



**Commission of  
Correction**

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

**In the Matter of the Death of**

**Su Kim (84C0915),  
an incarcerated individual of the  
Midstate Correctional Facility**

**June 28, 2023**

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

**Allen Riley**  
*Chairman*

**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 Su Kim who died on August 24, 2021, 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 final report be issued.

FINDINGS:

1. Su Kim was a 64-year-old male who died on 8/24/21 from a suicidal hanging while in the custody of the New York State Department of Corrections and Community Supervision (NYS DOCCS) at Midstate Correctional Facility (CF).
2. Kim immigrated to the United States on 11/22/81 from Korea. Kim was single and had no children. There was no further information available to the Commission regarding Kim's demographic or social history.
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]. In the instant offense, on 12/17/83 in Ithaca, NY., Kim was armed with a rifle and entered a dormitory at Cornell University where he shot and killed two female students. Kim pled guilty to the charge of Manslaughter 1<sup>st</sup> Degree and Murder 2<sup>nd</sup> Degree. Kim was sentenced to 25-years to Life in NYS DOCCS.
6. Kim was admitted into NYS DOCCS at Wende CF on 10/19/84. Kim was transferred to Attica CF on 10/30/84. DOCCS' documentation indicated that Kim spent time in Green Haven CF, Arthurkill CF, Mohawk CF, and Marcy CF until being transferred to Midstate CF on 6/7/13. This is where Kim remained until the terminal event.
7. During Kim's incarceration, Kim received four Tier 2 infractions for violent conduct, creating a disturbance, fighting, direct order, and out of place. Kim received one Tier 3 infraction for facility correspondence. Kim's sanctions included counseling, keeplock, no recreation, no packages, no commissary, no special events, and no phone.
8. [REDACTED]

9. [REDACTED]
10. [REDACTED]
11. Per the Office of Special Investigation's (OSI) final report, a review of Kim's phone calls and J-Pay records for 60-days prior to his death revealed that Kim had not attempted any phone calls nor was sent any messages via J-Pay.
12. On 8/24/21, Kim did not ask to see medical staff or mental health staff.
13. On 8/24/21 at 11:20 a.m., Corrections Officer (CO) J.O. documented in the unit 2 H logbook that a count was completed.
14. On 8/24/21 at 2:30 p.m., documentation in the unit 2 H logbook indicated that CO J.O. completed rounds.
15. On 8/24/21 at 3:00 p.m., documentation in the unit 2 H logbook indicated that CO J.O. was relieved from his duty and CO Z.D. began his duty on 2 H unit.
16. On 8/24/21 at 3:12 p.m., documentation from the NYS DOCCS Unusual Incident (UI) Report indicated that CO Z.D. was conducting his initial unit rounds on unit 2 H when he was interrupted by Incarcerated Individual (II) D.J. who notified him that he was needed in the II bathroom. Documentation from a statement written by CO Z.D. indicated that CO Z.D. entered the unit II bathroom and observed Kim hanging from a shoelace with one end tied to the electrical box on the back wall of the shower area. CO Z.D. immediately called for a medical emergency over the radio and cut Kim down using his personal knife. IIs [REDACTED] assisted CO Z.D. with placing Kim on the floor. CO Z.D. and II [REDACTED] immediately initiated Cardiopulmonary Resuscitation (CPR). At approximately 3:15 p.m., CO M.C. arrived at the scene and then left briefly to get the Automated External Defibrillator (AED). At 3:16 p.m., CO M.C. applied the AED to Kim's chest with no shock advised. CO Z.D. and CO M.C. continued CPR. At 3:18 p.m., Sergeant (Sgt.) W.F. arrived at the scene and administered a total of two doses of Narcan with no effect. At 3:22 p.m., documentation from the NYS DOCCS UI Report indicated that Registered Nurse (RN) [REDACTED] arrived at the scene with CO K.S. [REDACTED]  
[REDACTED]  
[REDACTED]
17. Documentation from Kunkel Ambulance indicated that they received a call to respond to Midstate CF at 3:21 p.m. and they were enroute to the facility at 3:23 p.m. Kunkel Ambulance arrived at the scene at 3:45 p.m. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
18. Documentation in the NYS DOCCS UI Report indicated that New York State Police Bureau Criminal Investigator recovered what he deemed a suicide note from the front right pant pocket of Kim. The suicide note indicated that Kim had suffered and killed himself.

ACTIONS REQUIRED:

This case be closed as a suicide.

WITNESS, HONORABLE ALLEN RILEY, Chairman, NYS Commission of Correction, Alfred E. Smith State Office Building, 80 South Swan Street, 12<sup>th</sup> Floor, in the City of Albany, New York 12210 on this 28<sup>th</sup> day of June, 2023.



Allen Riley  
Allen Riley  
Chairman  
Commission of Correction

AR:BB:jdb  
2021-M-0108  
June 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