

**PRESS RELEASE - FOR IMMEDIATE RELEASE**  
**April 7, 2009**

**LAWSUIT FILED AGAINST DEPARTMENT OF MENTAL HEALTH AND MENTAL  
RETARDATION AND ITS EMPLOYEES STEMMING FROM DEATH OF PARTLOW  
RESIDENT**

A lawsuit was filed today in Tuscaloosa County Circuit Court arising from the death of Johnnie Mack Whitten, 58, who had been a resident of the W.D. Partlow Developmental Center in Tuscaloosa. Partlow is operated by the Alabama Department of Mental Health and Mental Retardation.

Birmingham attorney Tommy James of the law firm Morris, Haynes and Hornsby represents the victim's family in this case. Mr. James has prosecuted numerous cases against the Department and its employees arising from the abuse and neglect of residents in Department facilities and group homes.

On the morning of January 2, 2008, Partlow staff found Mr. Whitten lying on the floor. He had suffered extensive facial trauma, including lacerations near his left eye and a large hematoma. He died twelve hours later. His death was a result of a fatal traumatic brain injury due to blunt force trauma that produced extensive bleeding in, and displacement of, his brain. Partlow officials have described the manner of death as "undetermined." At the time of his fatal injuries, Mr. Whitten was on one-on-one observation status. This status required a Department employee to be within arm's length of him at all times. Despite this, Partlow employees failed to follow Mr. Whitten's care plan and instead left him alone and unsupervised. Mr. Whitten died as a result.

"Our investigation has found that the employee who was required to be constantly supervising Mr. Whitten at the time of his fatal injury falsified time sheets to indicate she was constantly supervising him when she instead left him unsupervised and alone multiple times on the morning of his death," James said. "When an individual is admitted into Partlow, family members have every right to believe and expect that

their loved ones are going to be properly cared for and supervised,” James said. “Mr. Whitten clearly was not properly supervised as required by his care plan and that directly led to his death. Unfortunately, Alabama’s mentally disabled citizens are all too often subjected to abuse and neglect.”

The Alabama Department of Mental Health and Mental Retardation, Department Commissioner John Houston and Partlow Director Vance Liles are named as Defendants in the suit. The names of the employee or employees who were supposed to be supervising Mr. Whitten when he received his fatal injuries are unknown at this time and will be added as defendants at a later date.

“Mr. Whitten’s tragic death was the final event in a systematic pattern of poor treatment and severe injuries he sustained during his twenty-eight year stay at Partlow,” James said. “I have handled many cases involving the abuse and neglect of mentally disabled individuals and things like this sadly keep happening. We must protect and care for our most vulnerable citizens better than we are doing now. We need drastic changes in these facilities, especially Partlow. The family of the victim in this case is hopeful that this suit will result in positive change and that residents will be better protected from abuse and neglect.”

Mr. Whitten’s life and death at Partlow was featured in a recent report issued by the Alabama Disabilities Advocacy Program (ADAP) calling for the closure of Partlow. ADAP’s investigation into Mr. Whitten’s death questioned Partlow officials’ characterization of his cause of death as being “undetermined.” The Department refused three requests from ADAP to produce the findings of their investigation into Mr. Whitten’s death. “The Department has a policy of not providing family members and advocacy groups findings from their investigations,” James said. “This is a case of the fox guarding the hen house. I would hope that the Commissioner will reverse his stance and release reports from Department investigations so family members will be able to find out what happened to their loved ones when they have been abused or neglected.”

For further information please contact Tommy James at (334) 224-2496.