



**Commission of  
Correction**

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

**In the Matter of the Death of**

**Michael Schermerhorn (18B3062),  
an incarcerated individual of the  
Washington Correctional Facility**

**June 25, 2024**

**To: Honorable Daniel F. Martuscello, III  
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*

**Elizabeth Gaynes**  
*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 Michael Schermerhorn, who died on May 11, 2021, while an incarcerated individual in the custody of the NYS Department of Corrections and Community Supervision at the Washington Correctional Facility, the Commission has determined that the following final report be issued.

FINDINGS:

1. Michael Schermerhorn was a 31-year-old male who died on 5/11/21 due to a Basilar and Brainstem Subarachnoid Hemorrhage due to Rupture of Small Vertebral Artery Aneurysm or Delayed Rupture of Damaged Vertebral Artery due to Blunt Force Trauma while in the custody of the New York State Department of Corrections and Community Supervision (NYS DOCCS) at the Washington Correctional Facility (CF). Schermerhorn had complaints of head and neck pain the week preceding his terminal event and had been seen and cleared at Albany Medical Center Hospital. His cause of death was ruled as undetermined by the attending medical examiner. The Medical Review Board has found that Schermerhorn's fatal hemorrhage was a delayed ruptured aneurysm due to trauma and that his death was a homicide.
  
2. [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]. In the instant offense, in 2018, Schermerhorn and his codefendants were manufacturing an unknown amount of Methamphetamines. Schermerhorn was convicted of Unlawful Manufacturing of Methamphetamine and was sentenced to two years in state prison. Schermerhorn was incarcerated in NYS DOCCS from 11/23/18 until 4/30/20 when he was released to parole. Schermerhorn was returned to NYS DOCCS on 11/24/20 for a parole violation.
  
3. [REDACTED]  
[REDACTED]  
[REDACTED].
  
4. On 11/24/20, Schermerhorn was received at Downstate CF.
  
5. [REDACTED]  
[REDACTED].
  
6. [REDACTED]  
[REDACTED]  
[REDACTED].

7. [REDACTED]

8. [REDACTED]

9. [REDACTED]

10. On 2/12/21, Schermerhorn was transferred to Washington CF. [REDACTED]

11. [REDACTED]

12. [REDACTED]

13. [REDACTED]



[REDACTED]

19.

[REDACTED]

20.

[REDACTED]

21. [REDACTED]

22. [REDACTED]

23. [REDACTED]

24. [REDACTED]

[REDACTED]. The Medical Review Board opines that Schermerhorn's unresolved complaints of head and neck pain should have prompted notification to the facility physician or at minimum, the use of a telemedicine consultation.

25. [REDACTED]

26. [REDACTED]

27. [REDACTED]



ambulance run report, at 10:20 a.m., Emergency Medical Services (EMS) was activated.

[REDACTED]. The NYS DOCCS Non-Patient Specific Standing Order for Unresponsiveness and/or Respiratory Depression Possibly Caused by Opioid Overdose sheet had expired on 8/31/20. [REDACTED]

At 10:29 a.m., Fort Ann EMS arrived per their run report. [REDACTED]

34.

[REDACTED] The Medical Review Board has opined that it was unlikely that Schermerhorn had a natural defect that caused the vertebral artery hemorrhage as this is more common in older-aged populations and Schermerhorn was young at 33 years old. Delayed, traumatic rupture of an aneurysm is a well-documented entity and Schermerhorn had recent complaints of post-traumatic head and neck pain. The Medical Review Board therefore opines that Schermerhorn's injuries were the result of trauma caused by another and his manner of death should be ruled as a homicide.

ACTIONS REQUIRED:

TO THE DEPUTY COMMISSIONER OF THE NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, DIVISION OF HEALTH SERVICES:

The Deputy Commissioner shall conduct a Quality Assurance review with all Washington CF medical providers to assure valid standing orders are utilized.

A report of the findings and any corrective actions taken shall be provided to the Medical Review Board upon completion.

*In a response dated 5/8/24 to the Commission's preliminary report NYS DOCCS indicated that the requested review was completed with corrective action training conducted. NYS DOCCS disagreed with Medical Review Board's findings regarding Schermerhorn's cause and manner of death. The Board remains affirmed in their opinion that Schermerhorn's fatal hemorrhage was a delayed ruptured aneurysm due to traumatic injury.*

TO THE NYS ATTORNEY GENERAL, OFFICE OF SPECIAL INVESTIGATIONS; OFFICE OF DISTRICT ATTORNEY FOR WASHINGTON COUNTY; AND DR. MICHAEL SIKIRICA, MEDICAL EXAMINER:



The Medical Review Requests that the included note the Boards findings and determination regarding Schermerhorn's cause and manner of death and recommend reviewing any previous determinations made in this case in light of such findings.

WITNESS, HONORABLE YOLANDA CANTY, Commissioner, 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 25<sup>th</sup> day of June 2024.



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Yolanda Canty  
Commissioner  
Commission of Correction

YC:AH :vc  
2021-M-0068  
June 25, 2024

cc: Dr. Carol Moores, Deputy Commissioner Chief Medical Officer  
James Donahue, Associate Commissioner of Mental Health  
Superintendent Brooke Blaise, Washington CF