

Federal lawsuit alleges

# Alabama man froze to death after police shackled and left his naked body inside a “frigid environment” for hours

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17 February 2023

Earlier this month, lawyers for the family of Anthony Don “Tony” Mitchell filed a federal lawsuit in the Northern District of Alabama alleging that the Sheriff of the Walker County Jail, Nick Smith, and over a dozen corrections officers and nurses employed at the jail, deprived Mitchell of his constitutional rights while he was in police custody.

The circumstances surrounding the 33-year-old’s death earlier this year have provoked outrage in the rural central Alabama county. On online petition demanding “Justice for Anthony ‘Tony’ Mitchell” has already garnered over 1,800 signatures as of this writing.

In a 37-page lawsuit, lawyers for the Mitchell family wrote that between January 25 and January 26, Mitchell “froze to death while incarcerated at the Walker County Jail.”

“This case raises an appalling question,” the lawyers write, “how does a man literally freeze to death while incarcerated in a modern, climate-controlled jail, in the custody and care of corrections officers?”

While an autopsy report has yet to be released formally naming Mitchell’s cause of death, the lawsuit quotes from an emergency room doctor who treated Mitchell the morning of January 26 after Walker County Sheriff’s Department dropped him off at the hospital.

“I am not sure what circumstances the patient was held in incarceration but it is difficult to understand a rectal temperature of 72°F (22° centigrade) while someone is incarcerated in jail,” the doctor’s notes said, according to the lawsuit. “The cause of his hypothermia is not clear. It is possible he had an underlying medical condition resulting in hypothermia. I do not know if he could have been exposed to a cold environment. I do believe that hypothermia was the ultimate cause of his death.”

The average human body temperature is about 98.6°F degrees, with normal rectal temperatures fluctuating between 97.5°F and

99.6°F. According to the Mayo Clinic, hypothermia—when the body loses heat faster than it can generate it—begins to set in once your body temperature falls below 95°F.

According to the suit, which police have refused to comment on, Mitchell was removed for the cold environment, likely the jail’s walk-in freezer, sometime after 4:00 a.m. after being placed there sometime before midnight the previous night. For at least the next five hours after Mitchell was removed from the “frigid environment,” he suffered in his cell before police eventually transported him to the hospital.

“While Tony languished naked and dying of hypothermia in the early morning hours of January 26,” the suit accused “numerous corrections officers and medical staff” of wandering around Mitchell’s cell and gawking at him as he suffered and slowly died without offering any medical assistance.

“Any of these individuals could have saved his life by calling 911 and summoning an ambulance. No one did,” the lawsuit reads. “Instead, corrections officers and their commanding officers worked together in a scheme to conceal the horrific abuse, delaying medical treatment for five hours, long enough to ensure Tony did not survive to tell the story of what happened to him.”

While the Democratic Party and their pseudo-left appendages in the media constantly frame police violence as an expression of racism or “white supremacy,” the fact that Mitchell was white did not prevent the virtually all-white Walker County police from attempting to cover-up Mitchell’s death under their supervision, or retaliate against the corrections officer, Karen Kelly, who revealed the police’s criminality, who also happens to be white.

Kelly was not working when Mitchell was killed. However, upon hearing about his death, she decided to investigate the security footage from inside the command center of the jail and discovered what had happened. Upon finding out the truth, she surreptitiously recorded Mitchell’s limp body being transported by police hours after he had been tortured and shared it with other police, the

media, and eventually with Mitchell's lawyers.

Lawyer Jon Goldfarb wrote in the lawsuit that it "would have been impossible for the Estate to dismantle the scheme of silence and lies within the Sheriff's Department and reconstruct what happened to Tony on the morning of January 26" without the aid of Kelly.

On February 14, Kelly filed a federal lawsuit against the Walker County Sheriff's Office, Sheriff Nick Smith, Walker County Sheriff's public information officer Arthur Leon "T.J." Armstrong, and investigator Carl Carpenter, all of whom are also named in the Mitchell family lawsuit. Kelly's lawsuit claims that her former boss and colleagues violated her First Amendment rights by retaliating against her after she shared footage disproving a lying police statement that had been written by Armstrong after Mitchell died.

On January 30, four days after Mitchell died, the Walker County Sheriff's Office, released a statement saying that Mitchell was "alert and conscious" before he was transported to the hospital.

The surveillance video Kelly leaked showed Mitchell's limp and unconscious body being loaded into the back of police SUV like a sack of potatoes after he had been suffering in his cell for hours.

Mitchell was arrested on January 12 after his cousin, Steve Mitchell, called police after Tony showed up at his house and displayed signs of severe mental distress. In the lawsuit, the lawyers for Mitchell say that Steve did not recognize his cousin when he showed up without shoes on outside his house, despite the fact he had just seen him three months prior at the funeral for Tony's father.

Steve described his cousin as "haggard and emaciated" and estimated that he had lost roughly one hundred pounds since he had last seen him. Steve said Tony urgently wanted to tell him a "secret:" his parents had hid his stillborn baby brother in a box in the attic, and that there were two portals inside his house, one of which lead to heaven, the other hell.

After attempting to prove to Tony, unsuccessfully, that there were no boxes or portals in his house, Steve realized that his cousin needed psychiatric help so he called emergency services and told dispatchers that his cousin was suffering from severe delusions. According to a statement from the Walker County Sheriff's Office, when the police arrived at Tony's house, "Mitchell immediately brandished a handgun, and fired at least one shot at Deputies before retreating into a wooded area behind his home."

A SWAT team was deployed and Tony, somewhat surprisingly, was taken into custody alive and charged with attempted murder. At the time of his arrest Tony was suffering from several severe medical issues, including malnourishment, psychosis and severe drug addiction.

Instead of getting the medical treatment he needed, screenshots included in the lawsuit from surveillance video obtained while Mitchell was incarcerated show that virtually the entire time he was held in pre-trial detention, Mitchell was completely naked and kept in a tiny isolation holding cell.

"The cell lacked a bed or other furnishing," Goldfarb wrote in the suit. "There was only a drain in the floor that could be used as toilet. The cell was bare cement, the equivalent of a dog kennel. But unlike a dog, Tony was not even given a mat to sleep on."

Three days after arriving at the jail, on January 15, Mitchell was tazed by police causing his false teeth to fall out. Because Mitchell did not have any teeth, lawyers for the family believe Tony was incapable of eating solid food from January 15 until his death 11 days later.

After forcing Mitchell to languish in a filthy cell without solid food, a toilet, bed or sleeping mat for 13 days, Mitchell's lawyers allege that sometime during the evening of January 25, jailers, "likely...placed [Mitchell] in a restraint chair in the jail kitchen's walk-in freezer or similar frigid environment" and left him there "for hours."

The horrific treatment of Mitchell, a white man, by police in Alabama underscores the class character of police violence and refutes the narrative that the reason at least 1,100 people are killed in the United States every year by police is because of "racism" or "white supremacy."

While racist and backwards attitudes are cultivated by the ruling class in police departments and military bases across the country, a plurality of those killed by police every year are white men. The number one factor in determining if a person is likely to become a victim of police violence is their socioeconomic status. The police, an instrument of class rule, overwhelmingly target and abuse poor and working class people, especially those suffering from severe mental distress, as was the case with Mitchell.



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