

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GERRY D. WILLIAMS,
Plaintiff,
vs. No. C 04-2409 (SI)
LIEUTENANT ROSS, et al.,
Defendants.

DEPOSITION OF SHANE VON ROACH
San Francisco, California
Wednesday, August 30, 2006.

Reported by:
ERIC GILLIAM
CSR No. 3338
JOB No. 3-51968

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 GERRY D. WILLIAMS,
5 Plaintiff,
6 vs. No. C 04-2409 (SI)
7 LIEUTENANT ROSS, et al.,
8 Defendants.

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12
13
14 Deposition of SHANE VON ROACH, taken on behalf of
15 Plaintiff, at 50 California Street, 22nd Floor,
16 San Francisco, California, beginning at 10:49 a.m. and
17 ending at 1:21 p.m., on Wednesday, August 30, 2006,
18 before ERIC GILLIAM, Certified Shorthand Reporter
19 No. 3338.

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1 (Pages 1 to 4)

1 San Francisco, California, Wednesday, August 30, 2006
2 10:49 a.m. - 1:21 p.m.

3
4 SHANE VON ROACH,
5 having been first duly sworn, was examined and testified
6 as follows:

7
8 EXAMINATION

9 BY MR. CALABRO:

10 Q Please state your name and address for the
11 record.

12 A My name is Shane Von Roach. My address is
13 [REDACTED]

14 MR. McDONOUGH: You know, Toji, just one thing
15 I'm going to request at this point on that is, due to
16 the nature of his job, the inmates, is that something
17 that -- on the deposition that we can -- the home
18 address, keep from inmates or like --

19 MR. CALABRO: Yeah, that's fine.

20 MR. McDONOUGH: Okay. Why don't we agree that
21 if we are going to -- we could mark that --

22 MR. CALABRO: I just want it on the record, and
23 we can certainly do something to take care of it. Sure.

24 MR. McDONOUGH: Okay.

25 BY MR. CALABRO:

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1 everything we say today. So it's very important that we
2 speak clearly, we try to articulate, we don't talk over
3 each other.

4 It's also important that you answer every
5 question with a "yes" or a "no." You can't say "uh-huh"
6 and you can't, you know, shake your head or whatever.

7 At various points, your attorney may decide
8 that he wants to object. Now, these objections are only
9 for the record. You still have to answer the question.

10 Do you understand that?

11 A Yes.

12 Q Now, he might decide at some point that a
13 question I ask gets into the attorney-client privilege
14 or, you know, leads to an answer that would be covered
15 by privilege. At that point, he would direct you not to
16 answer. And those are the only times that you are not
17 allowed to answer a question.

18 If you ever need to break throughout today's
19 testimony -- might be a long day, depending on what you
20 have to say -- just let me know, and we will try to
21 accommodate those as possible.

22 Are you taking any medication today?

23 A No.

24 Q Did you not take any medication that you should
25 have taken?

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1 Q All right. My name is Toji Calabro. I
2 represent Gerry Williams in a case called Williams
3 against Ross.

4 You are a defendant in one of those cases, and
5 the reason that we have called you here today is to get
6 your testimony and your understanding of what happened
7 for the topics that are relevant to that case.

8 Now, have you ever been deposed before?

9 A No.

10 Q Okay.

11 Now, you were just sworn in. And do you
12 understand that that oath is the same oath as if you
13 were to testify in a court of law?

14 A Yes.

15 Q Do you understand that you are still subject to
16 perjury just as if you would be subject -- just as if
17 you were to lie in a court of law?

18 A Yes.

19 Q Okay.

20 Now, throughout today's deposition, I will be
21 asking you a series of questions. If you don't
22 understand any of my questions, please ask me to clarify
23 them, and I will do so.

24 A Okay.

25 Q And the court reporter is going to be recording

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1 A No.

2 Q So is there any other reason why you can't give
3 your best testimony in today's case?

4 A No.

5 Q Now, as I said, we are here today to find out
6 everything you know about this case. So it's very
7 important that you add in all relevant information in
8 response to the questions that I ask.

9 Do you understand that?

10 A Yes.

11 Q Okay.

12 And just to be clear, you understand how
13 important it is to tell the truth in today's deposition?

14 A Yes.

15 Q You understand how important it is to be
16 accurate?

17 A Yes.

18 Q You understand how important it is to be
19 complete?

20 A Yes.

21 Q And you understand how important it is to add
22 in all relevant information?

23 A Yes.

24 Q Okay. What did you do in preparation for this
25 deposition?

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1 MR. McDONOUGH: I'm going to object, as that
2 question could lead to information that's protected by
3 the attorney-client privilege.
4 BY MR. CALABRO:
5 Q Did you talk to anybody in preparation for this
6 deposition?
7 A Yes.
8 Q Who did you talk to?
9 A Mr. McDonough.
10 Q Is he the only person that you talked to?
11 A Yes.
12 Q Did you review any documents in preparation for
13 this deposition?
14 A I reviewed my report from an incident on
15 August 3rd of 2003.
16 Q Is that the only document that you reviewed?
17 A That's the only document.
18 Q Okay.
19 Could you tell me when you were born?
20 A October 2nd, 1974.
21 Q And where was that?
22 A In Downey, California.
23 Q And did you go to high school in Downey,
24 California?
25 A No, I did not.

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1 Q Where did you go to high school?
2 A My freshman year of high school, I went to
3 Chino High School in Chino, California. My sophomore
4 through senior year, I went to Etiwanda High School
5 which is in Etiwanda, California.
6 Q And did you graduate from Etiwanda High School?
7 A Yes.
8 Q Did you go to college after that?
9 A Some. Mt. San Antonio Junior College and some
10 college courses while I was in the Army.
11 Q Did you graduate at all?
12 A No.
13 Q What did you study while you were at --
14 A General studies.
15 Q Just general studies.
16 And then you went to the Army; is that what you
17 said?
18 A Yes. I went into the Army right out of high
19 school. Before I went to college.
20 Q So before you went to college.
21 What did you -- how long were you in the Army?
22 A Two years, eight months.
23 Q What rank did you --
24 A Specialist E4.
25 Q Did you get any particular specialized training

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1 in the Army?
2 A I was a 75 Bravo Personnel Administration
3 Specialist.
4 Q Were you ever a part of the military police?
5 A No.
6 Q Okay.
7 Did you ever do any other kind of specialized
8 education or any kind of specialized training?
9 MR. McDONOUGH: Just going to object as
10 ambiguous.
11 THE WITNESS: No.
12 BY MR. CALABRO:
13 Q Was there any kind of special training that you
14 had to be a prison guard?
15 A I did go to the academy in October of 2000.
16 Q There's a prison academy --
17 A Yes.
18 Q -- a prison guard academy?
19 A Yes.
20 Q What's the name of the academy?
21 A Correctional Academy, Richard A. McGee
22 Correctional Academy.
23 Q And where is that?
24 A Galt, California.
25 Q Is that the academy for all California state

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1 prison guards?
2 A Yes.
3 Q So any prison guard who works in a California
4 state prison goes to that academy before they start
5 working?
6 A Yes.
7 Q How long does that academy -- how long did you
8 go to school there?
9 A 11 weeks.
10 Q It's an 11-week course.
11 What kinds of things do you learn there?
12 A You learn your self-defense maneuvering, your
13 weapons training, prison policies and procedures --
14 well, departmental policies and procedures.
15 Q What department?
16 A Department of Corrections.
17 Q Okay.
18 Anything else?
19 A That's --
20 Q Is one of the procedures that you learn in the
21 Department of Corrections anything having to do with
22 interactions with inmates?
23 A Yes.
24 Q What kinds of procedures do you learn?
25 A Communication procedures, how to handle an

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3 (Pages 9 to 12)

1 agitated inmate, how to handle a situation, possibly a
 2 violent situation.
 3 Q Anything else?
 4 A No.
 5 Q It seems to me that most of these trainings
 6 that you learned have to do with self-defense and
 7 weaponry and various degrees of violence; is that fair?
 8 A Yes.
 9 MR. McDONOUGH: I'm going to object as
 10 speculative.
 11 BY MR. CALABRO:
 12 Q Is that a fair characterization?
 13 A Yes.
 14 Q And you said that happened for 11 weeks in
 15 2000, was it?
 16 A October of 2000.
 17 Q So the Army was from what years?
 18 A From December of 1992 to August of 1995.
 19 Q What did you do after you left the Army; did
 20 you go straight to college?
 21 A No, I went to Germany with my wife, who was in
 22 the -- my ex-wife, who was in the military at the time,
 23 and I worked in the military grocery store in
 24 Heidelberg, Germany.
 25 Q How long did you work there?

1 A Approximately seven months.
 2 Q What did you do after that?
 3 A Came back. Me and my wife split up, and I came
 4 back to the States.
 5 Q That was in 1996?
 6 A '9- -- no. It was in '97 was when I came back
 7 to the States, August of '97.
 8 Q So was there a time that you lived in Germany
 9 that you weren't working at the store?
 10 A Yes.
 11 Q Did you have another job?
 12 A No. I was a stay-at-home dad.
 13 Q Okay. And then you came back to the United
 14 States in 1997?
 15 A Yes.
 16 Q And then what did you do from 1997 to 2000?
 17 A From 1997 until 1999, I worked at a grocery
 18 store in Tacoma, Washington.
 19 Q What was your position there?
 20 A I was a stock clerk.
 21 Q And that was from 1997 to 1999?
 22 A And then 1999, I moved from Washington back to
 23 California, and I worked for a termite company.
 24 Q What city?
 25 A In La Mirada, California.

1 Q And that was from 1999 until --
 2 A Until -- no, I -- you know what, I'm sorry, my
 3 dates are incorrect.
 4 Q Okay.
 5 A I was in -- I worked in Tacoma, Washington,
 6 from 1997 till 1998.
 7 Q Okay.
 8 A Then in '98, I returned back to California, and
 9 I worked from 1998 to 2000 under the termite company.
 10 And I also did pizza delivery from '99 to 2000.
 11 Q What was your position at the termite company?
 12 A Laborer.
 13 Q I'm sorry; I don't know what that means.
 14 A Just --
 15 Q What did you do for the termite company?
 16 A Treated termites -- basically pest control
 17 technician.
 18 Q Okay.
 19 A Termite control technician.
 20 Q Did you have to go to the prison guard academy
 21 before you were hired as a guard, or were you hired
 22 first as a guard and then you go to the prison academy?
 23 MR. McDONOUGH: Objection; ambiguous.
 24 THE WITNESS: I believe we were hired by the
 25 State to go to the academy, but you had to pass the

1 academy in order to work as a correctional officer. But
 2 we were paid at a different pay rate while we were at
 3 the correctional academy.
 4 BY MR. CALABRO:
 5 Q Why did you decide to apply for a job at the
 6 prison or with the Board of Prisons?
 7 A I wanted a job in law enforcement.
 8 Q Is there any particular experience that you had
 9 with law enforcement that made you want to become a
 10 prison guard or a person in law enforcement?
 11 A Not a particular incidence. I just -- I like
 12 the structured environment of law enforcement and
 13 knowing what you are doing every day. It was the same
 14 as the military.
 15 Q Did you attempt to get a job with the police
 16 department?
 17 A Yes, I did, the Seattle Police Department.
 18 Q And was that unsuccessful?
 19 A Yes.
 20 Q Do you know why?
 21 A I did not score in the top 25 percent on the
 22 second written exam.
 23 Q Did you try to get a job with any other law
 24 enforcement agency?
 25 A The LA County Sheriffs.

1 Q What happened with that?
2 A I was disqualified due to a car repossession
3 and a pending divorce.
4 Q With respect to the California Department of
5 Prisons, have you worked at Salinas Valley State Prison
6 since you graduated from the academy?
7 A Yes.
8 MR. McDONOUGH: It's probably the California
9 Department of Correction and Rehabilitations, is kind of
10 the -- because there's also the Board of Prison Terms,
11 which is BPT, which is like the parole stuff.
12 MR. CALABRO: Okay.
13 MR. McDONOUGH: Just to make it more clear.
14 MR. CALABRO: So it's the California Department
15 of Corrections?
16 MR. McDONOUGH: And currently it's been changed
17 to add "and Rehabilitations."
18 BY MR. CALABRO:
19 Q Okay. So we can just say CDCR?
20 A Yes. That's --
21 Q Is that what we are going to say?
22 Okay.
23 With regard to your position at CDCR, what do
24 you like best about that position? What do you like
25 best about your job?

