

In the Matter of
WARREN LILLY, JR. #447655

Case No. 07CV392

SUMMARY OF EXHIBIT 2: DOC's DVD of 2-28-09 BREAKFAST FEEDING

During the past couple of days, the Court watched the two-hour and twenty minute video off of Exhibit 2, which was the video of the forced feeding of Inmate Lilly on the morning of February 28, 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 to a half 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 28th was 6:50 a.m., and it ended at 9:10 AM, two hours and twenty minutes. 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. On this particular DVD, there are actually five different segments of

the breakfast feeding, each with its own number (e.g. Breakfast 1, Breakfast 2, etc.), and so the Court will reference each of those segments below.

	2-28-09 Breakfast 1
At :34	White-shirt officer asks if Lilly will take a food tray and whether he is willing to wear clothes. Says that the will be moving him shortly for a forced feeding if he does not agree to accept a meal tray. This is okay with Lilly.
	2-28-09 Breakfast 2
	This starts at 6:50 a.m. The video shows them going in to remove Lilly and to feed him per court order. The white-shirt officer asks him a list of questions as to whether he will voluntarily take a meal tray, whether he is going to resist, whether he is going to comply, etc. Lilly answers none of the questions, and therefore the officer indicates that they are going to have to use the SWAT team for a forcible cell entry. However, during this whole time the video also shows Mr. Lilly, through a window into his cell, already lying on his stomach with his hands clasped behind his back and with his ankles crossed. He also has his head turned away from the cell door.
1:25	The blue shirt correctional officer leader of the security SWAT team then shouts orders to Lilly telling him to lay on his stomach and to put his hands behind his back and to turn his head away, all of which Lilly has already been doing since before this segment of video even started. The SWAT team then rushes into his cell.
2:05	Two of the SWAT team uses bolsters to apply them to Mr. Lilly's upper back and head while other officers apply handcuffs.
3:05	The leg cuffs are now also secured.
4:39	They are lifting him into his chair. The chest restraint straps are applied.
5:10	He seems to be straightening his body. His legs are out straight. He is not being compliant. He needs to bend his knees in order that they can strap his feet into the restraint chair. They are asking and now ordering him to put his feet into the restraints and to bend his knees. Lilly is not complying.
6:50	One of the officers has him in a headlock hold as they are repeatedly ordering him to bend his knees.
7:38	They are pulling his head back and twisting his head. Lilly is still struggling. The white-shirt is ordering, "Mr. Lilly, bend your knees so that we can strap your feet!"
8:25	Finally they got his knees bent and his legs are strapped into the restraint.

	The officer thanks Lilly for his compliance. Lilly responds that, "I didn't comply". The officer acknowledges that fact, but says nevertheless his legs are now restrained.
8:40	The nurse enters.
9:00	Some interplay or exchange between the nurse and Lilly.
9:37	Lilly, "STOP THIS!! Why would you do this barbarity when I have given you a choice?"
10:30	Nurse taking his blood pressure.
10:40	Lilly grabs something, perhaps his blood pressure cuff, and the security staff struggles with him.
11:00	They are now applying the blood pressure cuff around his ankle.
12:30	They are trying to get his arm back behind him.
12:55	They are inserting the tube.
13:15	They are now taping the tube in place.
13:29	They are listening to his stomach. Some air gets pumped through the tube and if the tube is in his stomach, and not in his lung, they will hear the air in his stomach though the stethoscope. This is done at every feeding. This seems to be the same nurse from the night before.
14:15	Lots of staff standing around watching, at least 6 to 8 people, including three SWAT team members standing behind and to the sides of Mr. Lilly.
16:30	Lilly, "STOP THIS!!"
16:45	Lilly, "This makes no sense. STOP THIS!"
17:05	Lilly, "Why are you doing this? STOP THIS!!"
17:30	Lilly, "STOP THIS BARBARITY!" Lilly has the towel over his lap as usual.
18:25	Lilly, "STOP THIS!! There is no reason for doing this. STOP THIS!!" The white-shirt officer is now also standing behind Mr. Lilly.
19:56	Lilly, "STOP THIS!! There is no reason for doing this!"
20:55	Lilly, "STOP THIS BARBARITY! There is no reason for doing this!" Each of two guards standing behind Lilly have one of their hands on his shoulder, one on the left shoulder and a different guard with a hand on his right shoulder.
23:45	Lilly, "STOP THIS!! STOP THIS BARBARITY!!"
25:50	Lilly, "STOP THIS BARBARITY!! STOP THIS!! STOP IT NOW!!" [I am only documenting perhaps 20% of Mr. Lilly's shouts of "STOP THIS!!"]
27:20	Lilly, "STOP THIS BARBARITY!"

