

## Mom of inmate who died after beating settles suit for \$985K

By: Bill Cresenzo September 9, 2020

The mother of a Wayne County jail inmate who died after he was allegedly refused psychiatric treatment, severely beaten and hogtied by detention officers, and tased by a state trooper has settled a federal lawsuit for \$985,000, her attorney reports.

Carlos Mahoney of Glenn, Mills, Fisher and Mahoney of Durham and Matthew Sullivan of White & Allen of Kinston report that Graydon Jerome Parker III was booked into the Wayne County Detention Center in Goldsboro in 2017 after he was arrested for breaking the window of his neighbor's truck.

Parker was in an acute manic state and experiencing a psychiatric emergency, but Wayne County detention officers and the jail nurse, who was contracted from Southern Health Partners, didn't complete a medical or mental health screening or contact the detention center physician or Wayne County EMS to obtain medical treatment for him.

Mahoney said that officers pepper-sprayed Parker multiple times, stripped him naked, and placed him in a small segregation cell. Nine hours later, five Wayne County detention officers took him to the shower room after he smeared feces in his cell. When Parker struck an officer, officers threw him to the floor and repeatedly kicked, stomped, and punched him. All the while, Parker was on the floor naked, bleeding, breathing heavily, and talking incoherently, Mahoney said.



Sullivan

The detention officers pulled Parker's arms and legs behind his back and handcuffed him and shackled his legs, Mahoney said, and continued to pepper-spray him. They forced Parker onto his stomach and used an electronic stun shield—a riot control shield that has electrodes embedded into its face—to shock him.

Mahoney said that a state trooper watched and encouraged the officers to "knock him out." The trooper shocked Parker with a Taser, then realized several minutes later that Parker was turning blue and not breathing. Wayne County EMS took Parker to Wayne Memorial Hospital, where he later died of cardiac arrest, Mahoney said.

Mahoney said Parker's injuries included brain swelling, multiple scalp abrasions and lacerations, head and nose fractures, hemorrhages in the neck, a left chest wall contusion, liver lacerations, ligature marks on both ankles and wrists, and multiple areas of abrasions and bruising throughout his body.

Mahoney said that Parker's mother, Jean Kelly, had a very close relationship with her son.

"She depended upon him for assistance and they talked frequently with one another," Mahoney said. "His death was devastating to her and she was horrified to learn about the details. Jean told us several times that no one deserves to be treated like her son was treated at the Wayne County Jail."



Mahoney

The parties agreed to the settlement on July 13 in the U.S. District Court of the Eastern District of North Carolina, with Wayne County's insurance carrier, Nova Casualty Group, paying \$835,000 to settle the case. The North Carolina Highway Patrol settled the case for \$85,000 and Southern Health Care paid \$65,000.

Scott Hart and Ryan Eubanks of Sumrell Sugg in New Bern represented Wayne County. Dan Hartzog Jr. and Katherine Barber-Jones of Hartzog Law Group in Cary represented a detention officer whose name was withheld, and Terence Steed and Orlando Rodriguez of the N.C. The Department of Justice in Raleigh represented the North Carolina Highway Patrol. W. Gregory Merritt and Christina J. Banfield of Harris Creech Ward & Blackerby in New Bern represented Southern Health Partners.

Hart declined to comment. A spokeswoman for the Department of Justice declined to comment. The other attorneys could not be reached for comment, but Mahoney said that the defendants had contended that they were not aware that Parker was experiencing a mental health emergency and needed medical attention. The night-shift detention officers and the state trooper contended that Parker was uncooperative, resistant, and dangerous, and that the use of force was reasonably necessary to control and restrain him.

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## SETTLEMENT REPORT — WRONGFUL DEATH

**Injuries alleged:** Death

**Amount:** \$985,000

**Case name:** *Kelly vs. Wayne County, et al.*

**Case no.:** 5:19-ct-03137-RN

**Court:** U.S. District Court for the Eastern District of North Carolina

**Special damages:** \$61,451 (medical expenses), \$10,938 (funeral expenses)

**Date of settlement:** July 13

**Most helpful experts:** Dave Cloutier of Sanford (law enforcement); E. Keith Neely of Margate, Florida (law enforcement/correctional); George Corvin, M.D. of Raleigh (forensic psychiatry); Kelly Coffman, M.D., of Sandy Springs, Georgia (forensic and correctional psychiatry); Rebecca Mines Paschall, APRN, FNP-BC of Sebastian, Florida (nursing); and William R. Oliver, M.D. of Knoxville, Tennessee (forensic pathology)

**Insurance carrier:** Nova Casualty Insurance Company (Wayne County)

**Attorneys for plaintiff:** Carlos Mahoney of Glenn, Mills, Fisher and Mahoney of Durham and Matthew Sullivan of White & Allen of Kinston

**Attorney for defendants:** Scott Hart and Ryan Eubanks of Sumrell Sugg in New Bern, (Wayne County) Dan Hartzog Jr. and Katherine Barber-Jones of Hartzog Law Group in Cary (detention officer), Terence Steed and Orlando Rodriguez of the N.C. Department of Justice in Raleigh (North Carolina Highway Patrol) and W. Gregory Merritt and Christina J. Banfield of Harris Creech Ward & Blackerby in New Bern (Southern Health Partners)

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