

Jury sides with ex-guard in retaliation case

03/04/2006

Guillermo Contreras
Express-News Staff Writer

A federal jury on Friday awarded a former prison guard \$120,000 after finding her bosses at the Torres Unit in Hondo retaliated against her because she filed claims of sexual discrimination.

In a trial before U.S. District Judge Xavier Rodriguez, jurors deliberated for more than five hours before returning the verdict for Maryanne Denner of Edinburg, who had worked for the Texas Department of Criminal Justice for 17 years.

The jury awarded Denner — a former gang sergeant with the prison system's Security Threat Group — \$45,000 for back pay and benefits, and \$75,000 for mental anguish.

Prison officials have not decided whether to appeal.

Denner, 43, said she had to endure sexual harassment from September 2002 to June 2003, and the prison system punished her for it rather than do something about it.

"I'm vindicated," a teary-eyed Denner said, raising her arms in victory outside San Antonio's federal courthouse. "If you stand up for yourself, they don't like that. They find a way to get rid of you, and they do it. I wouldn't wish this on anyone."

According to statements made in court, Denner received exemplary evaluations, the latest shortly before administrators forced her to resign in 2003 after she complained of sexual discrimination, harassment and a hostile work environment.

An internal inquiry by the prison system did not substantiate her claims, but a probe by the U.S. Equal Employment Opportunity Commission did.

The prison recommended Denner for termination over allegations that she did not follow a security rule that required employees to notify supervisors of relationships with inmates' relatives.

According to statements made in court, Denner maintained a relationship with the family of an inmate, whom she said served as an informant. Denner's lawyers argued that Denner notified her superiors of the relationship. The state argued otherwise, and said it created a problem.

"It (the relationship) crossed the line and compromised security," Lee Haney, an assistant Texas attorney general, said in closing arguments Thursday.

Denner said that, given the verdict, the prison system should "hold those people who did this" to her accountable. She also criticized the prison system's internal review process for not thoroughly and impartially investigating her complaints.

"They do review those claims, they do look into them, they do investigate them," said TDCJ spokeswoman Michelle Lyons. "We're disappointed with the verdict, and we'll be looking next week at our next course of action, on whether we'll be able to appeal or not."