

In the Matter of  
WARREN LILLY, JR. #447655

Case No. 07CV392

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**SUMMARY OF EXHIBIT 1: DOC's DVD of 2-27-09 SUPPER FEEDING**

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Over this past weekend, the Court watched the two-hour and nine minute video off of Exhibit 1, which was the video of the forced feeding of Inmate Lilly on the evening of February 27, 2009. This was not watched in the courtroom, and therefore has not been transcribed by a court reporter. In fact, it would be difficult for a court reporter to transcribe much of it because of ambient noise and comments by other people walking down the hall and other inmates in adjoining cells. However, it would give the reader a good idea of what the process consisted of and some of what Inmate Lilly had to say.

I did not write down everything that he had to say, and maybe only have a third of what he said here, but it still gives the reader a reasonable sketch of what transpired during the two-hour feeding. Primarily what I left out in the statements of Mr. Lilly are many additional shouts of "STOP THIS!!". Much of what Lilly had to say was shouted out. The loudest shouting, however, is shown in ALL CAPS, with the very loudest followed by double exclamation points.

The actual start time on the DVD on February 27<sup>th</sup> was 5:32 p.m. However, as the DVD is running, I don't have that clock, but I rather have the DVD internal clock, and those are the times that I am referencing below.

:30	Four SWAT team members are introduced by the white shirt officer. Two team members have large bolsters. All four have helmets with face shields, latex gloves, heavy clothing, high boots, etc.
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1:15	<p>The team announces itself to Mr. Lilly. Lilly requests to use his toilet. He is given a chance to do that before they enter.</p> <p>They go through a series of questioning asking such things as whether he would accept a meal tray, and whether he would wear clothing. He is told that if he won't accept the meal tray they will be force feeding him.</p>
3:30	<p>Just before they enter, they order him to lie on his bed on his stomach with his head turned away from them, his hands crossed behind his back. Lilly complies. The team enters, applies handcuffs which are double locked behind Mr. Lilly's back. Some type of a nylon strap is used to restrain his ankles.</p>
5:03	<p>He is seated into the restraint chair.</p>
5:20	<p>Leg restraints are applied, as well as chest restraints. He has been immobilized except for his head</p>
5:50	<p>Nurse enters with equipment. Nurse getting things ready.</p> <p>Lilly is talking to the camera. Talks about the cost of having all these guards around him for two hours watching him sitting in the restraint chair. He says something about a cost of \$18,000 a year for this feeding process. He concludes his remarks with, "Welcome to the idiot club."</p>
9:05	<p>Insertion of the tube after reading him more questions and statements.</p>
9:25	<p>Tube insertion has been completed. Lilly makes statement, "I am still losing weight, by sitting in the chair for two hours . . . I did not lose weight at New Lisbon." The feeding then starts.</p>
12:38	<p>Lilly complaining about the cold and about them leaving his door open. Lilly says, "They left the door open for two hours so the temperature goes down to 40 degrees . . . Pray to God, I am not going to survive two hours of this!"</p>
14:47	<p>Lilly: "THIS IS BARBARITY AT ITS UTMOST!"</p>
15:15	<p>Lilly notes there was some unidentified witness observing, maybe from BHS.</p>
15:54	<p>Lilly: "Why would you purposely subject me to these cold temperatures?"</p>
16:10	<p>Lilly: "STOP THIS . . . THIS IS MURDER! SOMEBODY STOP THIS FROM HAPPENING!"</p>
16:40	<p>Lilly: " This makes no sense for you to freeze me . . . how am I to gain weight if you are freezing me?"</p>
17:15	<p>Lilly: "STOP THIS! You are people, you have a conscience."</p>
17:45	<p>Lilly: "STOP THIS . . . DON'T JUST STAND THERE AND LET THIS BE DONE . . . IF YOU ARE A CHRISTIAN, STOP THIS! . . . DON'T LET THIS</p>

	BE DONE IN YOUR GOD'S NAME!"
18:20	Lilly: "The court did not order that your freeze me . . . or that you keep me in this chair for two hours."
19:10	Lilly: "YOU ARE A PARTY TO MURDER . . . YOU ARE A PARTY TO INDECENCY!"
19:38	Lilly: "What are you going to allow them to do next?" Several times during this process Lilly complains about how low his core temperature is getting down to and how dangerous this is.
20:30	Lilly: "Lt. Schultz, don't do this, don't allow this! . . . This cannot be condoned by your morality."
21:36	Lilly: "People are going in and out from rec . . . you can feel the cold air rolling into this room!" Lilly: "This is why America is going to hell . . . atrocities in the name of the state!"
22:30	Lilly: "How can this be done in this country? How can you all stand around and then go home to your children and say 'I had a good day at work?'"
23:48	Lilly: "OH MY GOD, THE COLD AIR IS JUST ROLLING IN . . . I DON'T BELIEVE THIS!" [The feeding tube is still in his nose this whole time.]
24:35	Lilly: "STOP IT!! STOP IT!!"
24:56	Lilly: "I AM FREEZING . . . STOP THIS! STOP THIS! STOP THIS! STOP THIS!"
26:13	A changing of the guard. Two SWAT team members are replaced by two others. The ones who are on "active duty" are standing just behind and to each side of Mr. Lilly in case he tries anything.
27:10	Lilly is trying to exhort the C wing inmates to protest by banging on their doors or by screaming, but they are silent. [I think most of them are out at rec now because I don't hear any ambient inmate noise.]  Lilly is now damning his fellow inmates saying that, "This is the problem with black people . . . they take it too quietly."
28:52	Lilly: "STOP THIS BARBARITY!! . . . STOP THIS MURDER!! "
29:56	Lilly: "They are flooding the basement with cold air . . . they want me to quit . . . they are going to do this three times a day, six hours a day, they are going to freeze me until the day I die."
31:30	It appears that Lilly's knees are shaking together, shivering. He still has the

