

IN THE \_\_\_\_\_ CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE

MARK CHESNUT and )  
MICHELLE CHESNUT, )  
a husband and wife, )  
 )  
Plaintiffs, )

v. )  
 )  
CORRECTIONS CORPORATION )  
OF AMERICA d/b/a )  
DELTA CORRECTIONAL FACILITY, )  
 )  
Defendant. )

Docket No. \_\_\_\_\_

JURY TRIAL DEMANDED

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**COMPLAINT**

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COMES NOW the Plaintiffs, Sgt. Mark Chesnut and Michelle Chesnut, a husband and wife, and for their causes of action against the Defendant, Corrections Corporation of America d/b/a Delta Correctional Facility, allege and state as follows:

JURISDICTION AND PARTIES

1. Plaintiffs, Sgt. Mark Chesnut and Michelle Chesnut, a husband and wife, are residents of Franklin, Williamson County, Tennessee, and did so reside at all times pertinent to the incidents described herein. The plaintiffs are the proper parties to bring this action.

2. Defendant, Corrections Corporation of America d/b/a Delta Correctional Facility (hereinafter referred to as "CCA"), is a corporation licensed by and in the state of Tennessee with its principal place of business located at 10 Burton Hills Boulevard,

Nashville, Davidson County, Tennessee 37215, and has been at all times pertinent to the matters complained of herein. CCA may be served in care of its registered service agent, CT Corporation Systems, 800 South Gay Street, Suite 2021, Knoxville, Tennessee 37929. CCA is a private corporation operating as a full service corrections management provider specializing in the design, construction, expansion and management of prison, jails and detention facilities as well as inmate transportation services. At all times pertinent hereto, CCA owned, operated, and did business as the Delta Correctional Facility, a penal facility located at 3800 County Road, Greenwood, Mississippi 38930.

#### JURISDICTION AND VENUE

3. This is a lawsuit arising out of numerous negligent acts and omissions by CCA, and its agents, resulting in the near-fatal shooting of Sgt. Mark Chesnut in Nashville, Davidson County, Tennessee on June 25, 2009. These agents of CCA include both the employees and representatives of CCA as well as the employees and representatives of Delta Correctional Facility (herewith collectively referred to as “CCA.”) Under the doctrine of respondeat superior, it is well established that CCA is legally liable for the tortious acts and omissions of its agents and employees. CCA committed numerous tortious acts in Davidson County, Tennessee. Several other tortious acts of CCA began in Greenwood, Mississippi at the Delta Correctional Facility with the breach of various duties by CCA’s agents and foreseeably culminated with the shooting of Sgt. Chesnut in Davidson County, Tennessee.

4. The venue is proper in Davidson County, Tennessee pursuant to Tenn. Code Ann. § 20-4-101, Tenn. Code Ann. § 20-4-102 and Tenn. Code Ann. § 20-4-104.

Additionally, this Court has jurisdiction over the subject matter of this case and its parties pursuant to Tenn. Code Ann. § 16-10-101 and other legal authorities.

### FACTS

5. Defendant CCA is a private for-profit corporation that contracts with federal, state, and local agencies to provide corrections management on their behalf including, but not limited to, the management of prisons, jails and detention facilities.

6. Part of CCA's obligation in the management of these private correctional facilities includes the creation, management and enforcement of policies necessary to secure, guard and keep incarcerated the inmates within their facility. Said obligation applies to both the creation of policy and the execution of policy.

7. The Delta Correctional Facility located in Greenwood, Mississippi is one such facility under the ownership, control, operation and management of CCA.

8. CCA, by and through its agents and officers, is or should be aware that in exchange for its lucrative private contracts, they owe a duty of care to members of the public at large and individuals such as Sgt. Mark Chesnut in particular.

9. CCA is or should be aware that failure to generate effective policies and procedures and/or the failure to properly execute/comply with same exposes specific members of the public such as Sgt. Mark Chesnut to the reasonably foreseeable consequence of grave and serious injuries.

10. Upon information and belief, one such policy created by or that should have been created by CCA and in effect at the Delta Correctional Facility was to restrict

and regulate prisoner access to cellular telephones. CCA knew or should have known that access to cellular telephones would enable an inmate to orchestrate escape plans.

11. Upon information and belief, another policy CCA had enacted or should have enacted addressed the scheduling of off-premises medical appointments. Proper policy was to advise inmates of off-premises medical appointments with no more than one hour of advance notice. CCA knew or should have known that significant advance notice of being off premises would provide an inmate with an opportunity to orchestrate an escape.

12. Additionally, CCA had an obligation to enact and enforce effective policies including but not limited to proper training of their agents and employees in proper procedure in the event an inmate attempted to escape at an off-premises medical appointment. Said procedures would include but are not limited to the proper number of armed guards and proper training with regard to an escape attempt.

