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Man who claims he was paralyzed in jail sues Lee County sheriff

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By Aisling Swift

A 27-year-old Bokeelia man filed a federal lawsuit Tuesday against Lee County Sheriff Mike Scott and the jail's medical provider, alleging that he walked into the jail a healthy man and left paralyzed a month later.



Brett Allen Fields

The lawsuit filed by Brett Allen Fields against Scott and Tennessee-based Prison Health Services comes just days after the U.S. Department of Justice announced it was investigating the death of a Lee County jail inmate who was pepper sprayed in March.

Prison Health Services has been the target of lawsuits nationwide involving poor medical care. Many plaintiffs obtained confidential settlements, while others ? including a Tampa woman whose baby died after she gave birth on a toilet ? won multimillion dollar jury awards or settlements.

John Van Mol, a spokesman for Prison Health Services, and Tony Schall, a spokesman for Scott, said they do not comment on pending litigation.

The lawsuit gives the following account of what occurred after Fields was booked into the jail on July 6, 2007:

He requested medical attention four days later for an infected wound on his left arm. A nurse examined him, determined it was a boil, and prescribed an antibiotic, Bactrim.

Two weeks later, on July 24, 2007, after it hadn't healed, he filled out an "Inmate Medical Request Form," but it was ignored by the sheriff and medical staff, the lawsuit says. In early August, he began to suffer from severe back pains, difficulty standing up, numbness and weakness in his lower body.

He pleaded with medical staff and sheriff's employees, asking for medical help and saying he hadn't urinated in days, but his pleas were ignored, according to the suit. The evening of Aug. 7, 2007, a nurse examined him and he told her of neurological problems and physical symptoms, including numbness and weakness in his legs. She scheduled an exam for the next morning.

When he was examined by a physician's assistant that morning, he could no longer walk and was confined to a wheelchair. He told the physician's assistant how a boil had progressed into numbness and neurological damage and the assistant conducted a cursory examination and prescribed Tylenol.

Once back in his cell, Fields, who could no longer use his legs, dragged himself to a mattress, where he remained until the early morning hours of Aug. 9, 2007. When he used the toilet, he realized his insides were coming out and were visible outside his body, a condition known as a rectal prolapse.

Cellmates alerted medical and jail staff, who pushed his insides back into his body and removed him from the cell.

"Despite the grave and critical nature of these symptoms, PHS waited almost 12 hours to have a doctor examine Fields," the lawsuit alleges.

At 12:30 p.m. that day, he was transferred to Southwest Florida Regional Medical Center with almost complete paralysis in his lower body. Hospital staff diagnosed him with Methicillin-resistant Staphylococcus aureus (MRSA)-related abscess in his spine causing paraplegia, and he underwent surgery.

"Despite two years of intense physical therapy, Fields still suffers partial paralysis in both legs," the lawsuit says. "Fields' now-permanent spinal injury could have easily been avoided had defendants not been deliberately indifferent to Fields' obvious serious medical needs during his incarceration and provided him with basic medical care."

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Jail records show Fields, who has a minor record that includes petty theft convictions, was booked into the jail on charges he violated a domestic violence restraining order, criminal mischief and a probation violation, all misdemeanors. Court records show he was sentenced to 26 days ? credit for time served.

The lawsuit accuses the defendants of intentionally refusing to provide and denying him adequate medical care and treatment in violation of his Eighth and 14th Amendment Rights ? his right not to be subjected to cruel and unusual punishment and his right to due process as a citizen.

The suit calls the defendants' actions "shocking," a "severe deprivation" of civil rights and "intolerable." It alleges they knew he'd contracted Staphylococci/MRSA and that if left untreated, it could result in rapid and permanent deterioration of his health ? or even death.

Fields seeks compensation for his pain and suffering, disability, mental anguish, loss of capacity for enjoyment of life, medical and legal expenses.

The case is assigned to U.S. Magistrate Judge Douglas Frazier in Fort Myers. Fields' attorneys, Dion Cassata and Greg Lauer of Fort Lauderdale, could not be reached for comment Tuesday afternoon.

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