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1 A The pay.
2 Q Is there anything else that you enjoy about
3 your job?
4 A The structured environment of my job, knowing
5 what I'm doing every day, when I'm -- you know, knowing
6 that I have certain jobs to do that are set forth every
7 day and I don't really have to expect my job to change.
8 Q What do you dislike about your job?
9 A The confrontations that come along with it.
10 Q For example?
11 A Confrontations with inmates, having to step in
12 and, if an inmate's being stabbed, we have to stop it.
13 So the risk of myself being stabbed or my fellow
14 partners being stabbed or assaulted.
15 Q Anything else you don't like about your job?
16 A That's it.
17 Q All right.
18 I would like to talk a little bit more
19 specifically about the prison.
20 I'm going to hand you a piece of paper. And if
21 I could, I would like you to draw a diagram, sort of an
22 aerial diagram of the buildings on the prison.
23 Do you think you could do that?
24 A Okay.
25 Q Show the main facilities, just so we have a

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1 general idea.
2 As accurately as you can.
3 A I'm a horrible drawer.
4 Q Could you just explain --
5 A It's -- okay.
6 The yards are -- the yard that I work on is
7 basically like a horseshoe; you walk onto the yard, come
8 into the yard --
9 Q When you say "yard," what does that mean?
10 A That's the actual yard, the -- like Bravo
11 facility, there's -- we call them yards, they're where
12 the buildings are. Usually you have five buildings on
13 that facility with a giant recreational yard in the
14 middle.
15 Q And is "the facility" Salinas Valley State
16 Prison, or does "facility" mean something else?
17 A Salinas Valley State Prison.
18 Q Okay.
19 So the entire prison, there are five yards?
20 A In the entire prison, there is Alpha yard,
21 Bravo yard, Charlie yard, Delta yard, and Echo yard.
22 But Echo yard is not within the secured
23 perimeter. It's on the outside of the perimeter.
24 Q Okay.
25 So what I'd like you to draw is an aerial view

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1 of the entire prison itself, not the particular -- here,
2 I will give you another sheet of paper.
3 MR. McDONOUGH: I'm just going to object on
4 ambiguous assignment and vague.
5 Go ahead.
6 BY MR. CALABRO:
7 Q Just an overview of the prison the best that
8 you can so we can understand sort of where these
9 different facilities are.
10 A Well, this would be Alpha and Bravo, this would
11 be central control, which is in between both of them;
12 this would be Charlie, this would be Delta, this would
13 be complex control.
14 And this is where we enter -- our parking lots
15 are here.
16 Q Can you go ahead and label what these different
17 things are?
18 A Yeah.
19 Q Now, each yard, is that where various prisoners
20 are housed?
21 A Yes.
22 Q Okay. Is there a central medical facility
23 on --
24 A Yes, there is.
25 Q And where is the medical facility?

Page 20

5 (Pages 17 to 20)

1 A You know what, let me change this.
2 Q Is that the only medical facility on the
3 grounds?
4 A Within the yards, they have little medical
5 clinics within yards for immediate situations. That's
6 where the inmates will go to be evaluated.
7 Q Okay.
8 A They are within the yards.
9 The yard goes like this; they are about right
10 down here, right in the middle.
11 It's hard to draw.
12 You walk on the yard and you --
13 Q So let's -- now let's draw like an individual
14 yard so we have an example of what you --
15 MR. McDONOUGH: I'm going to object as vague
16 and ambiguous regarding the drawing assignment.
17 MR. CALABRO: Okay.
18 Q Could you please draw your understanding of --
19 your --
20 A I'm trying to visualize the yard as I walk.
21 MR. McDONOUGH: Is your question is it one
22 specific yard or --
23 BY MR. CALABRO:
24 Q Are there differences between the yards?
25 A Alpha and Bravo are the same in design, Charlie

Page 21

1 and Delta are different.
2 Q Which one is Mr. Williams in?
3 A He --
4 MR. McDONOUGH: I'm going to object to the --
5 as overbroad as to time.
6 Are you talking about now or --
7 THE WITNESS: I don't know where he is at now.
8 BY MR. CALABRO:
9 Q Where was he on --
10 A He was on Bravo facility.
11 Q Okay.
12 Can you draw Bravo facility then?
13 Now, you are labeling 1 through 5. What are
14 these things --
15 A Okay. Sorry.
16 These are buildings. And they are labeled as
17 such.
18 Q Building 1, Building 2?
19 A Mm-hmm.
20 So if you were to come on the yard, this is how
21 you would look; you would see Bravo 1 is over here, 2,
22 3, 4, 5.
23 As you come on the yard, there is a fence that
24 separates what we call the program office, so this would
25 be the -- this would be the fence that goes all the way

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1 down the middle here.
2 Q Okay.
3 A Then this is the program office and the medical
4 clinic.
5 As you walk on the yard, actually the medical
6 clinic would be to the left. It would be over here, if
7 you walked on the yard from this way, which is the way
8 we have to enter the yard.
9 So -- and then CTC, the central medical
10 facility for the entire institution, is off the
11 facility. And it's out -- all the facilities are fenced
12 off, concrete walled off. And off the facilities are
13 where the medical treatment center is.
14 Q How far away is the medical treatment center,
15 would you estimate?
16 A I'd say approximately a half mile.
17 Q And how do you -- if there is a problem with a
18 guard -- or not a guard, but an inmate that needed to go
19 to the medical facility, how do they normally --
20 A If it is an emergency -- which I don't
21 determine if they are emergencies -- he can be
22 transported -- we have an emergency reaction vehicle at
23 the prison that --
24 Q Is it like an ambulance?
25 A Yeah, it is, like a makeshift ambulance.

Page 23

1 They would come to the yard and get him if he
2 needed to be medically transported right away, or he
3 could be escorted by two officers.
4 Q Which one of these buildings did Gerry Williams
5 live in at the time of the fall of 2003?
6 A Right here, Bravo 5.
7 Q Bravo 5.
8 How far is it from Bravo 5 to the medical
9 clinic in that --
10 A In here?
11 Q -- yard?
12 A 300 feet.
13 Q So if I were to walk, how long do you think
14 that would take me?
15 A No more than two minutes.
16 Q What's the normal procedure for how a sick
17 inmate gets to the medical clinic within their yard?
18 A If the yard is on what we call modified
19 program, meaning the inmates don't have their normal
20 program, which is yard, walking to chow in the morning,
21 if they are on a modified program, then they are
22 escorted by a yard staff member or a building staff, but
23 usually it's a yard staff, because they don't like to
24 take the building staff members out.
25 And he is walked over there, and he is placed

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1 in what's called a -- it's a temporary holding cell.
2 And he waits to be seen.
3 Q So from the time that he requests to the time
4 he gets to the medical clinic, it should take five
5 minutes?
6 MR. McDONOUGH: Vague and ambiguous, objection.
7 THE WITNESS: I -- I can't answer that, because
8 it depends on yard staff coming over, or if a medical
9 technician or one of the nurses on the yard wants to
10 come over and see him in his cell.
11 BY MR. CALABRO:
12 Q Okay.
13 You talked about the difference between yard
14 staff and building staff. What -- I don't understand
15 the difference.
16 A Okay. A building officer works inside the
17 building. He controls all the daily activities in the
18 building, which is running showers, shower release,
19 things like that.
20 The yard staff is in charge of the yard.
21 Q So they -- do they go in and out of buildings
22 all day?
23 A Yes.
24 Q And so they are just assigned to the yard for
25 the day, for example?

Page 25

1 A Yes.
2 Q How many building staff is there per day in a
3 building?
4 A There are three total.
5 Q How many yard staff?
6 A The watches vary. Second watch and third
7 watch, which are different shifts, there's more staff
8 per second watch than there is third.
9 I -- at the time of this, third watch, I
10 believe there were three yard officers.
11 Q So there would be three building staff in each
12 building --
13 A Yes.
14 Q -- and then there would be three overall yard
15 staff?
16 A Yes.
17 Q Okay.
18 Where are the recreational facilities on that
19 whole area in the --
20 A (Indicating.)
21 Q Okay. Very good.
22 Let's talk a little bit more specifically about
23 your role at the prison.
24 Who do you report to?
25 MR. McDONOUGH: Objection as vague and

Page 26

1 ambiguous.
2 BY MR. CALABRO:
3 Q Do you have a supervisor?
4 A No -- yes, I do have a supervisor, but I don't
5 directly report to anybody when I come in to work.
6 Q What's your supervisor's name?
7 A I have different supervisors each day. I don't
8 work in the same spot every day, so I don't -- on
9 Wednesdays it would be Sergeant Kessler.
10 Q So you have a different supervisor every day?
11 A I have a different supervisor -- yes. Well,
12 three -- out of the five days, three -- because I work
13 in two spots twice a day -- or twice a week, and then I
14 work in one spot once a week.
15 Q Maybe I should have started with let's talk
16 about how your schedule works.
17 Can you describe your scheduling for a given
18 week?
19 A Okay.
20 On Wednesdays, my duty hours are 7:00 in the
21 morning until 3:00 o'clock in the afternoon. I am the
22 medical transport officer, one of the medical transport
23 officers for CTC.
24 Q And are you talking about right now?
25 A Yes --

Page 27

1 Q Okay.
2 A -- currently right now.
3 On Thursdays and Fridays, I work at the front
4 entrance to where I check the IDs of the officers coming
5 in and check their bags, and all visitors that come into
6 the prison.
7 And then Saturdays and Sundays, I work in
8 what's called the watch office, where I pick up time
9 sheets from the yards, I hire overtime. And those --
10 those are my duties.
11 Mondays and Tuesdays I'm off, are my RDOs.
12 Q Who determines your schedule?
13 A I do, based on -- we have a post-and-bid
14 policy. So you can bid for the job that you want.
15 Q Is that based on seniority, who --
16 A Yes.
17 Q -- who gets...
18 How long have you had the schedule that you
19 have now?
20 A I believe since October of 2005.
21 Q And how long do those schedules stay the same?
22 A They can stay the same for up to three years,
23 because that's our post-and-bid. We have what's called
24 a major post-and-bid every three years to where
25 everybody has to rebid the jobs they want -- or you can

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1 bid every 30 days -- up to five times in the three
 2 years.
 3 Q All right.
 4 What was your schedule in August of 2003?
 5 A I was two days of yard S and E, which is a yard
 6 officer, search and escort -- I'm sorry, it was 6:00 in
 7 the morning until 2:00 in the afternoon.
 8 Q 6:00 a.m. until 2:00 p.m.?
 9 A I was -- three days I was a yard officer, and
 10 two days I was a building officer.
 11 Q Was this the same schedule you had in
 12 September 2003?
 13 A Yes.
 14 Q Okay. So the three days that you were the yard
 15 officer, you were the one who would escort, for example,
 16 prisoners to the medical facility --
 17 A Yes.
 18 MR. McDONOUGH: Objection; foundation.
 19 BY MR. CALABRO:
 20 Q -- or between buildings or to the recreation;
 21 is that right?
 22 A Yes.
 23 Q Let's talk a little bit about your
 24 relationships with the prisoners actually at the
 25 facility.

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1 How would you characterize your relationships
 2 in general with inmates at the prison?
 3 A Good --
 4 MR. McDONOUGH: I'm going to object as
 5 ambiguous.
 6 THE WITNESS: Good and bad.
 7 BY MR. CALABRO:
 8 Q What do you mean by "good and bad"?
 9 A I had -- I had a very good rapport with inmates
 10 in Bravo 5, and some inmates I did not have a good
 11 rapport with.
 12 Q What inmates did you not have a good rapport
 13 with?
 14 A Mr. Williams was one.
 15 And I can't recall the inmates that I did
 16 outside of that.
 17 Q Mr. Williams is the only one that you can
 18 recall?
 19 A That's the only one I can recall.
 20 Q But you said that there were more?
 21 A Yes, there were more.
 22 Q Were there a lot more, like five more, ten
 23 more?
 24 A I can't recall, can't give you --
 25 Q Can't even estimate?

