

What *The Tennessean* Publishes About the Death of Estelle Richardson:

In a front-page story on August 1, 2008, Chris Echegaray of *The Tennessean* made the following statements: “Four guards were charged with [Richardson’s] beating death. Without any evidence, including video that would have shown her being removed from her cell, the prosecutor had to drop charges against the guards.” Chris Echegaray, “Inmate’s Slaying in CCA Custody Torments Ex-Cellmate,” *The Tennessean*, Aug. 1, 2008, p. A1 (emphasis added). In addition, the August 1st article recounted at length the complaint filed at the beginning of the lawsuit brought by the court-appointed guardian for Estelle Richardson’s children. *The Tennessean* article, however, failed to recite from the joint press statement signed by the guardian and CCA when they resolved the lawsuit after substantial investigation, though that document was made public in connection with the nomination of CCA’s General Counsel to serve as a federal judge.

Furthermore, without providing any details as to facts or merit, and without noting that inmates make complaints and file lawsuits virtually everyday against every corrections system, public or private, the August 1st article also broadly claims that CCA has faced “criticism, lawsuits, and complaints stemming from their [*sic*] practices” and recites the allegations of a former inmate with respect to an unspecified incident. The August 1st article prints these claims and allegations as though they are the truth, without any apparent investigation to substantiate their merits.

This August 1st “news” article is almost identical to views that *The Tennessean* allows on its opinion page. On June 29, 2008, it published the views of a former prison inmate under the headline “Murder Unanswered” with the subtitle “As memorial remembers brutally slain inmate, killer or killers still free”. The opinion piece makes the same misguided points as the “news” story, implying the cell extraction caused Ms. Richardson’s death and asserting something mysterious about the absence of video from the extraction. See Denver K. Schimming, “Murder Unanswered,” *The Tennessean*, June 29, 2008.

The editors of the *The Tennessean* knew or should have known that the cell extraction on July 4 had nothing to do with Ms. Richardson’s death; they knew or should have known that every medical expert who examined this death agreed that Ms. Richardson did not suffer a skull injury during her cell extraction; and they knew or should have known that the videotape malfunction was wildly overplayed by the newspaper. When a news organization publishes information that it knows or should know to be false, it is hard to characterize such publication decisions as arising from anything other than malice toward CCA and its employees.

The Facts No One Disputes About the Estelle Richardson Death

- On the morning of July 5, 2004, a CCA correctional officer found inmate Estelle Richardson unresponsive in her cell at our Metro-Davidson County Detention facility shortly after Ms. Richardson had breakfast.

- The day before her death, Ms. Richardson was involved in a cell extraction. This event placed immediate suspicion on the coincidental timing of that cell extraction with her death. CCA personnel at the facility immediately informed all appropriate law enforcement agencies, which launched investigations into this tragic death even before senior CCA officers learned of it.
- CCA has cooperated fully with every law enforcement agency that has investigated this death, which includes the Metro Police Department, the District Attorney General's office, the Federal Bureau of Investigation, the U.S. Attorney's office, and U.S. Department of Justice.
- CCA immediately placed the four correctional officers involved in the cell extraction on administrative leave, and they were not allowed to work in the facility again. CCA produced tens of thousands of documents to law enforcement and gave them complete access to all of its employees and the entirety of the facility.
- Based largely on the report of Nashville's medical examiner, Dr. Bruce Levy, and his initial conclusion that Ms. Richardson's death was caused by a skull fracture that could have occurred within 24 hours of her death, the four correctional officers were indicted for manslaughter. CCA and those four officers were also sued by the court-appointed guardian acting on behalf of her children.

The Facts *The Tennessean* Knows But Won't Publish and Chooses to Ignore

- **After substantial investigation, the evidence showed that the cell extraction on July 4, 2004 had nothing to do with Ms. Richardson's death.** The Richardson family engaged the services of the former Chief Medical Examiner of the Commonwealth of Kentucky, Dr. George Nichols as well as numerous other experts. To defend itself in the civil lawsuit, CCA hired the Deputy Chief Medical Examiner of the State of Tennessee, Dr. William McCormick. Unlike Nashville's medical examiner, Dr. Bruce Levy, Dr. McCormick is a specialist in head injuries. In a joint press release signed by CCA and the Court Appointed Guardian for the Richardson family, which is now publicly available and which was offered to the Editor of *The Tennessean* by CCA representatives, the following statement is made:

Based on their separate, independent, comprehensive examinations and review, Dr. Nichols and Dr. McCormick differ in their conclusions and opinions from Dr. Levy's opinions concerning the timing of Estelle Richardson's head injury and the cause of her death. Dr. Nichols and Dr. McCormick have independently concluded that Ms. Richardson did not suffer a skull fracture on July 4, 2004, but that such injury occurred at least three (3) days

prior to her death. Further, Dr. Nichols and Dr. McCormick have independently determined that Ms. Richardson's death was not caused by and did not result from the skull fracture itself. Therefore, Dr. Nichols and Dr. McCormick, based on their independent medical findings, have concluded that CCA corrections officers ... did not inflict a head injury on Ms. Richardson on July 4, 2004. [Richardson Joint Press Release](#)

- As a result of this conclusion, the court-appointed guardian for the Richardson family **dismissed voluntarily** the civil lawsuit against the four correctional officers. As the press release signed by the guardian stated: "Based upon the conclusions of the independent medical experts hired by the Plaintiff and CCA, and substantial uncertainties regarding other potential causes of Ms. Richardson's death, on February 26, 2006, the Plaintiff voluntarily dismissed the civil action against [the four correctional officers] alleging their involvement in her death." [Richardson Joint Press Release](#)
- **The District Attorney General and Dr. Levy now agree that the cell extraction on July 4, 2004 had nothing to do with Ms. Richardson's death.** In its release concerning the dismissal of charges against the four corrections officers, the District Attorney General's office noted:

"In conferring with medical experts about the extent and timing of Miss Richardson's injuries, they've indicated there is no definitive proof that she died as a result of the actions of these defendants," says District Attorney General Torry Johnson.

