormone therapy and sex reassignment surgery (SRS). Moreover, Warden Granville's decision not to provide Ms. Peralta with hormone therapy

and SRS—based on implemented policy against treatment for transsexual inmates—violated the Equal Protection Clause of the Fourteenth Amendment.

### **JURISDICTION AND VENUE**

3. Counts One and Two of this Complaint are actions under 42 U.S.C. §§ 1983 and 1988 seeking prospective equitable relief to prevent further violations of her constitutional rights. Accordingly, this Court has jurisdiction over Counts One and Two pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

4. All of the acts and events giving rise to this action took place at CCCI in Carver Cove, Milton. Accordingly, venue lies in this Court pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

5. Plaintiff Jessica Day Peralta is a 27-year-old United States citizen. She is a transsexual female inmate at CCCI in the District of Milton, serving a sentence of 188 months (more than 15 years). She has been in the custody of the Milton Department of Corrections and an inmate at CCCI since 2016.

6. Defendant Morgan Granville is the Warden at CCCI, a prison funded by the State of Milton through the Milton Department of Corrections. At all material times, Warden Granville was employed by the State of Milton and acted in the course of performing the official duties as warden. Warden Granville is a “person” under 42 U.S.C. § 1983 who the Court may enjoin.

### **STATEMENT OF FACTS**

7. Ms. Peralta was born on March 31, 1992, in Kennebunkport, Maine, with the biological and physical characteristics of a male and given the legal name Jake Peralta. Ms. Peralta, however, has identified as a female since she was 15 years old and legally changed her name to Jessica Day Peralta on March 31, 2009.

8. In February 2015, Ms. Peralta began to receive feminizing hormone therapy at Springfield General Hospital, administered by Dr. Amy Santiago. Dr. Santiago, board certified in both psychiatry and endocrinology, formally diagnosed Ms. Peralta with Gender Dysphoria (GD) in November 2012 and started treating her with behavioral counseling at that time. After more than two years of counseling, Dr. Santiago recommended feminizing hormone therapy as the next step in Ms. Peralta's transition, to be eventually followed by SRS.

9. However, Ms. Peralta was arrested in May 9, 2015, by local law enforcement for the unlawful trafficking of cocaine. Ms. Peralta continued her feminizing hormone therapy and counseling intermittently during the pendency of her charges, while on pre-trial release.

10. Ms. Peralta resolved the charges against her on August 31, 2016. Ms. Peralta entered a plea of *nolo contendere* to two counts of distributing 28 grams or more of cocaine, in violation of section 893.135(1)(b)(1), Milton Statutes. She was sentenced to 188 months on both counts, to be served concurrently.

11. On September 16, 2016, Ms. Peralta was transferred to CCCI, a medium-security facility that houses more than 300 male inmates and 200 female inmates. Ms. Peralta was initially incarcerated in the male housing units at CCCI and has not been transferred to the female housing units notwithstanding at least three requests to Warden Granville and the Milton Department of Corrections that cited her mental health and threats of violence from male inmates.

12. On October 16, 2016, Ms. Peralta filed a formal request at CCCI to continue her treatment plan for feminizing hormone therapy and SRS. Ms. Peralta included a copy of the treatment plan drafted by Dr. Santiago.

13. On February 27, 2017, Ms. Peralta received a copy of the aforementioned formal request stamped “DENIED” by Warden Granville.

14. On February 28, 2017, Ms. Peralta threatened self-mutilation to CCCI detention staff. Ms. Peralta was immediately placed under 24-hour supervision in CCCI’s psychiatric facility.

15. On March 15, 2017, Ms. Peralta filed another formal request to continue her treatment plan, citing her placement in the psychiatric facility and threats of self-mutilation.

16. On March 29, 2017, Ms. Peralta received a copy of her March 15 formal request stamped “DENIED” by Warden Granville.

17. On March 30, 2017, Ms. Peralta received a letter from Warden Granville indicating that, upon review of her two formal requests, Ms. Peralta would begin receiving psychiatric treatment for her gender dysphoria by Dr. Terry Jefford, a CCCI employee.

18. Between March 30, 2017, and March 30, 2019, Ms. Peralta attended and actively participated in counseling from Dr. Jefford. Ms. Peralta, however, continued to attempt self-mutilation and to inflict harm on herself.

19. On March 30, 2019, Ms. Peralta filed a third formal request for hormone therapy and SRS. Ms. Peralta stated, in detail, that behavioral therapy failed to adequately treat her gender dysphoria. Ms. Peralta included, with her request, a forensic psychological report authored by Dr. Logan Boyle, Psy.D., and a sworn statement from C.J. Stentley, a former corrections officer in the CCCI psychiatric unit, who detailed the inadequate treatment by CCCI medical staff. Dr. Boyle’s report is attached as Exhibit A to this Complaint, and Officer Stentley’s letter is attached as Exhibit B.

20. On April 15, 2019, Ms. Peralta, for a third time, received a copy of her formal request stamped “DENIED” by Warden Granville. This time, the denied request included a report from Dr. Jefford, attached as Exhibit C to this Complaint.

21. Prior to initiating this action, Ms. Peralta submitted a complaint for administrative misconduct with the Milton Department of Corrections Internal Affairs Bureau (MDOC IAB). In accordance with MDOC IAB policy, Warden Granville submitted a sworn statement pertaining to the treatment of Ms. Peralta’s requests and other relevant events. That statement is attached as Exhibit D to this Complaint. The subject investigation is ongoing.

**COUNT ONE**  
**42 U.S.C. § 1983 (EIGHTH AMENDMENT)**

22. Ms. Peralta incorporates paragraphs 5-21 herein.

23. Ms. Peralta had a clear and established right under the Eighth Amendment to not be subject to the unnecessary and wanton infliction of pain as punishment by a government official.

