



STATE OF TENNESSEE
DEPARTMENT OF HEALTH
OFFICE OF THE STATE MEDICAL EXAMINER
CENTER FOR FORENSIC MEDICINE
850 R.S. GASS BLVD.
NASHVILLE, TN 37216-2640
(615) 743-1801 (Voice)
(615) 743-1890 (Fax)

*Bruce P. Levy, M.D., Chief
Medical Examiner*

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Senator Patrick Leahy
Chair, Senate Judiciary Committee

VIA FAX: 202-228-0861

Dear Senator Leahy:

This is with regard to the nomination hearing of Gustavus Puryear IV to be a federal judge in Nashville.

I serve as the Chief Medical Examiner for the State of Tennessee and the County Medical Examiner for Metropolitan Nashville/Davidson County, positions I have held for the past decade. I am also a board certified forensic pathologist. I personally performed the autopsy on Estelle Richardson, an inmate who died as a result of injuries sustained while a prisoner at a Corrections Corporation of America (CCA) facility in Nashville, TN in 2004.

I was frankly stunned by Mr. Puryear's testimony to the committee regarding her death. It is my understanding that he told the committee that the cause of her death could not be determined. That is completely incorrect. After I completed my investigation and autopsy I ruled the cause of death of Estelle Richardson as "Blunt force injuries of the head," and ruled the manner of her death as "Homicide." Her autopsy report and death certificate both reflect these opinions, which have remained unchanged since her death in 2004.

He further went on to testify that her rib fractures and liver damage could have been caused by CPR (cardiopulmonary resuscitation), which he called a common occurrence during such resuscitation. This is misleading at best. While CPR has been reported to cause minor injuries in some patients, both the location and severity of Ms. Richardson's injuries were not consistent with attempted resuscitation. Mr. Puryear's claim makes even less sense when taken in context with the more serious fatal head injuries, which line up with the rib fractures perfectly. There is no doubt in my mind that both the fatal head injuries and the rib fractures/liver damage were inflicted on Ms. Richardson while in custody and not the result of CPR.

The committee should be very concerned about a nominee for federal judge who is less than truthful when answering questions from the Senate Judiciary Committee. It appears from his testimony that Mr. Puryear was either not answering truthfully or was completely uninformed about the circumstances surrounding Ms. Richardson's death and her official autopsy report, which is hard to believe as an attorney representing CCA.

I would expect that Mr. Puryear, serving as an attorney and advocate for CCA to make such one-sided statements. However, as a nominee for federal judge, I would expect him to adopt the more neutral position we expect from our judges. That he would make such statements during his nomination hearing seriously calls into question his credibility and impartiality.

As medical examiner, I work with the court system on a regular basis. I have had the honor and privilege of working with many fine judges in local, state and federal courts for over fifteen years. The Senate should be very concerned about appointing a nominee who has difficulty in separating the advocate role of an attorney and the neutral referee role of a judge. I hope Mr. Puryear's statements before the Committee earlier this week were an isolated misjudgment and not the alarming statements they appear to be.

I have included a copy of my autopsy and investigation reports for your review. I am happy to answer any questions you might have, and am willing to come to Washington, D.C. if it would be helpful.

Thank you for your serious consideration!

Kind regards,



Bruce P. Levy, M.D.

Chief Medical Examiner, State of Tennessee

County Medical Examiner, Metropolitan Nashville and Davidson County