

METRO VERDICTS

MONTHLY

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Number 11

District of Columbia Superior Court

Municipal Liability - Stabbing - Prisoner in Sleeping Area

Verdict: \$850,000

Judge: Brook Hedge

Date of Verdict: 2/28/97

Plaintiff's Attorney(s): Douglas Sparks, Washington
Geoffrey D. Allen, Washington

Defendant's Attorney(s): James A. Devita, Washington

Facts: Plaintiff's decedent was a prisoner at a medium-security prison maintained by Defendant District of Columbia in Occoquan, VA. Decedent was attacked and fatally stabbed by another prisoner in the sleeping area of the prison dormitory. A duty post in the sleeping area was unmanned at the time of the incident and the only two guards on duty were patrolling other areas of the dormitory. A federal court order required three guards to be present at all times.

Plaintiff alleged that defendant failed to provide a reasonable level of supervision in providing only two guards when three guards were required, and by failing to have a guard on duty at a post which should have been manned at all times. Further, defendant was negligent in failing to adequately control contraband weapons in the facility.

Defendant contended that they complied with the standard of care and that decedent did not survive for more than five minutes.

Plaintiff Personal Data: Plaintiff's decedent was a 26 year old single black male who was incarcerated.

Alleged Injury: Multiple injuries, including contusions, abrasions, lacerations and five penetrating stab wounds (one to heart), resulting in death following 10 to 15 minutes of pain and suffering. Decedent was survived by two minor children.

Jury Deliberations: 4 hours

Settlement Efforts: Last Demand: \$75,000 Last Offer: \$60,000

Insurance Carrier: Self-insured

Expert Witnesses:

Plaintiff: Robert Fosen, Ph.D. - Penologist - Washington DC
Marie A. Pierre-Louis, M.D. - Forensic Pathologist - Washington DC
Defendant: Jack Rafferty, Ph.D. - Penologist - Levittown PA

Case Caption: Mona Daniels Logan as Personal Rep. of the Estate of Joseph Daniels v. District of Columbia

Case Number: CA95-8472

Editor's Note: Per plaintiff's counsel, defendant's own witness admitted that a guard should have been stationed in the sleeping area.