24. Warden Granville, in the official capacity as Warden at CCCI, is a government official who cannot inflict unnecessary and wanton pain on prisoners within the care, custody, and control of CCCI.

25. An official’s deliberate indifference to a prisoner’s serious medical needs is materially indistinguishable from the unnecessary and wanton infliction of pain by that official.

26. Warden Granville’s intentional refusal to provide medically necessary feminizing hormone therapy and SRS to Ms. Peralta was deliberately indifferent to Ms. Peralta’s serious medical needs as an inmate at CCCI, which equates to the unnecessary and wanton infliction of pain.

WHEREFORE Plaintiff JESSICA DAY PERALTA demands equitable relief against Defendant MORGAN GRANVILLE in the form of a permanent injunction, costs, attorney's fees, and such other relief as the Court deems just and proper.

**COUNT TWO**  
**42 U.S.C. § 1983 (FOURTEENTH AMENDMENT)**

27. Ms. Peralta incorporates paragraphs 5-21 herein.

28. Ms. Peralta had a clear and well-established constitutional right under the Equal Protection Clause of the Fourteenth Amendment to "the equal protection of the laws."

29. Warden Granville's refusal to provide medically necessary feminizing hormone therapy and SRS (i.e., vaginoplasty and breast augmentation) to Ms. Peralta is based on her status as a transsexual individual.

30. Ms. Peralta is a member of a suspect class because she is transsexual.

31. Warden Granville's decision to withhold a medically necessary surgery provided to inmates who are transsexual is not substantially related to any important governmental interest.

32. As such, Ms. Peralta is entitled to equitable relief against Warden Granville in the official capacity as Warden of CCCI. That is, Ms. Peralta seeks a permanent injunction requiring Warden Granville and CCCI to authorize hormone therapy and SRS as medically necessary treatment of her gender dysphoria diagnosis.

WHEREFORE Plaintiff JESSICA DAY PERALTA demands equitable relief against Defendant MORGAN GRANVILLE, in the official capacity as WARDEN, CARVER COVE CORRECTIONAL INSTITUTION, in the form of a permanent injunction, costs, attorney's fees, and such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ *Sophia Perez*

Sophia Perez, Esq. (MBN 0613013)

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PEREZ & HOYTSMAN, P.A.

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*Counsel for Plaintiff Jessica Day Peralta*

## COMPLAINT—EXHIBIT A

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**DR. LOGAN BOYLE, PSY.D.**  
**CLINICAL AND FORENSIC PSYCHOLOGY**  
4504 W. PINE BOULEVARD  
SPRINGFIELD, ML 20482

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### PSYCHOLOGICAL FORENSIC EVALUATION

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**Name:** Peralta, Jessica Day

**Age:** 26 (DOB 03/31/1992)

**Date of Evaluation:** March 12, 2019

#### **Background and Abstract**

I, Dr. Logan Boyle, Psy.D., graduated in 1999 from the University of Milton with bachelor's degrees in Psychology and Criminal Justice. I immediately entered and completed a five-year joint M.S. and Psy.D. program at Loyola University Maryland in 2004. Following my graduation in 2004 and until September 2007, I treated patients with persistent mental illnesses at Milton State Hospital in Bay City, Milton, including inmates housed in the hospital's forensic wing. I then established my own clinical and forensic psychology practice. My principal area of research and expertise is treating inmates in the custody of the Milton Department of Corrections (MDOC) or the United States Bureau of Prisons. Since my graduation from the University of Milton, I have published seven articles addressing how to diagnose and treat inmates with varying mental illnesses.

Since 2010, I have consulted with or treated 13 other MDOC inmates diagnosed with gender dysphoria, a diagnosis explained below. I am familiar with the World Professional Association for Transgender Health (WPATH) standards of care and apply them in my practice. In all but one of those cases, I successfully persuaded the MDOC wardens for facilities at which the inmates were housed to approve hormone therapy as the proper course of treatment. In those cases, I did not recommend sex reassignment surgery (SRS) based on severity, and I cannot recall a case in Milton in which SRS has been approved as part of the course of treatment.

I was initially contacted about this case on February 28, 2019, by Ms. Peralta's family. They expressed concern that their daughter was not being provided a proper course of treatment for gender dysphoria. I agreed to evaluate Ms. Peralta's case for a flat fee of \$8,000, paid in full by Ms. Peralta's family, and to provide a recommended

treatment plan to the MDOC facility. If called to testify at any administrative or legal proceeding, which I have not previously done, my hourly rate is \$350.00 per hour.

### **Evaluation Procedure**

Review of records including:

- Prior criminal competency reports;
- Patient-provided medical records;
- Notes from Dr. Amy Santiago;
- CCCI medical records;
- Notes from Dr. Terry Jefford;
- Telephone interview with parents, Karen and Roger Peralta.

Clinical interview on March 12, 2019.

### **Diagnostic Considerations**

Gender Dysphoria (GD)<sup>1</sup>  
Generalized Anxiety Disorder (GAD)  
Depression

### **Mental Status**

Ms. Peralta was cooperative throughout the evaluation and responded to all questions presented to her. She scored a total of 21 points on the PHQ-9 Patient Depression Questionnaire administered at the outset of the evaluation, reflecting her current feelings of severe depression. She did not appear to exhibit any signs of psychotic symptoms such as auditory or visual hallucinations. She appeared to be in reasonably good physical health.