...

As part of the on-going investigation, Dr. Levy and other pathologists specializing in head injuries further reviewed the tissue specimens taken from the autopsy. They discovered scientific evidence that the fatal injuries Richardson sustained had occurred at least three days prior to her death. Such injuries could still have allowed Richardson to remain conscious and function normally. **[Emphasis Added]**

[Nashville District Attorney General's Statement](#)

- Despite the evidence that the death was scientifically unrelated to the cell extraction on July 4, 2004, CCA's critics make much of an apparent videotape malfunction concerning that extraction, and *The Tennessean* gives these opinions credit. Though there should be a video of that extraction, there is not. CCA regrets this. However, as no one with any qualifications to speak

on the subject believes that Ms. Richardson's death was in any way related to the July 4, 2004 cell extraction, this malfunction is being scandalously overplayed and misused. Indeed, the lack of a video in fact deprived the corrections officers and CCA of the ability to show with video-footage what the scientific evidence proved conclusively. Moreover, Ms. Richardson was examined by a nurse after the cell extraction, and that nurse noted that Ms. Richardson showed no signs of being in any physical distress and she voiced no health concerns. Ms. Richardson also voiced no complaints and was in no distress when served breakfast on the morning of July 5, 2004, shortly before her death.

- **The Richardson family's medical experts and CCA's experts agree that Ms. Richardson's death was not caused by the skull fracture itself.** As already noted, the joint press release by the court-appointed guardian for Ms. Richardson's children and CCA noted that the experts for both concurred that Ms. Richardson's death was not caused by the skull injury itself.

[Richardson Joint Press Release](#)

- **The Richardson family's medical experts concluded that her death was likely the result of a seizure.** In a letter sent by the highly-respected lawyer for the Richardson family to the United States Senate, he notes as follows: "[O]ur own experts attributed the death to a seizure and concluded that the skull fracture was not caused by the four guards who had been indicted." [Senate Judiciary Letter](#) Again, *The Tennessean* has had access to this public letter for some time, but has not allowed it to hinder its biased presentation of its position. Because the settlement of the lawsuit involved minor children, U.S. District Judge Todd Campbell held a hearing on the settlement. *The Tennessean* has also had access to this transcript of that hearing. Judge Campbell asked about whether the parallel criminal proceedings could ultimately produce some evidence that would make everyone involved in accepting the settlement "look mighty stupid." To this question, the lawyer for the Richardson family stated as follows:

I think there may be a surprise and we will look extremely smart. The reason I would say that is [that] the four guards who have been charged with homicide have been charged with homicide based upon medical evidence that the skull fracture occurred on July 4th. Our medical evidence [sic] that of the defense medical evidence indicates that actually this skull fracture occurred quite a bit earlier and that Ms. Richardson was suffering from a seizure disorder. And so, you know, we spent a lot of money on medical experts to nail down exactly when did this skull fracture occur. And I think it is very likely that the actual fact that the death occurred as a result of any of the guards who had presently been charged, you know, locally there is a high likelihood that that prosecution may fall

apart based on the medical evidence that the skull fracture did not occur on that day.

[Senate Judiciary Letter From Neal/Harwell](#)

- The suggestion that there is an “unanswered murder,” or that someone is “getting away with murder,” as *The Tennessean* publishes, is highly dubious. Though Ms. Richardson suffered a head injury in the days or weeks before her death that may have played a role in her death (note: none of the experts retained by the Richardson family or CCA believe the head injury by itself caused her death), it seems more likely that Ms. Richardson died of a seizure.
- CCA settled with the Richardson family because it was the right thing to do.

[Richardson Joint Press Release](#)

Conclusion

At the end of the day, a decision about credibility must be made in relation to the reporting surrounding the death of Estelle Richardson death: Are the anti-CCA sources quoted by *The Tennessean* correct?

If they are, then literally everyone else who was actually involved in the case is wrong: the various local and federal investigators and prosecutors who investigated this matter for years and dismissed the charges against the four CCA correctional officers; the unanimous opinion of every independent, qualified medical expert retained by both the court-appointed guardian for the Richardson children and CCA; the opinion of the lawyer who represented the Richardson family and stated that her death was likely the result of a seizure; and the court-appointed guardian for Ms. Richardson’s children who voluntarily dismissed the civil lawsuit against the four correctional officers, settled with CCA, and joined in publicly expressing his understanding that the incident on July 4, 2004 could not have been involved in her death and that the skull fracture Ms. Richardson sustained was not itself the cause of her death.

In this regard, *The Tennessean* has openly expressed its editorial view that CCA should not exist. Notwithstanding its views as to CCA, it is reasonable to expect a news organization to report news in an informed, accurate, and fair manner. This *The Tennessean* has failed to do.