

NEW YORK STATE COURT OF CLAIMS

CHARLES WRIGHT,

Claimant,

-against-

THE STATE OF NEW YORK,

Respondent.

**VERIFIED CLAIM**

Claim No.: E23-5143

Claimant, Charles Wright, appearing through his attorneys at Barket Epstein Kearon Aldea & LoTurco, LLP, hereby alleges against Respondent, the State of New York, as follows:

1. This case arises out of the brutal assault and torture of Charles Wright by agents and employees of the State of New York, which began on October 7, 2023 during the State-ordered lockdown and full facility search of Green Haven Correctional Facility, and concluded after Claimant was transported to Great Meadow Correctional Facility where he was waterboarded. The State is responsible for the horror inflicted upon Mr. Wright by members of the Correctional Emergency Response Team (“CERT”) – including Officer J. Souza – and other State agents, and he brings the present action seeking compensation for his extraordinary damages.

2. Mr. Wright was at all relevant times a sentenced prisoner committed to the custody and care of the New York State Department of Correction and Community Supervision.

3. Green Haven Correctional Facility is a maximum-security prison in the State of New York, Dutchess County.

4. Great Meadow Correctional Facility is also maximum-security prison in the State of New York, Washington County.

5. Mr. Wright's Departmental Identification Number ("DIN") is 16A0742, and he is presently housed at Upstate Correctional Facility, having been moved twice since his vicious assault.

6. Mr. Wright, as set for the below, was the victim of an atrocious, unprovoked attack – perpetrated to injure, terrorize, and dehumanize him – and he suffered substantial damages, including physical and mental pain and anguish.

7. On October 7, 2023, Mr. Wright was locked in his cell at Green Haven Correctional Facility (11 Cell, 3 Gallery, E Block), following all laws, rules, and guidelines. Claimant was not in possession of any contraband, nor had he been involved in any disturbance of any kind. Claimant, at the time, was enrolled in Columbia-Greene Community College courses with Hudson Link, and he was also working as a facilitator for the Alternatives to Violence Project ("AVP"). The facility was locked down, prisoners were confined to their cells, and there had been no hot water for days.

8. On information and belief, the lockdown at Green Haven, and the activation and deployment of CERT officers to the facility, was ordered by the State as a consequence of a prisoner-on-guard assault, committed by a prisoner who was housed on E block, 3 Gallery, whose name is known to counsel, and whose initials are R.D.

9. CERT officers were on Claimant's gallery and had been beating select incarcerated individuals. Mr. Wright could hear the CERT officers marching in cadence, chanting, "Whose house? Our house," and he could hear the violence being perpetrated on other men.

10. Eventually, at approximately 10:00 a.m., multiple CERT officers, including Officer J. Souza – stopped at Mr. Wright's cell and directed him to strip to his underwear and slippers, put his hands behind his head, and turn around and put his back to the gate. He did exactly as he was

told. One of the officers then told Mr. Wright to remove his glasses, which made him nervous. Next, Mr. Wright heard someone say, “Hit 11,” followed by someone yelling, “What are you doing?” “What are you reaching for?”

11. At this point—in an incident these pleadings will refer to as the “Green Haven Battery”—one of the officers punched Mr. Wright in the back of the head while another officer held his hands. Mr. Wright fell to the floor. Officers held his arms crossed behind his back. One officer punched Mr. Wright in the face, one officer was gouging his eyes, and another officer was sitting on his back. The officers were yelling “Stop Resisting,” even though Mr. Wright was not resisting.

12. During the Green Haven Battery, an officer put his fingers inside Mr. Wright’s mouth and pulled his head back. Next, while an officer held his mouth open, another officer deployed oleoresin capsicum spray (“OC spray”) directly into his mouth. The officer who had been gouging his eyes then began banging Mr. Wright’s head against the floor and against the side of the toilet while, as another officer twisted Mr. Wright’s ankle and toes and then started stomping his calves and thighs.

13. One of the officers asked Mr. Wright, dizzy and choking, if he was ready to die, but Mr. Wright, unable to speak, did not answer.

