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Mark Chesnut, officer shot on interstate, sues CCA for more than \$14 million

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Sgt. Mark Chesnut, the Metro police officer shot by an escaped prisoner in June has filed suit against the Corrections Corporation of America, alleging the company is responsible for the failures that led to the escape and subsequent shooting.

Chesnut was critically injured on June 25 when he was shot five times during a traffic stop. Police later arrested Joseph Jackson, Jr., who escaped from prison in Mississippi earlier that day, and his cousin Courtney Logan, accused of helping Jackson escape, for the shooting. Chesnut is still recovering from the injuries.

CCA spokesman Steve Owen said the company has not been served with the suit and is not in a position to comment.

According to the lawsuit, filed late Friday by Nashville attorney David Raybin, the company was negligent in following its own policies to prevent and respond to an escape. Chesnut is seeking \$14 million from the Nashville-based private corrections giant, and his wife, Michelle Chesnut, is seeking an additional \$2.5 million.

“They give (Jackson) advanced warning, the means to escape, they give him a gun and he’s out in a few hours shooting a police officer,” Raybin said. “To me, it’s foreseeable that any police officer who stopped these guys was in mortal danger.”

Jackson had two weeks notice that he was going to an off-site doctor’s appointment and didn’t prevent him access from cell phones that he used to plan his escape, the lawsuit said. The advance notification was against the policies of CCA, which operated the Delta Correctional Facility in Greenwood, Miss., where Jackson was held.

Police said that Logan entered the doctor’s office during the scheduled time to help Jackson escape. Logan fired several shots into the ceiling, and ordered everyone to get down.

The lawsuit adds new details about the escape, saying that Jackson, who was in prison for violent offenses and serving a life sentence, was escorted by an armed female guard and two unarmed male guards.

When Logan pulled the gun, according to the lawsuit, the armed guard reached not for her gun but for her cell phone. Jackson took the gun and the phone, and the two fled toward Nashville. Just a few hours later, they were pulled over by Chesnut.

“For the few extra dollars it might have cost this for-profit institution to have a house call, Sgt. Chesnut wouldn’t have eight bullets in him,” Raybin said.

Chesnut was running Logan’s driver’s license when Jackson walked back to talk to the officer. He walked away, but came back and drew the gun he took from the CCA guard, shooting Chesnut five times. Two bullets lodged in his bulletproof vest, but he was struck by the other three.

Despite the injury, Chesnut threw the car into reverse when the gunman returned and radioed in the shooting, giving a description of the suspects and the car to officers that were looking for them within minutes. They were arrested within hours by Metro police and taken into custody without incident.

“He radioed in not only to report own injury, but in hope that other officers could stop these guys,” Raybin said. “It’s about as heroic a thing as I’ve ever seen.”

CCA was under heavy criticism for security in February 2008, when Terrell Watson escaped from the Metro Detention Facility in Nashville.

When Watson was discovered missing, jail employees notified authorities and put the jail on lockdown, and an exhaustive search inside the prison and around the grounds went on for two days. They didn’t file an escape warrant that would let other police agencies know he was an escaped prisoner for two days.

The internal procedure to handle a possible escape dictates only that police should be notified, CCA officials said at the time.

Chesnut's attorney said the entire incident wouldn't have occurred if CCA hadn't been negligent with its policies. "I could not imagine a scenario where they did everything possible to assist this person in escaping," said David Raybin. "They gave him advance notice. They gave him virtual access to cell phones, firearms, did nothing to prevent this escape with predictable results."

Jackson was serving a life sentence at the Delta Correctional Facility, a CCA-run prison in Greenwood, Miss., for armed robbery and aggravated assault. Police have testified that Jackson confessed to shooting Chesnut.

Chesnut's wife, Michelle, is also seeking \$2.5 million. CCA has 30 days to respond to the lawsuit. Meanwhile, Chesnut is continuing his recovery. Raybin said the officer he will return to light duty with Metro police on Monday.