

# The Salt Lake Tribune

## Inmate's widow files suit over his death

**Author(s):** Lisa Rosetta The Salt Lake Tribune **Date:** October 12, 2005 **Page:** C2 **Section:** Utah

The widow of a Utah State Prison inmate whose head was crushed in a cell door last year is suing Corrections employees over her husband's death. Catherine Gardner is seeking punitive damages for John Jehu Gardner's death, as well as violations of his federal civil rights, according to a lawsuit filed in U.S. District Court last week. The suit names Warden Clint Friel and Corrections officer Willis J. Richardson, and notes other officers may be added as possible defendants.

Gardner's family "never wants it to happen to anyone else and [wants] to make sure safety is increased," said Catherine Gardner's attorney, **James Bradshaw**.

"But they're also looking for compensation for what happened to John," he said. "This is a young man in the prime of his life with a young child. He obviously made some mistakes, but he didn't deserve to die."

On Sept. 28, 2004, Gardner, who was convicted of theft, was sent to the Utah State Prison to undergo a 60-day pre-sentencing evaluation to determine whether he was a candidate for probation. On Nov. 4, 2004, while held in the prison's diagnostic unit, a mechanical cell door slammed shut on his head, crushing his skull.

Afterward, he experienced "some periods of consciousness, moved around his cell bleeding profusely, experienced fear and pain and called out for help," according to the lawsuit. Gardner did not receive "immediate and proper medical attention" and a Life Flight helicopter was unable to land at the prison.

Rocky Rognlie, civil rights section chief for the Utah attorney general's litigation division, said his office has received a copy of the lawsuit and is reviewing it. He declined to comment until the review is completed.

Gardner was scheduled to learn Nov. 30, 2004, whether he would remain in prison or be released on probation. A judge could have

sentenced Gardner to up to five years for possessing a stolen travel trailer.

Married with one child, the 27-year-old Gardner had one prior felony conviction but had not previously been to prison, according to Utah State Court records.

Bradshaw said Gardner was a clean-cut man who was grappling with emotional issues. Gardner -- a Taylorsville High School graduate who served a mission for The Church of Jesus Christ of Latter-day Saints in Buenos Aires -- was nicknamed "BYU" by other inmates because of his love for the Cougars.

"He was kind of a fresh-faced, innocent kid in a lot of ways," Bradshaw said.

Rosie Rivera, formerly a Salt Lake County sheriff's sergeant, told The Salt Lake Tribune last year that a video camera captured the incident. The tape shows Gardner standing inside his cell, looking down the aisle, as the doors began to close, Rivera said.

Richardson, who operated the cell door, did not look to see whether anyone was in the door's path and did not warn Gardner the door was closing, according to the lawsuit.

No other guards were in the area to see whether the inmates were safely in their cells or to help Gardner when he was injured.

It is not alleged that the accident was intentional, "but it was certainly foreseeable," Bradshaw said.

The mechanical doors, built before 1950, had malfunctioned in the weeks before Gardner's death, according to the lawsuit.

Bradshaw said only two prisons were fitted with such doors -- Alcatraz and the Utah State Prison.

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