

Man sentenced in county jail altercation files suit

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A former inmate is suing the Sullivan County Jail claiming he was punched in the face after being restrained and handcuffed by guards in 2005, violating his 8th Amendment right to be free from cruel and unusual punishment.

Unity Frank Philbrook, formerly of Newport and who is currently housed at the state prison in Concord, filed the suit April 30 and is asking for \$500,000 in damages and reimbursement for all legal fees.

According to court documents, Philbrook was involved in a "disturbance" in the maximum security tier at the jail late on the night of April 28, 2005. At the time, inmates reportedly set fire to their bedding, destroyed the toilets and sinks and threw objects at officers.

Eleven inmates were investigated for their role, and four of them were reported to have resisted efforts by guards to gain control of the situation. County Attorney Marc Hathaway said at the time he

believed the guards behaved appropriately in putting down the disturbance.

Philbrook claims in his suit, filed in United States District Court, that he was using a mattress as a shield before he was restrained by guards. After he was in handcuffs, he alleges "whoever is on my right side punches me in the face. This was done sadistically and violently for no other reason but to cause pain."

The suit claims the alleged assault was videotaped by the Claremont Police Department. Philbrook wrote that he requested a copy of the tape to determine which guard allegedly assaulted him, but a copy has not been released.

According to court documents, Philbrook was sentenced Nov. 14, 2005, to between three and 30 years after being convicted of assault by a prisoner.

Philbrook filed a motion in Sullivan County Superior Court in December requesting the personnel records of the eight current and former guards named in the suit. The

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copies of those records have not been released.

Because of the alleged assault, Philbrook claims to have suffered a minor seizure caused by stress, minor bruising and psychological pain.

Philbrook, who is representing himself, is requesting a jury trial.

United States Magistrate Judge James Muirhead ordered Philbrook to pay an \$8.20 filing fee no later than July 1 or the

suit would be dismissed. Also, any income credited to his account at the prison must be turned over to the court until a total of \$350 is paid for the filing fee.

All future proceedings in the case will be filed with the court electronically.

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