



(PC note:) - This is in Tennessee. It happens in Alabama, Florida, California and elsewhere frequently. Cheers to the Tennessee authorities who had the guts to investigate and push for the truth to come to the forefront. Silence is deadly. No one is above the law. In Alabama DOC, I don't know any prison employee that knows how to tell the truth and what makes it so bad is that the DOC listens only to the prison employees and never the citizens or inmates. At some point the authorities must begin listening. When our prisons are rid of the employees who cause harm to others like this, prisons might just start being "correctional" facilities again which would be good public policy. Any time you hear about a beating or death, it must be reported loudly to your legislators, attorney generals, and police.

Friday, 01/27/06

Two guards convicted in Wilson jail beatings

Third ex-guard acquitted in trial of civil rights case

By SHEILA BURKE
Staff Writer



Walter S. K center; sister niece Amar guards charged the verdict family." (M

Two former guards accused of beating prisoners at the Wilson County Jail became inmates themselves yesterday after a federal jury convicted them of violating prisoners' civil rights.

A third former guard was acquitted of all charges.

One of the defendants almost went free pending sentencing, until he pounded his fist into a conference room wall in anger — prompting the judge to lock him up for destroying federal property.

Federal prosecutors said the three were part of a sadistic band of guards who kneed, kicked, slapped and punched prisoners, sometimes to get them to be quiet or cooperate and other times in revenge for trouble they caused.

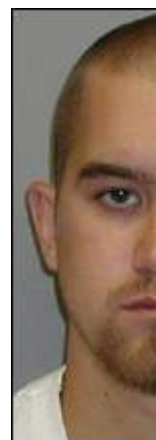
One of those inmates, Walter S. Kuntz, died.

After a day and a half of deliberating, the jury found Patrick Marlowe guilty of seven of eight counts of civil rights violations, including causing Kuntz's death.

Throughout the three-week trial, Marlowe, the supervisor on the second shift, was depicted as the ringleader who enforced his own brand of justice at the jail. Former guards who had pleaded guilty to beating inmates told jurors Marlowe liked to incite prisoners to fight with them so he could add them to his knockout list — the running tab of inmates he'd beaten unconscious — and then brag about it.

The brutality at the jail lasted for more than 18 months, but it was the inmate's death that began an investigation that would reveal what was happening on the second shift.

Kuntz, 43, known to family and friends as Steve, was booked into the Wilson County Jail on Jan. 12, 2003, on charges of drunken driving, driving on a revoked license and leaving the scene of the accident. He was pronounced brain-dead eight hours after being booked.



Kuntz's family members were grateful Marlowe was convicted but disappointed at the outcome for the other defendants.

"It's not going to bring my brother back, of course, but it's somewhat of a victory for my family," said his sister, Tonya Thompson, of Carthage, Tenn.

During the trial, former guard Gary Hale testified that he and Marlowe took turns beating Kuntz.

State Medical Examiner Dr. Bruce Levy testified that the inmate's head injuries were so severe it looked like he had fallen from a multi-story building or had hit his head against the pavement after being thrown from a car.

Kuntz also had three broken ribs and an injury to his scrotum. Both injuries would have been excruciating, doctors testified.

Yesterday's verdicts were described as "bittersweet" by federal prosecutors who took on the case against former officers sworn to uphold the law.

"It's really a sad day in law enforcement," said Jim Vines, the U.S. attorney for Middle Tennessee. "It's a great day for the American justice system."

Assistant U.S. Attorney William Cohen prosecuted the case, along with two lawyers from the Justice Department's Civil Rights Division, Gerard Hogan and Stephen Curran.

Former jailer Tommy Shane Conatser was accused of beating two inmates and of conspiracy. The jury convicted Conatser only of conspiring to violate the rights of the inmates, acquitting him of the two beatings.



Robert Locke, accused in the conspiracy and of beating one inmate, was acquitted of all charges.