13. At all times relevant prior to and including June 25, 2009, Joseph Jackson was an inmate with Delta Correctional Facility in Greenwood, Mississippi. Mr. Jackson was or should have been known to CCA as a highly dangerous individual, given that he was incarcerated at the CCA facility for a life sentence for two aggravated robberies and an aggravated assault, all serious and violent felony offenses.

14. Upon information and belief, Mr. Jackson had apparently gone to the prison medical facility complaining of issues with his eyes, resulting in the scheduling of an appointment off site.

15. Upon information and belief, Mr. Jackson was advised approximately two weeks in advance of the time and whereabouts of his off-site appointment by a Delta Correctional Facility nurse, an employee of CCA.

16. Armed with this information, Mr. Jackson utilized essentially unrestricted access to a cellular telephone and/or other phones so as to communicate the time and date of this appointment to Courtney Logan, an acquaintance of his who was not in prison.

17. On the morning of June 25, 2009, Mr. Jackson was taken by CCA guards to his off-site doctor's appointment at the date and time scheduled.

18. Mr. Jackson was accompanied by two unarmed male guards and a very slight of build female guard who was armed with a .38 caliber handgun.

19. Upon information and belief, the presence of only one armed guard with a high-risk inmate serving a life sentence for serious felony convictions was in direct violation of CCA policy.

20. At the time of the appointment, Mr. Logan appeared in the doctor's office and fired two rounds into the ceiling and ordered everyone present to get down on the ground.

21. The armed female guard bypassed her gun and attempted to access her cell phone, purportedly to call for help.

22. This action apparently attracted Jackson's attention as he then approached the guard and took her phone and gun, the same gun used a few hours later to shoot Sgt. Mark Chesnut.

23. Mr. Logan and Mr. Jackson, now armed with the weapon retrieved from the CCA guard, fled the medical facility by car.

24. Mr. Logan and Mr. Jackson departed Mississippi and several hours later were driving on Interstate 40 near the Bellevue area in Nashville, Davidson County, Tennessee.

25. Later in the day of June 25, 2009, at approximately 1:00 p.m., Plaintiff, Sgt. Mark Chesnut, a 22-year veteran of the Metropolitan Nashville Police Department, pulled over Mr. Logan and Mr. Jackson on Interstate 40 near the Bellevue area as part of a routine traffic stop in Davidson County, Tennessee. Sgt. Chesnut began by calling BLOC (Blue Lightning Operations Center in Gulfport, Mississippi) to request that they run a criminal records check on both Mr. Logan and Mr. Jackson. BLOC was in the process of checking for all pertinent information, including criminal history on Logan and Jackson, using a national database.

26. While Sgt. Mark Chesnut was in his vehicle obtaining the information on Mr. Logan and Mr. Jackson, Joseph Jackson approached the patrol car and shot Sgt. Mark Chesnut five times in the abdomen, chest, and upper extremities with the gun taken from the CCA employee. Two bullets were stopped by Sgt. Chesnut's vest but the other three bullets entered and exited Sgt. Chesnut's hand and arm as well as entering his chest and abdomen, causing eight bullet holes.

27. Mr. Jackson then began to walk away from Sgt. Chesnut's vehicle. However, apparently recognizing that Sgt. Chesnut was still alive, Mr. Jackson started to return to Sgt. Mark Chesnut's car, likely with the intent of killing Sgt. Chesnut.

28. Sgt. Chesnut, recognizing Mr. Jackson was coming back, struggled mightily to place his car in reverse, enabling him to back away from Jackson, an act that surely saved his life. Sgt. Chesnut then, despite his near-fatal injuries, was able to call in that he had been shot and a description of the criminals and their vehicle. Notwithstanding his condition, Sgt. Chesnut was also aware of the need to report the event so no one else would be harmed by these men. As a result of Sgt. Chesnut's heroic efforts, Jackson and Logan, who fled the scene, were ultimately arrested without any further bloodshed, and placed in custody.

29. At the time her husband was shot, Michelle Chesnut was on her way back to Tennessee from Destin, Florida. She was informed her husband had been shot. In light of the emergency, the Alabama Highway Patrol located Mrs. Chesnut and took her to Decatur, Alabama where the Tennessee Highway Patrol helicopter met her. She was flown to Vanderbilt Hospital to her catastrophically injured husband. Since that day, Michelle Chesnut has been intimately involved on a day-to-day basis aiding her husband in his arduous recovery from his injuries. She has suffered tremendous personal loss, given her husband's horrible and life-threatening injuries.

30. This entire incident would not have occurred but for the negligent actions and inactions of CCA including but not limited to failing on numerous occasions to comply with established policy standards of care in the correctional industry and failing to create effective policy to prevent such an occurrence, an occurrence that foreseeably culminated with Sgt. Mark Chesnut receiving near fatal wounds.

## CAUSES OF ACTION

Plaintiff incorporates by reference paragraphs 1 through 30 as if fully set forth herein.