### **Current Clinical Findings**

A review of her medical records indicates an extensive history of pharmacological mental health treatment. Ms. Peralta has previously been proscribed Fluoxetine, Paroxetine, Citalopram, and Alprazolam to treat her GAD and depression, beginning

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<sup>1</sup> Gender Dysphoria (GD) is a relatively new diagnostic class contained in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5). This change reflects a new category of “gender incongruence,” which separates this diagnosis from the previous class of “sex and gender identity disorders,” where these symptoms were previously referred to as Gender Identity Disorder (GID) in the DSM-IV. This update seeks to remove the stigma previously assigned to this diagnosis, and further reflects the intersection of a variety of healthcare professionals who work in concert to treat patients with this diagnosis, such as endocrinologists, surgeons, and other treatment providers.

in 2005 at age 13. She was proscribed and has continued to take Escitalopram while incarcerated. As to her GD, she began receiving male-to-female cross-gender hormone replacement therapy in February 2015 under the supervision of Dr. Amy Santiago. During this treatment period, Ms. Peralta was proscribed a combination of estrogen, spironolactone, and progesterone. This treatment continued until September 2016, when she was transferred to CCCI.

During the pendency of her criminal charges, Ms. Peralta was found to have met applicable statutory criteria for competence to proceed on her criminal charges by Dr. Madeline Wuntch and Dr. Theodore Wells. There are no current concerns regarding her competency at this point in time.

Ms. Peralta, assigned the male gender at birth, states she was aware of her incorrect assigned gender from as early as four years old. She reports that from a young age, she attempted to partake in more traditionally “feminine” activities, felt closer to her female peers than male peers, and attempted to present a more feminized outward appearance. Although born “Jake,” Ms. Peralta’s closest friends referred to her as “Jess” prior to her adolescent years. She reports her parents, Karen and Roger, have always been supportive of her gender expression from a young age, and have been her strongest advocates throughout her schooling and early years. Mr. and Mrs. Peralta obtained LGBTQ+ therapy for Ms. Peralta when she was ten years old. She reports she has always believed she was a female trapped in a male’s body.

Ms. Peralta first began treatment with Dr. Santiago in the fall of 2012. In November 2012, Dr. Santiago formally diagnosed Ms. Peralta with GD; as part of this diagnosis, Dr. Santiago’s established treatment plan began with intensive behavioral therapy, followed by feminizing hormone replacement therapy, and eventual SRS. Upon successful evaluations with behavioral therapy, Dr. Santiago began implementing Ms. Peralta’s hormone replacement therapy in February of 2015. Ms. Peralta indicates her mental health improved tremendously during the course of her treatment with Dr. Santiago; she states that during that time, her symptoms of anxiety and depression reduced dramatically.

During a telephone interview, Karen and Roger Peralta confirmed Ms. Peralta’s self-reported claims during her treatment with Dr. Santiago. They stated it was the happiest they had seen their daughter during her lifetime, and believed the treatment was essential to her long-term physical and mental health. Mr. and Mrs. Peralta reported a timeline that substantially lines up with that claimed by Ms. Peralta; however, they included many details that Ms. Peralta omitted. Mr. and Mrs. Peralta claimed that at the approximate age of seven years old, Ms. Peralta attempted to inflict acts of self-harm, specifically in an attempt to remove her male genitalia. This practice continued on and off for the next few years, which prompted them to seek therapy for her focusing on LGBTQ+ youth. They further claim that prior to her treatment under Dr. Santiago, the acts of self-harm, although

substantially reduced in frequency, tended to occur during periods of lapsing treatment, where either Ms. Peralta secretly took herself off of her antidepressants, or repeatedly skipped counseling sessions. They also report that Ms. Peralta seemed to exhibit signs of anorexia nervosa during her teenage years, which was ultimately addressed in her therapy sessions.

Her parents' concerns of self-harm when she was not receiving treatment appear to be of major concern today. Notes contained in her CCCI records reflect further attempts at self-mutilation. First, on February 28, 2017, Ms. Peralta requested a machete from correctional staff so she could "fix herself once and for all." Ms. Peralta was removed from her general population placement and placed under psychiatric supervision immediately after this threat was made. Shortly thereafter, on March 5, 2017, corrections staff discovered she had sliced a vein in her arm, and wrapped an electrical cord tightly around her testicles, again resulting in a temporary placement in CCCI's psychiatric facility. When confronted with claims of self-mutilation or self-harm, Ms. Peralta initially denied the incidents, but eventually admitted to the conduct, claiming the ongoing ignorance of CCCI staff to her needs left her feeling hopeless.

Following these incidents, Ms. Peralta began treatment with Dr. Terry Jefford, a mental health treatment provider employed by CCCI. Ms. Peralta describes these sessions as a "joke," and reports these sessions did little to aid in her self-described "crippling" anxiety and depression, and that Dr. Jefford seemed dismissive of her repeat requests for GD treatment. During this period of time, Ms. Peralta continued to engage in destructive acts of self-mutilation, including frequent cutting of her arms and wrists with razor blades, and at least three reported incidents of attempted castration. Ms. Peralta claims she continues to have thoughts of suicide and will continue to engage in these acts of self-harm until CCCI allows her to "be who she has always been."

### **Conclusions and Recommendations**

Ms. Peralta has an extensive history of responding positively to complete pharmacological and behavioral treatment for her mental health diagnoses. However, of extreme alarm at this juncture is the need for wholistic treatment of her GD. Ms. Peralta presently demonstrates severe distress absent necessary treatment to complete her physical transition from male to female. It is the opinion of this provider that behavioral therapy alone is insufficient to combat her ongoing risk of imminent harm to herself. She has a history of persistent, well-documented GD, the capacity to make a fully informed decision for such a procedure, and the absolute medical necessity for such procedures to prevent lifetime distress from GD.

Pursuant to WPATH standards of care, Ms. Peralta requires continued hormone replacement therapy, SRS after twelve continuous months of hormone placement therapy, and eventually long-term postoperative care. I have not evaluated whether Ms. Peralta's diagnosis would be properly treated if she were transferred out of a male housing unit or provided the opportunity for social transition because her present circumstances do not call for such treatment.