Page 30

1 A About five to ten.
 2 Q What did your conflict with these inmates stem
 3 from?
 4 MR. McDONOUGH: Objection; ambiguous and vague.
 5 THE WITNESS: Not giving them what they wanted.
 6 BY MR. CALABRO:
 7 Q For example?
 8 A Inmate wants to go to yard, but it's not his
 9 scheduled yard -- yard day. So I tell him "no." And
 10 then the conflict starts.
 11 Q Did these same inmates have conflicts with
 12 other prison guards?
 13 A Yes.
 14 MR. McDONOUGH: Objection; speculative.
 15 THE WITNESS: Yes.
 16 BY MR. CALABRO:
 17 Q Did you observe these problems with other
 18 guards?
 19 A Yes.
 20 Q Was there ever an inmate that you had a problem
 21 with that you didn't observe having problems with other
 22 guards?
 23 MR. McDONOUGH: Objection; speculative, lacks
 24 foundation.
 25 THE WITNESS: I can't answer that completely.

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1 I wasn't around the inmate or the other guards that were
 2 with him on a regular basis.
 3 BY MR. CALABRO:
 4 Q My question was, were there ever any inmates
 5 you had a problem with that you observed not having
 6 problems with other guards?
 7 A Yes.
 8 Q Like for example?
 9 A I can't recall names.
 10 Q Other than the present action that we are
 11 talking about now, have there been any other accusations
 12 against you for mistreating an inmate?
 13 MR. McDONOUGH: Objection; overbroad,
 14 speculative, lacks foundation.
 15 THE WITNESS: No, not that I'm aware of.
 16 BY MR. CALABRO:
 17 Q This is the only one?
 18 A Yes.
 19 Q Have you ever been subject to any other
 20 disciplinary procedures?
 21 A No.
 22 Q None of any kind?
 23 A None that I know of.
 24 MR. McDONOUGH: I am going to object as
 25 overbroad and ambiguous.

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1 BY MR. CALABRO:
 2 Q Do you have an annual evaluation?
 3 A Yes.
 4 Q Do you have any other kind of other evaluations
 5 at the prison?
 6 A None that I know of.
 7 Q What is entailed in an annual evaluation?
 8 MR. McDONOUGH: I'm going to object, based on
 9 some of this information goes to personnel files of
 10 peace officers, which are protected -- protected and
 11 privileged.
 12 But you can answer that question.
 13 THE WITNESS: They judge us on our work habit,
 14 custody of inmates, our attendance history, safety and
 15 security of the institution.
 16 BY MR. CALABRO:
 17 Q Is there like a demerit or demerit system, or
 18 is there any other way of numerically quantifying your
 19 job performance?
 20 A The evaluation sheet is in numbers; it goes
 21 from four to zero, or four to one, I'm not quite sure,
 22 four being the best, which is excellent, three being
 23 above standard, two being standard, one being below --
 24 one being below average, and I don't believe there's a
 25 zero.

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1 Q Are those numbers affected by grievances file
 2 against a guard?
 3 A I can't answer that.
 4 MR. McDONOUGH: Objection; vague and ambiguous.
 5 BY MR. CALABRO:
 6 Q You don't know?
 7 A I can't answer that.
 8 Q You have no idea?
 9 A Don't know.
 10 Q Okay.
 11 Now I would now like you to draw a picture of
 12 an inmate's cell -- if you remember what Mr. Williams's
 13 cell looks like in particular, that would be great, but
 14 just sort of an overview of what one of their cells
 15 looks like.
 16 MR. McDONOUGH: I'm going to object as vague
 17 and ambiguous as to the drawing assignment, for the
 18 record.
 19 THE WITNESS: Okay. This is as if it was an
 20 open door.
 21 BY MR. CALABRO:
 22 Q Okay.
 23 A They have a sink here, two bunks, one on top of
 24 another. They are like bunk beds.
 25 Here is a shelf that has two shelves that split

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1 in two, one for the upper bunk, one for the lower bunk.
 2 There is a vent up here for the toilets or
 3 right above the toilets, and there is a --
 4 Q So there is a toilet right underneath that dark
 5 spot that you --
 6 A Yeah, I'm sorry. I'm not a good drawer, so...
 7 Q Okay. That's a toilet?
 8 A Yes.
 9 Q Did you say there was a sink as well?
 10 A Yeah, there's a sink here -- actually, the
 11 toilet would be right next to the sink.
 12 Q Okay.
 13 A And the sink is off to the side.
 14 Q All right.
 15 And then what were you drawing in the corner?
 16 A This would be a window. There's one window in
 17 the back of the cell.
 18 Q Okay. Is that everything that's --
 19 A Actually, it would be more -- it would be more
 20 here.
 21 Q Can you label the window and the sink and the
 22 toilet?
 23 Let's go ahead and mark these as exhibits to
 24 the deposition.
 25 This will be Exhibit 3, which is the cell.

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1 (Deposition Exhibit 3 was marked for
 2 identification by the court reporter.)
 3 This will be Exhibit 2, which is the yard.
 4 (Deposition Exhibit 2 was marked for
 5 identification by the court reporter.)
 6 And this will be Exhibit 1.
 7 (Deposition Exhibit 1 was marked for
 8 identification by the court reporter.)
 9 (Discussion off the record.)
 10 BY MR. CALABRO:
 11 Q Do the inmates have a particular schedule
 12 during the day?
 13 MR. McDONOUGH: Objection; vague and overbroad.
 14 THE WITNESS: If they are on normal program,
 15 yes.
 16 BY MR. CALABRO:
 17 Q What does "normal program" mean?
 18 A Normal program means they have full yard, work,
 19 canteen, religious services; so if they --
 20 Q So there's normal program.
 21 What else is there?
 22 A There's modified program.
 23 Q Okay.
 24 And what else?
 25 A And then there's lockdown.

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1 Q Lockdown?
 2 A Yes.
 3 Q For somebody on normal program, are they
 4 confined to their cell most of the day, or do they have
 5 a set schedule?
 6 MR. McDONOUGH: Objection; ambiguous.
 7 THE WITNESS: It depends on what the inmate --
 8 if the inmate is a worker, he will have a set schedule.
 9 If he's classified as A1A, which is an inmate that is
 10 eligible to be assigned to work, just doesn't have a
 11 work assignment because there's nothing open yet, he's
 12 eligible for his yard, phone calls, dayroom.
 13 Everything is based on a schedule. We go by
 14 odd and even days in the prison for who gets to go to
 15 yard and who gets dayroom.
 16 BY MR. CALABRO:
 17 Q So it's fair to say that a prisoner can't come
 18 and go from his cell into the yard even if he's on
 19 normal program?
 20 MR. McDONOUGH: Objection; ambiguous.
 21 THE WITNESS: No. He can't come and go. Once
 22 he exits the building, it is up to building staff if
 23 they want to let him back in the building, but we are
 24 not required to. He would have to wait until yard
 25 recall.

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1 If he went to yard, if he went to like a
 2 religious service or education services or canteen, we
 3 as -- we can let him back into the building, but we are
 4 not required to once they leave the building for a
 5 recreational activity.
 6 BY MR. CALABRO:
 7 Q I think I'm confused on how this scheduling
 8 works.
 9 In the morning, let's say you get on the
 10 shift -- I think you said at this time, at 6:00 a.m.?
 11 A Yes.
 12 Q So at 6:00 a.m., I assume most people are
 13 sleeping; is that right?
 14 A 0600, if we're on normal program, we will come
 15 to work, we will start to run morning meal.
 16 Q Okay.
 17 A To Bravo facility, it means walking to chow,
 18 which is walking to breakfast. We release --
 19 Q So they don't eat in their cells; they actually
 20 go to a place called the canteen?
 21 A If we're on normal program on Bravo facility,
 22 they would walk to chow, where they would go to the
 23 dining hall and sit down and eat breakfast. They would
 24 walk up, they would get their --
 25 Q And that was in the B yard?

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1 A Yes.
 2 Q Could you mark on here where the canteen is,
 3 just so I know?
 4 A Do you want the canteen or the cafeteria?
 5 They're two -- or the dining hall? They are two
 6 different spots.
 7 Q What are the difference?
 8 A Okay. The canteen is where the -- an inmate,
 9 if he has money on his trust account, he can go to
 10 canteen if it is his draw. They do the draws by the
 11 last two of their CDC numbers. And if it's his draw to
 12 go to canteen, he can go to canteen, and he can buy
 13 things from the canteen such as potato chips, sodas,
 14 soap, deodorant, things that -- those type of things,
 15 like commissary items.
 16 The chow hall is where they go to eat breakfast
 17 and dinner.
 18 Q Would you draw both of those on Exhibit -- 2,
 19 is it?
 20 A Well, this is -- I would need the Bravo
 21 facility.
 22 Q I'm sorry. Exhibit 2.
 23 So in the morning, to take people to the chow
 24 hall then, do you take an entire building at a time to
 25 the chow hall?

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1 A Yes.
 2 MR. McDONOUGH: Objection; ambiguous.
 3 THE WITNESS: Yes.
 4 BY MR. CALABRO:
 5 Q And then that's for a particular period of
 6 time, right? So they go to the chow hall for whatever
 7 the schedule allows; is that right?
 8 A There's no schedule saying how long chow should
 9 take.
 10 Q Okay.
 11 A We run chow until it's finished.
 12 Q So they can go back and forth during breakfast
 13 time?
 14 A No. Once they come from their building to the
 15 chow hall, they are to get their food, sit down in the
 16 chow hall. They sit there -- regardless if they are
 17 done eating, they wait until we begin to release them.
 18 Q Okay.
 19 A And usually it's when the last person sits down
 20 in the back or the last person that was in line for that
 21 building sits down to eat, we give ten minutes from that
 22 point --
 23 Q Okay.
 24 A -- that you --
 25 Q So this last guy has ten minutes to eat?

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1 A Yes.
2 Q After that's finished, after ten minutes are
3 gone, what happens next to these people?
4 A We begin to release by rows, which we start
5 with the very first row that came in, and ending with
6 the very last row and that last man that gets to sit
7 down.
8 We don't start releasing until ten minutes
9 after he -- after the last person sat down to eat, so he
10 still has estimated three to five minutes before it's
11 his turn to be released back out to go back to his unit.
12 Q So where do they go when you release them?
13 They go back to the building?
14 A They go back to their housing unit.
15 Q And then they go back into their cells?
16 A Yes.
17 Q And then does the door shut?
18 A Yes.
19 Q What happens next?
20 When is the next time somebody gets -- one of
21 these people on normal program gets --
22 MR. McDONOUGH: Ambiguous -- objection;
23 ambiguous.
24 THE WITNESS: If that inmate is a worker or if
25 he's a -- if he works -- or if he has educational

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1 services, he will be released -- it could be between the
2 hours of 8:00 a.m. to 8:30 are the worker release and
3 the educational release.
4 If he's not a worker and it's his yard day, he
5 could be released for yard at 9:00 o'clock in the
6 morning.
7 If it's not his yard day but it's his dayroom
8 day, he will be released for dayroom at 9:30.
9 BY MR. CALABRO:
10 Q When you release these people for these
11 activities, do you release everybody as a group or do
12 you individually escort --
13 A No. We release everybody as a group.
14 Q Okay.
15 So for yard, how long will they have to be in
16 the yard?
17 A The yard starts at 9:00 o'clock in the morning,
18 and it's from 9:00 to 11:30.
19 Q Okay. So they have free rein of the yard until
20 11:30?
21 A Yes.
22 Q Okay. And so then they would probably go to
23 lunch; is that right?
24 A No.
25 They are given -- in the morning, when -- if

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1 they are walking to chow on normal program, when they
2 come out of the dining facility, after they have eaten,
3 they are handed a sack lunch.
4 Q Oh, I see.
5 A And then if they are on modified program or
6 lockdown, we do what's called cell feeding, and we hand
7 them sack lunches when we hand them their morning
8 breakfast. So they get their -- they get their lunch
9 and their breakfast at the same time.
10 Q I see.
11 And so the day proceeds like this from -- so
12 after 11:30, then they will go back to the cell?
13 A They go back to their cell for count. We have
14 what's called a closed custody count. That's at
15 12:00 o'clock.
16 At the clearance of count, at 1:00 o'clock, we
17 will release what's called afternoon yard.
18 Q Okay. And then the day proceeds accordingly?
19 A Yes.
20 Q That's for normal program?
21 A Yes.
22 Q What was Mr. Williams on during August and
23 September of 2003?
24 A He was on what is called LOP, loss of
25 privileges.

