

FILED

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TAMARA CHARLES
CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

DONNIE HEYWOOD, JR.,

Plaintiff,

v.

GOVERNMENT OF THE VIRGIN
ISLANDS THROUGH THE BUREAU OF
CORRECTIONS, WYNNIE TESTAMARK,
DIRECTOR OF GOLDEN GROVE
ADULT CORRECTIONAL FACILITY,
OMAR SAMUEL and TYIESHA
BENJAMIN-SAMUEL,

Defendants.

Civil No. _____

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

VERIFIED COMPLAINT

COMES NOW Plaintiff, **DONNIE HEYWOOD, JR.**, by and through undersigned counsel, and files his Verified Complaint against Defendants **GOVERNMENT OF THE VIRGIN ISLANDS THROUGH THE BUREAU OF CORRECTIONS, WYNNIE TESTAMARK, DIRECTOR OF GOLDEN GROVE ADULT CORRECTIONAL FACILITY, TYIESHA BENJAMIN-SAMUEL, and OMAR SAMUEL, ASSISTANT WARDEN**, and alleges the following:

1. This Court has jurisdiction over this matter pursuant to 4 V.I.C. Section 76.
2. Plaintiff, Donnie Heywood, Jr., is a resident of St. Croix, U.S. Virgin Islands.
3. The Government of the Virgin Islands is a political body with the ability to sue and be sued.
4. The Bureau of Corrections ("BOC") is a division of the Virgin Islands Government.
5. Defendant Wynn Timer Testamark is a resident of the U.S. Virgin Islands and the Director of the Virgin Islands Bureau of Corrections.



6. Defendant Tyiesha Benjamin-Samuel is a resident of St. Croix, U.S. Virgin Islands.
7. At all relevant times, Defendant Benjamin-Samuel was employed as a Correction Officer with the BOC in St. Croix.
8. Defendant Omar Samuel is a resident of St. Croix, U.S. Virgin Islands, and at all relevant times served as Assistant Warden of the Golden Grove Adult Correctional Facility.
9. Defendant Benjamin-Samuel is the wife of Defendant Assistant Warden Omar Samuel.
10. On or about November 28, 2025, Defendant Benjamin-Samuel purposefully and with premeditation directed Plaintiff to the recreation yard while simultaneously allowing three dangerous inmates from a different unit into the same area.
11. Defendant Benjamin-Samuel knew that these inmates intended to harm Plaintiff and facilitated the attack.
12. In the presence of Defendant Benjamin-Samuel, the three inmates brutally beat Plaintiff with objects, causing serious injuries.
13. Defendants were aware that Plaintiff had previously sustained severe injuries, including a traumatic brain injury, placing him at heightened risk of serious harm or death if struck in the head.
14. Upon information and belief, Defendant Benjamin-Samuel has a history of engaging in or permitting improper conduct toward Plaintiff and other inmates.
15. Upon information and belief, Defendants knew or should have known that Defendant Benjamin-Samuel was unfit to serve as a Correction Officer but nonetheless hired, trained, and retained her.
16. On December 1, 2025, Defendants were put on notice as to what had occurred.
17. On December 1, 2025, Defendants were requested to secure video and evidence and conduct

an investigation.

18. On December 9, 2025, BOC and Director Testamark acknowledged receipt of the information regarding the assault, as well as the demand to preserve all evidence, and agreed to provide Plaintiff's counsel with a report.
19. On December 18, 2025, Plaintiff inquired as to the status of the investigation.
20. On December 19, 2025, Defendant BOC and Director Testamark responded that the investigation was ongoing.
21. On February 11, 2026, Plaintiff again contacted Defendants regarding the failure to produce surveillance footage and raised concerns that Defendant Benjamin-Samuel had not been placed on administrative leave.
22. Plaintiff's mother attempted to file a formal complaint with BOC Internal Affairs.
23. When she attempted to do so, Defendant Assistant Warden Omar Samuel informed Plaintiff's mother that he was Defendant Benjamin-Samuel's supervisor and, because she is his wife, refused to accept the internal affairs complaint.
24. On February 23, 2026, Defendant Testamark stated that the surveillance video was confidential and that any eventual release would be subject to redaction.
25. As a result of the acts and omissions of Defendants, Plaintiff has suffered damages.

COUNT I

Negligent Hiring, Training, and Retention as to Defendants Government of the Virgin Islands, Bureau of Corrections, and Wynn Timer Testamark

26. Plaintiff re-alleges the allegations in paragraphs 1 through 26 above as though fully set forth herein.
27. Defendants Government of the Virgin Islands, Bureau of Corrections, and Director Testamark had a duty to hire, train, supervise, and retain competent Correction Officers and

staff, and to ensure that the Golden Grove Adult Correctional Facility was operated safely and in accordance with applicable standards.

28. Upon information and belief, Defendants knew or should have known that Defendant Benjamin-Samuel was unfit to serve as a Correction Officer, had a history of engaging in or permitting improper conduct toward inmates, and posed a risk of harm to those in her charge.
29. Despite this knowledge, Defendants failed to take appropriate corrective action and continued to hire, train, and retain Defendant Benjamin-Samuel as a Correction Officer.
30. Defendants' negligent hiring, training, and retention of Defendant Benjamin-Samuel directly and proximately caused the brutal assault on Plaintiff and the injuries he sustained as a result.
31. As a direct and proximate result, Plaintiff suffered serious physical injuries, aggravation of his pre-existing traumatic brain injury, pain and suffering, mental anguish, medical expenses, and other damages.

