

Reprieve too late for Nancy Sims

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By Sam Heys

Nancy Sims, battered wife and convicted murderer, had her right breast biopsied last May at the Medical College of Georgia Hospital. The biopsy was botched; the cancer was there, but nobody saw it.

By Sept. 11, the breast had changed color. It was red and blue. Fifteen times during the ensuing 4½ months, Mrs. Sims visited the clinic at the Georgia Women's Correctional Institution in Hardwick, where she was an inmate. She complained of the pain in the breast, its bloody discharge, its unpalpable firmness, its multiplying nodules, its spreading red streaks.

"It was so frustrating, to have to deal with a bureaucracy that has no room to hear, 'I think I may be dying,'" Mrs. Sims said.

Mrs. Sims was finally sent to the Augusta Correctional and Medical Institution Jan. 28. Two weeks later, she was told she was dying. Doctors at the Medical College of Georgia Hospital in Augusta told her the biopsy in May had been misread, that she did indeed have breast cancer and that it had already spread.

The state Board of Pardons and Parole granted Mrs. Sims a medical reprieve March 20, sending the 38-year-old former schoolteacher home to Pike County to die.

Probably Georgia's most noted battered woman, Mrs. Sims had been serving a life sentence for the 1982 murder of her husband, Griffin attorney and former assistant state attorney general Marshall Sims. She was convicted before wife abuse became the subject of made-for-TV movies.

Mrs. Sims believes that if her case were tried now, the verdict would be different, and she might not be facing the death sentence imposed by an improper medical diagnosis. In the past two years, at least four Georgia women have been acquitted of the killing of their abusers. "A woman now has a much better chance of having her action understood. Previously, that was unheard of," said Atlanta psychologist Margaret Nichols, who testified as an "expert witness" on the battered wife syndrome in all four cases.

But the exposure given wife-beating in recent years has not altered the verdicts that were previously received by "battered women who kill." Mrs. Sims can quickly name 10 battered women serving life sentences at Hardwick.

Mrs. Sims was inmate coordinator of Hardwick's highly publicized REACH (Reunite Each Child) program, which allows for private visitation between incarcerated mothers and their children and teaches parenting skills. She also worked as a teacher's aide, an aide to the prison chaplain and a clerk in the warden's office.

Department of Corrections officials have declined to discuss the medical care Mrs. Sims received during her 3½-year imprisonment. However, doctors at the Medical College of Georgia -- which is contracted to treat the prison system's more seriously ill inmates -- admitted that Mrs. Sims' biopsy slides were not read correctly in May.

A team of pathologists, headed by an associate professor with 20 years in the department, found no cancer cells in the biopsy slides and said Mrs. Sims had a fibrocystic disease, a term that encompasses numerous benign breast disorders. When the associate professor re-examined

the slides after Mrs. Sims returned to the hospital in February, he found that cancer had indeed been present in the lymphatic vessels of the breast.

R.N. Rao, chief of the anatomic pathology section at the Medical College of Georgia, said the error was "extremely uncommon." "If it happens very commonly, we shouldn't be in this business," said Rao.

Mrs. Sims complained of soreness in her right breast Jan. 2, 1986; an antibiotic was prescribed. An ensuing mammogram (breast X-ray) revealed a small lump, although the biopsy was not performed until May.

The red streaks and nodules first appeared on the breast in September. Mrs. Sims' medical records show she visited the prison clinic at least 15 times between Sept. 9 and Jan. 22. She was told her condition was the result of post-biopsy scar tissue. She said hemorrhaging after the stitches were removed left two-thirds of her breast a hardened mass.

"I try to understand human error, I try to make allowances for mistakes, but somebody should have done something," said Mrs. Sims. "What can you do, though? Go into the warden and expose yourself?"

The pain in Mrs. Sims' breast eventually spread into her shoulder area. She was transferred Jan. 28 to the Augusta Correctional and Medical Institution, the prison system's hospital facility at Grovetown, after her defense attorney, Don Samuel of Atlanta, requested that she receive medical attention. She was taken to the Medical College of Georgia to be examined Jan. 30. A chest X-ray, blood tests and a mammogram were immediately ordered.

"There was enough indication just from looking at it the breast to warrant further investigation," said Jack Sisley, an associate professor of surgery who was Mrs. Sims' attending physician in both 1986 and 1987. He said he didn't know why she had not been returned to the hospital earlier.