14. Eventually, with blood dripping from his face, the officers put flexicuffs on Mr. Wright’s wrists, behind his back, and walked him down the gallery and to the medical clinic, past representatives from the Office of Special Investigations (“OSI”), who were present during the lockdown and witnessed the beatings.

15. Both of Mr. Wright's eyes were closed and bloodshot, blood vessels had burst, the right side of his forehead was swollen, and his shoulders were hyperextended. CERT officers remained with Claimant in the medical clinic and did not permit him to report any injuries to staff.

16. Next, the officers accused Mr. Wright of having contraband secreted in his body and took him to an observation room. Later that evening, beaten and in pain, officers cuffed Mr. Wright's ankles, placed a chain around his waist, and shackled him, such that his knees were forced against his chest, placed him in a van, on his side, and transported him to Great Meadow Correctional Facility.

17. When Mr. Wright arrived at Great Meadow Correctional Facility, he suffered what these pleadings will refer to as the "Great Meadow Torture," which began with an officer who sprayed him with OC spray again before he even got out of the van, and threatened to take his eyes out with a ceramic blade.

18. Next, the officers told Mr. Wright that he was going to have to hop out of the van like a dog, and an officer grabbed him by the lapel of his shirt and pulled him out of the van. Still shackled and in a crouching position, Mr. Wright began to take miniature steps away from the van.

19. Eventually, as the Great Meadow Torture escalated, the officers took off Mr. Wright's waist chain, and he was able to stand up. He was then taken to another observation room, laid down on his back, and shackled to a bed. An officer told him, "I am going to terrorize you worse than they did."

20. This officer, a white male, had a distinctive appearance, as he had a white left eyebrow, a trimmed, full beard, and a mohawk hairstyle.

21. This officer, accompanied by at least one other guard in his immediate vicinity, then removed a dirty rag from the left pocket of his cargo pants, placed the rag over Claimant's

nose and mouth, and started pouring water over the rag. The officer then asked Claimant, “Are you scared of me more than them?”

22. After approximately 45 seconds, with no intervention from the nearby officer, Mr. Wright stated, “Yes,” and the officer stopped, stood him up, and said, “Welcome to Great Meadow.”

23. At one point during the Great Meadow Torture, the officer also stated, in substance, that “this is going to be 1619 all over again.”

24. Mr. Wright was then given a smock to wear and placed in another observation cell for the next three days. After submitting three clear feces samples and undergoing an Xray, Claimant was then placed in a regular cell.

25. Another incarcerated individual whose name is known to counsel, whose initials are E.T., and who was also brutally beaten by CERT officers on October 7, 2023 at Green Haven Correctional Facility, and then transported to Great Meadow, was also waterboarded and tortured by an officer at Great Meadow with the same distinctive appearance as the officer who tortured and waterboarded Mr. Wright—a white male, with a white eyebrow and a mohawk hairstyle.

26. Mr. Wright was subsequently issued a Tier Three ticket falsely accusing him of possessing contraband, assaulting staff, engaging in violent conduct, creating a disturbance, and refusing a direct order. He was found guilty after a hearing, and was sentenced to six months in the SHU.

27. On October 26, 2023, Mr. Wright was moved again from Great Meadow Correctional Facility to Upstate Correctional Facility.

28. Mr. Wright still suffers from migraines and sensitivity to light, his repeated requests for medical care have been ignored, and he is profoundly traumatized.

29. All of Mr. Wright's religious books, photographs, and legal work are also gone.

**FIRST CAUSE OF ACTION**  
**BATTERY 1: The Green Haven Battery**

30. Claimant realleges and incorporates by reference all preceding paragraphs.

31. In executing the Green Haven Battery on Claimant, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

32. The Claimant did not consent to being touched, assaulted or battered; nor did he at any time resist or refuse any direct order.

33. The force used by the State agents on Claimant was not commensurate with the force necessary under the circumstances.

34. The force used on the Claimant violated Corrections Law §137(5).

35. Claimant's battery involved bodily touchings of Claimant that were offensive, harmful, and painful, and caused substantial physical and mental damages as set forth above.

36. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SECOND CAUSE OF ACTION**  
**BATTERY 2: The Great Meadow Torture**

37. Claimant realleges and incorporates by reference all preceding paragraphs.

38. In executing the Great Meadow Torture on Claimant, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

39. The Claimant did not consent to being touched, assaulted or battered; nor did he at any time resist or refuse any direct order.

40. The force used by the State agents on Claimant was not commensurate with the force necessary under the circumstances.

41. The force used on the Claimant violated Corrections Law §137(5).

42. Claimant's battery involved bodily touchings of Claimant that were offensive, harmful, and painful, and caused substantial physical and mental damages as set forth above.

43. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRD CAUSE OF ACTION  
NEGLIGENT FAILURE TO INTERVENE: The Green Haven Battery**

44. Claimant realleges and incorporates by reference all preceding paragraphs.

45. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

46. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant at Green Haven.

47. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate the Green Haven Battery.

48. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate the Green Haven Battery.

49. On information and belief, if there had been such intervention, the Green Haven Battery would have been stopped or significantly mitigated.

50. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

51. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

52. The Claimant suffered substantial conscious physical and emotional pain and anguish.

53. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FOURTH CAUSE OF ACTION  
NEGLIGENT FAILURE TO INTERVENE: The Great Meadow Torture**

54. Claimant realleges and incorporates by reference all preceding paragraphs.

55. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

56. On information and belief, unnamed employees of the State knew of the violent propensities of the State employees and agents who committed the Great Meadow Torture.

57. On information and belief, unnamed employees of the State were in a position to intervene to prevent or mitigate the Great Meadow Torture.

58. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate the Great Meadow Torture.

59. On information and belief, if there had been such intervention, the Great Meadow Torture would have been stopped or significantly mitigated.

60. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.



61. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

62. The Claimant suffered substantial conscious physical and emotional pain and anguish.

63. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTH CAUSE OF ACTION  
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION**

64. Claimant realleges and incorporates by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

65. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

66. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

67. On information and belief, the officers and employees of the State who brutalized Claimant during the Green Haven Battery and the Great Meadow Torture had violent propensities, having assaulted and used unconstitutional degrees of force against other incarcerated individuals in the past.

68. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Green Haven Battery and Great Meadow Torture.

69. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

70. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of Claimant's assault, and yet nevertheless hired and allowed them to remain employees of the State.

71. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

72. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

73. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who terrorized Claimant during the Green Haven Battery or the Great Meadow Torture were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

74. The battery and torture were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

75. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

76. The Claimant suffered substantial conscious physical and emotional pain and anguish.

77. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**DAMAGES**

78. Claimant realleges and incorporates by reference the preceding paragraphs.

79. The wrongful acts and omissions of the State caused and cause Claimant's conscious pain and suffering, fear of imminent death, and emotional anguish and distress.

80. Claimant is entitled to \$20 million in compensatory damages.

81. Claimant's injuries did not result from any negligence or fault on Claimant's part.

**WHEREFORE**, Claimant requests the following relief:

82. An award of full and fair compensatory damages of at least \$20 million; and

83. Any such other and further relief the Court may find to be just and proper.

Dated: Garden City, New York  
December 29, 2023

Respectfully submitted;

**BARKET EPSTEIN KEARON ALDEA  
& LOTURCO, LLP**

By:  \_\_\_\_\_

Alexander Klein, Esq.  
Danielle Muscatello, Esq.  
666 Old Country Road, Suite 700  
Garden City, NY 11530  
(516) 745-1500  
aklein@barketepstein.com  
dmuscatello@barketepstein.com

**ATTORNEY VERIFICATION**

ALEXANDER KLEIN, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant Charles Wright being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

I am providing this Verification because the Claimant is not within the County in which my office is located.

Dated: Garden City, New York  
December 29, 2023



Alexander Klein, Esq.  
666 Old Country Road, Suite 700  
Garden City, New York 11530  
(516) 745-1500  
aklein@barketepstein.com

Sworn to before me this  
29 day of December 2023

  
NOTARY PUBLIC

**SUZANNE M. O'DONOGHUE**  
NOTARY PUBLIC, State of New York  
No: 01OD628948U  
Qualified in Suffolk County 2025  
Commission Expires Sept. 30, 2025