

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

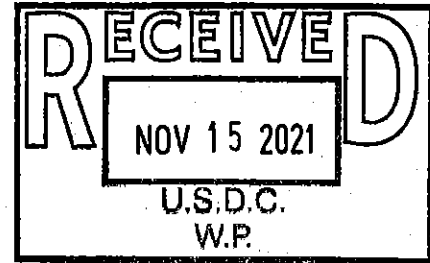
ANTHONY RODRIGUEZ,

Plaintiff,

v.

TENNESSEE S. PALMER AND A. VALLE,

Defendants.



Case No. 21-CV-8078 (KMK)

MEMO ENDORSED

DECLARATION

INCIDENT WHICH OCCURRED AT GREEN HAVEN C.F.
ON JAN. 6, 2021 INVOLVING PLAINTIFF

I, Anthony Rodriguez, declare under penalty of perjury that the following facts are true and correct:

On Jan. 6, 2021, I, Anthony Rodriguez 93A9247, did witness C.O. T. Palmer, yelling at inmate, T. Haywood 09A2545, to go back to his assigned program area of the Corcraft Industry at G.H.C.F. Inmate Haywood tried to explain to C.O. Palmer, he was instructed to empty all wood scraps bins and ready that garbage for disposal. C.O. Palmer then became irate because inmate Haywood wasn't moving fast enough. At this time, C.O. Palmer pulled out his mase cannister and threatened to spray inmate Haywood if he didn't comply. C.O. Valle, began inching slowly towards the exchange transpiring between the two individuals. When inmate Haywood put his hands up in a surrendering gesture, C.O. Plamer discharged the mase cannister. I was standing about five feet away from this incident at my work station. Myself and a few other inmates began saying how C.O.

Palmer

Palmer's actions were uncalled for and I also mentioned that I could not be around discharged pepperspray because of a medical condition. As I began to move away from the area, C.O. Palmer sprayed me in the face. I was affected immediately and became very disoriented. I began violently sneezing, coughing uncontrollably, nauseous and my eyesight began becoming more and more blurry. I continued to express the maladies I was experiencing until I completely lost the ability to see. Suddenly, I was bearhugged from behind and violently thrown to the ground and this was when I blacked out.

I was jolted awake when C.O. Palmer jumped on my chest with his knees and he sprayed me again while he was yelling: "Stop resisting!". I began complaining of chest pains I was now experiencing and not being able breath properly made the pain worse. C.O. Palmer remained on top of me, pinning me to the floor keeping me face down.

Shortly thereafter, I was handcuffed and yanked to my feet by another C.O. who then shoved me violently against the nearby wall. I kept complaining of my chest pains, trouble breathing and the loss of my eyesight. I was then forced to walk stumblingly while being dragged still handcuffed to the infirmary. I was being painfully held up by my handduffed hands behind my back and was told I should not have been fighting. I was never in a fight before all this occurred and had no idea who I was supposedly in an altercation with. During the Clinic staff's ministrations, I began experiencing increasing heart problems but a Sgt. and LT. kept interrupting the Clinic Staff to ask me what happened. The

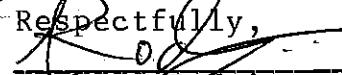
blackouts and heart problems I was experiencing then are a result of the stroke I had back in 2012. The resurgence of these medical problems were caused due to C.O. Palmer's violent conduct and the pepperspray I was subjected to. After the nurses completed cleaning and bandaging all the bloody wounds throughout my body due to C.O. Palmer's violent conduct, I was rushed to Vassar Hospital for further medical assistance because I was experiencing increased heart problems.

When I returned to Green Haven C.F., I was placed in an isolation room on the infirmary's 2nd floor for the night. There was no explanation as to why this was required. The very next day, 6/7/2021, I was issued a Misbehavior Report for: Fighting, Assault on inmate, direct order and Weapon use. Inmate T. Haywood 09A2545, was the individual I was being accused of having the altercation with. Wholeheartedly, I believe the Misbehavior Reports were written to cover-up C.O. T. Palmer's misconduct, unprofessionalism and criminal acts. Furthermore, C.O. Palmer admitted he did not see me nor inmate Haywood fighting during his testimony at inmate Haywood's disciplinary hearing, (See - Green Haven C.F.'s Hearing Tape #D-34, inmate T. Haywood 09A2545) - Tier III Hearing).

These events are true to the best of my recollection. They (Correctional Staff) are also claiming that camera footage does not exist of any part of the incident. Some kind of Body Camera footage should exist of any portion of this occurrence but strangely it does not.

In conclusion, none of the contentions brought against me within the Misbehavior Report, the fabricated Unusual Incident Report and the Tier III disciplinary hearing, (Sae - Green Haven's Hearing Tape #D-24), were truthful or proper in any form or fashion. I should not have been attacked nor brutally treated by C.O. Palmer and all other Correctional staff involved in this incident.

11/12/21
Executed on

Respectfully,

Anthony Rodriguez
93A9247

Clinton Correctional Facility,
P.O. Box 2001
Dannemora, N.Y. 12929

The Court will consider this Declaration as annexed to Plaintiff's Complaint.

Plaintiff's Motion To Award Damages, (Dkt. No. 9), is denied without prejudice as premature. The Court will consider this Motion as annexed to Plaintiff's Complaint.

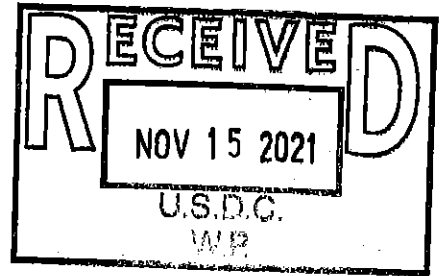
The Clerk of Court is respectfully directed to terminate the pending Motion, (Dkt. No. 9), and mail a copy of this Order to Plaintiff.

SO ORDERED


KENNETH M. KARAS U.S.D.J.

11/19/21

AFFIDAVIT OF SERVICE



STATE OF NEW YORK)
)
COUNTY OF DANMORA)

Rodriguez v. Palmer et al
21-CV-08078
District Judge: Kenneth M. Karas
Magistrate Judge: Judith C. McCarthy

Anthony Rodriguez, being duly sworn, deposes and says:

I am the above-mentioned Plaintiff, and I have served the following documents: 42 U.S.C subsection 1983 Declaration and Notice Of Motion, upon the following party(ies):

White Plains Courthouse
300 Quarropas Street
White Plains, N.Y. 10601-4150

by placing the above in a post-paid envelope and depositing it in a United States Postal Service mailbox located at: Clinton Correctional Facility, P.O. Box 2001, Dannemora, N.Y. 12929, on the 12 day of November, 2021, as due and sufficient service.

Respectfully,

A handwritten signature in dark ink, appearing to read "Rodriguez", written over a horizontal line.

Anthony Rodriguez
93A9247

SWORN TO BEFORE ME THIS

12 DAY OF November, 2021

A handwritten signature in dark ink, appearing to read "Michael Miller", written over a horizontal line.

NOTARY PUBLIC

Michael Miller
Notary Public State of New York
No. 01 MI 6424453
Qualified in Clinton County
Commission Expires 11-1-2025