

CV-02-0819015-S : SUPERIOR COURT  
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 MARIA TORRES, INDIVIDUALLY : JUDICIAL DISTRICT OF HARTFORD  
 and as ADMINISTRATRIX OF THE :  
 ESTATE OF YOANNA MARIA NODA : AT HARTFORD  
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 :  
 v. :  
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 :  
 STATE OF CONNECTICUT, :  
 DEPARTMENT OF CORRECTION : OCTOBER 22, 2003

FIRST AMENDED COMPLAINT

1. Maria Torres was the mother of a toddler, Yoanna Maria Noda (“Yoanna”), who is now deceased. Ms. Torres is pursuing this action both individually and in her capacity as the duly-appointed Administratrix of the Estate of Yoanna Maria Noda.

2. The defendant, Department of Correction (“DOC”) is a department of the State of Connecticut. The Connecticut legislature has issued a resolution pursuant to C.G.S. § 4-159 waiving the sovereign immunity status of the defendant and granting the plaintiffs the right to sue the defendant to seek damages for the claims stated herein.

3. The decedent, Yoanna, was born on October 31, 1988 in Miami, Florida.

4. On October 28, 1990, three (3) days before Yoanna’s second birthday, an escaped inmate, Alcides Quiles (“Quiles”), raped Yoanna and then strangled her until she was dead.

5. Quiles had been arrested in Connecticut three and half years earlier, on March 31, 1987, after a series of charges relating to sexual assaults, robberies and batteries upon several

victims, including a young boy. These offenses took place at several locations throughout Connecticut.

6. Upon his arrest, Quiles was admitted to the Morgan Street Detention Center, and subsequently transferred to various “holding” places reserved for maximum security offenders.

7. While in pretrial detention, Quiles received a number of disciplinary tickets for fighting and assault. On one occasion, in December, 1987, Quiles perpetrated an armed assault on another inmate.

8. In May, 1988, after a conviction on several counts, the court sentenced Quiles to an eighteen-year term (suspended after twelve years) of imprisonment.

9. As a part of his sentencing, the Probation Department PSI reported that Quiles admitted to a lengthy history of a heavy use of alcohol, cocaine, marijuana, glue and heroin for a number of years, which had a profound effect on his cognitive processes. Based upon his history, the PSI observed that Quiles had no ability to control his impulses and represented an “extreme threat” to the community.

10. After sentencing, the DOC committed Quiles to CCI-Somers (“SCI”), a maximum security prison facility. SCI intake services interviewed him and recognized that, despite his lack of any willingness to participate in sex offender programs, Quiles needed to obtain educational and

emotional therapy as a part of any meaningful rehabilitation or chance to improve his ability to live in society.

11. At all times relevant to the claim in this case, the DOC maintained a written set of directives concerning the purpose of classifying inmates and the appropriate place of confinement in light of the dangers posed by the inmates. The classification was based upon a five point system, influenced by a mixture of subjective and objective factors, including the background of the inmate and the need to keep the inmate confined. Level Five is maximum security.

12. Level Five classifications are reserved for death penalty inmates. The level number ascribed to an inmate is subject to adjustment during the course of his incarceration.

13. Upon his arrival at SCI, on June 20, 1988, the intake staff recommended that Quiles receive a ranking of Four, based upon a review of factors, including the severity of the offenses, the length of time to be served, and the use of weapons in committing the crime. SCI staff recognized that Quiles needed to enroll in educational, sex abuse and drug abuse programs. Other staff reviewed and confirmed Quiles' ranking.

14. Between June 20, 1988 and February, 1990, SCI placed Quiles in protective custody due to the nature of his offenses and his purported fear of reprisals by other inmates. In February, 1990, the SCI staff assigned Quiles to work in the outside yard for the recreation director following a review at that time. Quiles remained in this status between February 1990 and May 1990.

15. On May 31, 1990, the SCI staff recommended that Quiles' risk score be reduced from 4 to 3 based on his "time served and good behavior." SCI thereafter transferred Quiles to a "minimum to moderate" level security prison, Carl Robinson Correctional Institution ("CRCI"), on June 4, 1990.

16. The staff at CRCI questioned the wisdom of the decision by SCI to reduce Quiles' classification from 4 to 3, and assigned him to work in the kitchen area.

17. On August 11, 1990, CRCI staff assigned Quiles to the paint shop. This assignment permitted him to exit the compound and perimeter with minimal supervision.

18. The compound of CRCI has housing units which hold approximately 80 inmates. The compound is surrounded by a fence but there are no guard towers or guard dogs. The recreation area is not illuminated at night although lights are in use at the compound area.

19. On August 11, 1990, Quiles requested consideration for a furlough away from prison grounds. CRCI officials denied the request in recognition of the "violent nature of the I.O. [initial offense]."

20. Nevertheless, in the last week of August, CRCI permitted Quiles to exit the facility and wander the perimeter of the facility, unattended and unsupervised, where he was able to plan an escape.

21. At dusk on August 31, 1990, while CRCI staff attended a party at the lake and recreation area of the facility, Quiles climbed the fence and escaped the facility through a poorly illuminated area to meet an awaiting car. The staff did not notice the escape vehicle until it sped away.

22. Although correction personnel learned of the escape of an as yet unidentified inmate almost immediately, the prison did not issue notice until approximately 10:00 p.m. that night when correction officials first notified various local residents, police officials and local businesses of the escape. The State later charged Quiles with escape in an arrest warrant.

23. Two months later, Quiles abducted Yoanna outside of her house in Miami, Florida. Quiles proceeded to rape, assault and then strangle two-year old Yoanna to death.

24. In November of 1995, Quiles admitted that he raped, sodomized, and murdered Yoanna and plead guilty to the crimes of first degree murder, kidnaping, and sexual assault upon a minor. The court sentenced Quiles to three life term sentences in Florida. Quiles is not eligible for consideration for parole for at least twenty-five (25) years.

25. At the time of her death, Yoanna had a life expectancy of 74.8 years.

26. Defendant, its agents, servants and employees knew or should have known that, if not properly confined, Quiles presented a threat of bodily harm to others, including children.

27. Nevertheless, defendant, its agents, servants and employees failed to exercise reasonable care to properly take custody, charge and control of Quiles as set forth in C.G.S. Sec. 18-81 and failed to exercise reasonable care to apprehend Quiles upon his escape.

28. Yoanna and her mother would not have suffered Yoanna's painful death had it not been for the negligence of the defendant, its agents, servants, and employees in allowing Quiles to escape and in failing to apprehend Quiles prior to the crime.

29. Accordingly, the plaintiff seeks damages on her own behalf and on behalf of her daughter's estate.

WHEREFORE, Plaintiff claims:

1. Damages, including funeral expenses pursuant to C.G.S. § 52-555;
2. Any and all other relief, legal or equitable, which the Court deems just and proper.

Plaintiff,  
Maria Torres, Individually and as the  
Administratrix of The Estate of Yoanna Maria Noda

By

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