The cancer has spread into one of Mrs. Sims' ribs and her hip joint. Once a week, she returns to the Medical College of Georgia for chemotherapy. She is taking a combination of five drugs orally and intravenously for an eight-week period. The dosage will be changed to three-week intervals later this month.

Dr. Russell Moores, a professor in the hematology and medical oncology section at the Medical College of Georgia, said the treatment that Mrs. Sims is undergoing has a response rate of about 75 percent with metastasized breast cancer patients. The duration of the response usually ranges from about six months to two years. Longer survivals have occurred but are rare.

Without treatment, said Moores, "it would be a matter of months."

"I don't know the answer; I don't know why this had to happen," said Mrs. Sims. "This may sound morbid, but I do know that from the minute we're born, we're going to die anyway. It just matters what we do with the time in between."

Early marriage

Nancy Ackiss Cavender Sims was born Sept. 14, 1948, in Pike County to a 16-year-old mother. "I don't ever remember not having that pressure to be perfect or excellent," Mrs. Sims said, "and that didn't come from anything my parents ever said." Her father, Roy Ackiss, held a variety of maintenance jobs. Eloise Ackiss worked in a textile mill.

Mrs. Sims was the first member of her family to graduate from high school, winning a full scholarship to Berry College in Rome, Ga. But she dropped out of Berry in 1968 when Mike Cavender, a high school dropout, asked her to marry him after he came home from two tours of duty in Vietnam. They had dated only two months. "He came home, and it was sort of

overpowering," Mrs. Sims said. "I was a naive country girl." Mrs. Sims said she divorced him in 1974 after Cavender, a 6-foot-4, 280-pound brick mason, beat her severely.

Shortly after her divorce, Mrs. Sims said she started an affair with Griffin attorney Marshall R. Sims, her former boss. Sims was a state assistant attorney general from 1965 to 1968, working on a contractual basis as a special assistant. Known as "Thunder" and "Dragon" around the office, he was 10 years older than Mrs. Sims and, like Cavender, a huge man, 6-foot-4, 270 pounds. He was also married and the father of three daughters.

Mrs. Sims enrolled at Gordon Junior College in Barnesville, Ga., in 1974 and transferred in 1975 to West Georgia College in Carrollton, where she and her 3-year-old son went on welfare and she maintained a 4.0 average. She worked as a secretary at the college and typed for professors, including U.S. Rep. Newt Gingrich, then an associate professor at West Georgia. Mrs. Sims was on Gingrich's campaign staff in 1974 and babysat his children.

"She was head over heels in love with this lawyer Sims then," Gingrich told the *Journal-Constitution*. "I think he was the man that gave her a sense that she could be somebody."

Upon graduation from college in 1976, Mrs. Sims started teaching at Pike Middle School in Zebulon, Ga. Her affair with Sims turned ugly when his wife filed for divorce on the grounds of adultery in 1977.

Trouble starts

Mrs. Sims said she and Sims were scheduled to marry in the fall of 1978, but, when she became pregnant, he said he would cancel the wedding unless she got an abortion. She complied. They were married in December. Six months later, the battering started. The marriage became a series of fights, separations and making up.

"When we were right, I was Miss Queen Bee," Mrs. Sims said.

"It was obvious she had to have his approval to be happy," said Liz Killingsworth, media specialist at Pike Middle School, "which was disgusting because she was so dynamic."

Mrs. Sims, president of the local chapter of the Georgia Association of Educators, taught in a language arts and reading rotation program that became a model for other schools. "I sent Nancy places around the state to talk about the rotation, and she was very well-received," said Jean Callaway, curriculum director of Pike County schools. "She had the qualities that make teaching an art."

Mrs. Sims' gift was an ability to motivate slow learners. When several of Mrs. Sims' seventh-graders were about to turn 16, she rewrote the driver's license manual in words they could understand.

Mrs. Sims hid her bruises from her coworkers with makeup, dark glasses and lies, too ashamed to tell anyone she had been beaten. "They knew we fussed but, you know, lawyers don't beat their wives," she said. "If you spank a child, then he or she has done something wrong. If you're being a good girl, nobody's going to treat you bad, according to the fairy-tale books. I never left the mindset of the way I was raised. Yeah, I left the farm and got an education and married a professional man, but my basic, poor, rural set of values didn't change. I didn't get out of the make-him-happy-and-he'll-love-you, dependent sort of exchange."

