



Staten Island Advance

Judge permits injured convict's lawsuit

Paraplegic felon can move forward with his claim for injuries suffered while being transported from court to jail

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STATEN ISLAND ADVANCE – A paraplegic convict from New Brighton can move forward with his federal negligence lawsuit against the city for injuries he allegedly suffered when his wheelchair slammed into the window of a Department of Correction van returning him to jail from court.

Devin Sayers, 28, had just been arraigned on charges he shot two people in New Brighton and was on his way back to Rikers Island on May 23, 2004, when his wheelchair tipped back as the van he rode in crossed the Verrazano-Narrows Bridge. Sayers banged his head against the window, came out of the chair and landed partially on his back, according to court papers.

The city moved to dismiss Sayers' claims outright, but a federal judge ruled this month that Sayers' claims that the Correction Department failed to properly train its officers or adhere to the Americans With Disabilities Act can go forward.

"It's incredible that the city has, even to this day, no training," said Sayers' lawyer, Brett H. Klein. "They come in contact with handicapped prisoners every day of the week. They're completely turning a blind eye to the rights of handicapped citizens who come into contact with the city's Department of Correction.

Representatives of both the city's Correction Department and Law Department declined comment yesterday, stating that they wouldn't remark on pending litigation.

Sayers, who's seeking unspecified monetary damages, claimed he broke his hip in the fall, though the exact nature of his injuries remains under dispute. Klein said, however, that the city couldn't find the x-rays in its medical records on Sayers to back up its objection.

The two Correction officers handling Sayers faced the wheelchair the wrong way and strapped down only the rear wheels, despite Sayers' protests, court papers said.

"The officers stated that 'this is our procedure,' that 'this is how we have to do it,' and locked the wheels of his chair," Brooklyn U.S. District Court Judge Charles F. Sifton wrote last week.

Although Sifton allowed Sayers' claims against the city to go forward, he ruled out the claims against the two officers who handled him, since they were acting in their capacity of city employees.

Sayers had been charged with the shooting of his longtime friend Kerrick Jacobs, 22, and a woman, on the previous day.

Sayers and Kerrick got into an argument over "hanging out," according to court papers. After the argument, Sayers, who uses a manual wheelchair, fetched a gun from his Jersey Street apartment and shot Kerrick in the leg. The bullet passed through, striking the woman in the leg as well.