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February 26, 2008

The Honorable Patrick J. Leahy, Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Fax: 202-224-9516

Re: Gustavus A. "Gus" Puryear

Dear Senator Leahy:

I understand from press accounts of the confirmation hearing of Gustavus A. "Gus" Puryear before the Senate Judiciary Committee on February 12, 2008, that questions have arisen about the tragic death of Ms. Estelle Richardson and CCA's response to the investigations into that death and the civil action that arose out of it. I write as a person who represented CCA in both investigations and in the civil case and, in that capacity, I was in contact directly and often with Mr. Puryear

Since I am writing you, I first volunteer my comments on Mr. Puryear's qualifications as a judge for the United States District Court for the Middle District of Tennessee. I clerked for Judge William E. Miller and Frank Gray, Jr., who both served as Chief Judge of that Court, and I have been a practicing trial lawyer for over thirty (30) years. It is my opinion that Gus Puryear is well-qualified and well-suited to be a federal judge. He has a good legal mind and he is intelligent, but he also has demonstrated to me an ability to see all sides of an issue impartially and to grasp applicable legal principles quickly and then to apply them to the situation at hand. I also have been impressed with his sense of fairness.

In respect to questions surrounding Ms. Richardson's death, I respectfully suggest that it is important to recognize that CCA cooperated fully both with the state and federal investigations and with plaintiffs' counsel in seeking to determine the cause of death and the time(s) Ms. Richardson sustained injuries. That was my instruction from Mr. Puryear and that is what was done.

I can tell you that the facts, particularly the medical evidence, showed conclusively that Ms. Richardson's death was not caused by the correctional officers extracting Ms. Richardson from a cell on July 4, 2005. Both plaintiffs' expert (Dr. George Nichols - a forensic pathologist and former Kentucky State Medical Examiner) and CCA's expert (Dr. William McCormick - a forensic pathologist and

Deputy Chief Medical Examiner for the State of Tennessee) agreed on this critical point, and that opinion was based on the medical evidence. While I recognize that Dr. Bruce Levy's autopsy findings appear to be at odds with those of Drs. McCormick and Nichols, Dr. Levy was far from certain about the timing of the head injury and was then, and is now, less qualified on brain injuries than Dr. McCormick or Dr. Nichols; and their examination was broader and deeper than Dr. Levy's, who made and published his findings quickly. In short, there is no credible evidence to support Dr. Levy's homicide conclusion, other than the head injury and the death itself.

In this case, the medical evidence showed, and Drs. Nichols and McCormick both concluded, that Ms. Richardson's head injury occurred at least three days prior to her death. The authorities, the plaintiffs' lawyers, the correctional officers' lawyers, and CCA all searched for evidence as to the cause of Ms. Richardson's head injuries and none was found.

I attach to this letter the following documents that support the statements made above:

1. April 18, 2006 letter from Dr. William McCormick to Dr. Bruce Levy in which Dr. McCormick states: "I do not believe that it would be reasonably possible for anyone experienced in the temporal evaluation of brain contusions to give a date of less than 72 hours for the cortical contusion seen in the descendent, with a more probably date of 2 to 3 times that interval"; Dr. Levy never responded to Dr. McCormick, by letter or otherwise.
2. April 20, 2006 transcript of proceedings in the civil case in which plaintiffs' counsel, David Smith, states as follows to the federal court: "[T]he 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 that this is a high likelihood that that

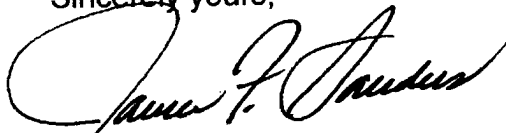
prosecution may fall apart based upon the medical evidence that the skull fracture did not occur on that day. The skull fracture still occurred while she was in solitary confinement, but our extensive investigation and depositions and over a year of discovery we have not been able to determine exactly who caused the skull fracture."

3. February 19, 2008 letter from Dr. William McCormick confirming his conclusions as to the cause of Ms. Richardson's rib and liver injuries: "The cause of the rib and liver injuries is almost certainly the resuscitative attempts made on Ms. Richardson ... CPR is known to produce anterolateral rib fractures...."

Finally, I can tell you that Mr. Puryear and the other lawyers who participated in this case (on all sides) acted ethically. It would have been ethically proper for CCA's lawyers to take an adversarial position and insist that the investigators and the plaintiffs' lawyers do their jobs. That was not the case here. Mr. Puryear instructed that we diligently search for the truth as to the cause of death (and the surrounding facts and circumstances) and disclose what we found to the plaintiffs' representatives and the government investigators.

It is my hope that the foregoing will assist the Committee in resolving any questions concerning the Richardson matter and Mr. Puryear's role in it.

Sincerely yours,



James F. Sanders

JFS:jmc

✓ Enclosures

✓ xcs:

The Honorable Arlen Specter, Ranking Member
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United States Senate
Washington, DC 20510

Fax: 202-228-1698

Honorable Patrick J. Leahy, Chairman
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