### NEGLIGENCE

31. At all time pertinent hereto, Defendant CCA had a responsibility, duty and obligation to secure, control and guard Joseph Jackson, the prisoner who was being treated at an off-site medical office, and ultimately escaped and injured Plaintiff Sgt. Mark Chesnut. CCA knew or should have known, in light of Mr. Jackson's violent propensities, that it was foreseeable that he would injure someone if CCA failed to utilize proper care, custody, and control over him. That said duty was an obligation owed to individual members of the public, specifically Sgt. Mark Chesnut, and, in this instance, said duty was breached.

32. Defendant CCA breached the duty owed Plaintiff in the following manner:

- A. Negligently failing to prevent and restrict access of Joseph Jackson, an inmate, to a cellular telephone or other means of communication to third persons so as to plan an armed escape.
- B. Negligently failing to prevent an inmate access to the time and date of a scheduled off-premises medical appointment.
- C. Negligently failing to protect Sgt. Mark Chesnut by keeping an inmate, a known violent felon at that, under proper care, custody, control, and incarceration.



- D. Negligently removing the inmate from a secure facility and taking him to a public off-premises doctor's office where there was an increased foreseeability and likelihood of harm being caused to the public, including Sgt. Mark Chesnut.
- E. Negligently removing the inmate from a locked-down facility and taking him to an off-premises appointment at a public doctor's office for a condition that did not warrant same, thereby increasing the foreseeability and likelihood of harm being caused to an individual member of the public, specifically Sgt. Mark Chesnut.
- F. Negligently failing to take adequate precaution to protect the Plaintiff, Sgt. Mark Chesnut, from grave and serious near fatal harm in Davidson County, Tennessee.
- G. Negligently failing to create policies sufficient to enable proper care, custody, control and supervision of an inmate.
- H. Negligently failing to create proper policy to keep an inmate in custody who was serving a life sentence for violent felonies.
- I. Negligently failing to comply with the policies created to enable proper care, custody, control and supervision of an inmate.
- J. Negligently failing to comply with the policies created to keep an inmate in custody.

## DAMAGES

Plaintiff incorporates by reference paragraphs 1 through 32 as if fully set forth herein.

33. As a direct and proximate result of Defendant CCA's breach of the above duties, Joseph Jackson was able to escape from CCA's care, custody, and control. The reasonably foreseeable consequences of same transpired, wherein Plaintiff Sgt. Mark Chesnut was shot and nearly killed in Davidson County by use of a CCA-owned weapon, suffering damages including, but not limited to, severe, serious, painful, disabling and permanent physical injury, medical expenses past and future, loss of earnings and earning capacity past and future, and severe emotional and psychological injury as a direct result of this trauma.

34. As a direct and proximate result of the negligent acts and omissions of Defendant, CCA, Plaintiff, Michelle Chesnut, has incurred damages for loss of spousal consortium including, but not limited to, both the tangible services provided by Sgt. Mark Chesnut as well as intangible benefits including love, affection, attention, guidance, care, protection, companionship, and cooperation normally and typically received as part of her marital relationship with Sgt. Mark Chesnut.

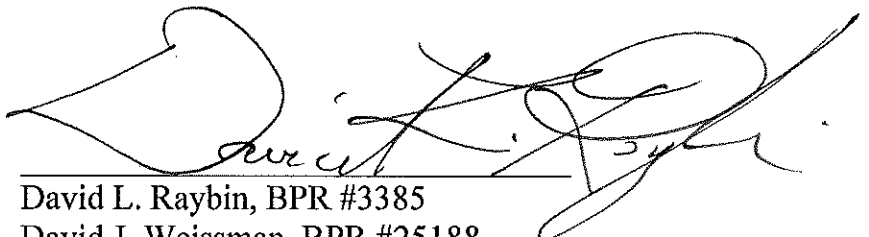
WHEREFORE premises considered, Plaintiffs pray:

1. That proper process issue and be served requiring defendant CCA to answer hereto or a default judgment be taken herein;

2. That there be a determination that CCA is liable to the Plaintiffs for a breach of duty and that as a direct and proximate result of said breach of said duty there were injuries sustained and damages incurred;
3. That Plaintiff, Sgt. Mark Chesnut, be awarded reasonable compensatory damages for bodily injuries, past and future medical expenses, past and future loss of income, past and future pain and suffering, loss of enjoyment of life and other related expenses an amount not to exceed \$14,000,000;
4. That Plaintiff, Michelle Chesnut, be awarded reasonable compensatory damages for loss of consortium and services of her husband in an amount not to exceed \$2,500,000;
5. For interest as allowed by law;
6. For costs and disbursements incurred;
7. That a jury of six be empanelled to try this cause;
8. For such other and further relief as this Court deems just and proper.

Respectfully submitted,

HOLLINS, WAGSTER,  
WEATHERLY & RAYBIN, P.C.



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