27:40	Lilly, "WHY ARE YOU DOING THIS?"
28:20	Lilly, "There is no reason to do this . . . no reason whatsoever."
29:13	Lilly, "STOP THIS!!"
29:45	Lilly, "WHY ARE YOU DOING THIS? STOP THIS!!"
31:30	Lilly, "STOP THIS BARBARITY!!" [The DOC staff is saying nothing at all, as usual]
32:15	Lilly, "You have kept me in this restraint chair for three weeks! I have gained one pound . . . in the last five days, I have lost .6 lbs per day . . . the restraint chair does not work!"
33:20	A changing of the guards standing behind Mr. Lilly.
34:00	Lilly, "STOP THIS!!"
34:35	Lilly, "STOP THIS!! Lt. Graff, you have watched them do this for three weeks . . . you know it doesn't work. STOP THIS!! STOP THIS!!"
36:00	Lilly, "How many times do we have to go through the same scenario? It didn't work at Jackson... it didn't work at New Lisbon,...it didn't work at Waupun. STOP THIS !!"
36:28	Lilly, "I will not quit . . . STOP THIS !!"
37:00	Some changes in the camera location and there is some discussion behind the camera. Lilly's knees are shaking some.
38:10	Lilly, "STOP THE BARBARISM . . . IT DOES NOT WORK!"
39:00	Nurse stopped in briefly.
40:00	Lilly, "STOP THIS!!"
	2-28-09 Breakfast 3
	This video starts with the camera zoomed way in, now it zooms out. No explanation of why the Breakfast 2 video stopped where it did or why we need a new Breakfast 3 video. Anyway, the internal time on the video is starting all over again.
:45	Lilly, "STOP THIS!!"
2:04	Lilly, "STOP THIS!! IT DOES NOT WORK!!"
3:03	Lilly, "STOP THIS!! IT DOES NOW WORK!!"
4:55	Lilly trying to shift around in his seat.
5:32	Lilly, "STOP THIS!!"
5:42	Lilly, "STOP THIS BARBARITY! This is not medicine. This is barbarity."
7:57	Lilly, "STOP THIS!! It does not work!"
9:30	Changing of the guards again.
10:15	Lilly, "STOP THIS!! STOP THIS!!"

11:30	Lilly, "STOP THIS!!"
12:04	Lilly, "STOP THIS!!"
12:20	Lilly, "This does not work."
13:35	Lilly, "STOP THIS!! STOP THIS!!"
14:25	Lilly, "It makes no sense . . . it does not work!"
15:30	Lilly regurgitates off to his left, spitting up some of the formula.
16:30	Lilly, "STOP THIS!!"
17:35	Lilly, "It does not work, it does not work. STOP THIS!!" Lilly's knees are clearly knocking/shaking.
18:52	Lilly, "STOP THIS BARBARITY!! STOP THIS BARBARITY!! THIS IS NOT MEDICINE! THIS IS TORTURE!!"
20:20	There are now longer periods of silence.
21:18	Lilly, "STOP THIS!! STOP THIS!!"
21:42	Lilly, "\$9,000 to gain one pound! . . . \$40,000 to gain 1.4 pounds. STOP THIS!!"
23:10	Another changing of the guards.
24:21	Lilly, "STOP THIS!!"
26:38	Lilly, "STOP THIS!! STOP THIS!!"
28:20	Lilly singing, "I wish I were an Oscar Mayer wiener, that is what I'd really like to be, because if I were an Oscar Mayer wiener, I could STOP THIS!!"
29:18	Lilly, "There is no reason to do it. STOP THIS!"
31:30	Lilly, "STOP THIS! Stop it!"
32:38	Lilly, "STOP THIS!!"
32:50	There may be some folks from BHS or somewhere else observing his feeding. A number of people are talking in the background behind the camera.
33:18	The nurse comes in. Mr. Lilly asks the nurse, "What is the point? What are you getting out of this?" The tube is still in Mr. Lilly's nose, it has been there the whole time.
36:40	More prolonged periods of silence.
38:30	Mr. Lilly referencing the people assembled out in the hall watching him, "Is one of those people a doctor? Does anyone in that group carry the license of a doctor?"
39:00	Lilly referencing somebody who entered the room, "Are you a doctor? STOP THIS!"

