

# Inmate who got prosthetic leg back won't let Metro off hook

## Lawsuit to continue

By Kate Howard THE TENNESSEAN August 27, 2009

Jerry Ray Brock wrote a half-dozen letters to the Metro claims department and eventually filed a lawsuit to get back the property he was forced to leave at the Nashville jail. The property he wanted, his prosthetic leg, was somewhere gathering dust for a year.

He says he never received a single letter in return. But the same day this month that a story ran in *The Tennessean* about his lawsuit, a sheriff's deputy arrived at the Charles Bass Correctional Complex annex holding his prosthetic.

"He held it up and showed it to me," said Brock, 57. "I said what about my cane? It's a cheap \$2 cane, but when you need it, it's a lifesaver. And he went back and got it the same day, bless his heart."

Though he was pleased that day, Brock says he was essentially ignored the whole previous year. He believes he was never acknowledged because of who he is: inmate #132003.

"I'm in prison, and I understand how the public feels about inmates," Brock said. "But I still have rights, and I still expect to be treated as a human being."

Brock said he will continue to pursue the lawsuit. He wants Metro held accountable, because he doesn't want to see the same thing happen to someone else.

"The hard part is, Metro was just indifferent to him," said Nashville attorney David Raybin, who is consulting with Brock on the lawsuit he filed himself. "All they would've had to do was look for it, and give it to him."

Davidson County Sheriff's Office spokesman Karla Weikal said she couldn't discuss the issue because of the pending lawsuit. Jeff Farrar, an attorney with Metro's legal department, also declined to comment.

Brock has spent most of the last 20 years in and out of jail for burglary and drug charges. He also has spent 30-plus years paying for a decision he made when he was a young man — trying to hop a train.

He got a newer prosthetic while in a Georgia prison, and he was carrying it with him when he was extradited by Tennessee to finish a burglary charge here. He was briefly held in Davidson County jail, and he checked his cane and one of his prosthetic legs into property. He had put on some weight recently, and sleeve of the newer leg was too tight. He hoped to get back into the stronger leg in Tennessee.

When he was boarding the bus to go to a state prison in Nashville, he said a guard said the Tennessee Department of Correction didn't allow inmates to bring medical devices. The guard refused to let him swap for the better leg, Brock said, and threatened to hit him with a Tazer stun gun.

"He may have been having the worst day of his life, but you don't treat a person that way," Brock said.

Brock filed a claim with Metro. He gathered affidavits from the prisoners riding on the van with him who saw the guard refuse to let him bring the prosthetic along. He followed up with three more letters.

On Aug. 5, he filed a lawsuit just before the one-year mark when the statute of limitations would run out. "Forgive the pun, but I wouldn't have had a leg to stand on legally," he said.

He hopes two things will come from this: an apology, and that Metro will no longer assume inmate suits are frivolous.

"They really proved my point when they brought back the leg," Brock said with a chuckle. "I guess they ain't got much of a leg to stand on now."