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By
[Jaclyn Diaz](#)



Kymerly Hobbs next to her brother, Charles Givens, around 2004. Hobbs is suing five Virginia correctional officers for the alleged beating death of Givens.

Kymerly Hobbs

For more than 12 years, Kymerly Hobbs had taken care of her older brother, Charles "Chuck" Givens.

"I'm like his mother," Hobbs said. She's still looking after him, even after his death.

Givens died last year at age 52, but he hadn't developed intellectually or emotionally beyond the age of 7 or 8, according to court documents.

Hobbs had served as Givens' legal guardian since 2009, though she lives in Lincoln, Ala. — more than 300 miles from Marion Correctional Treatment Center in Virginia, where Givens was incarcerated for a 2010 murder. He was housed in Marion's special unit for inmates dealing with disabilities and mental illness.

"I would see him whenever I could. We had phone calls and video chat and things," Hobbs said.

Though she didn't realize it at the time, she would last see her brother alive in December 2021 when he was hospitalized for pneumonia and hypothermia, Hobbs said. The fact that he suffered from

hypothermia while being incarcerated raised some red flags and concerns, but she didn't have any reason to think beyond what prison officials were telling her, she said.

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About two months later, on Feb. 5, 2022, Givens would be found lying dead on his cot at Marion.

"Never in my wildest dreams did I think that it was what it was," Hobbs said of her brother's death.

Early on the morning of Feb. 5, Givens was last seen alive being escorted to his cell from his ward's shower room by Marion's correctional officers. This movement was captured on prison surveillance footage reviewed by NPR.

A [lawsuit](#) filed this February by Hobbs and her attorneys, Paul Stanley and Mark Krudys, alleges that officers Anthony Raymond Kelly, Gregory Scott Plummer, Joshua Jackson, William Zachary Montgomery and Samuel Dale Osborne participated in the savage beating of Givens in that shower room to some degree, ultimately killing him.

Jeremy O'Quinn, the attorney representing Osborne, declined to comment on this case. And Cameron Bell, an attorney representing the four other officers, didn't respond to multiple requests by NPR for comment. Attempts to contact the five officers directly were unsuccessful.

Osborne and his attorney, as well as the other four officers and their attorneys, have submitted documents denying the allegations that Hobbs makes in her lawsuit. Osborne's attorney filed a motion to dismiss the lawsuit, which was denied.

A jury trial has been set to start on Aug. 19, 2024, according to court records.

Hobbs and her attorneys allege that while in the shower room for nearly 20 minutes, these officers dumped buckets of freezing-cold water on Givens, whipped him with towels and punched him. The lawsuit claims that Osborne didn't directly participate in the beating but failed to protect Givens or intervene to stop the others.

A medical examination dated a month after Givens' death says clearly that he died from "blunt force trauma," but the examiner did not declare it a homicide. The lawsuit says Assistant Chief Medical Examiner Eli Goodman, who prepared the autopsy report, updated his findings later on, testified before a Smyth County special grand jury and said that Givens' death was a homicide.

In response to NPR's requests for records related to the employment status of the five officers, the Virginia Department of Corrections said Kelly was transferred to a different facility on Nov. 10, 2022. The department did not explain the circumstances of his departure from Marion Correctional Treatment Center.

The other officers — Plummer, Jackson, Montgomery and Osborne — are still employed at Marion but were suspended. The department has not provided clarification on the dates of their suspension after repeated requests.

Jeffery Artrip, Marion's warden at the time of Givens' death, is currently the warden at Wallens Ridge State Prison, the Department of Corrections said.

"It's been a cover-up from Day 1," Hobbs said. "From the time it happened to the first original investigation, the DA's office, every bit of it, they have never wanted to take it serious. Or they knew it was serious but never did what they should have done."

She said that the officers have lied about what transpired in the shower room on Feb. 5, 2022. "We know for a fact that the officers have lied under oath. And nothing has ever been charged on them," she said.

A grand jury declined to bring a criminal indictment against the officers last year.

Stanley, Hobbs' attorney, said Marion officials suggested that Givens' injuries came from a possible fall and that Givens was a known fall risk. This was not the case, Hobbs and Stanley say. No one has come forward to say they witnessed this possible fall, and the injuries sustained by Givens don't align with a fall, according to the medical examiner's report.

Additionally, Artrip called Hobbs the day her brother died to tell her he died from natural causes — before any medical examination had been completed.

"The Virginia State Police did an investigation into Mr. Givens death, we are in the process of doing an administrative review now," Carla Miles, the deputy director of communications for the Virginia Department of Corrections, told NPR in an email.

Requests for additional records on prison officials' investigations were denied, as the department said it is "exercising its discretion to withhold these records in their entirety."

Hobbs told NPR she feels that the prison and other officials with the Department of Corrections were never honest from the beginning. She said they showed no interest in properly investigating her brother's death even after the results from the medical examination came through.

Givens' case is technically still open with the state police, but Hobbs and Stanley said there has been no movement on the case since the grand jury declined to bring a criminal indictment.

"I think it's a small town, a small community, and we're just going to take care of our own — the good-old-boy kind of thing," Hobbs said.

The case goes even deeper than Givens' death, Hobbs and Stanley allege. Evidence, including hospital records and an eyewitness account, suggests Givens was abused for years while at Marion.

Hobbs and Stanley say they believe that Givens couldn't report his abuse to authorities because of his diminished mental capacity and that he was targeted because of his disability.

"He was severely handicapped as far as his mental state. So they knew he couldn't tell people," Hobbs said.

Stanley said that what troubles him most about the case is "it seems that he was selected because he was the most vulnerable and incapable of defending himself or making any kind of complaint."

Hobbs also said she believes officials don't want to bring charges in this case because of who her brother was and the crime he committed.

"I've never defended what my brother has done. He was paying for what he done. Just because he was there doesn't make him any less of a citizen than it does anybody else," she said.

<https://www.npr.org/2023/06/24/1181160437/alleged-prison-beating-death-virginia-disabled-charles-givens-lawsuit>