*Logan Boyle*

Dr. Logan Boyle, Psy.D.  
Licensed Forensic Psychology

## **COMPLAINT—EXHIBIT B**

To Whom It May Concern:

My name is C.J. Stentley, and I was a corrections officer at the Carver Cove Correctional Institution for nearly two decades from October 1999 until I was wrongfully fired on February 1, 2019. My wrongful termination was blatant retaliation for my efforts in confronting what I thought to be medical misconduct on the part of CCCI staff for an extensive period of time.

Officials at CCCI and MDOC claim to have specialty programs in place to treat the mental health issues of inmates, and claim to offer additional services for LGBTQ inmates, but these claims are bold faced lies. The heart of the problem is Dr. Terry Jefford.

In my several years working as a CO placed in both the psychiatric units and the SHU, I witnessed a number of inmates receive "treatment" from Dr. Jefford. CCCI's answer to everything (inmates' depression, anxiety, gender dysphoria, etc.) was Dr. Jefford's behavioral therapy. It was never a close call. Despite the claims of holistic mental health treatment for inmates, it was really a guise for what appeared to be state-sanctioned conversion therapy. Dr. Jefford pretended to provide "behavioral counseling" to LGBTQ inmates, but the only thing I ever overheard during these sessions was religious-based conversion tactics, not sound medical advice.

When Dr. Jefford wasn't actively preaching to these inmates during "therapy sessions," Dr. Jefford left two wholly unqualified assistants to do the job. Bill Hummertrout and Ernest Zumowski were two old-timers waiting out for their retirement from CCCI who were assigned to assist the nurses in the psych unit. Dr.

Jefford frequently left CCCI for "prayer" breakfast meetings that ran long, and therefore left Bill and Ernie in charge to conduct "counseling" sessions with inmates. I know for a fact that neither of these two had formal medical training and had absolutely no business providing any mental health treatment to anyone. I saw some inmates leave Dr. Jefford's "therapy" feeling "better" and "cured," but I don't know how.

Between the torment inflicted by Dr. Jefford, Bill, and Ernie, several inmates confided in me that they were feeling worse following these meetings and were afraid to voice their concerns. It didn't help that the environment at CCCI was horrible to the LGBTQ population—COs would openly mock these inmates, and even encourage other inmates to instigate fights and attacks against them. Sometimes they would place bets on fights between inmates. When things got really bad, they would throw these inmates into the SHU. They claimed it was for their safety, but it was really to punish them by sticking them in solitary. This disgusting behavior existed at all levels of CCCI, even up to Warden Granville. Even the Warden was involved in a secret Facebook group called "CC-CO Life" where staff would complain about work, post jokes and memes about inmates, and frequently include racist and homophobic posts. He used an alias on Facebook, "Doug Judy." I got kicked out of the group after I reported it to Facebook to try to shut it down. After that got out around CCCI, I instantly became a target by the administration.

Unlike a lot of my monster coworkers, I actually cared about the inmates I supervised, and therefore wanted to help. I tried to give tape recorders and cell phones to some of these inmates so they could easily communicate with family members on the outside about what was going on. I was particularly close to Jess Peralta's family

during this time. I went directly to Warden Granville to talk about Jefford and try to help Jess. However, I was fired after calling Jefford out, and before I could ever tell the world about the truth at CCCI. They said I was fired for bringing in "contraband" (the cell phones and tape recorders). I've never been in trouble in my entire life.

What's happening is horrible. I just want everyone treated fairly and for inmates to get the help they need. Otherwise, they don't stand a chance. This is the problem with therapy. The treatment is only as good as where it's coming from.

I swear on it.

C.J. Stentley  
February 28, 2019

**COMPLAINT—EXHIBIT C**  
MILTON DEPARTMENT OF CORRECTIONS  
CARVER COVE CORRECTIONAL INSTITUTION  
306 U.S. Highway 12  
Carver Cove, Milton 29934

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**INTERNAL MEMORANDUM**

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**TO:** WARDEN MORGAN GRANVILLE

**FROM:** DR. TERRY JEFFORD

**SUBJECT:** JESSICA DAY PERALTA F/K/A JAKE PERALTA DC# P39201

**DATE:** APRIL 4, 2019

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Pursuant to your request issued on March 31, 2019, please allow the following to serve as a summary of my treatment provided to the above-referenced inmate. For purposes of this report, I will reference Peralta by her preferred gender pronouns, even though her DOC file solely identifies her based upon her biological male sex.

I was assigned to provide psychological treatment to Peralta beginning on March 30, 2017, following multiple incidents of reported self-harm. Her course of treatment at CCCI included weekly individual therapy sessions, as well as weekly group therapy meetings for LGBTQ inmates.

Prior to the start of this treatment, Peralta had been discovered by corrections staff attempting to inflict self-harm while in her regular housing and was placed in both psychiatry housing and the Special Housing Units (SHU) after each such incident to ensure her personal safety and protection.

Peralta's file includes multiple references to prior diagnoses of generalized anxiety disorder, depression, and gender dysphoria. I initially adjusted Peralta's dosage of Escitalopram, resulting in an apparent decrease in reported feelings of depression. I then attempted to focus Peralta's treatment on her gender dysphoria. I independently confirmed this diagnosis as it exists under the most recent DSM-V.

It is worth noting that throughout the duration of my treatment of Peralta, she was reluctant to participate in behavioral counseling and did not seem to take sessions seriously. She repeatedly criticized my comments or advice, and said I was a "quack" who did not know as much as her previous doctor, Dr. Amy Santiago. Because of this, she often disregarded my recommendations for her treatment plan. This similarly carried over into group therapy, during which time she frequently proclaimed the other inmates in these sessions did not face the same level of discrimination within the facility that she did, and often openly criticized other individuals while they shared their concerns. Additionally, she frequently skipped sessions, or left early if she didn't like what I was telling her on any particular day. I've attached her most recent treatment log demonstrating how frequently she either skipped our weekly sessions or left early. On days where she left very early, I had some of the clinical assistants notate the log for me.

