

# Prison death still a mystery after year-long investigation

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One year and a transparent investigation later, the death of inmate James Leonard Acuna remains undetermined.

Acuna's decomposing body had been found in a cell he shared with another inmate at Richard J. Donovan Correctional Facility, at least

two days after he passed, reported *Patch*.

"The fact [Acuna] made bad choices and was paying his debt to society doesn't mean he should have been neglected," said Sara Leslie, a volunteer for California Prison Focus, an inmates' rights nonprofit. "We as a society should care because we are a civilized country and it's expected that we treat all people

in a humane manner."

Because Acuna's body was so decomposed, forensic experts aren't sure how he died and they listed the cause of death as "undetermined."

While it's possible Acuna died of natural causes, an autopsy concluded "homicidal violence cannot be completely excluded," as the body showed "signs of minor blunt force injury of head and

extremities," *Patch* reported.

The San Diego County Sheriff's Department refused to release its report of the investigation, after a request from *Patch*, making it impossible to determine how extensive the homicide investigators' probing was.

*Patch* also reported that, according to a San Diego County Medical Examiner's report, Acuna's cellmate told a mental healthcare professional at the prison that he had "murdered his former cellmate to get a cell to himself" while he was in Kern County.

Bardis Vakili, a prisoner rights advocate and senior attorney with the ACLU of San Diego and Imperial Valley, criticized California Department of Corrections and Rehabilitation (CDCR) employees for not finding the body sooner.

"Whenever the government takes someone into custody, it bears the responsibility for that individual's safety," Vakili said. "However harsh the conditions in prison may be, for a dead body to go unnoticed in a cell for so long that the cause of

death can no longer be determined requires a shocking level of carelessness."

CDCR regulations require the physical head-counting of inmates four times a day. Inmates like Acuna, who occupied a cell, must stand at the cell door until counted, said the article.

Dan Vasquez, a thirty-year veteran of CDCR and former warden at two prisons, one being San Quentin, said he found Acuna's death troubling from a procedural standpoint.

"It was a rule drilled into my head," Vasquez said, "You had to make sure you saw living, breathing flesh—that's when you knew the inmate was OK."

A spokesperson for CDCR told *Patch* that appropriate action was taken against some employees. However, she would not disclose the number of employees, their positions, or what specific disciplinary action was being considered, citing employees' "due process" rights.

Acuna was diagnosed with hepatitis C and suffered from cirrhosis of the liver, sources

who asked to remain anonymous told *Patch*. But Dr. David Bernstein, an internal medicine and gastroenterology specialist and hepatitis B and C researcher, reviewed the autopsy report and doesn't believe Acuna died from the condition. He said cirrhosis can kill, but there will be bleeding and other symptoms, none of which Acuna's autopsy indicated.

Another pressing question is why healthcare professionals who should have had daily face-to-face contact with Acuna and should have provided him with medication in person didn't discover him dead in bed. It is uncertain whether Acuna was supposed to be receiving medication through his cell door or from the "pill window," noted the article.

While Acuna's post-mortem toxicology test reported traces of antidepressants Venlafaxine, Amitriptyline, and Nortriptyline—a drug prescribed for headaches and sleep issues—there was no indication of any medication prescribed to treat hepatitis C, reported *Patch*.