Federal lawsuit filed in death of Ocala youth at detention camp

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JACKSONVILLE -- The family of a 12-year-old boy who was fatally crushed at a youth detention camp is suing the camp and a counselor in federal court for \$13.2 million, attorney Ellis Rubin said Monday.

Michael Spencer Wiltsie died in the early morning hours of Feb. 5, 2000, when he was taken off life support about 12 hours after being restrained by Camp E-Kel-Etu counselor Joseph Cooley.

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With a large autopsy picture in front of him and a crying mother behind him, Rubin told a news conference that he filed a civil rights lawsuit on behalf of Wiltsie's mother, Linda Ibarra, seeking \$6.6 million in compensatory damages and \$6.6 million in punitive damages from Cooley and Eckerd Youth Alternatives, the operator of the camp in the Ocala National Forest.

The defense attorney described how Cooley, who weighed 320 pounds, put his weight on the 65-pound boy to restrain him.

"He crushed the life out of that little boy," said Rubin, who practices law in Miami.

Wiltsie died of "compressional asphyxiation," which means there was so much pressure on him he could not breathe.

The lawsuit alleged violations of the boy's civil rights for improper use of restraints and failure to provide him with his medications.

An enlarged colored photograph of the boy's body on an autopsy table was placed in front of Rubin as he spoke.

The picture showed the boy's dirty and bruised face, a tube in this mouth and his body with electrodes taped to his chest.

Ibarra, who stood wiping her eyes with a tissue, spoke of her son's death as friends and relatives held posters and red balloons.

"I feel like Michael received a death sentence, while I've received a life sentence of pain and suffering," she said.

Wiltsie had been ordered into the camp 17 days before his death on a charge of juvenile delinquency.

A grand jury later cleared Cooley of any criminal wrongdoing, but a state investigation by the Department of Juvenile Justice ruled that Cooley used excessive force and used an improper and unauthorized restraint.

"The grand jury did not get it right," Ellis Rubin said. "They whitewashed it."

Following investigations by camp operator Eckerd Youth Alternatives, the Department of Children and Families and the Department of Juvenile Justice, Cooley and camp resource teacher Joe Acton both resigned their positions.

Ibarra also filed a wrongful death lawsuit in circuit court in Marion County against both Cooley and camp operators in June 2000. That lawsuit, which is still pending, alleges Cooley and Eckerd negligently caused Wiltsie's death.

Guy Rubin, Ellis Rubin's son who practices law in Stuart, said the law firm was asking the U.S. Attorney's Office in Jacksonville to investigate the camp and Eckerd for possible civil rights violations.

"This was cruel. This was sadistic," Ellis Rubin said.

[The Estate of Michael Wiltsie is represented by attorneys Ellis Rubin, Esq., Guy Rubin, Esq., and **Stuart M. Address, Esq.**]