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## Judge rules Barksdale files must be released

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MONTGOMERY — Attorney Jake Watson expects to soon hold in his hand documents that should explain what led to the death of a convicted cop killer.

On Wednesday, Montgomery County Circuit Court Judge Eugene W. Reese ordered the Alabama Department of Corrections to release records regarding the death of Farron Barksdale, 32, of Athens. Barksdale died after his transfer to Kilby Correctional Facility. Watson is one of the attorney's for Barksdale's mother.

The Limestone County Sheriff's Department transferred Barksdale to Kilby on Aug. 8, 2007. Limestone Sheriff Mike



Barksdale

Blakely said Barksdale was in good health and doing push-ups before his transfer.

*The Daily* first reported Barksdale's

hospitalization, which occurred four days later, when the Kilby staff found him unresponsive in his cell and transported him to Baptist Medical Center South in Montgomery.

Department of Corrections Chairman Richard Allen told *The Daily* that temperatures at the prison had been above 100 degrees and could have contributed to Barksdale's decline. He said Barksdale had a 103 fever when found unconscious.

He said that although Barksdale had bruises, no one assaulted Barksdale at Kilby because Barksdale was undergoing the intake process, which kept him isolated from other prisoners.

Barksdale died Aug. 20, 2007, when his family opted to remove him from life support.

Barksdale was serving a sentence of life imprisonment without parole after pleading guilty to the January 2004 shooting deaths of Athens police Sgt. Larry Russell and officer Tony Mims. His attorneys had said he was a paranoid schizophrenic, but state doctors determined he was mentally competent to stand trial. To avoid the possibility of receiving the death penalty, Barksdale pleaded guilty in July 2007.

His mother, Mary Barksdale, questioned why her son died when he had no significant health problems while in custody at the Limestone County Jail.

## Barksdale

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The Department of Corrections issued a press release that said Barksdale died of complications from bronchopneumonia, with contributory factors of hyperthermia, an abnormally high body temperature and coagulopathy, a blood-clotting disorder.

There was no evidence of external or internal trauma, the Department of Corrections press release stated.

However, the autopsy report noted bruises.

Dr. Kenneth Snell of the Alabama Department of Forensic Sciences told *The Associated Press* some bruises were related to medical treatment in a hospital and his deteriorating health. Bruises on his hips were older and larger and could not be explained, Snell said, but he added that the bruises were not linked to Barksdale's death.

### Unanswered questions

Attorneys for Mary Barksdale said they had unanswered questions, such as what caused the unexplained bruising, whether the staff adequately monitored Barksdale and whether Barksdale was unconscious for a long time before being discovered.

Mary Barksdale and the Southern Center for Human Rights filed a lawsuit in September 2007 against Commissioner Allen that stated he was not complying with the state's open

records act. The Department of Corrections responded that an inmate's medical files, investigative reports and corrections officers' incident reports are not public records.

"With (Wednesday's ruling), we hope that very soon we will get those records from Department of Corrections," Watson said. "They can appeal, but I have not talked to them about whether they will."

### Case-by-case basis

Reese's ruling states the department must disclose the records subject to a right to redact sensitive information on a case-by-case basis.

There was no decision late Wednesday about whether the Department of Corrections would appeal the ruling.

Corrections spokesman Brian Corbett said Commissioner Allen and department legal staff would review the order and consult with the attorney general's office first. Corbett said part of the process will be a review of state statutes regarding what corrections records can and can't be released under state law.

### 3 exceptions

Corbett also noted three exceptions in Judge Reese's order allowing the department to withhold inmate records. The exceptions include instances where the department believes release of information would subject a person to a specific threat of harm, jeopardize pending criminal investigation, or violate state or federal law.

"The department's conduct in this case was in clear violation of the Alabama open records act," said Sarah Geraghty, an attorney with the Southern Center for Human Rights. "It was wrong as a matter of law, wrong from an ethical perspective and contrary to the ideals of transparency and open government."

The ruling means the public can request the records, and *The Daily* has made a request for access.

Watson said Mary Barksdale's wrongful death lawsuit still is pending.

Geraghty said Wednesday's ruling also stated that the Department of Corrections must release records related to inmate violence at Donaldson Correctional Facility. Geraghty said the department had never released records for their plaintiffs, those related to:

- Plaintiff Dana Davis, who was nearly killed when another inmate cut his throat and stabbed him more than 10 times, the center's lawsuit states.

- Plaintiff Leo Beverly, who was stabbed numerous times in 2006. His lung was punctured.

- Plaintiff Brandon Russell, who was hospitalized after being stabbed multiple times with a prison-made shank.

Geraghty said the ruling was a victory as well for the public, whose tax dollars fund prisons. She said taxpayers should have access to records that show how the state runs these institutions.

*Daily Staff Writer M.J. Ellington contributed to this story.*