Locke's attorney, Nashville lawyer Ed Yarbrough, said he had been worried that jurors who had listened to detailed testimony about Kuntz's death and other beatings might not be able to distinguish his client from the others.

"An autopsy picture of a man's brain being shown to the jury — yes, I was very worried about that," Yarbrough said. "Mr. Locke is obviously pleased with the jury's verdict, especially in light of the verdict in the other cases ..."

Yarbrough told the jury that his client had worked the second shift for less than three weeks when he was accused of violating the inmate's rights — too early for others to bring him in on a conspiracy.

He also argued that the only evidence against Locke came two weeks before the trial, when other former jailers pleaded guilty.

Conatser, who faces up to 10 years in prison, was allowed to leave, but his freedom was short-lived.

U.S. District Judge Todd Campbell told him he could remain free until sentencing but would be subject to the conditions of his bond. After leaving the courtroom, Conatser punched a wall in an attorney conference room in the federal building. He was escorted back to court, where Campbell revoked his bond because of destruction of government property, and U.S. marshals took him into custody.

Marlowe, who faces a life sentence for causing the inmate's death and up to 10 years in prison on each of the six other



charges, was taken into custody immediately. Marlowe and Conatser face a May 12 sentencing. •

AN OVERVIEW: PLEAS, CONVICTIONS IN JAIL CASE

- **Patrick Marlowe** is named July 2004 in an eight-count indictment charging he conspired to violate the civil rights of inmates at the jail, causing the death 2003 of Walter S. Kuntz and numerous individual beatings at the jail. A jury convicts him of seven counts, including causing Kuntz's death by failing to get him necessary medical treatment. He faces up to life in prison when sentenced May 12.
- **Tommy Shane Conatser** is indicted July 2004 on charges of conspiring to violate the civil rights of inmates and beating inmate Kenneth McIntyre with the alleged ringleader, Patrick Marlowe. Conatser is also accused, along with Marlowe, of striking inmate Paul Armes in his cell. Jurors convict Conatser on one count of conspiring to violate the rights of inmates. He faces up to 10 years in prison and a \$250,000 fine when sentenced May 12.
- **Robert Locke** is indicted July 2004 on charges of conspiring to violate the rights of detainees and striking and assaulting inmate Dartanian McGree in a cell and in a hallway in the jail. Locke is acquitted of all charges.
- **William Westmoreland** pleads guilty Nov. 13, 2003, in a July 2001 jailhouse assault. He testified against the three former jailers after federal prosecutors recommended he would receive a lighter sentence by doing so.
- **Travis Bradley** pleads guilty Nov. 13, 2003, to lying to an

FBI agent regarding another jailhouse assault. Bradley, who testified at this month's trial, faces March 13 sentencing. Federal prosecutors earlier agreed to recommend that his sentence be reduced in return.

- **John McKinney**, a correctional officer, pleads guilty April 9, 2004 in an assault he witnessed but had not described in a report about the incident. His sentencing is set for March 10.

- **Christopher Lynn McCathern**, a correctional officer charged with violation of civil rights, pleads guilty June 9 to participating in the beating of inmate Vincent Gooch on Feb. 6, 2002. Is sentenced to 41 months in prison and two years of supervised release.

- **Gary Hale**, a correctional officer indicted in July 2004, pleads guilty Dec. 28 to violating the civil rights of inmates. He testified at this month's trial that he and Marlowe had beaten Kuntz. His sentencing is scheduled March 31. The civil rights violation carries a maximum 10-year prison sentence, a \$250,000 fine and a minimum two-year supervised release period.

- **Robert Brian Ferrell**, a correctional officer indicted July 2004, pleads guilty Jan. 3 to violating the civil rights of inmates. He is scheduled for sentencing March 27. He faces up to 10 years in prison and a \$250,000 fine, although his plea agreement recommends a term from three to four years and a fine of \$7,500 to \$75,000. Ferrell testified in return for a recommended lighter sentence.

[Back](#)

[Home](#)

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