

*Privileged & Confidential
Attorney Work Product*

AFFIDAVIT OF ERIC GIRDY

STATE OF OHIO)
)
COUNTY OF *MAHONING*) SS:

I, Eric Girdy, being duly sworn, hereby state as follows:

1. I am an inmate at the Ohio State Penitentiary.
2. I was an inmate at Southern Ohio Correctional Facility ("SOCF") from 1982 until the inmates took over the L-Block section of the prison from April 11, 1993, to April 21, 1993. I remained in the L-Block of SOCF from the beginning of the inmate takeover of the L-Block on April 11, 1993, until April 21, 1993.
3. I am an African American male. I did not have any affiliation with a prison gang at the time of the inmate takeover of SOCF and have no affiliation with any prison gang now.
4. I am making this Affidavit to provide my personal knowledge concerning George Skatzes ("George") and his actions and activities during the inmate takeover of SOCF.

The Death of Earl Elder

5. I spent most of the inmate takeover of the prison in Block L-6. I was security for the block.
6. I was in L-6 on April 12, 1993 and witnessed the death of Earl Elder. George was not involved in the killing of Elder. I believe that Elder was killed because some inmates thought that he tried to help Corrections Officer Ratliffe.
7. I was in L-6 when Elder was dragged in and put in the shower. which was the shower for cells 41-60. Elder appeared to have been badly beaten, but he was able to stand. The inmates who brought Elder into the shower did not attack him there.

8. About ^{E.G} 10 minutes after Elder was brought into the shower, I saw George come in by himself and stand by the shower that Elder was in. I had been standing here at this point, for 8 hours. This was about twenty minutes before Elder was killed. George talked gently with Elder and did not attack Elder in any way. I saw George leave the showers after talking to Elder. Elder was still alive.

9. A little while after George talked to Elder and left L-6, I saw Lucky Roper and a Caucasian man walk Elder to L-6-60. The Caucasian man was not George because the man was noticeably smaller than George. Roper and the Caucasian man went into L-6-60 with Elder for a minute or two. Roper and the Caucasian man left L-6. Elder was not dead at this point.

10. Someone went to the main console and opened L-6-60. Tim Williams, Doc Ellis, and two others went into the cell. Jack Spurlock was standing outside the cell. I was standing at front of the block and from there I could see right into L-6-60 through the open cell door. I saw Williams, Ellis, and the two other men punch and stab Elder with a piece of broken glass. Elder tried to crawl under the bed. After a few minutes, Elder became quiet.

11. George was nowhere around when Elder was killed. George did not participate in Elder's death in any way.

George Acted as a Peacekeeper Throughout the Inmate Takeover of the Prison

12. I never saw George do anything violent, either before or during the inmate takeover of SOCF in April 1993. To the contrary, George acted a peacemaker. At one point during the takeover, when tensions were rising between black and white inmates, I heard George tell other inmates that "this is not a race war." I also heard George speak out against killing any guards, and I saw him try to keep other inmates from committing violent acts. For example, George was responsible for getting inmate Johnny Fryman, who was badly beaten, out onto the yard so that he

could get medical attention.

George's Involvement in the Aryan Brotherhood

13. I never knew that George was a member of, or held any rank in, the Aryan Brotherhood. George's affiliation with that group was never obvious. George was always focused on working on his legal case.

14. I believe that the leaders of the Aryan Brotherhood were D.A.V.G.

15. I never saw, heard, or became aware of George make any decisions with regards to the leadership during the inmate takeover.

I Was Never Contacted By George Skatzes' Attorneys

16. I was never contacted by George's attorneys or anyone working on George's defense prior to George's trial for activities related to the inmate takeover of SOCF. If I had been contacted, I would have told his attorneys the information I know, and I would have been willing to testify on George's behalf at trial.

The State Offered Me a Deal

17. I initially cooperated with the Ohio State Highway Patrol ("OSHP") investigators because they promised me protective custody. Officers from the OSHP asked me if George was involved in the Elder murder and I told him that he had no participation or involvement in the murder.

18. I told the Ohio State Highway Patrol that George was a peacemaker, but their facial expressions led me to believe that they were not pleased with this response.

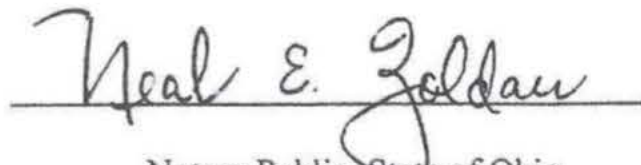
19. I wish that I had not cooperated, because they did not hold up their end of the deal. They instead charged me with involuntary manslaughter and complicity for the murders of "Pop"

Svette and another inmate named Farrell. I signed a plea agreement that stated that if I testified for the defense of any of the inmates, my deal would be cancelled and my sentence reinstated. After my conviction, I received another twenty years added to my sentence.

Further Affiant sayeth naught


ERIC GIRBY

Sworn to and subscribed before me on this 21st day of September, 2003


Notary Public, State of Ohio

NEAL E. ZOLDAN, Notary Public
State of Ohio
My Commission Expires 25 AUG 04