Shortly after we began treatment, I recommended to Peralta that she undergo social transitioning, which could include coming out to other inmates, requesting an official change of her pronouns within CCCI, and requesting reasonable accommodations to dress and/or groom in a way that matched her gender identity. She rebuffed these recommendations, reiterating that because she has already "lived as a female" prior to her incarceration, she was entitled to escalate her preferred treatment to resume her hormone therapy. I repeatedly explained to her that at least five other inmates diagnosed with gender dysphoria, whom I previously treated at CCCI, demonstrated success and elevated moods following their social transitions, and that such transition frequently alleviated the need for further medical treatment such as hormone therapy or sex reassignment surgery (SRS). However, she rejected this recommendation.

Of great concern is her continued threats of self-harm. Importantly, there is a marked distinction in her threats compared to the outset of her treatment. Her most recent threats seem to be less credible, and instead seem to be employed as a bargaining chip, with which she threatens self-harm unless she is immediately provided with access to SRS. She further rejected the notion that she does not presently qualify for SRS, which requires continuous hormone therapy before such surgery is even medically feasible.

Ultimately, it is my opinion that Peralta does not demonstrate the level of distress to necessitate either hormone therapy or SRS. CCCI has a well-documented history of successfully treating inmates diagnosed with gender dysphoria with a combination of social transition and behavioral counseling. Peralta's lack of cooperation or willingness to engage in this method of treatment

demonstrates that she is the only barrier to the treatment of her gender dysphoria, not CCCI staff.

I am familiar with the World Professional Association for Transgender Health (WPATH) standards of care. It is my professional opinion they are driven by political considerations rather than medical judgment. WPATH is not the consensus. WPATH aspires to be both a scientific organization and an advocacy group for the transgendered, and those aspirations sometimes conflict.

The opinions offered herein are based on my fifteen years as a professional counselor for the Milton Department of Corrections. I have been employed at CCCI since 2004. Prior to that employment, I obtained my bachelor's degrees in criminology and biology at Milton State University and my medical degree from University of Milton College of Medicine. I performed my residency at Marshall Memorial Hospital in Springfield, Milton, and am board certified in clinical psychiatry. To my recollection, I have treated at least six inmates at CCCI diagnosed with gender dysphoria. I have previously testified on behalf of CCCI in two federal legal proceedings as an expert on the issue of whether inmates diagnosed with depression and other debilitating mental illnesses were receiving proper medical treatment. Both of those cases were resolved in CCCI's favor on summary judgment. I am also an official records custodian for business and medical records maintained by MDOC and CCCI.

*Terry Jefford*

Dr. Terry Jefford

Attachment:

J. Peralta Treatment Log 7/7/2018-2/19/2019

**Carver Cove Correctional  
Institution**306 U.S. Highway 12  
Carver Cove, ML 29934**TREATMENT LOG**

**Inmate Name:** J. Peralta P39201 **Treatment Provider:** Terry Jefford

Date	Start Time	End Time	Inmate Signature	Employee Initials
7/7/18	10:15	11:15	Jess Peralta	TJ
7/14/18	10:15	10:27	Jess Peralta	BH
7/21/18	10:15	11:06	Jess Peralta	TJ
9/11/18	10:15	10:42	Jess Peralta	TJ
9/18/18	10:15	11:15	Jess Peralta	TJ
9/25/18	10:15	11:15	Jess Peralta	TJ
10/2/18	10:15	10:58	Jess Peralta	TJ
10/9/18	10:15	10:32	Jess Peralta	BH
10/30/18	10:15	11:05	Jess Peralta	TJ
11/13/18	10:15	11:15	Jess Peralta	TJ
11/20/18	10:15	11:03	Jess Peralta	TJ
12/4/18	10:15	10:18	Jess Peralta	BH
12/11/18	10:15	10:35	Jess Peralta	EZ
1/8/19	10:15	11:45	Jess Peralta	TJ
1/15/19	10:15	10:59	Jess Peralta	TJ
1/22/19	10:15	10:43	Jess Peralta	EZ
2/5/19	10:15	11:10	Jess Peralta	TJ
2/19/19	10:15	11:02	Jess Peralta	TJ

Employee  
Signature:Terry JeffordDate: 2/20/19Supervisor  
Signature:Keith PembrokeDate: 2/22/19

**COMPLAINT—EXHIBIT D**  
**MILTON DEPARTMENT OF CORRECTIONS**  
**CARVER COVE CORRECTIONAL INSTITUTION**  
**306 U.S. Highway 12**  
**Carver Cove, Milton 29934**

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**Affidavit of CCCI Warden Morgan Granville**

**Re: Milton Dept. of Corrections,  
Internal Affairs Investigation #99**

1 Pursuant to your request issued on May 1, 2019, please allow the  
2 following to serve as my statement regarding the pending  
3 investigation into correctional officers at CCCI, including  
4 myself, for a perceived bias against LGBTQ inmates. This statement  
5 is given freely and voluntarily, and I swear below to its veracity.

6 I have been the Warden at CCCI since January 1, 2016. I hold a  
7 bachelor's degree in criminal justice from Springfield College in  
8 Milton. I enrolled in Springfield College's Law Enforcement  
9 Academy during my freshman year in 1999, and successfully graduated  
10 from the program in 2002 with top marks. My first job following  
11 graduation was as a deputy with the Tiralosi County Sheriff's  
12 Office in Milton. As a deputy, I was assigned as a corrections  
13 officer at the county jail for the entirety of my four-year  
14 commission. In 2006, I was hired by the Milton Department of  
15 Corrections as a corrections supervisor. In that capacity, I  
16 supervised the implementation and administration of counseling and  
17 diversity training for officers who communicated with minority  
18 inmates. In 2015, when Warden Engle announced her retirement, I  
19 was serving as a deputy warden at CCCI. I successfully applied for  
20 the position I hold today.

