Former Forsyth County jail nurse Michelle Heughins declares her innocence at arraignment

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On Thursday, June 9, nurse Michelle Heughins loudly declared "Innocent!" at her arraignment in a North Carolina courtroom. Heughins has been charged with involuntary manslaughter in the death of 56-year-old John Neville in December 2019.

Her statement came after the assistant district attorney explained the charges and asked her defense attorney, James Cooney III, for his client's plea. Cooney followed Heughins' declaration with the formal plea, "Not guilty."

Nurse Heughins is a former correctional facility nurse at Forsyth County jail in Winston-Salem, North Carolina, where Mr. Neville died while in custody. She is the sole person charged in the man's death even though she was the only person who attempted to save Neville's life.

A secret grand jury that was held on April 4 refused to indict the five correctional officers, who placed Neville in a prone position with hands cuffed behind him for 20 minutes as he repeatedly screamed in agony, "I can't breathe, I can't breathe!" However, the jury found there was probable cause to bring a charge of involuntary manslaughter against Michelle Heughins, who was employed as a health care worker by Wellpath, one of the country's largest for-profit health care providers for prisoners.

Because the deliberations were held behind closed doors, the objective evidence or arguments presented as probable cause against her are not known. In North Carolina at least 12 of the 18 jury members must agree before charges are brought against a defendant. The process of obtaining an indictment, while formally decided by the grand jury, is largely determined by the prosecuting attorneys.

RN Adriane Carrier, a patient advocate, a previous correctional facility counselor and a nurse with 12 years of experience in acute care, was in Winston-Salem for Heughins' hearing. She explained the pro-military and pro-police politics promoted in North Carolina. In fact, anyone entering the state is greeted with a large sign with "Welcome to North Carolina, nation's most military friendly state" written across it.

Another nurse advocate, Nurse Liz, who has also worked as a nurse in North Carolina, reviewed the timeline of Neville's death on a podcast published on YouTube on April 12, 2022 and made the same observation. "North Carolina is a very pro-cop state … there is much more distrust of the health care system."

Carrier, who was present for the hearing, told the *World Socialist Web Site* that during the hearing that lasted less than 15 minutes, not one police officer or guard came down to the courthouse in support of Heughins. She has been left isolated and alone in her fight against the conviction that will have significant consequences regardless of the final verdict. Presently, her attorney has entered a motion for the judge to dismiss the case.

Sheila, a nurse with decades of experience in prison hospitals and maximum security corrections centers, was at the courthouse with Carrier and two other nurses in support of their nurse colleague. Previously, Sheila told the WSWS that corrections officers are there to simply respond to a prisoner's behavior regardless of the underlying medical or mental health issues.

She said, "The medical workers are there to respond to medical. But the two don't talk to each other, don't work together. [Mr. Neville] got behavioral response treatment for a medical issue." Carrier explained that a

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nurse working in a prison system doesn't have the same authority as they do in a hospital. The scope of practice becomes complex, and they are told that the officers are in control of everything.

In her interview with the WSWS, Sheila observed, "In the videos you can hear the officers asking her [Heughins] to leave the room. How was he supposed to get medical attention? Everything the officers were doing was a behavioral response. She was not allowed to follow the standard of care. That is the main thing that bothers me." She noted that not much has changed in the past 20 years she had been doing such work.

RN Carrier said that Heughins was working alone and did not ever have any other clinical experiences to guide her actions. "What were her options, really? And what were the end goals of these guards?" she asked.

In discussing the videos of the prison guards clambering on top of Neville, she added, "He was clearly air-hungry. You can see he [Neville] was post ictal," meaning that Neville's disorientation and agitation were a byproduct of a possible seizure he may have had. Neville's cell mate had sounded the alarm when Neville fell out of his bed.

"What were they trying to achieve by putting him in prone [face down] position with his hands cuffed behind his back?" After a significant delay in getting him any medical attention, Heughins was allowed to attempt CPR on Neville, who was then taken to a local treatment facility. He died on December 4, 2019, shortly after his heart stopped.

The autopsy report found Neville died from a brain injury due to lack of oxygen to his brain while asphyxiated during his restraint. Forsyth County Sheriff Bobby Kimbrough did not publicly acknowledge Neville's death for six months.

No future trial date has been set, and when Heughins will appear in court again remains to be determined. According to the *Winston-Salem Journal*, "Heughins' attorneys filed a motion to delay some proceedings in the federal lawsuit, such as discovery, until there was more certainty about how her criminal case would progress. A US magistrate judge partially granted that request Wednesday."

Meanwhile, two weeks ago, Forsyth County reached a $3 million settlement in a federal wrongful death lawsuit with Neville's son, Sean Neville, who filed the case in September 2021.

Winston-Salem Journal wrote, "A hearing is scheduled for June 23 in US District Court in Greensboro so that a judge can consider approving the settlement." If the judge approves the settlement, which is expected, it will result in the complete dismissal of the claims against the corrections officers and Forsyth Sherriff Kimbrough Junior, as well as Forsyth County. Adding insult to injury, the remaining claims against Heughins and her employer, Wellpath, are scheduled for April 2023.

Carrier asked rhetorically how they arrived at such a settlement. "The taxpayers will be the ones paying out. All it does is uphold the culture of brutality!"

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