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1 Q So that is a completely different category than
2 normal program, modified program, and lockdown?
3 A His loss of privileges would make him on
4 modified program. But our modified programs are normal
5 programs, and our lockdown terminologies are used for
6 the entire yard --
7 Q I see.
8 A -- not just for one person.
9 Q It's typically the case that an entire yard is
10 on normal program?
11 A Yes. You -- the whole yard has to be. There
12 has to be no incidences, nobody locked down or nobody on
13 modified program, and then it's a normal program.
14 Q What -- what's the schedule, then, for modified
15 program?
16 A Modified program, depending on if it's -- you
17 could have workers being released for work, you might
18 have certain races not being released for activities
19 because they were involved in some kind of incident,
20 whether it be a fight, a stabbing, a race riot,
21 something of that nature that could put a race on
22 modified program.
23 Q Okay. And then loss of privileges is just for
24 an individual person?
25 A It's an individual that was involved in some

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1 kind of incident, be it an assault on a peace officer, a
2 cell fight, a fight out on the yard. They are given
3 what's called a 115, which is our -- basically a
4 write-up for that inmate, and then it's heard by a
5 lieutenant at the facility, and they decide the
6 punishment if that inmate's found guilty of the 115 or
7 guilty of the charge in the 115.
8 Q Is it possible for somebody to be on LOP while
9 the entire yard is still on normal program?
10 MR. McDONOUGH: Objection; speculative.
11 THE WITNESS: Yes.
12 BY MR. CALABRO:
13 Q Okay.
14 In August of 2003, Mr. Williams was on LOP
15 still? Or only in September of 2003?
16 MR. McDONOUGH: Objection; ambiguous question.
17 THE WITNESS: I can't answer exactly when he
18 went on LOP. I don't know exactly what the date was
19 that he went on loss of privileges.
20 BY MR. CALABRO:
21 Q Okay.
22 Who decides whether a yard is going to be on
23 normal program or modified program?
24 A The facility captain.
25 Q The facility captain.

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1 Q Anything else?
2 A If the inmate is called to the program office,
3 if the facility sergeant or the facility lieutenant
4 wants to see the inmate.
5 If it's the inmate's work hours, if he's a
6 porter in the building.
7 There's numerous reasons he could be let out --
8 an inmate could be let out of his cell when there's not
9 program going on.
10 Q Does an inmate always have to have a prior
11 approval to be let out of his cell?
12 A Yes.
13 Well, if he has a job, then we know the times
14 that we are supposed to let him out. But he has to have
15 a job or a ducat or something that proves that he needs
16 to be out of the cell at that time.
17 Q When we were looking at the diagram of the
18 cell, it looks like there's -- you said there was a
19 sink, there's a toilet, and there's beds, obviously.
20 So they are free to brush their teeth in the
21 cell whenever they want --
22 A Yes.
23 Q -- or shave whenever they want in the cell, or
24 go to the bathroom whenever they want in the cell?
25 A Yes.

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1 And what goes into his determination?
2 MR. McDONOUGH: Objection; speculative.
3 THE WITNESS: I can't answer that.
4 BY MR. CALABRO:
5 Q You have no idea?
6 A Not -- I don't know how the captains determine
7 if their facilities go on modified program or not.
8 Q Okay.
9 Is there ever a situation in which an inmate
10 will be allowed individual leave from his cell?
11 MR. McDONOUGH: Objection; incomplete
12 hypothetical and ambiguous.
13 THE WITNESS: I don't think I understand the
14 question.
15 BY MR. CALABRO:
16 Q Would you ever let an individual inmate out of
17 his cell for a particular reason?
18 A Yes.
19 Q What kinds of reasons would you let an inmate
20 out of his cell?
21 A If he's got a ducat, a medical ducat.
22 Q What's that?
23 A A medical ducat is inmates get appointments to
24 the medical clinics or medical appointments to CTC for
25 various numbers of things.

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1 Q They don't have to ask permission, for example,
2 to do that?
3 A No.
4 Q What about showering; where do they do that?
5 A Inside the facility, inside the building, the
6 buildings are divided into three sections -- well, they
7 are not really divided, but you can see how they're set
8 up.
9 It's like this: You have A section, which is
10 here, which is cells -- it's two tiers, also, one tier
11 on top, one tier on bottom. And it's Cells 101 through
12 117 and 201 through 217.
13 There's a shower in each section which is right
14 in the middle of the section, falls between Cells 109
15 and 110 in A section; B section is Cells 118 to 133 and
16 218 to 233. There's a shower in the middle of B section
17 between Cells 225 and 226 and 125 and 126.
18 There's two showers on each -- there's a shower
19 on each tier, lower tier and top tier.
20 There's a total of six showers in the building.
21 Q So these showers schedule -- if an inmate wants
22 to take a shower, do they request that or schedules --
23 are showers scheduled in --
24 MR. McDONOUGH: Objection; speculative.
25 THE WITNESS: If we're on normal program, that

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1 inmate can shower when it's his dayroom time. Or if
2 that inmate was at work, when he comes back from work,
3 he is afforded a shower right then when he comes back
4 from work.
5 If we are on modified program, they are allowed
6 showers once every three days unless, if you are going
7 to work -- because inmates will still go to work when
8 they are on modified program. If you are going to work,
9 you are afforded a shower every time you come back from
10 work, whenever -- whenever your shift from work is done.
11 If we are on total lockdown, meaning there's no
12 inmate movement except for priority medical ducats, then
13 they get a shower once every three days.
14 BY MR. CALABRO:
15 Q When you are on modified program or on -- or, I
16 guess, a normal program, when they have leaves to use
17 the showers, does a guard ever have the authority to
18 deny an inmate shower privileges?
19 MR. McDONOUGH: Objection; incomplete
20 hypothetical.
21 THE WITNESS: Yes.
22 BY MR. CALABRO:
23 Q And for what reasons?
24 A If an inmate is in an agitated state, if an
25 inmate is being difficult with you, causing you

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1 problems, causing problems with other inmates, being out
2 of bounds -- we have out-of-bounds lines within the
3 building -- if they are out of bounds, you can send them
4 back into the cell and you can take away their -- like
5 if they have dayroom that day and they are out of
6 bounds, you can put them back in their cell for that
7 reason.
8 Then you would write them up for what's called
9 either a 128A, which is an informational chrono -- or a
10 disciplinary chrono, and you go on a progressive step.
11 So you go 128A, and then if he does it again, he'd get a
12 115.
13 Q And what's a 115 again?
14 A 115 is a serious rules violation.
15 Q So every time a guard decides to put an inmate
16 back into his cell, if he's on dayroom or out on yard
17 privileges, that -- there is some written record of
18 that?
19 MR. McDONOUGH: Objection; overbroad.
20 THE WITNESS: There should be.
21 BY MR. CALABRO:
22 Q There should be?
23 A You should -- we do -- we are supposed to
24 document it if we -- if something takes place with an
25 inmate like that.

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1 Q There are times, then, when that documentation
2 doesn't occur?
3 A I can't speak for other officers. I know I
4 document it. I do.
5 MR. McDONOUGH: Objection; the question is
6 overbroad and ambiguous.
7 BY MR. CALABRO:
8 Q You have always documented every time you have
9 taken away a privilege --
10 A No.
11 Q -- from an inmate?
12 A No.
13 Q I'm sorry; "no" what?
14 A I have not always documented it.
15 Q When do you not document it?
16 A I don't make a habit of not documenting, but
17 I'm sure there are times where I have not documented it.
18 If an inmate has -- if I have gotten into a
19 verbal argument with an inmate while he is on the
20 dayroom and I just tell him to go back to his cell. I
21 have done it; I haven't always documented it.
22 Q Is there any sort of supervision to ensure that
23 you and other prison guards are documenting these
24 situations?
25 MR. McDONOUGH: Objection; speculative.

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1 THE WITNESS: Our supervisors.
2 BY MR. CALABRO:
3 Q Your supervisor does.
4 And how does he supervise and ensure that you
5 are complying with these procedures?
6 MR. McDONOUGH: Objection; speculative.
7 THE WITNESS: I can't answer on the sergeant's
8 supervising techniques.
9 BY MR. CALABRO:
10 Q Have you ever been reprimanded for not filling
11 out one of these required forms when you sent an inmate
12 back to his cell?
13 A No.
14 Q Can you imagine a situation in which you would
15 be reprimanded for that?
16 MR. McDONOUGH: Objection; incomplete
17 hypothetical.
18 THE WITNESS: I don't quite understand the
19 question.
20 BY MR. CALABRO:
21 Q You just said that there are times that you do
22 not fill out the required forms that you are supposed
23 to --
24 A Yes.
25 Q -- when you send someone back to his cell?

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1 A Yes.
2 Q That required form is called the -- I forget
3 the name of it.
4 A It can be called a 128A, or it can be a 115.
5 Q Do you think a supervisor would ever find out
6 of you didn't fill out a 128A?
7 MR. McDONOUGH: Objection; speculative.
8 THE WITNESS: Yes.
9 BY MR. CALABRO:
10 Q How would they find out?
11 A If an inmate files what's called a 602, which
12 is an inmate appeal.
13 Q Okay.
14 A So if an inmate does that, it goes to the
15 supervisor, the supervisor sees it, and that's how the
16 supervisor finds out.
17 Q And that's how the supervisor finds out.
18 What kind of -- do you have any idea how you
19 would be punished for not filing a 128A when necessary?
20 MR. McDONOUGH: Speculative.
21 THE WITNESS: No.
22 BY MR. CALABRO:
23 Q I would like to talk a little bit more about
24 medical treatment with the inmates.
25 We have already talked about where those

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1 medical facilities are. I would kind of like to know
2 more about the procedure for how an inmate goes about
3 getting medical treatment when he feels like he needs
4 it.
5 A Okay. If you are working in a building and an
6 inmate complains of some sort of problem, be it chest
7 pains, headache, feels like he has the flu, vomiting,
8 it's up to us to --
9 Q "Us" being who?
10 A I am sorry. It's up to the correctional
11 officers that are in the building or whoever that inmate
12 notifies. It could be a correctional officer, it could
13 be a free staff in his work area, which could be a cook,
14 it's up to that person to notify medical of the
15 situation or of the problem that the inmate says he has.
16 Q Immediately?
17 A Depending on the situation. It depends.
18 If an inmate says, "I don't feel good," you
19 could tell him, "The MTA will be around; you can get a
20 medical form."
21 They have medical forms that they can fill out
22 for when they have medical complaints. I'm not quite
23 sure what they're called, I'm not sure of the form
24 number. But the medical technicians on the yard carry
25 them, they have them, or they can get them from the

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1 medical clinic to state that they have a problem.
2 Q So let's just walk through an example of how
3 this is supposed to work.
4 If an inmate comes to you and says, "Officer
5 Roach, I need to see a medical technician," what --
6 A I would proceed --
7 Q -- what is your procedure?
8 MR. McDONOUGH: I'm going to object as to an
9 incomplete hypothetical and ambiguous.
10 THE WITNESS: My procedure would be, I would
11 ask the inmate what the problem is, and then I would
12 contact medical to let them know, "Inmate So-and-So has
13 a headache; Inmate So-and-So fell down and hit his
14 shoulder."
15 BY MR. CALABRO:
16 Q Is there a procedure or a policy that says the
17 time limit in which you must call medical from the time
18 that you hear of the complaint until the time you
19 actually make the --
20 MR. McDONOUGH: I'm going to object as
21 ambiguous, as an incomplete hypothetical, and
22 speculative.
23 THE WITNESS: I do not know.
24 BY MR. CALABRO:
25 Q You don't know if there is a procedure?