39:40	Lilly, "This does not work . . . it never has . . . why are you doing this? STOP THIS BARBARISM! STOP THIS TORTURE!"
41:13	Another changing of the guards.
44:00	Lilly, "STOP THIS! STOP THIS BARBARISM! STOP THIS TORTURE!"
44:30	Lilly, "Three weeks, one pound . . . Three weeks, one pound".
45:00	Nurse in and out briefly.
46:45	Lilly, "Now we are going on past two hours."
47:28	The camera is jiggled and moved aside as the nurse is bringing in some additional equipment.
48:00	It appears they might be putting more feed in the bag.
49:00	They are clearly refilling the bag with formula. A white-shirted officer is witnessing the process.
50:05	Two nurses are in there now.
50:45	Lilly, "Let the torture recommence. We must be over two hours on this!"
52:20	Lilly, "Well, judge, as you can see, the expense is mounting."
52:30	Lilly, "In the recent past it only took four people to do a feeding and now it takes about 10, at least four of them have to be technicians to figure out how to program a machine . . . unfortunately, with DOC staff, well . . .
53:05	Lilly, "This will take over four hours." There are now lots of staff here trying to figure out some beeping machine.
53:35	Lilly, "What damn nonsense! Nine minutes is all it takes to do a feeding . . . a syringe and a pitcher of formula . . . "
54:18	Lilly, "STOP THIS STUPIDITY!!" Nurses and techs are still all gathered around trying to figure out something with the equipment and the feeding tube.
55:02	The nurse leaves.
55:14	The nurse in the maroon shirt comes back in.
55:45	Lilly, "Two hours, 20 people. STOP THE STUPIDITY! STOP THE TORTURE!"
56:42	Lilly, "How many hours has this been going on?"
57:15	Lilly regurgitates again off to his left spitting out more formula.
57:50	Lilly, "STOP WASTING THE MONEY! Stop the reruns of Laverne & Shirley!"
58:15	Lilly, "STOP THE TORTURE!"

1:00:25	Lilly, "STOP THIS!"
1:00:52	Lilly, "Judge, if you ever get off your ass and see this tape, I have to tell you that I am cold. . . I am cold to the bone."
1:01:05	Lilly, "I don't know how much formula they are going to wind up getting in me, but I am going to puke up about half of it, and half of what is left I am going to burn off in calories trying to stay warm, and only about 25% of this bullshit will get in me." Lilly's knees are still visibly shaking.
1:01:45	Lilly talking about how this could be compromised and how he made a proposal, and how they could get him fed in 9 minutes instead of wasting the time of so much staff for two hours.
1:03:20	Lilly regurgitates again off to his left.
1:05:50	Lilly, "STOP THIS TORTURE!! STOP THIS BARBARISM!!" There are some staff members talking just off the tape behind the camera. Their words are not understandable, but clearly somebody is observing the feeding. On each of these two feedings, Lilly has never asked for a blanket or a towel to be put over his shoulders, nor has anyone ever offered that.
1:09:05	Lilly saying something about what type of a book this story would make and then adds wryly, "It sure as hell would make a boring movie." [I guess I can vouch for that!]
1:10:00	Lilly, "STOP THIS!! It does not work!"
1:11:25	Lilly, "Hey cameraman what time is it? Can you tell me the time?"
1:12:00	Lilly, "STOP THIS!!"
1:13:18	Lilly's legs are still shaking. Tube still in his nose.
1:13:35	Lilly, "STOP THIS!!"
1:14:17	Lilly, "STOP THE TORTURE! STOP THIS BARBARISM! STOP THIS STUPIDITY! It makes no sense, it does not work."
1:15:52	Lilly, "STOP THIS!!"
1:16:42	Lilly comments along the lines of, "My core temperature going down, down."
1:17:22	Lilly, "STOP THIS BARBARISM! STOP THIS STUPIDITY! STOP THIS TORTURE!"
1:18:30	Lilly, "STOP IT!! STOP THIS!!"

