



**Commission of
Correction**

**Final Report of the
New York State Commission of Correction:**

In the Matter of the Death of

**Elmo Cruz (98A1157),
an incarcerated individual of the
Midstate Correctional Facility**

March 22, 2023

**To: Honorable Anthony Annucci
Acting Commissioner
NYS Department of Corrections
And Community Supervision
The Harriman State Campus
1220 Washington Avenue
Albany, New York 12226**

Allen Riley
Chairman

Thomas J. Loughren
Commissioner

Yolanda Canty
Commissioner

GREETINGS:

WHEREAS, the Medical Review Board has reported to the NYS Commission of Correction pursuant to Correction Law, section 47(1)(d), regarding the death of Elmo Cruz who died on January 21, 2020, while an incarcerated individual in the custody of the NYS Department of Corrections and Community Supervision at the Midstate Correctional Facility, the Commission has determined that the following preliminary report be issued.

FINDINGS:

1. Elmo Cruz was a 73-year-old male who died on 1/21/20 while in the custody of the New York State Department of Corrections and Community Supervision (NYS DOCCS) at the Midstate Correctional Facility (CF). At Cruz's death, elevated levels of Metoprolol and Diltiazem were detected in his blood. The Onondaga County Medical Examiner's Office ruled Cruz's death as a suicide due to an acute mixed drug intoxication including diltiazem, metoprolol, and nitroglycerin. The Medical Review Board has opined that although the medications found in Cruz's system were elevated, they were not enough to cause a fatal event and that Cruz's death cause and manner of death should be natural due to an acute myocardial event.
2. Cruz was born in Puerto Rico. Cruz was survived by four children. There was no further social information available to the Commission regarding Cruz.
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]. In the instant offense, on 11/07/96 in Suffolk County, NY, Cruz, who was doing plumbing work for the landlord of a two-family house, attempted to rape and sodomize a female resident of one of the apartments, engaging in a violent struggle with her, and subsequently caused her death by strangling her. On 10/24/1997, Cruz entered a plea of guilty to the charge of Murder 2nd Degree in the Suffolk County Court and on 12/10/97, Cruz was sentenced to serve 20 years to Life in NYS DOCCS.

6. Cruz was admitted into NYS DOCCS at Downstate CF on 3/4/98. Cruz was transferred to Sing Sing CF on 4/27/98. NYS DOCCS' documentation indicated that Cruz spent time in Woodbourne CF, Gowanda CF, Adirondack CF, Franklin CF, and Groveland CF until being transferred to Midstate CF on 11/22/19. This is where Cruz remained until the terminal event.

7. During Cruz's incarceration, Cruz received two Tier 2 infractions in 2015, for out of place and a Movement Violation. Cruz received sanctions that included counseling, no recreation, and no packages.

8. [REDACTED]

9. On 11/22/19, Cruz was transferred from Groveland CF to Midstate CF for participation in the Sex Offender Program (SOP).

10. [REDACTED]

11. [REDACTED]

12. [REDACTED]

13. [REDACTED]. During an investigation by the Office of Special Investigations (OSI), RN [REDACTED] reported making a phone call to the H-1 housing unit and she spoke to Corrections Officer (CO) P. [REDACTED]. [REDACTED] Cruz reported to CO P. that it was not an emergency and that he would report to sick call in the morning.

14. [REDACTED]

15. [REDACTED]

16. On 1/20/2020 at 11:25 p.m., CO M.T. was making security rounds on 1-H and as he approached Cell #14B, that housed Cruz, CO M.T. observed Cruz laying in his bed trying to communicate that he was having some type of medical issue involving medication and chest pain. CO M.T. called a medical emergency and Cruz was transported from his cell to medical on a stretcher via a facility van. [REDACTED]

[REDACTED]

17. [REDACTED]

18. [REDACTED]. The Medical Review Board finds that although the medication levels in Cruz were elevated above therapeutic

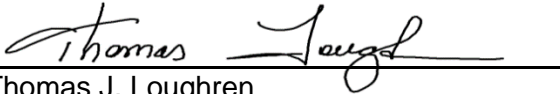
ranges, they were not enough to cause a fatal event and disagree that Cruz's death was a suicide. The Medical Review Board opines that Cruz's death was natural due to an acute myocardial event based on Cruz's extensive coronary artery disease, the history of events prior to his death, and the absence of any prior suicide attempts or ideation.

ACTIONS REQUIRED:

TO THE ONONDAGA COUNTY MEDICAL EXAMINERS OFFICE:

That the Medical Examiner review the findings of the Medical Review Board in this matter and conduct a reassessment of Cruz's cause and manner of death.

WITNESS, HONORABLE THOMAS J. LOUGHREN, Commissioner, NYS Commission of Correction, Alfred E. Smith State Office Building, 80 South Swan Street, 12th Floor, in the City of Albany, New York 12210 on this 22nd day of March, 2023.



Thomas J. Loughren
Commissioner & Chair
Medical Review Board

TJL:BB:jdb
2020-M-0008
March 2023

cc: Dr. Carol Moores, Chief Medical Officer
Bryan Hilton, Assistant Commissioner for Mental Health
Superintendent Mark Passage, Midstate CF
Dr. Li-Wen Lee, Associate Commissioner
Division of Forensic Services, NYS Office of Mental Health
Danielle Dill, Executive Director, CNYPC
William Vertoske, Deputy Director of CBO, CNYPC
Meaghan Bernstein, Advocacy Letter Coordinator, CNYPC