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1 A I do not know if there is a time limit.
2 Q You don't know if there's a --
3 A I know the procedure that we're to follow when
4 an inmate complains of a medical problem. I do not know
5 if there's time limits.
6 Q Typically, how long does it take between an
7 inmate's request to see medical and your actual call to
8 medical or your notification to the medical facility?
9 MR. McDONOUGH: Objection; incomplete
10 hypothetical, calls for speculation, and ambiguous.
11 THE WITNESS: Do you mean his request to me --
12 BY MR. CALABRO:
13 Q Yes.
14 A -- to see medical?
15 Q From the time an inmate requests to see medical
16 to you, how long does it normally take you to contact
17 medical to tell them that this inmate needs to see
18 somebody?
19 MR. McDONOUGH: I'm going to object again, an
20 incomplete hypothetical, ambiguous, and speculative.
21 THE WITNESS: No more than five minutes.
22 BY MR. CALABRO:
23 Q No more than five minutes.
24 And is that procedure -- do you follow that
25 procedure every time?

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1 A I do. Yes, I do.
2 Q No exceptions?
3 A No.
4 Q No matter how severe the harm?
5 MR. McDONOUGH: Objection; ambiguous,
6 misleading, incomprehensible.
7 THE WITNESS: Not sure I understand.
8 BY MR. CALABRO:
9 Q No matter how severe the problem the inmate is
10 complaining of, right? So whether he be complaining of
11 a heart attack or he just has a stomachache, you always
12 contact medical within five minutes?
13 MR. McDONOUGH: Objection; incomplete
14 hypothetical, ambiguous, incomprehensive, and a compound
15 question.
16 THE WITNESS: Yes.
17 BY MR. CALABRO:
18 Q Is there ever a situation in -- according to
19 procedure, is there ever a time when a guard can
20 legitimately deny medical treatment to a prisoner?
21 MR. McDONOUGH: Objection; incomplete
22 hypothetical, speculative, ambiguous.
23 THE WITNESS: To my knowledge, no.
24 BY MR. CALABRO:
25 Q Never?

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1 A Never.
2 Q No exceptions?
3 A To my knowledge, no.
4 Q Are there ever records kept of when a prisoner
5 leaves his cell to go to medical facilities?
6 A In an emergency situation, it will be logged in
7 a logbook.
8 Q That the guards keep?
9 A Yes.
10 We keep -- there are two logbooks in our
11 buildings, one in the control booth, one in the
12 officer's office.
13 Q Okay.
14 A And that's in emergency situation.
15 During medical program, when inmates just have
16 medical ducats where they are scheduled to go see
17 medical, no. We don't -- the building officers don't
18 keep a log.
19 Q Is the log kept when an inmate actually goes to
20 the CTC, or is the log kept any time there is an
21 emergency?
22 A The log is kept for when the inmate is seen
23 within the building and leaves the building...
24 After the inmate leaves the building, the log
25 in the building is ceased for that inmate until he

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1 returns.
2 So you would write, an example, "Inmate
3 complaining that he has chest pains."
4 So you would say, "We called medical at this
5 time. Medical came and saw him" or "escorting staff
6 came and picked the inmate up and escorted him over to
7 the medical facility at this time" -- which is the
8 medical facility on the yard -- "at this time," and
9 that's the end of the log until that inmate returns back
10 to the unit...
11 Q Was there an entry made in this log for
12 September 6 having to do with -- excuse me,
13 September 6th, 2003, having to do with Gerry Williams?
14 A I don't recall. I don't recall if I did it or
15 my partner did it.
16 I believe there was one, but I don't recall.
17 Q You believe there is an entry --
18 A Yes.
19 Q -- in that log?
20 A Yes.
21 Q But you don't remember doing it?
22 A No.
23 Q And you don't remember your partner doing it?
24 A I don't remember.
25 Q If an inmate asks for medical assistance and a

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1 guard refuses, is there a record of that kept?
2 MR. McDONOUGH: Objection; incomplete
3 hypothetical, ambiguous, and speculative.
4 THE WITNESS: I can't answer that.
5 BY MR. CALABRO:
6 Q Is there a policy of keeping a record of
7 instances in which guards deny medical treatment?
8 MR. McDONOUGH: Objection; ambiguous,
9 incomplete hypothetical.
10 THE WITNESS: We are told not to deny medical
11 treatment. I don't know of a log or a book that would
12 be kept for an officer that does deny medical treatment.
13 BY MR. CALABRO:
14 Q How are inmates disciplined at Salinas Valley
15 State Prison?
16 MR. McDONOUGH: Objection; it's ambiguous,
17 overbroad.
18 THE WITNESS: There's different series of
19 disciplines for different actions.
20 BY MR. CALABRO:
21 Q Okay. What are all of them?
22 A I can't answer all of them.
23 MR. McDONOUGH: Objection; overbroad.
24 BY MR. CALABRO:
25 Q Well, can you give me an overview?

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1 MR. McDONOUGH: Again, objection, overbroad.
 2 THE WITNESS: An inmate gets in a fight, he
 3 will get a 115 for a fight because it's a serious rules
 4 violation.
 5 And then that 115 will be heard by what's
 6 called our senior hearing officer, which is normally the
 7 lieutenant. They hear it, they decide if the inmate's
 8 guilty or innocent.
 9 And after that, they decide on the discipline
 10 of the inmate, once the fight -- once they deem if he
 11 was guilty or innocent.
 12 Now --
 13 BY MR. CALABRO:
 14 Q So it's fair to say that there are various
 15 rules at the prison?
 16 A Yes.
 17 Q If an inmate breaks a rule, then he is written
 18 up for that; is that right?
 19 A Yes.
 20 Q And that's a serious rules violation; is that
 21 what you called it?
 22 A A serious rules violation applies to certain --
 23 certain actions.
 24 Q Okay.
 25 A There's other forms of violating rules that go

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1 to a progressive discipline, which is a verbal
 2 counseling -- we're taught a verbal counseling, a 128A,
 3 which the chrono that we talked about earlier, and then
 4 to a 115.
 5 Q Each of these are progressively worse?
 6 A Yes.
 7 Q More serious?
 8 A Yes.
 9 Q What happens with a 115? What is the
 10 punishment that comes along with a 115?
 11 MR. McDONOUGH: Objection; overbroad.
 12 THE WITNESS: Officers don't decide that, the
 13 lieutenant decides that. So I can't answer that.
 14 BY MR. CALABRO:
 15 Q Do you know the range of punishments available
 16 to someone who is found guilty of a 115 or a rules
 17 violation?
 18 MR. McDONOUGH: Objection; overbroad,
 19 ambiguous.
 20 THE WITNESS: He could be put on loss of
 21 privileges, he could be put on CTQ, which is confined to
 22 quarters, he could be put on what's called C status,
 23 which limits your privileges, or he could be sent to Ad
 24 Seg, administrative segregation.
 25 BY MR. CALABRO:

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1 Q Is there anything more -- strike that.
 2 Is Ad Seg the most severe form of punishment
 3 there is at the prison?
 4 MR. McDONOUGH: Objection; vague, ambiguous.
 5 THE WITNESS: Yes.
 6 BY MR. CALABRO:
 7 Q What's the protocol for someone who is already
 8 in Ad Seg who commits another rule violation?
 9 A I don't work at Ad Seg; I can't answer that.
 10 Q Okay. That's fair, that's fair.
 11 Do you -- in your experience, do you think this
 12 system of discipline for inmates is effective?
 13 MR. McDONOUGH: Objection; ambiguous, vague.
 14 THE WITNESS: My opinion, yes.
 15 BY MR. CALABRO:
 16 Q You think it works to keep inmates in line?
 17 A Yes.
 18 Q Without exception?
 19 MR. McDONOUGH: Objection; overbroad.
 20 THE WITNESS: I think there can be exceptions
 21 to -- to -- without exceptions is the best way to do it
 22 if you follow it to the letter top to bottom.
 23 BY MR. CALABRO:
 24 Q Are you ever frustrated with inmates who don't
 25 follow the rules?

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1 A Yes.
 2 Q For these inmates that don't follow the rules,
 3 do you always feel that they are appropriately
 4 disciplined?
 5 A No.
 6 MR. McDONOUGH: Overbroad.
 7 Objection; overbroad.
 8 BY MR. CALABRO:
 9 Q Can you give me an example of inmates you feel
 10 who are not disciplined appropriately?
 11 A I can give you an example. I was working in
 12 the housing unit, informed two inmates that they had to
 13 move. They refused. And the supervisor told them,
 14 "Well, okay, you don't have to move."
 15 I was very frustrated there.
 16 Q Do you get frustrated often --
 17 A No.
 18 Q -- in your position?
 19 A No.
 20 Q What did you do when your supervisor overruled
 21 you?
 22 A There was nothing I could do. Supervisor is my
 23 supervisor; he is in charge of me. There was nothing I
 24 could do about it. They just didn't move.
 25 I left that position a month later.

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1 Q So you just --
2 A Yeah, I left that position and stopped working
3 for that supervisor.
4 Q Are there particular inmates that you are
5 frequently frustrated with?
6 MR. McDONOUGH: Objection; vague and ambiguous.
7 THE WITNESS: I can't recall names.
8 BY MR. CALABRO:
9 Q Are you in particular --
10 A I'm sure there were.
11 Q Were you particularly frustrated with Gerry
12 Williams?
13 A Yes.
14 Q Starting when?
15 A The first day that I started working in that
16 building.
17 Q Okay. So let's talk a little bit more
18 specifically then.
19 When was the first time you met Gerry Williams?
20 A I don't recall the exact date that I began
21 working in the building. It had to be around -- I want
22 to say February of 2003.
23 Q And I meant to ask you this when we were
24 scheduling, but -- when you have a particular schedule,
25 do you normally work in a particular building for an

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1 extended period of time, or is your schedule such that
2 you move around different buildings?
3 A If my schedule -- no, your schedule dictates
4 exactly where you work.
5 And on, I believe it was, Mondays and Tuesdays,
6 I was assigned to Bravo 5 as a building officer, Floor
7 Officer II, from 6:00 a.m. to 2:00 p.m.
8 Q And so every day of that week that you would
9 work in a building, you would work at that particular
10 building?
11 A Yeah.
12 Q Okay.
13 A Yes. Those were the only two days that I
14 worked in the building.
15 Q So you would come into contact with the same
16 inmates regularly?
17 A Yes.
18 Q Okay.
19 So you started working in Mr. Williams's
20 building -- Building 5, was it? --
21 A Yes.
22 Q -- in February of 2003?
23 A Yes.
24 Q And you just mentioned that almost immediately,
25 you had an incident with Mr. Williams. Or you were

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1 frustrated with him?
2 MR. McDONOUGH: Objection; mischaracterization
3 of the testimony.
4 THE WITNESS: I wouldn't say immediately that
5 day, but shortly after starting to work in that
6 building, I was having problems with him.
7 BY MR. CALABRO:
8 Q What were the problems?
9 A Argumentative, very argumentative, didn't like
10 to be told "no." If I told him "no," there was always
11 an argument.
12 You know, if he asked for something extra, if
13 he asked to come out of his cell when he wasn't supposed
14 to, he asked for extra yard time or extra dayroom and I
15 would tell him "no," it would turn into an argument.
16 Q Can you remember the very first argument you
17 had with Mr. Williams?
18 A No.
19 Q Can you remember any specific arguments that
20 you had with Mr. Williams?
21 A Again, I don't remember specific dates or
22 times. I do remember more than once having the argument
23 of he wanted a shower, he wanted to come out to the
24 dayroom when it wasn't his tier's rotation for dayroom,
25 and he wanted to come out and have a shower, and I told

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1 him "no" on several occasions, and it turned into an
2 argument.
3 That was a big thing with me and him.
4 Q So the reason you turned him down for a shower
5 was why?
6 A Because it was not his rotation to be out in
7 the dayroom. He wasn't supposed to be out at that time.
8 Q Had you -- had you made exceptions for
9 others --
10 MR. McDONOUGH: Objection; overbroad and
11 ambiguous.
12 MR. CALABRO: -- to have a shower when it
13 wasn't their dayroom?
14 THE WITNESS: No. Not that I can recall.
15 BY MR. CALABRO:
16 Q Do you remember any other specific arguments
17 that you had with Mr. Williams?
18 A Being called a racist by him.
19 That was one of the things that was mainly said
20 to me when I told him -- when I wouldn't let him out.
21 He would call me a racist.
22 He would tell me that "The only reason you act
23 like that is because you know I'm behind this door. You
24 wouldn't act like that if I could just walk out of this
25 door."

