

Questions Surround Death Of Mid-State Inmate

Tuesday, December 21, 2010 7:56 PM EST

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NASHVILLE, Tenn. - The state of Tennessee is facing a lawsuit claiming correction officers violated the civil rights of an inmate who died at Riverbend Maximum Security Institution.

Prison officials first told the inmate's family that he died of natural causes.

The medical examiner said 33-year-old Charles Toll's death was a homicide and points to correction officers. Toll died in August after corrections officers forcibly removed him from his cell.

The Department of Corrections claimed the four correction officers followed proper procedures.

Attorney David Raybin said a newly released report from the medical examiner paints a picture of officers punishing a problem inmate.



"This man was literally crushed to death by four adult guards," said Raybin.

In August, Toll barricaded himself inside his cell after he allegedly assaulted a correction officer. A cell-extraction team, consisting of at least four officers, forcibly removed Toll from his cell. Toll died a short time later.

The prison called Toll's family and said he died of natural causes. Family members became suspicious after they saw Toll's body at the funeral home. An autopsy report that took months to complete seemed to confirm the family's fears.

The medical examiner listed the manner of the death as a "homicide." It said that Toll died from "suffocation" and "asphyxia during physical restraint."

The medical examiner reviewed a video of the incident and wrote "a curved shield was pressed against his back and held in place by approximately four guards for over ten minutes. There was a span of five minutes when he became unresponsive."

Attorney David Raybin said guards were using a Taser shield, and he said the autopsy report raised questions about the Department of Corrections policy about forcibly removing inmates from their cells.

He's suing the guards and the state, on behalf of Toll's family, for violating Toll's civil rights.

"I certainly hope this will send a message to the Department of Correction so this doesn't happen again," said Raybin.

Toll had a history discipline problems. He had been disciplined more than 50 times in prison and was serving time for aggravated burglary. His family claimed he had mental problems that the prison system did not address.

The prison had forcibly removed Toll from his cell in the past. Video of a past cell extraction obtained by *NewsChannel 5 Investigates* shows officers remove Toll successfully after he barricaded himself inside his cell.

NewsChannel 5 Investigates asked to see the video from the cell extraction in August, but the Department of Corrections declined.

David Raybin has not seen the video of the cell extraction in which Toll dies, but he claimed one guard knew the group was going too far.

"One of the people that did this broke away from the group and was saying 'I can't do this anymore,'" said Raybin.

The medical examiner did not say if the Taser shield was actually being used to tase Toll.

Prison officials declined an interview. David Raybin sent a letter to the state asking for names of the officers involved.

Because the medical examiner listed the cause of death as a homicide, the autopsy was sent to the district attorney's office.

It will be up to the district attorney to decide if criminal charges are appropriate.

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