

Federal appeal court upholds \$1.2 million jury award to man paralyzed in Lee jail

By [AISLING SWIFT](#), Naples News
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NAPLES — A federal appeals court has upheld a \$1.2 million award to a Lee County man who became paralyzed while held in the jail, agreeing the jail medical provider was "deliberately indifferent" to repeated pleas for help.

In a 28-page ruling, the U.S. Court of Appeals in Atlanta detailed the days and weeks that led to 24-year-old Brett Allen Fields Jr., a healthy, athletic construction worker, getting paralyzed from an infection and how nothing was done by Prison Health Services, the medical services provider at the Lee jail.

"He informed them that he was exhausted, that his legs twitched without relent, that his lower body was numb, that his legs were weak," the judges wrote. "Like clockwork, or maybe as if by pact, all the nurses agreed on the same approach: They did nothing."

Even after Fields crawled to the toilet and his intestines came out, the appeals court noted nurse Bettie Joyce Allen just pushed them back in and called him a liar for saying he couldn't feel his lower body.

"Treatment within 24 hours was critical to anyone in Mr. Fields' situation," the judges ruled. "Plus, anyone with any medical training ... should have realized that Mr. Fields' paralysis required transportation to a hospital."

According to court records: Fields was booked into the jail on misdemeanor charges on July 6, 2007, then reported a bug bite and infection, but treatment didn't help. A day after his back went numb and sore, uncontrollable twitching started on Aug. 7 and the next day, he couldn't tolerate the pain or walk. He was seen by a doctor the next day, but even after the doctor ordered him transported to the hospital emergency room immediately, no one called an ambulance for about two hours.

The appeals court noted "time is crucial" when an abscess compresses the spine and if removed in 24 hours, there's a good chance of recovery — but PHS delayed treatment.

"Because of this delay, Mr. Fields missed the critical 24-hour window," the ruling says. "Though Mr. Fields can, after years of rehabilitation, now travel with a walker, he is still partially paralyzed from the waist down."

Months after the March 18, 2011, verdict in Fort Myers, U.S. District Judge John Steele refused to overturn it and ruled Prison Health Services, now called Corizon Health Inc., must pay an additional \$189,051 for Fields' attorney fees and costs. A portion of the jury award, \$500,000, was for punitive damages, which are meant to punish, set an example and deter bad conduct.

"This is what happens when they put profits over people's well-being," said Fields' attorney, Gregg Lauer of Fort Lauderdale. "The most important thing is profits. If someone gets injured, it's just collateral damage to them."