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17 (Pages 65 to 68)

1 That was said many times.
2 Q Is there any truth to that?
3 A No.
4 Q Are you a racist?
5 A No.
6 Q Did you treat him differently because he was
7 behind a door?
8 A No.
9 Q Why do you think he would think that?
10 MR. McDONOUGH: Objection; speculative.
11 THE WITNESS: I can't answer that.
12 BY MR. CALABRO:
13 Q You don't remember any particular actions that
14 you have done towards him that would make him think that
15 you are a racist?
16 A No.
17 MR. McDONOUGH: Objection; argumentative.
18 BY MR. CALABRO:
19 Q You can't remember anything that he said --
20 that you said to him that would make him think you were
21 racist?
22 MR. McDONOUGH: Objection; speculative.
23 THE WITNESS: No.
24 BY MR. CALABRO:
25 Q Okay.

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1 heart condition?
2 A No.
3 Q Did you know the severity in August or
4 September of 2003?
5 A Other than knowing he had one, no.
6 Q But you knew that he had a legitimate chest
7 condition?
8 A Yes. Because I had seen that medication.
9 Q Did you know that he was having significant
10 chest pains at the time?
11 MR. McDONOUGH: Objection; ambiguous as to
12 date, time.
13 THE WITNESS: What time, what date?
14 BY MR. CALABRO:
15 Q Did you know in August of 2003 that he was
16 having significant chest pains?
17 MR. McDONOUGH: Objection as to date, time --
18 ambiguous as to date and time, excuse me.
19 THE WITNESS: No.
20 BY MR. CALABRO:
21 Q Were you aware in September of 2003 that he was
22 having chest pains?
23 MR. McDONOUGH: Objection; ambiguous as to date
24 and time.
25 THE WITNESS: What date, what -- I don't know

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1 When did you first learn that Mr. Williams had
2 a heart condition?
3 A On August 3rd, the cell fight that he was
4 involved in with his cell mate --
5 Q Okay.
6 A -- once his cell was cleared out and he was
7 escorted up to medical, he complained of chest pains
8 then and said that he needed his -- he had been
9 pepper-sprayed, said he was having a hard time
10 breathing, was feeling chest pains, and he needed his
11 heart medication that was in his cell.
12 Q Do you know what kind of medication he was
13 taking?
14 A I believe it was nitroglycerine, but I'm not
15 sure.
16 Q Do you know why people take nitroglycerine
17 pills?
18 MR. McDONOUGH: Objection; overbroad.
19 THE WITNESS: Not for sure. I would think high
20 blood pressure. But I don't know for sure.
21 BY MR. CALABRO:
22 Q Do you know why Mr. Williams was taking
23 nitroglycerine?
24 A No, not the specific reason.
25 Q Do you know the severity of Mr. Williams's

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1 what date.
2 BY MR. CALABRO:
3 Q Well, I mean just -- I mean, do you --
4 A September --
5 Q Did you know that he was having ongoing chest
6 pains --
7 A No.
8 Q -- during the fall of 2003?
9 A No.
10 Q When you knew -- you said that you already knew
11 that he had -- was taking pills for these chest pains.
12 Why did -- let me scratch that.
13 You understood at the time that Mr. Williams
14 was taking pills for chest pain?
15 MR. McDONOUGH: Objection; mischaracterization
16 of the testimony.
17 THE WITNESS: I knew he was taking pills; I
18 didn't know exactly what they were for.
19 BY MR. CALABRO:
20 Q But you knew that beforehand, that Mr. Williams
21 had a heart condition?
22 MR. McDONOUGH: Ambiguous as to time.
23 THE WITNESS: Based on the pills he was taking,
24 I believed he did.
25 BY MR. CALABRO:

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18 (Pages 69 to 72)

1 Q So you did know that the pills he was taking
2 was for a heart condition?
3 A Not specifically for a heart condition.
4 Q I'm sorry. You just said that you --
5 A He had told me he -- he had made statements at
6 that -- on August 3rd, when he was involved in the cell
7 fight, that he was having chest pains and he needed his
8 pills for it.
9 So based on what he told me, I knew he had
10 chest pains and I believe that medicine was for his
11 chest pains.
12 But I never read the medicine, and I couldn't
13 tell you specifically if that's what they were for.
14 Q And you are not aware of why people take
15 nitroglycerine in general?
16 MR. McDONOUGH: Objection; overbroad.
17 THE WITNESS: In general, no.
18 BY MR. CALABRO:
19 Q Did you ever taunt Gerry Williams?
20 A Yes.
21 Q For what?
22 MR. McDONOUGH: Objection; ambiguous.
23 THE WITNESS: The cell fight he had with his
24 cell mate.
25 BY MR. CALABRO:

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1 Q What did you say to him?
2 A Um --
3 MR. McDONOUGH: Objection; overbroad as to
4 time.
5 THE WITNESS: He had gotten into a fight with
6 his cell mate. His cell mate was a homosexual. Me and
7 Mr. Williams were constantly having arguments. And I
8 told him, "You got beat up by a fag, by a homosexual."
9 BY MR. CALABRO:
10 Q Did this happen once?
11 A To my recollection, probably two times it
12 happened with him.
13 Q Was it -- only two times?
14 A Yes. Because I was told to stop.
15 Q Who told you to stop?
16 A My partner did.
17 Q Who was your partner?
18 A My partner was Officer Wilcox.
19 Q Would you have continued to taunt him in this
20 way if it weren't for Mr. Wilcox?
21 A With the arguments that me and him had, yes.
22 Q What did Mr. Wilcox say to you?
23 A He just said "Stop doing that, 'cause it's
24 going to cause a huge problem."
25 And so I stopped.

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1 Q Did you say -- did you taunt Mr. Williams
2 with -- with this phrase in front of other people?
3 MR. McDONOUGH: Objection; ambiguous.
4 THE WITNESS: Never out on the dayroom,
5 never -- its was always he was in his cell.
6 BY MR. CALABRO:
7 Q And so he would be sitting confined in his
8 cell, and you would be screaming this at him?
9 MR. McDONOUGH: Objection; mischaracterization
10 of the evidence.
11 THE WITNESS: If he called me to the cell door
12 to say something to me, I would walk over, and if an
13 argument ensued, then it would happen. I didn't make it
14 a habit to go to his cell and yell things to him.
15 BY MR. CALABRO:
16 Q Did Mr. Williams ever ask you to stop saying
17 that?
18 A No.
19 Q You don't remember him ever saying that?
20 A No.
21 Q Do you consider a human life to be valuable?
22 A Yes.
23 Q If you had to set a monetary figure on a human
24 life, what would it be?
25 MR. McDONOUGH: Objection; ambiguous,

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1 misleading.
2 THE WITNESS: I don't think you can set a
3 monetary value on a human life.
4 BY MR. CALABRO:
5 Q It's just not possible?
6 A No. To me no.
7 Q At all?
8 A At all.
9 Q So no amount of money would ever be able to
10 sufficiently compensate someone for loss of life?
11 A No.
12 Q That's fair.
13 In a lawsuit, we have to compensate people for
14 various things. And the way that we do that is through
15 money.
16 If you were to lose your life, what do you
17 think would be adequate compensation --
18 MR. McDONOUGH: Objection; relevance,
19 objection --
20 BY MR. CALABRO:
21 Q -- in punishment for that?
22 MR. McDONOUGH: Objection; ambiguous.
23 THE WITNESS: Punishment for that?
24 BY MR. CALABRO:
25 Q Well, I mean compensation.

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19 (Pages 73 to 76)

1 MR. McDONOUGH: Objection; incomplete
 2 hypothetical.
 3 THE WITNESS: I can't answer that.
 4 BY MR. CALABRO:
 5 Q Over a million dollars?
 6 A I don't know. I don't know the amount of money
 7 it would take to make sure that my family is secured for
 8 the rest of their lives since I'm not going to be there
 9 to take care of them. I can't answer that.
 10 Q You have no idea?
 11 A No.
 12 Q Do you agree that -- do you agree that people
 13 should be punished for causing pain and suffering?
 14 A Yes.
 15 Q Do you think that the amount of punishment
 16 should vary depending on the degree of the pain and
 17 suffering?
 18 MR. McDONOUGH: Objection; ambiguous,
 19 misleading, compound question.
 20 THE WITNESS: Yes.
 21 BY MR. CALABRO:
 22 Q So if somebody's pain were to last five
 23 minutes, they should receive less than somebody who
 24 whose pain lasted much longer than that?
 25 MR. McDONOUGH: Objection; ambiguous,

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1 Q Do you that that should be protected, that
 2 Eighth Amendment right?
 3 A Yes.
 4 Q And do you agree that people who violate the
 5 Eighth Amendment right should be punished?
 6 A Yes.
 7 MR. McDONOUGH: Objection; incomplete
 8 hypothetical, calls for speculation.
 9 THE WITNESS: Yes.
 10 BY MR. CALABRO:
 11 Q In your opinion, what's an appropriate
 12 punishment for someone who violates the Eighth
 13 Amendment?
 14 MR. McDONOUGH: Objection; incomplete
 15 hypothetical, calls for speculation, ambiguous.
 16 THE WITNESS: There's many ways to violate the
 17 Eighth Amendment.
 18 A guy who punches somebody in the face
 19 shouldn't be punished as much as a guy who slices
 20 somebody's throat, so I -- the punishment should fit the
 21 crime in different situations.
 22 BY MR. CALABRO:
 23 Q Fair enough.
 24 If an individual were -- if an individual was
 25 caused pain and suffering such that, for example, he

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1 incomplete hypothetical, speculative.
 2 THE WITNESS: Yes.
 3 BY MR. CALABRO:
 4 Q Do you respect the Constitution of the United
 5 States?
 6 A Yes.
 7 Q Do you understand what the Eighth Amendment of
 8 the Constitution says?
 9 A I --
 10 MR. McDONOUGH: I'm sorry, go ahead.
 11 THE WITNESS: I don't have the Constitution
 12 memorized. I can't tell you what the Eighth Amendment
 13 is right now.
 14 BY MR. CALABRO:
 15 Q Do you have any understanding of the Eighth
 16 Amendment?
 17 A I don't know what the Eighth Amendment is right
 18 now. I can't --
 19 Q If I were to say to you that the Eighth
 20 Amendment has to do with cruel and unusual punishment,
 21 does that mean anything to you?
 22 A Yes.
 23 Q What does that mean to you?
 24 A It -- the Eighth Amendment forbids somebody
 25 from being subjected to cruel and unusual punishment.

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1 thought his life would be over and this was done in
 2 violation of the Eighth Amendment, what do you think
 3 would be --
 4 MR. McDONOUGH: Objection; incomplete
 5 hypothetical, calls for speculation, ambiguous and
 6 misleading.
 7 BY MR. CALABRO:
 8 Q What do you think would be a --
 9 A I don't know.
 10 Q -- adequate punishment?
 11 A I don't know.
 12 Q Would you disagree with a million dollars being
 13 an adequate punishment?
 14 MR. McDONOUGH: Objection; incomplete
 15 hypothetical, ambiguous.
 16 THE WITNESS: I don't know.
 17 BY MR. CALABRO:
 18 Q You don't know if you would disagree with that?
 19 A I can't say if I would --
 20 MR. McDONOUGH: Misleading question --
 21 objection; misleading question.
 22 THE WITNESS: I can't say if I would agree to
 23 it or disagree to it. I -- it depends on -- I guess it
 24 depends on the situation. I don't know.
 25 BY MR. CALABRO:

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1 Q Well, in this case, Mr. Williams thought his
2 life was over.
3 MR. McDONOUGH: Objection; lack of foundation,
4 assumes --
5 BY MR. CALABRO:
6 Q And --
7 MR. McDONOUGH: Excuse me.
8 Objection; assumes facts not in evidence.
9 BY MR. CALABRO:
10 Q In this case, Mr. Williams thought his life was
11 over. He was in severe chest pains.
12 And if all of that were true, what do you think
13 would be an appropriate compensation for that?
14 MR. McDONOUGH: Objection; incomplete
15 hypothetical, assumes facts not in evidence,
16 argumentative.
17 THE WITNESS: I don't know what the
18 compensation should be for that.
19 BY MR. CALABRO:
20 Q Do you think it should be something?
21 MR. McDONOUGH: Objection; incomplete
22 hypothetical, assumes facts not in evidence,
23 argumentative.
24 THE WITNESS: I don't know.
25 BY MR. CALABRO:

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1 Q Can you even estimate?
2 A No.
3 Q So you would have no -- you would say that
4 \$1 million is no more right than \$1?
5 MR. McDONOUGH: Objection; mischaracterization
6 of the evidence, assumes facts not in evidence,
7 ambiguous.
8 THE WITNESS: I don't know. Because I don't
9 know if there was something wrong with him. I did not
10 go with him to the treatment center. I did not go with
11 him to the medical facility on the yard, so I don't
12 know. I don't know what was wrong with him.
13 BY MR. CALABRO:
14 Q My question was, assuming that he was having
15 severe chest pains so that you thought he was going to
16 die, assuming that were true, what would be adequate
17 compensation for that?
18 A I don't know.
19 MR. McDONOUGH: I'm going to object.
20 This is assuming facts not in evidence, it's
21 argumentative, and it's an incomplete hypothetical.
22 BY MR. CALABRO:
23 Q If you were having chest pains to the point
24 that you thought you were going to die, what kind of
25 compensation would you think would be sufficient?