	tube up his nose.
32:40	Now you can hear another inmate saying something to Lilly about he is taking notes of what they are doing and he has sent similar notes to the Governor and to their Congressman.
34:07	The other inmate continues to yell at the staff to stop this, that they have made their point. He points out that Lilly is black and that all of them are white, and there could be a claim for racism.
35:03	Another inmate mentions Lilly's nakedness and how cold it is.
36:50	Lilly shouts out his name and states his age and indicates that he, "is protesting that the DOC abuses people when they don't have to. . . and now they are trying to freeze me out . . . to kill me."
38:00	The other inmate now says he is going to go on a hunger strike too, and that he is not a black person.
38:21	The nurse re-enters and checks something, exiting about 17 seconds later.
39:53	Lilly: "I AM FREEZING TO DEATH!! . . . STOP THIS!! LT. SCHULTZ, STOP THIS!!" As we proceed, there are longer periods of silence now between Lilly's outbursts. It appears that he is still shaking/ shivering.
43:30	Another guard change for one of the individuals.
44:00	Lilly is asking just one person in his cell wing to go to their door and to say the Lord's Prayer out loud, just one person [no one does so]. Lilly: "Such bravery!" Lilly: If you are a Muslim, come to your door and praise Allah, won't you do that?"  The DOC staff has been stone silent this whole time, other than the preliminary questions that are asked prior to the feeding.
47:06	Lilly: "STOP THIS BARBARITY . . . THIS IS NOT AMERICA! STOP THIS!!"
47:45	The nurse is back, leaving again about 18 seconds later. I believe they put a towel down on the restraint chair seat before they put Lilly onto the seat. After Lilly was fastened to the chair, a towel was placed over his lap. He is naked other than for that. He has nothing on his chest or shoulders.
49:57	Lilly: "Well, Judge Bissonnette, this is the level of barbarity they have come to, because you have turned your back!"
50:55	Lilly: "If it doesn't work, keep on doing it!"

52:20	Lilly: "IF I WAS EVER GOING TO QUIT, I AM NOT NOW! . . . GOD DAMN EVERYONE WHO IS STANDING AROUND PARTICIPATING IN THIS . . . I WISH I COULD PUT A CURSE ON YOU!"
54:10	Lilly: "STOP THIS! Stop this, it won't work! What next? What are you going to do when this doesn't work?"
55:20	Lilly leans over and <b>regurgitates</b> off the left side of his chair.
57:40	Another changing of both guards. They stand behind him with their hands folded in front of them.
58:00	More ambient noise, sounds like inmates returning from rec, or from supper, or somewhere.
59:30	Lilly: "I don't care if you go to four hours . . . even 24 hours! I WILL NOT QUIT!!"
1:01:36	Nurse re-enters.
1:02:07	Nurse leaves again.
1:04:50	Lilly: "STOP THIS BARBARITY!!"
1:06:02	Lilly: "STOP THIS! STOP THIS!!"
1:06:32	(Lilly sighing) . . . "How low will they go?"
1:07:33	(Lilly groaning)
1:07:54	Lilly has somehow manipulated the feeding tube towards his back and has grabbed it with one of his hands. The security staff makes a statement that it looks like he is now trying to pull the tube out of his nose. The nurse and the SWAT team respond. They are yelling at him to let go of the tube. A guard is grabbing Lilly's head and forcibly turning it to one side. He is responding, "OK I am letting go."
1:09:13	The tube is out of his nose, but they are still trying to get it out of his hand.
1:09:58	Nurse re-enters with a new tube.
1:10:20	Nurse leaves.
1:10:40	Lilly, yelling out to another inmate, "I grabbed the tube and ripped it up, and now they are going to get another one."
1:11:50	The tube has been reinserted. They had to hold his head still in order to get him to cooperate with the reinsertion.
1:12:38	The nurse is using a stethoscope to listen for air in Mr. Lilly's stomach to make sure the tube is in the right place.
1:12:55	The tube is taped in place.
1:13:30	Feeding is restarted and nurse leaves.
1:13:40	Lilly: "STOP THIS!!"