21 My understanding is the pending investigation arose from  
22 complaints by inmate Jessica Day Peralta (f/k/a Jake Peralta)  
23 regarding treatment for her gender dysphoria. Once I became aware  
24 of her condition, I immediately required her to partake in  
25 behavioral counseling with Dr. Terry Jefford. Dr. Jefford has a  
26 stellar record treating transsexual inmates. For two years, I did  
27 not receive a single complaint from or about Ms. Peralta. Had I  
28 received such a complaint, particularly at the beginning stages of  
29 her treatment, I would have immediately engaged with her and Dr.  
30 Jefford in establishing a different treatment plan.

31 I was shocked when I received Ms. Peralta's request for hormone  
32 therapy and sex reassignment surgery two months ago. I immediately

1 contacted Dr. Jefford and requested a report regarding her  
2 treatment. I am not intimately familiar with the underlying  
3 medicine or treatment for gender dysphoria, but I always strive to  
4 provide the proper care for all inmates at my facility. I have  
5 previously faced at least two allegations of improper  
6 psychological care at CCCI that proved to be false, and we won  
7 those lawsuits.

8 I reviewed Dr. Jefford's report and compared it with Dr. Boyle's  
9 report. I then contacted administration at the Milton Department  
10 of Corrections regarding how CCCI would even implement a treatment  
11 plan that required hormone therapy and surgery (vaginoplasty  
12 and/or breast augmentation). I had dealt with each of those  
13 treatments separately on dozens of occasions for cisgender female  
14 inmates, which we provided due to varying findings of medical  
15 necessity, but not together for any transsexual inmate. I learned  
16 from MDOC administration that it previously provided hormone  
17 therapy for transsexual inmates but there was no protocol for  
18 surgery. I did not inquire further. Because Ms. Peralta's request  
19 was for hormone therapy and surgery, and based on Dr. Jefford's  
20 report, I made a judgment call to deny the request. I did not  
21 discontinue her counseling. Had she made the proper request, I  
22 would also allow Ms. Peralta to engage in social transitioning,  
23 which I have done for other inmates. I planned to reach out to Ms.  
24 Peralta directly, but I did not have the opportunity to do so prior  
25 to the initiation of this investigation.

26 I am aware of the allegation that I am a party to a bigoted and  
27 mean-spirited social media group of MDOC employees. C.J. Stentley,  
28 a disgruntled former employee, now claims that I maintain a  
29 Facebook profile under the name Doug Judy and act as an  
30 administrator of a private Facebook group called "CC-CO Life."  
31 This Facebook group was exposed in a recent exposé by Springfield  
32 Tribune reporter Gina Linetti. The group is a breeding ground for  
33 egregious homophobic and racist posts from a number of individuals  
34 allegedly affiliated with CCCI. I categorically deny this  
35 outrageous allegation and would never be associated with such  
36 horrific views. Had I suspected any CCCI employee under my  
37 supervision was involved with something like this, I would have  
38 immediately launched an investigation and handled the matter.

39 It is my firmly held belief that Officer Stentley fabricated these  
40 allegations to assert that his/her termination, which was for  
41 cause, was instead retaliation. Contrary to Officer Stentley's  
42 allegations, Dr. Jefford provided quality psychiatric care, as  
43 demonstrated in the attached letter written by a former inmate.

**Enclosed:** Support Letter from Jean Munhroe

STATE OF MILTON

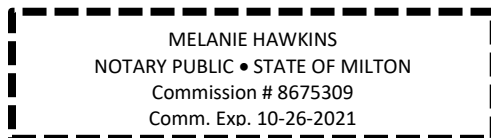
COUNTY OF TIRALOSI

PERSONALLY came and appeared before me, the undersigned Notary, Morgan Granville, who is a resident of Tiralosi County, State of Milton, and makes this statement and Affidavit upon oath and affirmation of belief and personal knowledge that the facts set forth above are true and correct to the best of their knowledge.

Dated this 21<sup>st</sup> day of May, 2019.

*Morgan Granville*  
Signature of Affiant

Sworn and subscribed before me, this 21<sup>st</sup> day of May, 2019.



*Melanie Hawkins*  
Notary Public

Dear Warden Granville,

I am writing to share my appreciation for Dr. Jefford, who truly saved me.

I was released from CCCI in November 2017 after serving a five-year sentence. I met Dr. Jefford in 2012 when I began treatment for my gender dysphoria. I am transgender—I was born a boy but have always felt like a girl. I have outwardly identified as a woman for more than 10 years. I asked for hormone therapy when I got to CCCI because of a treatment plan I got right before my arrest. Warden Engle denied it but offered to give me counseling instead.

I was, at first, reluctant to participate in behavioral therapy. I thought I needed more than just a sounding board. But then I watched how compassionate and helpful Dr. Jefford was to inmates with so many different diagnoses week after week. I really watched as Dr. Jefford helped two other trans inmates in group. Dr. Jefford NEVER preached personal or religious beliefs. Instead, Dr. Jefford taught those inmates to cope with their depression and that social transitioning (how they dressed and acted day-to-day) would allow their outward appearance to match how they felt inside. Once I opened up, I followed in those inmates' footsteps and left CCCI feeling better about myself and my situation.

I know one other inmate has complained about Dr. Jefford. Jess is very sweet and her situation doesn't seem like mine, but I always noticed in group that she was not fully engaged like the rest of us. If she tried, maybe it would work out for her. In any event, I know Dr. Jefford's therapy sessions are not the problem. It works, and I am better because of it.