Save the marriage

By January 1980, Mrs. Sims was seeing a psychiatrist, Jimmy Sikes of Macon. Her consuming interest was saving her marriage. "I think she initially felt, 'There must be a way I can change to make my marriage better,'" Sikes told the *Journal-Constitution*. "She was fearful

of what would happen to him without her. If he would hold himself together. Call that a maternal role."

"I felt a need to take care of him," said Mrs. Sims. "It was very flattering for him to need me, to have this big man say, 'I cannot live without you.' I couldn't leave. How could I?"

Mrs. Sims said her husband would cry and ask forgiveness after an attack, as do many abusive husbands. "I always laid out his clothes every day," she said, "and he'd come in and say, 'I'm so sorry,' and 'We can't tell anybody about this. We've got to work this out ourselves.'"

Sikes believes Mrs. Sims was as emotionally abused as she was physically. She said her husband taunted her that he could kill her and get away with it and threatened to have her committed to a mental institution. She was taking an antidepressant and, like other battered women, had tried to kill herself.

On Aug. 24, 1981, Mrs. Sims took out a warrant for her husband's arrest, charging him with simple battery. At least three times before, she or her son had called the police to their house on East College Street, a tree-lined avenue of Griffin's finest homes.

"Marshall opened the door one time and told them, 'My wife has some problems of emotional control, and she's going to a psychiatrist to work some things out and she gets carried away.' And they say, 'Yeah, Sims, and when are we going to have another fish fry?' " Mrs. Sims said. "But I can't blame those policemen. Marshall could have hurt them, and he would have."

After Sims' arrest Aug. 24 -- he was released that same night -- Mrs. Sims said he threatened to divorce her if she didn't drop the warrant. Less than a month later, Oct. 2, she separated from him. It was their third separation in less than three years of marriage, but, this time, she intended to make it permanent. In November, she filed for divorce.

By January 1982, though, Mrs. Sims was seeing her husband again, and, by March, she had dropped not only the simple battery case but also the divorce suit.

The breaking point

"I don't think Nancy ever saw Marshall as everybody else did," said Laura Campbell, a co-teacher. "I don't think she realized she was as bright as she was. It was like she thought she was lucky to have Marshall. She always demeaned herself. Even on the days she looked great, she'd say, 'You ought to see me without makeup.' "

Mrs. Sims and her husband went to England on a sort of second honeymoon in April, but the battering had started anew in May. Mrs. Sims said that during the six weeks before she killed him, the beatings were worse than they had ever been. "Marshall's law firm was breaking up, and he was depressed and under a lot of pressure," she said. Mrs. Sims planned to quit her teaching job to help him start a new firm. She testified her husband threatened to kill his law partners the evening she shot him.

The shooting occurred in a wood shop in the upstairs of his office building in downtown Griffin. She testified that he turned her upside down that night, banged her head on the floor and also taunted her about affairs he was having with two other women.

When she begged him to stop, she testified, he told her to go home and get his pistol and "I'll put you out of your misery." She said she followed his instructions to call his bluff and show him how foolish he was being, believing he had no intention of shooting her. Her psychiatrist had advised her to use such a tactic whenever Sims made unrealistic demands, and it had worked as recently as the previous weekend.

But when she returned with the gun, Mrs. Sims said he asked her if she had brought any bullets, and she became scared that he did intend to kill her. She said she shot him in the chest as

he was coming toward her with a board. After the shooting, Mrs. Sims testified that she ran downstairs, asked a law partner to call an ambulance and awaited its arrival. One of the arresting officers noticed Mrs. Sims' hair and the right side of her body were covered with sawdust -- a result, she would say later, of the physical abuse she received in the wood shop.

More than 90 people came to testify on her behalf at a bond hearing.

Unconvinced jury

When the weeklong trial began in October 1982 in Spalding County Superior Court, few of the prospective jurors had not heard of the case. Of the 12 jurors selected, one had met the Sims at a social function, another knew Sims' first wife and had heard all about the divorce, a third was distantly related to Mrs. Sims' first husband and a fourth had once dated Mrs. Sims and knew Sims through a civic club.

Noted Atlanta defense attorney Ed Garland chose not to use the "battered women's syndrome" to explain the fear and terror under which a battered woman lives. "It was clearly a self-defense case," said Don Samuel, Garland's partner who researched the case. A crime lab expert testified that Sims' right hand had to be within nine inches of the gun when fired -- proof, Garland argued, that Sims was approaching his wife to attack her.

