

Horrors of Killing Revealed

Eyewitness describes Seidel jail slaying in '04

COURIER POST

By ALAN GUENTHER
Courier-Post Staff
July 10, 2005
CAMDEN

A mentally ill inmate begged for mercy, was sexually assaulted and stomped for more than 30 minutes before guards at the Camden County Jail discovered the January 2004 killing, according to a prisoner's eyewitness account, revealed for the first time in court papers filed Friday.

Joel Seidel, 65, a frail retired stockbroker, was placed in the same cell with Marvin Lister, then 35, early on the morning of Jan. 27, 2004. Lister had a violent history and was in jail on charges he had raped another psychiatric patient. Seidel had violated a restraining order to stay away from his family and was known in his Cherry Hill neighborhood as a nuisance who sang along with Broadway show tunes played on a boom box.

Investigators questioned inmate Wylie Evans about three hours after Seidel's death. He told investigators he had a clear view into Seidel's cell. He also said he had been taking medication and was in the same mental health unit with Seidel and Lister.

"Marvin ripped his clothes off . . . I was looking at Joel's face, and he was screaming, hollering, please don't do this, and it sounded like he said don't rape me," Evans told investigators. "Marvin must have raped him for about, for about 15 minutes."

Lister stomped Seidel with his feet for more than 30 minutes, Evans told investigators. A videotape shows at least 25 minutes passed before guards discovered the body, according to attorneys for Seidel's family.

The transcript of the interview with Evans was included in a 102-page motion filed Friday in U.S. District Court in Camden by attorneys representing Seidel's estate. The Courier-Post obtained the filing through PACER, an online service that provides access to federal court records.

The motion requested the release of personnel files of the guards on duty that morning.

Lister has been charged in Seidel's killing. He is not charged with sexual assault. A spokesman for the Camden County Prosecutor's Office said he could not discuss Evans' credibility.

"I'm not going to comment on whether it's accurate or not," said Mike Cantner, a deputy chief at the prosecutor's office. "That case is still pending grand jury. Additional charges could always be lodged at grand jury."

Evans was sentenced to five years for two counts of attempted burglary, state records show. He is now at the South Woods state prison in Bridgeton.

Other inmates told the prosecutor's office that Lister had previously threatened Seidel, according to a prosecutor's report by investigator Randall C. MacNair included in the motion filed Friday.

Camden County spokesman Ken Shuttleworth declined to comment on Evans' statement or why the information was not previously released.

"We're not going to comment on anything related to those court papers," Shuttleworth said Saturday. "The truth will come out in the legal process, and that's as far as we're going to go."

But Ed Martone, a prisoners' rights advocate, said the county should have revealed what it knew about Seidel's death earlier.

"It was all part of a crime committed in a public institution. All that information should have been divulged as they had it. It's one of the reasons why people live in such jeopardy in these institutions. So much that is destructive and dangerous is kept from public view," said Martone, of the N.J. Association on Correction.

[Tom Kline](#), attorney for Seidel's family, said Evans' statement sheds fresh insight into what Seidel suffered while in jail.

"Evans graphically depicts the horror and terror that Joel Seidel experienced in the last minutes of his life. It demonstrates the results of deliberate indifference by the authorities to his safety and the disregard of him as a human being," said Kline.

"The brutality and the obscene nature of what Evans observed clearly has a ring of authenticity, which to our understanding is corroborated by video surveillance," he said.

Kline said an attorney in his firm had viewed a videotape that showed that at least 25 minutes passed before the body was discovered.

At one point, the tape shows a guard entering the mental health unit briefly but the guard did not look into any of the cells, Kline said.

His law firm has a history of trying to work to improve conditions as part of any settlement, Kline said. In 1999, he won a \$50 million settlement from SEPTA after a young boy's foot was mangled in an escalator.

" Camden County should look internally . . . (toward) shaping a jail which will truly act in the best interest of the community, to protect the most vulnerable people who came through the gates of the jail," said Kline.

In previous interviews, county officials have said they have taken steps to prevent future violence at the jail, which remains one of the most crowded in the state.

Inmates with varying criminal histories are now housed in different-colored uniforms so that guards won't place mismatched inmates in the same cells. Steps have been taken, Warden Eric Taylor has said, to improve security.

Records show that more than 1,800 prisoners are housed at the facility. It is designed to hold about 1,250.

In many cases, four prisoners sleep in cells originally designed to hold one. In those cases, two prisoners sleep in bunks and two on the floor - one near the toilet.

There were three prisoners in Seidel's cell in the mental health unit.

The court papers filed Friday also revealed details about other incidents previously reported in the Courier-Post.

The court papers included:

A copy of a letter from a mental health worker, Ellen Green, who said the jail received a phone call that Seidel had been beaten and appeared in court with black eyes two weeks before he was killed.

Mental health workers' intake sheets that evaluated both Seidel and Lister. Seidel had low scores for violence and instability. Lister had high scores for potential violence.

A sworn deposition in which Deputy Warden Marilyn Berry told Seidel's attorneys that corrections officers could not routinely check the histories of inmates.

"Most of them are not cleared to get that information," she said. "Just certain people are."

In another sworn deposition, James McIntyre, a shift supervisor in the jail, told attorneys that Lister "had a history of violent behavior towards other inmates and staff."