

- Jobs
- Homes
- Autos
- NEWS**
- Local News
- Capitol/State
- Nation
- World
- Weather
- Opinion
- Blogs
- Sports
- Business
- Movies
- Entertainment
- Travel
- Life
- Calendar
- Communities
- Special Reports
- Photo Galleries
- Lottery
- Obituaries
- Archives
- » New account
- » Help
- » Forget password?
- MARKETPLACE**
- Classifieds
- Merchandise
- Shopping
- Yellow Pages
- Today's Ads
- Online Store
- ABOUT US**
- Home Delivery
- E-Edition
- Advertising
- Privacy
- Help
- Corrections

» [RETURN TO SEARCH RESULTS](#)» [START NEW SEARCH](#)

Search

Section: CAPITAL REGION
 Page: B15
 Date: Thursday, December 9, 1999

FORMER INMATE SUES COUNTY OVER RAPE

MELISSA GRACE Staff writer

A woman who was raped by a correction officer while she was a 16-year-old jail inmate has filed a \$9 million lawsuit against the officer and Rensselaer County.

The lawsuit also alleges that Wayne Dayton, the correction officer, had illegal sexual relations with many other female inmates at the county jail.

Dayton, 54, formerly of Cropseyville, pleaded guilty in January to third-degree rape and sodomy, admitting that in November 1997, he engaged in sexual intercourse and oral sex in the jail commissary with the then 16-year-old (the victim is now 19). He was sentenced to two years in jail and five years' probation and is in the Columbia County jail, according to legal papers.

The victim's Albany attorney, Elmer R. **Keach**, said that the sexual relations Dayton admitted to engaging in with his client were illegal because she was underage. He also said that under New York's penal law a prisoner cannot consent to sexual relations with correction officers.

``He took advantage of her youth and sexually assaulted her," **Keach** said. ``The violation of her civil rights is obvious. It's disgusting what happened to her."

The legal papers, filed in U.S. District Court in Albany Nov. 25, allege that Dayton's supervisors -- including Rensselaer County Sheriff Daniel Keating -- knew of the illegal acts and did nothing to stop them. Calls to the sheriff's office were not returned Tuesday.

The suit names Dayton, Keating, Robert Loveridge and Harold Smith, both sheriff's department officials, and 20 unidentified deputies and other jail employees. The papers allege the victim's constitutional rights were violated and that she was physically assaulted.

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