Garland did call witnesses who were able to testify to previous abuse Mrs. Sims had received:

Ken Slocher, a security guard for the Savannah Hyatt Regency, testified that he was called to the Sims' room June 11, 1981, by other guests who had heard a disturbance. He testified that Mrs. Sims was half-naked, her arms and body lined with welts and scratches. "He (Sims) just stated that the lady was not his wife, it was a girlfriend of several years and that she was in his charge from a mental sanitarium," he testified. The Sims were in Savannah for the annual meeting of the Georgia Bar Association.

Sue Heflin, the Sims' next-door neighbor, testified that she saw Sims pull Mrs. Sims' arms around a large tree in their back yard on a Saturday morning in 1981.

Michael Cavender, Mrs. Sims' son, testified he saw Sims hit, slap or choke his mother "more than 20" times.

But most of the nine jurors who consented to be interviewed last month by the *Journal-Constitution* were not convinced Mrs. Sims was a "battered woman." Or, if they did believe she was battered, they felt she had also battered him -- the fact that Mrs. Sims was only 5-foot-6 and 135 pounds notwithstanding. Testimony had shown that Mrs. Sims had scratched her husband on the chest during arguments and while being beaten.

"The fighting, to me, was just two people," said juror Jim Berry. "It didn't have anything to do with the battered wife. There was ample opportunity for either to leave."

"People put themselves in that position; they ask for it," said one young woman who served on the jury and agreed to be interviewed on the condition of anonymity. "I had heard he was divorced and how it (the divorce) had happened. So I wasn't surprised by the shooting."

Traumatic trial

Three of the six women on the jury refused to discuss the case, and the other three did so with hesitation, saying they had tried to forget the trial because it had been so traumatic. All three, along with the six male jurors, said they had had no second thoughts about the verdict.

In addition to claiming self-defense, Garland argued that Mrs. Sims may have shot her husband accidentally. "It couldn't have been both," said juror Berry. "It was like he was saying, 'It was self-defense, or it was an accident, just let her off.'"

Samuel said Mrs. Sims' diaries, which prosecutors presented as evidence of her emotional state, removed any possibility of "sympathy for a little old school teacher." The diaries were written as part of her psychotherapy. Some of the passages were sexually explicit or expressed anger at her husband. Others told of incidences when she had not had supper ready for him or had rejected his sexual advances. Jury foreman Reginald Barlow said of Mrs. Sims: "She wasn't no lady, not what I would have called a lady."

The jury voted to convict Mrs. Sims of murder on its second ballot, after five hours of deliberation.

The Georgia Supreme Court heard the case in 1983. Justice Harold Hill, a former associate of Marshall Sims, disqualified himself. Mrs. Sims said she had met several of the remaining six justices at state Georgia Bar Association events. Her conviction was upheld.

Mrs. Sims is back in the Medical College of Georgia Hospital this week, being treated for an infection caused by chemotherapy. She will likely return to her parents' home in Pike County by the weekend. Her six-month reprieve is expected to be extended as long as she has cancer. If she could be cured of cancer, she said she would gladly finish her life sentence - "or whatever society thinks I owe." "I will drive myself to Hardwick," she said.

She has considered filing a lawsuit against the Department of Corrections for inadequate medical care. "But I don't know what it would gain; a lot of people messed up," she said. "The only thing I can see filing one for is to provide better care for the women left at Hardwick and to help my family pay for medical expenses and a funeral." (Mrs. Sims has no insurance and will not be eligible to receive Medicaid for another two months or more.)

In a strikingly similar case, Kathryn England -- a Limestone, Tenn., woman who killed her husband in 1982 after years of being beaten by him -- filed a civil rights suit in 1983 against Tennessee prison system personnel. She contended a lump that was discovered in her breast was not treated or biopsied for five months, her breast cancer having spread during that time. By federal law, prisoners are not to be treated with "deliberate indifference" to their medical care.

That lawsuit ended in a mistrial when a federal district judge ruled that medical malpractice had to be included in the suit. The suit was then settled out of court, for a nominal amount because Mrs. England's cancer appears to be in remission. Her sentence was commuted in 1984 because the cancer was considered terminal. At 47, she works as a waitress in Bulls Gap, Tenn., and has spoken nationally on behalf of battered women.

Mrs. Sims said she decided to tell her story for the benefit of other battered women. "We are so mentally conditioned that we have to take that abuse," she said. "Women need to see how stupid it is to take, because all this is stupid. Maybe by reading this, they'll think, 'That is so stupid,' and, 'I don't have to be that stupid.' "