

# THE BUFFALO NEWS

## Suit claiming ‘subhuman’ conditions at Wende revived by appeals court

Aaron Willey claims ‘subhuman’ treatment

By Phil Fairbanks | News Staff Reporter  
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Nearly eight years have passed since Aaron Willey first argued that, even in prison, people are entitled to their humanity.

Willey, a former inmate, took state prison officials to court over “degrading” and “subhuman” conditions at the Wende Correctional Facility in Alden.

Chief among the allegations is Willey’s claim that he was confined for seven days in a cell with restricted air circulation and a non-working toilet.

He also claims he was kept naked for two weeks in a mental health observation cell and later moved to a cell with urine and feces stains on the walls.

Late last week, an appeals court found credibility in his allegations and revived his civil rights lawsuit against state prison officials.

“This case is about human beings abusing a fellow human being, someone they were charged with keeping safe,” said Timothy W. Hoover, one of Willey’s lawyers. “Prisoners don’t check their humanity at the prison gates. And neither should corrections officers.”

In court papers, the state says Willey’s claims are unverified and in some cases exaggerated. State officials would not comment on Willey’s suit except to confirm that they are reviewing the latest ruling from the 2nd Circuit Court of Appeals.

The ruling overturns U.S. District Judge Michael Telesca’s decision to dismiss the suit and challenges his conclusion that conditions at Wende were “on the borderline” between acceptable and unacceptable.

In his original typewritten complaint, filed in 2007, Willey said his problems at Wende started when he was asked to inform on a fellow prisoner suspected of smuggling drugs into the prison.

Willey says he didn’t know anything about the prisoner or the drugs, yet the sergeant questioning him continued to press the issue. At one point, the suit says, the sergeant opened his desk drawer and produced “what appeared to be a weapon or piece of metal.”

“Either you work with us as an informant or you are going to be charged with a weapon,” the sergeant allegedly told Willey.

When Willey still refused, the retaliation began, according to the suit.

Serving time for robbery, Willey was about a year into his five-year sentence when prison officials allegedly followed through on their threat and charged him with weapons possession.

They also removed Willey from the general prison community, the suit says, moved him to a special housing unit and placed him in solitary confinement for the next four months.

It was during his time in solitary that Willey allegedly endured the harassment and inhumane conditions.

In court papers, he says the urine- and feces-stained cells at Wende were just one part of a larger problem. He also claims prison guards tried to steal his legal documents and, as punishment once, put him on a week-long diet of stale bread and old cabbage.

“It’s pretty gruesome to imagine the conditions he endured,” said Ryan A. Lema, another of Willey’s lawyers. “The unsanitary conditions he was subjected to go beyond human decency.”

Lema, Hoover and another Phillips Lytle attorney, Michael S. Silverstein, have worked on the appeal pro bono and may be in line to continue as Willey’s lawyers once the suit returns to the lower court.

They believe the “18th-century” conditions at Wende resulted in their client developing mental health problems and led to his suicide attempt in 2006.

Willey, who was moved to the Central New York Psychiatric Facility for five months during that time period, maintains he had no mental health problems before he went to jail.

“The actions that occurred should be of concern to everyone,” Hoover said of the conditions at the maximum security facility. “No one knows when they will find themselves, or a family member, or a loved one, under the control or in the custody of the government. Our Constitution bars cruel and unusual punishment, and no one should be subjected to it.”

Hoover said the appeals court ruling is a “clear and forceful” statement of the Constitutional protections that apply in prison settings.

The judges, in their decision, said Telesca was wrong to suggest that the alleged shut off of water to Willey’s toilet might come close to the “levels of discomfort to be expected in prison.” Telesca also noted that Willey never claimed his toilet overflowed into his cell and never indicated he became ill because of the stench.

A three-judge panel from the Court of Appeals unanimously disagreed.