1:20:23	Lilly, "STOP THIS! STOP IT NOW! STOP THIS STUPIDITY! STOP THE TORTURE! STOP THE BARBARISM! STOP IT NOW!"
1:21:34	Lilly regurgitates again off to his left.
1:23:00	Lilly says something about it being high noon in a movie western. He is trying to recall who played the sheriff in a particular movie. Comments that that guy was "a true western hero."
1:24:35	Referencing back to the sheriff in the western, says, "When he could have left town and saved his bacon, he stood and fought. . . that's the message those movies used to give.... to stand and fight. . ."
1:25:02	Lilly, "That's the kind of hero I grew up believing in . . ."
1:26:52	Lilly, "Oh well . . . time is a wastin' STOP THIS! STOP THIS TORTURE! STOP THIS NONSENSE! IT DOES NOT WORK!"
1:29:20	Changing of the two-man guard crew again.
1:30:00	Lilly, "Saturday morning, February 28 th , the longest damn two hours in history."
1:30:18	Lilly, "840 milliliters of formula . . . 300 milliliters dropping on the floor."
1:30:40	Lilly, "Dumb shits . . . why won't people evolve?"
1:31:10	Lilly, "STOP THE TORTURE! STOP THE BARBARISM! STOP THIS NOW!"
1:31:20	Lilly, "Two and a half hours from now, boys, we get to do this all over again!"
1:32:35	Lilly, "STOP THIS! STOP THIS!!"
1:33:00	Nurse staff coming back in, disconnecting some things, cleaning the feeding tube out with water.
1:34:18	Taking the nasal tube out. Organizing the feeding apparatus back into an orange tub.
1:35:20	A white-shirt officer saying to Lilly that they are going to remove the restraints and that they will be bringing him some clothing.
1:36:12	This Breakfast 3 DVD segment ends as they are moving the restraint chair closer to his bed and as one officer cleans up some of the vomit off the floor with his foot and a towel.
	2-28-09 Breakfast 4

	He is now free of the chair. He is lying face down on his bed. The white-shirt officer is saying that, "We will take this stuff off of you right quick."
00:58	The handcuffs and ankle cuffs are removed. It appears to the viewer at this point that there is deep and widespread bruising to Mr. Lilly's buttocks. There are also some deep wrinkles on his buttocks, in a smaller area than the deep bruising. This may pertain to a dispute in our testimony from the first day of the hearing as to whether his hands, with the metal handcuffs attached, are directly under him as he is seated in the restraint chair, or whether they are behind him. If they are under him, it may well be producing the type of bruising that the Court is seeing on the video at this point.
1:46	The white-shirt officer is saying that they are exiting the room.
2:20	The officer faces the camera and says that the feeding is complete, that Lilly is now moving about in his cell, and the camera shows through a window behind the officer that in fact Lilly is moving. The officer says to the camera that I left some clothing in there for him to wear and that we are done with the feeding.
2:38	The video now shows Lilly throwing the inmate clothing that was left in his room towards the door and grabbing a blanket and putting the blanket over himself.
	2-28-09 Breakfast 5
	This segment of the video is only 18 seconds long. The white shirt officer is facing the camera and says the following, "The time is 9:10 a.m. We have exited his cell. There were no injuries to Lilly and none to staff." The camera then pans to the four SWAT team members who are all giving a thumbs up in response to the officer saying that there were no injuries to staff.

This Summary is dated: April 23rd, 2009.

Andrew P. Bissonnette
Circuit Court Judge