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## **Attorney for Killed Worker Responds to the Heartfelt Inquires of Media, Community and Brandon's Friends.**

Brandon Nutter was trapped in the rear access area of a compactor at his Spotsylvania County job and killed on July 7, 2022. His family is devastated not only by his death but by the horrific way he senselessly died. His mother spoke to him almost daily, as did his father and brothers, and they loved him very much. They enjoyed weekends with him at Lake Anna boating, swimming, and barbecuing. He was only 28 years old and planned to marry his fiancée in May 2023, who is also heartbroken.

Immediately after his death, the Virginia Occupational Safety and Health Department (VOSH) and the Spotsylvania County Sheriff's Office began investigating. In their Reports, both concluded that the failure of County employees to comply with federal, state, and County safety and training measures was the cause of his death. When the Sheriff's Detective asked the County Safety Officer for a copy of the safety and training documents for employees, she was unable to supply any.

The Sheriff's Report states that County employees working at the scene admitted there were no formal safety training programs in place at the facility for the compactors, including how to lock out the compactors' power when employees were working on them, as required by federal, state and County safety laws.

Brandon was employed there a little over two weeks, and he had received no training on the safe operation of the compactor and how to lock out the energy supply when working on it. Nevertheless, with full knowledge of the violations of the safety laws, Brandon was ordered to perform maintenance on the compactor, which was outside of his job description.

The Sheriff's Report states that another employee, who also had not been trained on the safe operation of the compactor, turned on the power while Brandon was inside the compactor's rear access area. It was not apparent to Brandon that the compactor ram retracted into this rear compartment because he was not trained, he had no experience repairing compactors, and it was not an obvious hazard.

In January, exactly six months after Brandon's passing, VOSH finished its investigation and issued seven safety violations against the County with penalties totaling \$296,402.00. The County exercised its right to contest the penalties, publicly stating on March 7, 2023, that it would be finished in two more months. The County has now been

contesting the citations for six months. According to VOSH, it has yet to be settled, and no negotiations have been started on the citations or penalties.

Although the Sheriff's Report stated there were serious safety violations and initially concluded there were no criminal acts, a more detailed investigation by the safety experts at VOSH culminated in its recommendation for the filing of a criminal charge.

The Spotsylvania County Commonwealth Attorney recused himself from the criminal case, and it is now assigned to Commonwealth Attorney Gray Collins of Colonial Heights, Virginia. Mr. Collins is prosecuting the criminal matter and will submit it to the grand jury soon.

In an April 8, 2023, Free Lance-Star newspaper article, the County stated that "no crime was committed by any employee" in Brandon's case. But the County was well aware at the time it made that statement that the VOSH Report found a criminal violation. The County's inaccurate press release raises the question of whether it deliberately misled the public about the seriousness of its employees' violations.

Troubling also is the County's statement in the same newspaper article that "it would be premature in addressing [this case] or taking personnel action at this time". However, it appears the County has sufficient information to understand what happened as the investigations into Brandon's death are completed and Brandon died almost a year ago. The County's actions suggest that it is not accepting responsibility for its violations and may be attempting to gloss over the severe misconduct of its employees.

Brandon's Estate has hired me and a national law firm to investigate this tragic matter and file a wrongful death lawsuit against all responsible parties in the event there is no amicable resolution. If we must file suit, we are preparing for a protracted and expensive legal battle.

It's time for the County to give Brandon's life and his family the respect, dignity, and closure they deserve by accepting responsibility for its employees' actions and promptly resolving the 7 VOSH citations, the criminal case, and the wrongful death claim filed with the County Attorney. It is the right thing to do.

Respectfully submitted by,

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Attorney at Law