

2001 WL 1796781 (N.Y.Sup.)
For Dockets See [0008669/1997](http://www.courtlistener.com/dockets/2001/1796781/)

Copyright (C) 2007 ALM Properties, Inc. All Rights Reserved.
Further duplication without permission is prohibited.

Supreme Court, Tenth Judicial District, Nassau County, New York

PLAINTIFF V. COUNTY OF NASSAU

No. 8669/97

DATE OF VERDICT/SETTLEMENT: February 27, 2001

TOPIC: ASSAULT - PRISONER SUIT INMATE BEATEN BY ANOTHER INMATE, PRISONER SUIT

SUMMARY:

AWARD: \$98,500

RESULT: Verdict-Plaintiff

Pltf.'s verdict on liability 6/0. The case subsequently settled for \$98,500. Jury: 1 male, 5 female.

ATTORNEYS:

Plaintiff: [Adam M. Orlow](#); Law Offices Steven S. Orlow, P.C.; Flushing, NY

Defendant: [Chris P. Termini](#); McCabe, Collins, McGeough and Fowler, L.L.P.; Mineola, NY

JUDGE: [Ira B. Warshawsky](#)

RANGE AMOUNT: \$50,000-99,999

STATE: New York

COUNTY: Nassau County

INJURIES: (Not before the jury - settlement following the liability verdict) fractured right mandible; dislocated right shoulder. Pltf. underwent open reduction of the mandible fracture, with insertion of a plate and screws. The injury healed well. Pltf. claimed that he has some increased sensitivity to hot and cold foods and some numbness below the lower right lip.

SUMMARY:

Other Demonstrative Evidence: corrections officers' log book; incident reports; diagram of the trustee dormitory

FACTS:

Pltf., a 36-year-old tugboat captain, was serving a 90-day sentence for DUI in the Nassau County Correctional Facility. Pltf. claimed that on 5/16/96, while serving this sentence, he was assaulted in the bathroom of the trustee dormitory by another inmate. The trustee dormitory had no cells, only beds with partitions. Pltf. claimed that the night before the attack, he and his attacker had gotten into a heated verbal dispute over which television channel to watch. Pltf. further claimed that a corrections officer was present during the dispute. Pltf. contended that the next day during dinner, the other inmate pushed him, causing him to drop his tray of food. Pltf. claimed that a corrections officer, Officer Bullock, was present and did nothing. The assault took place 20 minutes after dinner. Pltf. further claimed that Deft. failed to supervise the inmates: that the officers on duty were not watching the inmates and that Officer Bullock failed to follow proper procedure when he did not send the other inmate back to the general population after the pushing incident. Pltf. called another inmate who witnessed the assault. He testified that during the assault, the two officers on duty were in the office watching television, and had covered the windows with newspapers for privacy.

Deft. contended that the pushing incident never happened because Officer Bullock got off duty at 3:45 PM, and according to Pltf. the incident at dinner was at approximately 4 PM. Deft. contended that it thus had no notice of any bad blood between the two inmates. The corrections officers' log showed that Officer Bullock's shift ended at 4 PM. Officer Bullock testified that his actual time on his shift had ended 15 minutes prior to that, and that he was relieved before 4 PM. It also showed that he did a prison count at 4 PM. Additionally, the log also demonstrated that Officer Bullock had been relieved several hours before the television dispute the previous night. One of the officers on duty during the assault contradicted his EBT testimony as to where he was during the incident. At trial he testified that he was at a guard desk in the dorm. At his EBT he said he was in the office. Pltf. claimed that this supported his position that both guards were in the office watching television, rather than one in the office and one at the desk as they were supposed to be.

ALM Properties, Inc.

Supreme Court, Nassau County, New York

PUBLISHED IN: New York Jury Verdict Reporter, Vol.XVIII, Issue 41

2001 WL 1796781 (N.Y.Sup.)

END OF DOCUMENT