

Third prisoner files lawsuit over padlock beatings

By Stephen Betts | Jan 16, 2012



Bangor — A third federal lawsuit has been filed against the Maine State Prison over claims by prisoners that they were beaten by other inmates with padlocks.

The lawsuit on behalf of Gerard Landry was filed Friday, Jan. 13 in U.S. District Court in Bangor.

Landry claims he was violently assaulted Sept. 6 at the state prison in Warren by another inmate. Landry claims in the lawsuit that he suffered significant head and facial injuries.

The lawsuit notes that over the past year, several inmates have been assaulted by other inmates who used padlocks as the weapons. Prisoners Keith Ayotte and David Lakin both filed federal lawsuits Aug. 30 over what they said were assaults by other inmates who used padlocks.

At that time, Associate Maine Corrections Commissioner Jody Breton said inmates are issued padlocks with the lockers they use to store items. She said the Maine Department of Corrections was likely to review the possession of items such as padlocks.

The corrections department could not be reached for comment Jan. 16 because state offices were closed for the Martin Luther King Jr. holiday.

Because the Landry lawsuit was filed Jan. 13 there is no response yet filed by the state.

But the state has responded in the other two lawsuits and claims that it is immune from such lawsuits based on various legal grounds. The state also argues that the prison did not violate any federal constitutional rights or state laws in its conduct.

"Plaintiff's injuries were caused by his own conduct or the conduct of a third person, for whose conduct defendants are not legally responsible," the state's responses in the first two lawsuits state.

In November, U.S. Magistrate Judge Margaret Kravchuk put a hold on discovery requests for evidence to be turned over to defendants in the Ayotte and Lakin cases. The prosecution argued successfully that the criminal cases against the people charged with assaulting Ayotte and Lakin are pending in Knox County Superior Court and the release of discovery information could hamper the prosecution.

Scott Allen Noble, 29, Maurice Angus Diggins, 27, and Randall L. Brackett Jr., 26, were indicted in January 2011 for the various offenses related to the Lakin assault. In that case, the inmates were accused of trying to steal a PlayStation from the victim.

Mark Harris, 37, has been indicted for aggravated assault against Ayotte. His case is also pending.

Landy is serving a five-year sentence for burglary.

Lakin is serving a 52-year sentence for murder and kidnapping. Ayotte is serving a five-year sentence for aggravated assault and a year for assault on an officer.

All three prisoners who have filed the federal lawsuits are represented by attorney Verne Paradie Jr. of Auburn.

<http://knox.villagesoup.com/news/story/third-prisoner-files-lawsuit-over-padlock-beatings/479430?cid=1017519>