Sincerely,

Jean Munhroe

**UNITED STATES DISTRICT COURT  
DISTRICT OF MILTON  
CARVER COVE DIVISION**

JESSICA DAY PERALTA,  
f/k/a JAKE PERALTA

Plaintiff,

CASE NO. 15:19-cv-01770-RJH

v.

MORGAN GRANVILLE, in the official capacity as  
WARDEN, CARVER COVE  
CORRECTIONAL INSTITUTION

Defendant.

\_\_\_\_\_ /

**DEFENDANT'S ANSWER**

Defendant Morgan Granville, in the official capacity as Warden, Carver Cove Correctional Institution, hereby files Defendant's Answer to Plaintiff's Complaint and states as follows:

1. The allegation in paragraph 1 of the Complaint is a legal conclusion to which no response is required. To the extent a response is necessary, Defendant admits the pendency of this lawsuit.

2. The allegations in paragraph 2 of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies Plaintiff's claims.

**JURISDICTION AND VENUE**

3. The allegation in paragraph 3 of the Complaint is a legal conclusion to which no response is required. To the extent a response is necessary, Defendant admits this Court has subject matter jurisdiction over Plaintiff's claims.

4. The allegation in paragraph 3 of the Complaint is a legal conclusion to which no response is required. To the extent a response is necessary, Defendant admits venue for this action is proper in the District of Milton.

#### **PARTIES**

5. Defendant admits the allegations in paragraph 5 of the Complaint.

6. Defendant admits the allegations in paragraph 6 of the Complaint.

#### **STATEMENT OF FACTS**

7. Defendant is without sufficient knowledge of the allegations in paragraph 7 of the Complaint and, therefore, denies the allegations.

8. Defendant is without sufficient knowledge of the allegations in paragraph 8 of the Complaint and, therefore, denies the allegations.

9. Defendant is without sufficient knowledge of the allegations in paragraph 9 of the Complaint and, therefore, denies the allegations.

10. Defendant admits the allegations in paragraph 10 of the Complaint.

11. Defendant admits the allegations in paragraph 11 of the Complaint.

12. Defendant admits the allegations in paragraph 12 of the Complaint.

13. Defendant admits the allegations in paragraph 13 of the Complaint.

14. Defendant admits the allegations in paragraph 14 of the Complaint.

15. Defendant admits the allegations in paragraph 15 of the Complaint.

16. Defendant admits the allegations in paragraph 16 of the Complaint.

17. Defendant admits the allegations in paragraph 17 of the Complaint.

18. Defendant admits the allegations in paragraph 18 of the Complaint.

19. Defendant admits the allegations in paragraph 19 of the Complaint.

20. Defendant admits the allegations in paragraph 20 of the Complaint.

21. Defendant admits the allegations in paragraph 21 of the Complaint.

**COUNT ONE**  
**42 U.S.C. § 1983 (EIGHTH AMENDMENT)**

22. The allegation in paragraph 22 of the Complaint is a legal conclusion to which no response is required. To the extent a response is necessary, Defendant admits Plaintiff has incorporated its foregoing allegations into her cause of action.

23. The allegations in paragraph 23 of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies the allegations in paragraph 23.

24. The allegations in paragraph 24 of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies the allegations in paragraph 24.

25. The allegations in paragraph 25 of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies the allegations in paragraph 25.

26. The allegations in paragraph 26 of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies the allegations in paragraph 26.

The allegations in the Prayer for Relief of Count One of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies that Plaintiff is entitled to the relief sought in its Prayer for Relief.

**COUNT TWO**  
**42 U.S.C. § 1983 (FOURTEENTH AMENDMENT)**

27. The allegation in paragraph 27 of the Complaint is a legal conclusion to which no response is required. To the extent a response is necessary, Defendant admits Plaintiff has incorporated its foregoing allegations into her cause of action.

28. The allegations in paragraph 28 of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies the allegations in paragraph 28.

29. The allegations in paragraph 29 of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies the allegations in paragraph 29.

30. The allegations in paragraph 30 of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies the allegations in paragraph 30.

31. The allegations in paragraph 31 of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies the allegations in paragraph 31.

32. The allegations in paragraph 32 of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies the allegations in paragraph 32.

The allegations in the Prayer for Relief of Count Two of the Complaint are a legal conclusion to which no response is required. To the extent a response is necessary, Defendant denies that Plaintiff is entitled to the relief sought in its Prayer for Relief.

**DEFENDANT’S GENERAL DENIAL**

Plaintiff’s Complaint fails to state a claim under either the Eighth or Fourteenth Amendments for which Defendant could be held liable. This defense is preserved pursuant to Fed. R. Civ. P. 12(h)(2).

**DEFENDANT’S PRAYER FOR RELIEF**

Defendant therefore requests the following relief:

1. Plaintiff take nothing by virtue of Plaintiff’s Complaint;
2. For judgment to be entered against Plaintiff and in favor of Defendant;
3. Defendant be awarded attorneys’ fees and costs incurred in this action, and any other amounts recoverable under law; and
4. This Court grant Defendant such other relief that this Court may deem just and proper.

Respectfully submitted,

ROSA DIAZ  
ATTORNEY GENERAL

/s/ Jerry Grundhaven

Jerry Grundhaven  
Assistant Attorney General  
Milton Bar No. 0129897  
Office of the Attorney General  
99 E. Brooklyn Avenue  
Carver Cove, Milton 28873  
Telephone: (219) 595-4071  
[jgrundhaven@miltonag.gov](mailto:jgrundhaven@miltonag.gov)

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on July 22, 2019, I electronically filed the foregoing with the Clerk of the Court by using CM/ECF which will send a notice of electronic filing to the following:

Sophia Perez, Esq.  
PEREZ & HOYTSMAN, P.A.  
P.O. Box 99  
Springfield, ML 32311  
[spere@pehoilaw.com](mailto:spere@pehoilaw.com)

/s/ Jerry Grundhaven

Jerry Grundhaven  
*Counsel for Defendant*

**UNITED STATES DISTRICT COURT  
DISTRICT OF MILTON  
CARVER COVE DIVISION**

JESSICA DAY PERALTA,  
f/k/a JAKE PERALTA

Plaintiff,

CASE NO. 15:19-cv-01770-RJH

v.