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1 MR. McDONOUGH: Objection; incomplete
2 hypothetical, argumentative.
3 THE WITNESS: I would want to live. I would
4 want somebody to give me treatment so I live, so I don't
5 die. That's the compensation.
6 BY MR. CALABRO:
7 Q And if somebody were denying you the medical
8 treatment you needed to live, what do you think would
9 be -- in this case, what do you think would be adequate?
10 MR. McDONOUGH: Objection; incomplete
11 hypothetical --
12 THE WITNESS: I don't know.
13 MR. McDONOUGH: -- calls for speculation.
14 THE WITNESS: I don't know.
15 BY MR. CALABRO:
16 Q Okay.
17 Would you think a million dollars would be
18 enough?
19 MR. McDONOUGH: Asked and answered.
20 THE WITNESS: I answered.
21 In my case, if I had chest pains and died,
22 somebody --
23 BY MR. CALABRO:
24 Q Not died; thought you were going to die.
25 A Thought I was going to die and somebody

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1 wouldn't give me -- I don't know what the compensation
2 should be. I don't know.
3 Like I said, for me, it would be someone -- for
4 my family to be taken care of. I can't put a dollar
5 amount on that. I don't know.
6 Q Would you agree that you would be very
7 stressed?
8 A Yes.
9 Q Would you be thinking about your family?
10 MR. McDONOUGH: Objection; speculative,
11 incomplete hypothetical.
12 THE WITNESS: I would, yes.
13 BY MR. CALABRO:
14 Q Would you be terrorized, do you think?
15 MR. McDONOUGH: Objection; incomplete
16 hypothetical, argumentative, assumes facts not in
17 evidence.
18 THE WITNESS: Yes.
19 BY MR. CALABRO:
20 Q And would you agree that it would probably take
21 a lot to compensate you for that?
22 MR. McDONOUGH: Objection, assumes facts not in
23 evidence, argumentative --
24 THE WITNESS: Yes.
25 MR. McDONOUGH: -- incomplete hypothetical.

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1 BY MR. CALABRO:
2 Q What's a lot of money to you?
3 A You want a specific amount or --
4 Q What do you consider a lot of money?
5 A Consider -- I consider a thousand dollars a lot
6 of money to me.
7 Q In the context of this particular hypothetical.
8 MR. McDONOUGH: Objection; which hypothetical
9 are we talking about? Incomplete hypothetical,
10 ambiguous, misleading.
11 THE WITNESS: I can't answer that. I don't
12 know.
13 BY MR. CALABRO:
14 Q Would you say a thousand dollars is enough? Is
15 that what you're saying?
16 MR. McDONOUGH: Objection; misleading,
17 ambiguous.
18 BY MR. CALABRO:
19 Q Thinking about your family, thinking about you
20 are going to die; a thousand dollars, you would feel
21 okay?
22 MR. McDONOUGH: Objection; ambiguous and
23 misleading.
24 THE WITNESS: I don't know how I would feel. I
25 don't. I can't answer how I would feel in that

1 A I don't know.
2 Q With respect to yourself, you have no idea
3 whether you would want significant compensation if
4 somebody caused you to think you were going to die and
5 you were experiencing significant chest pain?
6 MR. McDONOUGH: Objection; asked and answered.
7 THE WITNESS: I don't know. I don't know
8 unless I am in that situation. I don't know.
9 BY MR. CALABRO:
10 Q All right.
11 Let's talk about August 3rd, 2003.
12 A Can I have a break before we start this?
13 Q Yeah.
14 (Recess taken.)
15 MR. McDONOUGH: Back on the record.
16 BY MR. CALABRO:
17 Q I'd like to talk more about August 3rd, 2003.
18 Do you remember what your schedule for that
19 particular day was?
20 A I was -- do you know exactly what day that was?
21 Q I do not.
22 This was the day of his cell fight.
23 A I was a yard officer, S and E 1, bravo yard
24 S and E No. 1.
25 Q What does "S and E" mean?

1 situation. I have never been in that situation, I don't
2 know how I would feel.
3 BY MR. CALABRO:
4 Q But you can at least agree -- you would at
5 least agree with me that you would want significant
6 compensation?
7 MR. McDONOUGH: Objection; I'm not sure what
8 hypothetical we are on. It's misleading, it's
9 incomprehensive, compound question.
10 BY MR. CALABRO:
11 Q Did you misunderstand my question?
12 A I have done -- I tried to answer. I don't know
13 what the compensation would be. I don't know what it
14 would be for me. I said for me, it would be that my
15 family would be taken care of.
16 Then you said "If you didn't die."
17 I don't know what the compensation should be.
18 If I don't die and nothing happened, I don't know what
19 the compensation should be.
20 Q Would you agree that it would at least have to
21 be significant?
22 MR. McDONOUGH: Objection; asked and answered.
23 THE WITNESS: I don't know.
24 BY MR. CALABRO:
25 Q You don't know?

1 A Search and escort.
2 Q So your job that day was to patrol the yard?
3 A Patrol the yard, that's correct.
4 Q And then you would be called in --
5 A If we needed someone to be escorted somewhere,
6 I would get a call or one of my fellow yard partners
7 would get a call to go to a building and escort
8 somebody, or possibly have to go to the medical
9 facility, if there was someone there, and escort them
10 back.
11 Q So that was -- you had that particular
12 function --
13 A That morning.
14 Q -- for the entire shift?
15 A From 6:00 in the morning until 2:00 o'clock in
16 the afternoon; that's correct.
17 Q Do you know an individual by the name of
18 Officer Tuntakit?
19 A Yes, I do.
20 Q Am I pronouncing his name correctly --
21 A Yes.
22 Q -- Tuntakit?
23 A Yes.
24 Q Do you know what he was doing that day?
25 MR. McDONOUGH: Objection; speculative.

1 THE WITNESS: No, I do not.
 2 BY MR. CALABRO:
 3 Q Now, at some point during that day,
 4 Mr. Williams had a fight with his cell mate?
 5 A Yes.
 6 Q Do you remember that?
 7 A Yes.
 8 Q Do you remember about what time of day that
 9 was?
 10 A Reviewing my report, I believe it was 6:45 a.m.
 11 Q 6:45 a.m.?
 12 A Yes.
 13 Q Do you have any reason to doubt that that was
 14 true?
 15 A When I reviewed my report the other day, that's
 16 what my report said.
 17 Q Do you have any reason to doubt the accuracy of
 18 your report?
 19 A No.
 20 Q Where were you at 6:45 -- was it 6:45, you
 21 said?
 22 A Yes.
 23 Q Where were you at 6:45 a.m.?
 24 A In Bravo 5, handing out lunches -- handing out
 25 lunches before we were getting ready to feed the morning

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1 meal.
 2 Q I thought you were on yard duty.
 3 A Yes.
 4 Q Why were you handing out lunches?
 5 A If we -- we were handing out lunches that
 6 morning, we were on modified program. So there was
 7 no -- they were not walking to chow.
 8 So at that point, we do what's called cell
 9 feeding. So we had to cell feed that morning, and we
 10 were handing out lunches.
 11 Q So the yard officers help cell feed --
 12 A Yes.
 13 Q -- on modified program?
 14 A Yes.
 15 Q How did you hear that there was a fight?
 16 A I was in the building, the alarm -- the alarm
 17 in the building was activated. So we knew something was
 18 wrong in the building.
 19 I observed one of my yard partners was at the
 20 cell, yelling for the inmates to get down, and he had
 21 pepper-sprayed them.
 22 Q Do you remember who that partner was?
 23 A It was Officer Anthony Sotelo.
 24 Q What did you do when you saw --
 25 A I ran directly to the cell from where I was.

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1 Q And how far away was that?
 2 A Estimate 15 feet.
 3 Q So you were there fairly quickly?
 4 A Yes.
 5 Q Within a minute?
 6 A Yes.
 7 Q What did you see when you arrived?
 8 A I don't exactly recall what I saw when I got
 9 there.
 10 Q Do you remember anything in particular?
 11 A Officer Sotelo had sprayed, and he had asked me
 12 for my -- for my second canister of pepper spray.
 13 I believe they were still fighting at the time
 14 when he asked me for mine, that's why he asked for mine.
 15 I gave him mine, and he continued to spray
 16 them.
 17 Q Do you have any recollection of the fight
 18 itself?
 19 A I remember -- the only thing that I can
 20 recollect is Mr. Williams was the one that was closest
 21 to the cell.
 22 Q Mr. Williams --
 23 A I mean, I'm sorry, that was closest to the
 24 door. They were inside the cell.
 25 He was the one closest to the door.

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1 Q Mr. Williams was the one closest to the door?
 2 A Yes.
 3 Q Was his back to you?
 4 A Yes.
 5 Q Mr. Williams's back was to you?
 6 A Yes.
 7 Q And his cell mate then was facing Mr. Williams?
 8 A Yes.
 9 Q And they were fighting?
 10 A Yes.
 11 Q When you arrived, do you remember what position
 12 they were in that -- let me strike that.
 13 Were they engaged in a fight at the time when
 14 you arrived or were they separating at the time, or do
 15 you remember?
 16 A I don't recall.
 17 Q So you mentioned that Officer Sotelo asked you
 18 for your can of spray.
 19 A Yes.
 20 Q Does each guard have only one can of spray?
 21 A I carry one. I can't speak for every officer
 22 at the institution. I carry one.
 23 Q You carry one?
 24 A Yes.
 25 Q So Officer Sotelo asked you for your can of

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1 spray?
2 A Yes.
3 Q What happened next?
4 A The inmates were separated.
5 The sergeant, who was Sergeant Rico, arrived.
6 He then instructed me to escort Mr. Williams to the
7 C-section lower shower.
8 So I -- myself and Sergeant Rico -- Sergeant
9 Rico placed Inmate Williams in handcuffs through the --
10 our cell port, our food port that's on the door.
11 The door was opened, we pulled him out,
12 escorted him out, and escorted him over to the C-section
13 lower shower for what's called decontamination.
14 When they are pepper-sprayed, we take them to a
15 shower, a sink, somewhere where they can rinse
16 themselves off.
17 Q Do you remember how much spray was used on
18 Mr. Williams in the cell?
19 A I believe -- I believe two cans. My can and
20 Officer Sotelo's can both were emptied.
21 Q For someone Mr. Williams' size, do you
22 typically need two cans of spray?
23 MR. McDONOUGH: Objection; speculative,
24 incomplete hypothetical.
25 THE WITNESS: If they are not compliant to the

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1 orders that are given to them at that particular point,
2 you use as many that is necessary to achieve -- or to
3 get them to comply with the orders that you are giving
4 them.
5 BY MR. CALABRO:
6 Q What would be a typical number of cans for
7 someone of Mr. Williams's size?
8 MR. McDONOUGH: Objection; speculative,
9 argumentative, ambiguous.
10 THE WITNESS: There's no specific guideline for
11 how many cans for an inmate for his size. Different
12 inmates vary.
13 BY MR. CALABRO:
14 Q But in your experience?
15 A In my experience, I have sprayed -- I have had
16 inmates small in stature take more than three cans for
17 them to stop.
18 Q Do you know what's inside the cans that you're
19 actually spraying?
20 A I can't pronounce it, it's-- OC pepper spray,
21 oleoresin capsicum, some -- it's a very hard chemical to
22 pronounce.
23 Q What effect does the OC spray have on inmates?
24 A It burns the --
25 MR. McDONOUGH: Objection; speculative.

