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Inmate wins federal case

Jury directs Folsom staffers to pay \$39,000 in punitive damages.

By Denny Walsh - dwalsh@sacbee.com

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A federal court jury has found an inmate's constitutional right to be free of cruel and unusual punishment was violated when he was deprived of outdoor exercise during four extended lockdowns at a state prison in Folsom.

The jury awarded Gregory Lynn Norwood only \$11 in nominal compensatory damages but also directed six high-ranking current and former corrections officials to pay Norwood a total of \$39,000 in punitive damages.

Punitive damages are meant to punish and make an example of defendants and to deter others from similar conduct.

According to a trial brief filed on behalf of the corrections officials, lockdowns are normally recommended by the facility captain and approved by the prison's warden.

Cheryl Pliker, a former warden at the prison, was assessed \$16,000 in punitive damages. Another former warden, Mike Knowles, who is also retired, was assessed \$3,000; Thomas Goughnour, a former associate warden who is retired, \$5,500; James Walker, a former associate warden who is now the prison's warden, \$1,500; Steve Vance, still a captain at the prison, \$11,500; David Willey, a former prison captain who now works in the Sacramento headquarters of the Department of Corrections and Rehabilitation, \$1,500.

The jury of seven women and one man deliberated nine hours and returned its verdict Thursday.

At the heart of Norwood's civil rights lawsuit were the four lockdowns of the facility where he was housed at California State Prison, Sacramento – also known as New Folsom – in 2002 and 2003. The lockdowns stemmed from separate prisoner attacks on staff.

African American general population prisoners in B Facility, of which Norwood was one, were locked down for 14 of the 22 months from Jan. 4, 2002, to Nov. 4, 2003.

Norwood, 46, who is doing life without parole on first-degree murder and second-degree robbery convictions, claimed the lockdowns deprived him of outdoor exercise, resulting in stress, anxiety, depression, headaches and muscle cramps.

He contended the lockdowns were needlessly prolonged, ostensibly for security reasons, but actually as punishment and retaliation.

Investigations of stabbing assaults involving staff take months, while investigations of incidents that do not implicate staff are completed in a matter of days, Norwood claimed.

He alleged the stabbing assaults that gave rise to the lockdowns were spontaneous and isolated incidents and there was no continuing threat from the general population.

During a lockdown, according to the defendants' trial brief, all normal programs are canceled and inmates are confined to their cells seven days a week, 24 hours a day, with the exception of a five-minute shower every other day, excluding Sundays.

Lockdowns are meant to allow prison staff time to investigate the events that triggered them, prevent further incidents, remove and isolate inmates responsible, and diffuse tensions under controlled conditions, the defendants' trial brief says.

Norwood represented himself throughout the life of the suit, which was filed in December 2003.

But things took an unusual turn midway through the trial.

Circumstances convinced U.S. District Judge Garland E. Burrell Jr., who was presiding, that Norwood may unwittingly have deprived himself of a fair trial. On Nov. 1, the judge sought assistance for Norwood from the University of California, Davis, School of Law Civil Rights Clinic.

With very short notice and the trial in recess, two law students and Carter White, director of the clinic, met with Norwood, conducted an abbreviated investigation and prepared questions for witnesses.

The students, Erin Haney and Nagmeh Shariatmadar, questioned corrections officials who testified, and White questioned an inmate who corroborated many of Norwood's claims. White also made the rebuttal closing argument on behalf of Norwood.

While students have often represented prisoners in the 14 years of the clinic's existence, they had never been on the winning side of a jury trial, White said in an interview.

"It's very difficult to persuade a jury that corrections officials should not be accorded deference in the operation of a prison," he noted. "In this instance, the jurors wanted to send a different message. They clearly saw their role in this as righting a wrong."

Before excusing the jury, Burrell told its members they had given life to the phrase "equal justice under law."

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