MORGAN GRANVILLE, in the official capacity as  
WARDEN, CARVER COVE  
CORRECTIONAL INSTITUTION

Defendant.

\_\_\_\_\_ /

**PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff JESSICA DAY PERALTA, pursuant to Federal Rule of Civil Procedure 65, requests this Court enter a preliminary injunction requiring Defendant MORGAN GRANVILLE, in the official capacity as WARDEN, CARVER COVE CORRECTIONAL INSTITUTION, to approve feminizing hormone therapy and sexual reassignment surgery (SRS) as the course of treatment for her diagnosed gender dysphoria. For the reasons explained in the Memorandum of Law below, Ms. Peralta's motion should be granted.

**MEMORANDUM OF LAW**

[OMITTED]

Respectfully submitted,

/s/ *Sophía Perez*

Sophia Perez, Esq. (MBN 0613013)

[sperez@pehoylaw.com](mailto:sperez@pehoylaw.com)

PEREZ & HOYTSMAN, P.A.

Post Office Box 99

Springfield, Milton 32311

Telephone: (211) 555-2199

*Counsel for Plaintiff Jessica Day Peralta*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on August 1, 2019, I electronically filed the foregoing with the Clerk of the Court by using CM/ECF which will send a notice of electronic filing to the following: Assistant Attorney General Jerry Grundhaven, Milton Office of the Attorney General, 99 E. Brooklyn Avenue, Carver Cove, ML 28873, [jgrundhaven@miltonag.gov](mailto:jgrundhaven@miltonag.gov).

/s/ *Sophía Perez*

Sophia Perez, Esq.

**UNITED STATES DISTRICT COURT  
DISTRICT OF MILTON  
CARVER COVE DIVISION**

JESSICA DAY PERALTA,  
f/k/a JAKE PERALTA

CASE NO. 15:19-cv-01770-RJH

Plaintiff,

v.

MORGAN GRANVILLE, in the official capacity as  
WARDEN, CARVER COVE  
CORRECTIONAL INSTITUTION

Defendant.

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**ORDER SCHEDULING SUPPLEMENTAL BRIEFING AND HEARING  
ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

**THIS CAUSE** comes before the Court on Plaintiff's Motion for Preliminary Injunction.

Upon consideration of the Complaint, the Answer, and the Plaintiff's Motion for Preliminary Injunction, the Court orders the following:

1. Plaintiff's motion warrants supplemental briefing, an evidentiary hearing, and oral argument, specifically as to whether Plaintiff will likely succeed on the merits of her constitutional claims. *Compare Gibson v. Collier*, 920 F.3d 212 (5th Cir. 2019); *with Keohane v. Jones*, 328 F. Supp. 3d 1288 (N.D. Fla. 2018); *Norsworthy v. Beard*, 87 F. Supp. 3d 1164 (N.D. Cal. 2015).

2. Each of the parties shall file with the Court a supplemental memorandum of law addressing the issues of whether Plaintiff will likely succeed on the merits on the two issues presented: her Eighth Amendment claim and her Fourteenth Amendment claim, by **THURSDAY, SEPTEMBER 12, 2019 at noon EDT**. This briefing shall conform with the local rules, provided to the parties with this order.

3. The Court will hold hearings on **OCTOBER 11-12, 2019**, at which the parties shall present evidence on the issue of whether Plaintiff will likely succeed on the merits of her Eighth Amendment claim and her Fourteenth Amendment claim. Plaintiff, as the movant, shall call Officer C.J. Stentley and Dr. Logan Boyle as witnesses at the hearing. Defendant shall testify and call Dr. Terry Jefford as a witness at the hearing. **No additional witnesses may be presented at this time.** This hearing shall conform with the local rules, provided to the parties with this order, and the Court will utilize the Federal Rules of Evidence when applicable.

4. Immediately following the evidentiary hearing, the Court will hear oral argument at which the parties shall address the issues of whether Plaintiff will likely succeed on the merits of her Eighth Amendment claim and her Fourteenth Amendment claim. This oral argument shall conform with the local rules, provided to the parties with this order.

5. Pursuant to stipulation by the Parties, the Court will admit as substantive evidence the DSM-V section pertaining to the diagnosis of gender dysphoria and any relevant sections of the WPATH standards of care at the forthcoming hearing.

**DONE AND ORDERED** in Chambers in Carver Cove, Milton, this 14th day of August, 2019.

*Raymond J. Holt*

District Judge Raymond J. Holt  
U.S. District Court for the District of Milton

**IN THE COUNTY COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT  
IN AND FOR TIRALOSI COUNTY, MILTON  
CRIMINAL DIVISION**

STATE OF MILTON,

CASE NO.: 2010-CM-01939

v.

C.J. STENTLEY,

Defendant.

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**JUDGMENT AND SENTENCE**

**COMES NOW** the TIRALOSI COUNTY COURT adjudicates Defendant C.J. STENTLEY guilty of PASSING WORTHLESS CHECKS, a misdemeanor of the first degree in the State of Milton. Adjudication IS NOT withheld.

The Court imposes on Defendant a sentence of THREE MONTHS PROBATION.

**SO ORDERED AND ADJUDGED** this 14th day of June, 2011.

*s/ Marcus Marinovich*  
Judge Marcus Marinovich  
Tiralosi County Courthouse