	A few minutes of silence here. Lilly's head is down. His knees are still shaking together.
1:21:50	Lilly: "STOP THIS! . . . STOP THIS!! . . . STOP IT!" Throughout this entire tape the security staff has remained very calm and stoic in the face of his complaining and screaming. Nothing is ever said by any of the security staff, other than when they needed to direct him to let go of the tube, etc.
1:23:20	Lilly: "STOP THIS! STOP THIS!"
1:23:52	Another change of the guard. Lilly's knees are still knocking together.
1:26:30	Nurse walks in with hands in his pockets, makes an observation and walks out a few seconds later. For most of this time the camera has been in a fixed position with a fixed focus. Presumably it is on a tripod. It is focused on Lilly in the restraint chair, but you can also visualize the security staff standing around him.
1:29:20	Lilly: "Plan 3 doesn't appear to be working!" I am now hearing a lot of ambient inmate chatter in the background.
1:34:37	Lilly: "STOP THIS!!"
1:36:00	Lilly is saying something, but I can't understand it over the ambient inmate banter going on out in the hall or in the adjoining cells.
1:36:58	Lilly: "All you have to do is put the right people in charge and they will do anything . . . anything!"
1:37:55	Lilly talking about other inmates and how they are not protesting what the DOC is doing to him and facetiously noting how brave they all are.
1:39:37	Lilly: "STOP THIS!!"
1:43:33	Lilly has been listening to some chatter down the hall between other inmates, and then he jumps in, "All your talking is a copout . . . why don't you put yourself on the line?" Some dialogue between Lilly and the other inmates is occurring, but it is impossible to understand exactly what the inmate(s) is saying.
1:45:30	Lilly: "All I am asking is that you raise your voice in protest . . . and your voice joins mine."
1:46:38	Lilly talking to the other inmate down the hall, "You have survived 18 years in here by not doing anything."
1:47:21	Lilly: "I am telling you that I grew up in Birmingham, Alabama. I am telling you that I marched with King. I am telling you that I have been protesting ever since I have been old enough to do it. I am telling you that the first

	time I got involved in protest is when I woke up one Sunday morning and my house was shaking because those bastards had bombed a church down the street.”
1:48:05	Another inmate down the hall is talking about Martin Luther King and I think has made a comment about how King didn’t do anything for inmates and how that is a whole different issue than what King stood for.
1:48:20	Lilly, disagreeing with the other inmate, “This is all the same thing.” Lilly arguing that what happened in Birmingham is the same thing that is happening in the prisons now.
1:49:55	Lilly, referencing another inmate down the hall named Al, “I agree with Al . . . everybody has to do their own thing.”
1:51:37	Nurse, in the maroon shirt, comes and stands in the doorway and looks in for a few seconds.
1:52:30	Lilly: “They’re not afraid of me, they’re afraid of you . . . they are afraid that you might get inspired and do something. They let me scream my head off, they freeze my nuts off, they abuse my rights, and nobody is going to protest. They win again. They have nobody to fear.”
1:54:20	Lilly’s knees are still shaking, although there has been no mention of cold for a long time.
1:54:50	Lilly: “We need to be together . . . just one of us fighting them will never work . . . we need to be together . . . why do you think that civil rights did eventually work.”
1:56:00	Lilly: “All over the world the same fight is being fought. Look at Guantanamo . . . those prisoners down there . . . they all went in on a huger strike together.” Lilly then talks about 5,000 inmates in Greece doing some type of a hunger strike.
1:57:40	Lilly: “Instead, we let them feed us radios and TV’s, making us happy inmates. Yes sir, and what you hope for is that everything was going to get better.”
1:58:40	Lilly: “They are pacifying you, all the time upping the number of years you are in prison . . . they won’t even give you parole, they’ll give you flat screen TV’s, how stupid can you be? They are making their money by keeping you here . . . like a god damn cow . . . as long as the keep you here, they make money.”
2:00:08	Lilly <b>vomiting</b> again off the left side of his chair.
2:00:45	Lilly: “It’s not working, I’m still throwing up most of the formula!

	ASSHOLES, IT'S NOT WORKING! MORANS, IT'S NOT WORKING!"
2:01:46	Nurse back in the room.
2:02:05	Nurse leaves.
2:02:28	Lilly: "STOP THIS!!"
2:02:46	Changing of the guards again.
2:03:45	Lilly: "STOP THIS!!"
2:06:00	White shirt (lieutenant or captain, I don't know which) passes across the doorway and looks in.
2:06:30	Lilly makes some comment about warm for two hours, but it's not understandable.
2:07:39	Nurse back in the room.
2:07:48	Camera is taken off of the tripod and is being handheld.
2:08:25	Checking on the feed bag. The SWAT team starts to gather together around Mr. Lilly.
2:09:15	The tube is being removed. The white-shirted officer walks out and faces the camera. Indicates that it is now 7:42 p.m. She indicates that the tube feeding has been finished and the report has ended. The video doesn't show Mr. Lilly getting removed from his chair. When it ends, he is still in the chair with the security staff gathering around him.

This Summary is dated: April 21st, 2009.

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Andrew P. Bissonnette  
Circuit Court Judge