COUNT II

Intentional Tort - Assault by Facilitation as to Defendant Tyiesha Benjamin-Samuel

32. Plaintiff re-alleges the allegations in paragraphs 1 through 26 above as though fully set forth herein.
33. Defendant Benjamin-Samuel intentionally and with premeditation directed Plaintiff to the recreation yard while simultaneously and deliberately allowing three dangerous inmates from a different unit into the same area, knowing that those inmates intended to harm Plaintiff.
34. Defendant Benjamin-Samuel was present during the assault and took no action to stop it, having facilitated and enabled the attack.
35. Defendant Benjamin-Samuel's conduct was intentional, willful, and wanton, and constituted an intentional tort against Plaintiff.

36. Defendant Benjamin-Samuel knew that Plaintiff had a pre-existing traumatic brain injury and that a physical assault posed a heightened risk of serious harm or death to Plaintiff.
37. As a direct and proximate result of Defendant Benjamin-Samuel's intentional conduct, Plaintiff suffered serious physical injuries, aggravation of his traumatic brain injury, pain and suffering, mental anguish, medical expenses, and other damages.

COUNT III

Negligent Supervision and Obstruction of Internal Complaint as to Defendants Wynnie Testamark and Omar Samuel

38. Plaintiff re-alleges the allegations in paragraphs 1 through 26 above as though fully set forth herein.
39. Defendant Testamark, as Director of the Bureau of Corrections, had a duty to supervise Correction Officers and staff, to investigate reports of officer misconduct, to preserve evidence related to such misconduct, and to take appropriate corrective action.
40. Defendant Testamark failed to place Defendant Benjamin-Samuel on administrative leave following the assault, failed to timely produce surveillance footage, and declared the footage confidential in a manner that frustrated Plaintiff's ability to obtain evidence of the assault.
41. Defendant Omar Samuel, as Assistant Warden and the direct supervisor of Defendant Benjamin-Samuel, had an independent duty to receive, process, and act upon internal complaints of officer misconduct.
42. Defendant Samuel refused to accept the internal affairs complaint filed by Plaintiff's mother because Defendant Benjamin-Samuel is his wife, thereby using his supervisory authority to obstruct the internal investigation and shield his wife from accountability.
43. Defendants Testamark and Samuel's failures in supervision and their obstruction of the

internal complaint process compounded the harm to Plaintiff and denied him access to the investigative and remedial process to which he was entitled.

44. As a direct and proximate result, Plaintiff suffered ongoing harm, denial of access to evidence and remedial process, and other damages.

COUNT IV

Violation of Civil Rights Pursuant to 42 U.S.C. Section 1983 as to Defendants Wynn Timermark, Tyiesha Benjamin-Samuel, and Omar Samuel in Their Individual Capacities

45. Plaintiff re-alleges the allegations in paragraphs 1 through 26 above as though fully set forth herein.
46. At all relevant times, Defendants Timermark, Benjamin-Samuel, and Samuel were acting under color of law in their capacities as employees and officials of the Bureau of Corrections.
47. Defendant Benjamin-Samuel violated Plaintiff's rights under the Eighth Amendment to the United States Constitution, made applicable to Plaintiff through the Bill of Rights contained in the Virgin Islands Revised Organic Act, 48 U.S.C. Section 1451, by deliberately and intentionally facilitating a violent assault on Plaintiff, knowing that Plaintiff had a pre-existing traumatic brain injury and that the assault posed a substantial risk of serious harm or death.
48. Defendant Timermark violated Plaintiff's Eighth Amendment rights by acting with deliberate indifference to the substantial risk of serious harm posed by Defendant Benjamin-Samuel, knowing or having reason to know of her history of improper conduct, failing to remove her from duty following the assault, and failing to conduct a meaningful investigation.
49. Defendant Omar Samuel violated Plaintiff's rights under the Eighth Amendment and the Due Process Clause of the Fourteenth Amendment by using his supervisory authority to obstruct the internal affairs complaint process, thereby denying Plaintiff access to the remedial process

and enabling continued harm.

50. Defendants' conduct was not the result of mere negligence but reflected a conscious disregard of Plaintiff's constitutional rights.

51. As a direct and proximate result of Defendants' violations of 42 U.S.C. Section 1983, Plaintiff suffered serious physical injuries, aggravation of his traumatic brain injury, pain and suffering, mental anguish, medical expenses, loss of enjoyment of life, and other damages, and is entitled to compensatory and punitive damages against Defendants in their individual capacities.

WHEREFORE, Plaintiff prays for damages as they may appear, compensatory and punitive, and for pre- and post-judgment interest, costs and fees, injunctive relief requiring Defendants to preserve all surveillance footage and evidence related to the November 28, 2025 assault, and for such other relief as this Court deems fair and just.

RESPECTFULLY SUBMITTED
LEE J. ROHN AND ASSOCIATES, LLC
Attorneys for Plaintiff

DATED: April 30, 2026

BY: /s/ Lee J. Rohn
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VERIFICATION

I, **DONNIE HEYWOOD, JR.**, being duly sworn, state I have read the allegations contained in the foregoing **VERIFIED COMPLAINT** and know them to be true and correct to the best of my knowledge and belief.

Date: 4/30/2026 Donnie Heywood
DONNIE HEYWOOD, JR.

SUBSCRIBED AND SWORN to before
me this 30th day of April, 2026.



KARIMA JENKINS-GUZMAN
Notary Public - St. Croix, U.S. Virgin Islands
NP-585-22
My Commission Expires September 2, 2026