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Ill. inmate died in agony while pleading for help

By DAVID MERCER (AP) – 2 days ago

PEKIN, Ill. — For days before he died in a federal prison, Adam Montoya pleaded with guards to be taken to a doctor, pressing a panic button in his cell over and over to summon help that never came.

An autopsy concluded that the 36-year-old inmate suffered from no fewer than three serious illnesses — cancer, hepatitis and HIV. The cancer ultimately killed him, causing his spleen to burst. Montoya bled to death internally.

But the coroner and a pathologist were more stunned by another finding: The only medication in his system was a trace of over-the-counter pain reliever.

That means Montoya, imprisoned for a passing counterfeit checks, had been given nothing to ease the excruciating pain that no doubt wracked his body for days or weeks before death.

"He shouldn't have died in agony like that," Coroner Dennis Conover said. "He had been out there long enough that he should have at least died in the hospital."

The FBI recently completed an investigation into Montoya's death and gave its findings to the Justice Department, which is reviewing the case. If federal prosecutors conclude that Montoya's civil rights were violated, they could take action against the prison, its guards, or both. A Justice Department spokesman declined to comment, saying that the matter was still being investigated.

The coroner said guards should have been aware that something was seriously wrong with the inmate. And outside experts agree that the symptoms of cancer and hepatitis would have been hard to miss: dramatic weight loss, a swollen abdomen, yellow eyes.

During Montoya's final days, he "consistently made requests to the prison for medical attention, and they wouldn't give it to him," said his father, Juan Montoya, who described how his son repeatedly punched the panic button. Three inmates corroborated that account in interviews with The Associated Press.

The younger Montoya was taken to the prison clinic one day for "maybe five, 10 minutes," his father said. "And they gave him Tylenol, and that was it. He suffered a lot."

The federal prison in Pekin will not discuss Montoya's death. Prison spokesman Jay Henderson referred questions to the Bureau of Prisons, which denied an AP request for information on Montoya's medical condition, citing privacy laws.

It isn't clear whether the prison system, relatives or even Montoya himself knew the full extent of his illness. Montoya's father had no idea his son had cancer or hepatitis. Inmates who knew him said he told them he had cancer, but they knew nothing of his HIV.

According to its website, the Bureau of Prisons tries to screen the health of new inmates within 24 hours of their arrival. A closer examination within two weeks is required for prisoners with serious, long-term illnesses. But officials have not said whether Montoya was given any kind of exam or whether his medical records made it to Pekin.

Montoya pleaded guilty in May 2009 to counterfeiting commercial checks, credit cards and gift cards. Prosecutors will not say how much money was involved in the scheme, but Montoya was ordered to pay a little over \$2,000 in restitution.

Montoya, who had a history of methamphetamine abuse, was released while awaiting sentencing and was ordered not to use drugs. At the time, he was living with his father and working for his father's process-serving business, which delivers legal documents. His father said he was paying Montoya's bills and paying him about \$300 a week.

Then in mid-June, Adam Montoya was diagnosed with HIV.

"It hit him like a ton of bricks," his father said.

After the diagnosis, Montoya retreated back into methamphetamine. Following a urine test, he admitted using the drug three times in a month, and he was locked up.

Montoya began taking antiviral drugs, so his father still had hope and tried to give his son a sense of the same. "I thought, 'You'll get out. You'll get your probation, and you'll have years of life,'" the elder Montoya said.

In mid-October, Montoya was sentenced to two years and three months in prison. When he arrived at a federal prison transfer center in Oklahoma City, his medication was waiting for him. His father took that to mean that the prison system knew Montoya suffered from HIV.

Montoya arrived at the Pekin prison on Oct. 26. He lived just 18 more days. The inmates around him say he spent much of that time pleading for help from his cell.

Prison staff told Montoya he had the flu, according to Randy Rader, an inmate in the next cell who wrote letters to his mother about Montoya and discussed him in an e-mail interview with the

AP Associated Press

Map



AP.

"That man begged these people for nine days locked behind these doors," Rader wrote to his mother on Nov. 14. The letter was first obtained by The Pekin Daily Times, which wrote about Montoya's death earlier this year.

Rader has since been moved to a prison in California — far from his family in Michigan. He suspects the move was retaliation for speaking out about Montoya.

The last time a staff member visited Montoya, about 10 p.m. on Nov. 12, he reported having trouble breathing and complained that he could no longer feel his fingers, Rader said in the e-mail interview. The staff member told Montoya that he would try to get help the next day.

Around 6:30 a.m., prison officials found Montoya's body in his cell.

The autopsy showed that Montoya's spleen was almost 10 times the normal weight because it had been engulfed by a cancerous tumor, which was on its way to doing the same with his liver.

The pathologist who examined Montoya's body said his eyes were also yellow — an unmistakable sign of hepatitis. Dr. John Ralston is reluctant to speculate whether treatment could have saved Montoya's life by the time he reached Pekin. The doctor suspects he would have needed a liver transplant to have a chance.

That said, "You would think that he would have been feeling bad enough and complaining enough that somebody should have tried to get to the bottom of this," Ralston said.

The AP sought opinions about Montoya's condition from other doctors who did not examine him but were familiar with his diseases. They agreed he probably displayed obvious signs of distress.

Montoya would have had a swollen abdomen because of his spleen. At the same time, he probably was losing weight rapidly because the large tumor would have left little room in his belly for food, according to Dr. Krishna Rao, an assistant professor of oncology at Southern Illinois University Medical School in Springfield.

Someone in Montoya's condition should have been taking heavy doses of chemotherapy for his cancer or receiving stem cell transplants, if he were healthy enough, said Dr. James Egner, an oncologist with the Carle Foundation Hospital in Champaign.

If the cancer was too advanced, Montoya should have at least been treated for pain with powerful drugs, possibly in a hospice, Egner said.

The president of the American Civil Liberties Union's National Prison Project said it isn't uncommon for medical records not to arrive with a federal inmate.

"Sometimes it arrives late, and sometimes it doesn't happen at all," said David Fathi, who has spent 15 years studying prison conditions. "That's why it's so critical that the new facilities do a medical screening" of new inmates.

Fathi said Montoya's death "is really an egregious failure, of the kind that you wouldn't expect from even a small county jail, let alone the largest prison system in the United States."

After his son's death, Juan Montoya wrote to the prison complaining about its medical care. Warden Richard Rios wrote back to defend his institution.

"I must respectfully disagree with your characterization of the medical care Adam received and want to assure you that we carefully monitored your son's medical condition," wrote Rios, who was not hired for the job until months after the death. He did not elaborate, writing that privacy laws limited what he could say.

The elder Montoya is now waiting for his son's medical records, but he doubts they will offer many clues. The family has hired lawyers but has not decided whether to file a lawsuit.

Montoya thinks a lot now about the assurances he offered his son as he headed for prison.

"Your time will go by fast, and you'll get out, and we'll get you a job and be part of the family," Montoya recalls telling his son. "It never happened."

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