

August 23, 2005

Prison Health Services (PHS)  
105 Westpark Drive, Suite 200  
Brentwood, TN 37027  
Phone: 800-729-0069 – Fax 888-729-0069  
Andy Swartz at Ext. 317 PHS legal department

Re: Patrick Swiney; lack of or indifference to medical care

Dear Mr. Swartz:

Patrick Swiney is having difficulty breathing and needs oxygen right away. I understand that the cardiologist he saw in April 2005 told Patrick he was prescribing follow up treatment with a cardiovascular physician for an arteriogram.

As you know, lack of or indifferent medical care is a violation of the eighth amendment of the United States Constitution and a section 1983 violation as well.

Patrick's criminal case is coming before Federal Court very soon where he will be able to show the evidence of his actual innocence. I am not the only one who is beginning to see that the consistent lack of medical care over the years has been deliberate in an effort to ensure that Patrick does not survive his day in court where he could be found innocent and where, possibly, those who committed the crime in question and/or the conspiracy to imprison him illegally, may face imprisonment themselves for their crimes.

I know it is none of your (PHS') concern whether a prisoner is guilty or innocent but let me tell you that Patrick was framed for murder because he was instrumental in the arrests and convictions of a district attorney and chief investigator for the sheriff's office in southern Alabama for drug smuggling and racketeering. It is not important that you believe he is innocent or not, but it IS very important that Patrick receive immediately the medical attention his condition requires. He is being denied this at the moment. The Charter of Rights and Liberties and the U.S. Constitution both outline that a human being must receive medical care if needed, whatever his station in life, whatever his means or social status.

PHS is responsible for complying with its contract with the State of Alabama and Alabama is responsible for ensuring that PHS complies with said contract. Anything less than that is criminal and worthy of criminal charges against all those who are responsible and liable for the health of a human being in its care.

I am therefore demanding that Patrick be taken immediately to see a qualified cardiovascular surgeon as the cardiologist ordered in April 2005. Should this physician determine that surgery is required to keep Patrick alive and healthy, then neither PHS or the DOC have the authority to deny this for otherwise he may die before seeing his day in court and his subsequent freedom. Do not allow PHS to be a party to this for it shall be deemed unlawful for all those that have participated in his medical denial – and it is well documented – the continuous denial of medical care for Patrick Swiney. The fight for his medical care has been strong, loud and continuous over the years, and yet today we STILL have the same negligence.

I have several years and thousands of hours in studying the law and our legal system, and it is no less than sick and violent how human beings are treated in our country, and in the name of our Creator it has to stop.

This is malicious indifference to Mr. Swiney's medical needs. You have the authority to overcome this if you so choose. I recommend you choose properly and ethically now.

Respectfully,

Kerry C. Walker  
4590 Knox Bridge Hwy  
Canton, Georgia 30114  
404 886-2503

Copies to:

Sherry Swiney  
P.O. Box 1891  
Alabaster, AL 35007  
Phone: 205-621-7699

Governor Bob Riley  
State Capitol  
600 Dexter Avenue  
Montgomery, Alabama 36130  
Phone: 334-242-7100 – Fax 334-353-0004  
Email: [http://www.governor.state.al.us/contact/contact\\_form.aspx](http://www.governor.state.al.us/contact/contact_form.aspx)

Warden Kenneth L. Jones  
Donaldson Correctional Facility  
100 Warrior Lane  
Bessemer, Alabama 35023

Phone: 205-436-3681 – Fax 205-436-3399

Prisoner Commissioner Donal Campbell  
Alabama Department of Corrections  
301 S. Ripley Street  
P.O. Box 301501  
Montgomery, AL. 36130-1501  
Stephen Bullard Special Projects 334-353-4341  
Tel: 334/353-3883 – Fax: 334-353-3891  
Email the commissioner: [pio@doc.state.al.us](mailto:pio@doc.state.al.us)

U.S. Attorney  
Alice H. Martin  
1801 Fourth Avenue North  
Birmingham, AL 35203-2101  
Phone: 205-244-2001 – Fax: 205-244-2171