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1 THE WITNESS: It burns the eyes, the throat.
2 It burns any part of the body that it touches.
3 BY MR. CALABRO:
4 Q Including skin?
5 A Yes.
6 Q Is there any sort of protocol on how long the
7 pepper spray should stay on a person's body?
8 A We are directed to -- once a situation is
9 contained, once there is no threat of any more harm or
10 any more violence, at that time we are trained to take
11 the inmates that have been subjected to the pepper spray
12 somewhere where they can decontaminate.
13 Q As soon as possible?
14 A As soon as -- yeah, as soon as safety permits
15 it's possible.
16 Q Is that because the spray will continue to burn
17 as long as it's on the skin?
18 MR. McDONOUGH: Objection; incomplete
19 hypothetical, calls for speculation.
20 THE WITNESS: We are taught that as soon as the
21 pepper spray -- well, the pepper spray eventually will
22 crystallize, and it will blow off you, it will fall off.
23 We -- I do not know why we do the
24 decontamination so quickly, I don't know. I would
25 imagine it's to ease the suffering of the inmates that

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1 have been sprayed, but I can't answer that.
2 BY MR. CALABRO:
3 Q Do you know if the pepper spray will continue
4 to burn as long as it's on the skin?
5 MR. McDONOUGH: Objection; speculative.
6 THE WITNESS: As far as I know, yes.
7 BY MR. CALABRO:
8 Q And you had no involvement whatsoever in
9 actually spraying the pepper spray?
10 A No.
11 Q You remember that very clearly?
12 A Yes.
13 Q So you said that you were directed to take
14 Mr. Williams down to the shower?
15 A Yes.
16 Q You did that with Sergeant Rico, was it?
17 A with Sergeant Rico, yes.
18 Q How do you spell Rico?
19 A R-I-C-O.
20 Q What happened when you got to the shower?
21 A Placed Mr. Williams in the shower -- I don't
22 recall if I or Sergeant Rico removed his restraints.
23 We secured him in the shower -- because the
24 shower doors do lock -- and we allowed him to take a
25 shower, basically, turn on the water and rinse off with

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1 cool water, cool running water.
2 Q Do you know how long he was in the shower?
3 A No, I don't recall.
4 Q Do you actually remember seeing him being
5 completely covered in the water, I guess? I mean, did
6 he have an actual opportunity to wash off all the pepper
7 spray?
8 A To my knowledge, yes, he did.
9 Q Did you see him in the shower?
10 A No. Because after we put him in the shower, me
11 and Sergeant Rico proceeded back to Cell 126, where the
12 fight had taken place, and we escorted Inmate White, who
13 was involved in the cell fight with Mr. Williams, to
14 A-section lower shower for decontamination.
15 Q So you left Mr. Williams unattended in the
16 shower?
17 A Yes.
18 Q Both of you went up to get the other inmate --
19 A Yes.
20 Q -- and brought him down to the showers?
21 A Not down. They were on the same -- the same
22 level.
23 Q Oh. But to the showers?
24 A They were both -- yes, to the shower.
25 Q What happened after that?

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1 A Mr. Williams -- we -- myself and -- I believe
2 it was Sergeant Rico escorted Mr. Williams to the Bravo
3 facility temporary holding cell where he could be
4 evaluated by medical personnel.
5 Q Is that standard procedure?
6 A Yes, it is.
7 Q Every time somebody is sprayed, you have a
8 medical professional look at them?
9 A Yes.
10 Q Did Mr. Williams say anything to you at any
11 time?
12 A I don't remember. I don't recall.
13 Q You don't remember anything in particular?
14 A No conversations on that, no.
15 Q I thought we talked earlier that you said that
16 he said he was having a hard time breathing, that he
17 needed his pills.
18 A He did not tell me that. He did not tell me
19 that. He had told somebody else that.
20 We were instructed to go find his medication.
21 I don't remember if I went and found the medication or
22 if one of my yard partners did.
23 But he never once told me that he was having
24 chest pains or having a problem breathing.
25 Q And you don't remember anything that he said to

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1 you in particular at all?
2 A On that day, no.
3 Q When was Mr. Williams removed from the shower?
4 A Estimate it ten minutes --
5 Q After --
6 A -- ten to 15 minutes after we put him in.
7 Q And then you took him immediately to the
8 holding cell from there?
9 A Yes.
10 Q What did the medical personnel say when they
11 observed him?
12 MR. McDONOUGH: Objection --
13 THE WITNESS: I don't know.
14 MR. McDONOUGH: -- speculative.
15 BY MR. CALABRO:
16 Q You don't know?
17 A I don't know.
18 Q Did you ever find out what his medical
19 situation was that night?
20 A No.
21 MR. McDONOUGH: Just for clarification, we were
22 talking about 6:00 in the morning, right? 6:45 in the
23 morning? Okay.
24 BY MR. CALABRO:
25 Q Do you know if anybody ever found his pills?

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1 A I don't know if they were brought to him.
2 Q But you were asked to go get the pills?
3 A I wasn't asked specifically to go get the
4 pills.
5 Somebody had said that "He needs his pills."
6 I don't remember if I went and got them or if
7 somebody else went and got them. But I was never
8 specifically told "Go get his pills."
9 Q Okay.
10 But you knew why he had these pills?
11 A That is when I found out why he had those
12 pills.
13 Q And how did you find out?
14 A Once I heard that he needed the pills --
15 because he was saying he couldn't breathe -- that's when
16 I knew he took pills and needed them.
17 Q But how did you know it was for a heart
18 condition?
19 A It didn't know it was for a heart condition. I
20 just knew he took pills, he had trouble breathing. I
21 don't know if he had a heart condition or not. I didn't
22 know exactly what the pills were for.
23 MR. CALABRO: Okay.
24 I'm going to hand you a copy of your responses
25 to requests for admission.

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1 These were prepared by your attorney.
2 (Deposition Exhibit 4 was marked for
3 identification by the court reporter.)
4 BY MR. CALABRO:
5 Q Do you remember looking over these answers at
6 any point?
7 Looks like Rochelle East was the one who
8 actually prepared these.
9 A I do remember seeing these papers. I don't
10 remember when it was or how long ago it was when I did
11 receive them.
12 Q Do you remember reading through them --
13 A Yes.
14 Q -- the answers?
15 And do you remember thinking that these answers
16 were accurate?
17 A Yes.
18 Q Okay.
19 I would like you to turn to that last page that
20 says "Request for Admission No. 9."
21 A Okay.
22 Q The request was, "Admit that prior to
23 September 6, 2003, you already knew that plaintiff had
24 an irregular heart" beat -- or "heart condition."
25 Do you see that? Do you see where I'm reading

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1 A Yes.
2 Q And we talked a little bit about the medical
3 personnel observing Mr. Williams on that day in the
4 holding cell.
5 And were you aware of what happened to him
6 after that?
7 A No. Once I left the escort, I don't know what
8 happened after that.
9 Q What did you do for the rest of that day?
10 A I went back to cell feeding, I know that,
11 because that was first thing in the morning. We hadn't
12 started cell feeding yet.
13 Then daily -- daily activities, whatever we
14 were doing that day.
15 Q So you would just go back to business as
16 normal?
17 A Yes.
18 Q What is the normal procedure for cleaning an
19 area after the OC spray has been sprayed?
20 MR. McDONOUGH: Objection; ambiguous and vague.
21 THE WITNESS: We tend to -- if the inmate is
22 going to go back to the cell, he cleans it. We don't.
23 BY MR. CALABRO:
24 Q The inmate cleans --
25 A The inmate cleans his own cell.

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1 that?
2 A Yes.
3 Q And then it says, "Response" -- there is a
4 bunch of objections, a paragraph of objections, and then
5 you say in that next paragraph, "Defendant Roach admits
6 that" prior -- "that before September 6, 2003, he had
7 retrieved a bottle of nitroglycerine from plaintiff's
8 cell after plaintiff had been in a fight, and on that
9 basis, believed that plaintiff had a heart condition."
10 A Like I said, I didn't remember retrieving the
11 bottle. If I said I did in here, then I did. I didn't
12 remember retrieving the bottle.
13 Q So is -- is this response correct on this
14 paper?
15 A I would say yes.
16 MR. McDONOUGH: Objection; vague and ambiguous.
17 BY MR. CALABRO:
18 Q And so then you also believe that he had a
19 heart condition, according to this.
20 A Yes.
21 Q Okay.
22 And that was before September 6, 2003?
23 A Yes.
24 Q And it's based on the incident that happened on
25 August 3rd, 2003?

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1 Q -- the spray that the guard has sprayed?
2 A That's on -- that's on the cell. He'll bag up
3 his own stuff or he'll clean off his own stuff.
4 Q Do you know when Mr. Williams returned to his
5 own cell?
6 A No, I don't.
7 Q Do the guards at least provide cleaning
8 supplies to clean up the spray?
9 A Yes.
10 Q Do you know if those were delivered to his
11 cell?
12 A I don't know.
13 Q Did you ever complete an incident report with
14 respect to this incident?
15 A Yes, I did complete my written report on what I
16 did. I think.
17 Q Okay.
18 I don't know if I have a copy of that,
19 actually.
20 MR. McDONOUGH: Um --
21 MR. CALABRO: Maybe I do.
22 MR. McDONOUGH: I might have a copy of it.
23 Do you have a copy?
24 THE WITNESS: I have a -- oh, you know what? I
25 left mine in the car --

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1 MR. CALABRO: That's all right.
2 THE WITNESS: -- scrambling so much, I
3 didn't --
4 BY MR. CALABRO:
5 Q While he's looking for that, do you know what
6 an inmate appeal form is?
7 A Yes, it's a 602.
8 Q And what is that?
9 A Oh, an inmate feels something was done wrongly
10 to him, he can file that as like an appeal, "I want this
11 done because this happened, or -- there's a number of
12 things inmates can file 602s for.
13 Q And the ones that I have seen, there's a
14 paragraph where the inmate describes what the problem
15 was --
16 A Yes.
17 Q -- and there is a paragraph open for the
18 officer to respond.
19 A Yes.
20 The officer responds to the informal level.
21 And that means the inmate will send the 602 to the
22 appeals court, they will give it a log number, it will
23 be sent back to the officer. He can answer it at the
24 informal level.
25 If the inmate is not happy with that, he can

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1 take it to the next level, which is Level 1, which goes
2 to the supervisor.
3 Q Is the officer required to respond to that 602?
4 A Yes. If it is given to the officer in the
5 informal level, yes, he is required to respond.
6 Q And is he supposed to be accurate --
7 A Yes.
8 Q -- when he responds to that?
9 A Yes.
10 Q And tell the truth?
11 A Yes.
12 Q And be complete?
13 A Yes.
14 Q And be honest?
15 A Yes.
16 Q Did you respond to -- well, first of all, did
17 you know that Mr. Williams filled out a 602 with regard
18 to the August 3rd incident?
19 A No.
20 Q You were not aware of that?
21 A I -- I don't recall one.
22 (Deposition Exhibit 5 was marked for
23 identification by the court reporter.)
24 BY MR. CALABRO:
25 Q This is what a 602 looks like?

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1 A Yes.
2 Q And so this is one that Gerry Williams did on
3 August 3rd of 2003.
4 MR. McDONOUGH: Objection; assumes facts not in
5 evidence.
6 BY MR. CALABRO:
7 Q I mean, with relation to that August 3, 2003
8 incident.
9 Does this look like an accurate, authentic 602?
10 A Yes.
11 Q You will see on there -- if you look right
12 under the first paragraph, where it talks about "you may
13 appeal any policy," on the far right-hand side, right
14 above unit room number, do you see that?
15 A Mm-hmm.
16 Q It says your name, Sotelo -- or not your name
17 Sotelo, but just says "Sotelo" and then your name,
18 Roach?
19 A Yes.
20 Q And you are unaware of this 602 form? You've
21 never seen this?
22 A Yes. Because here, informal level, they
23 bypassed it. I never saw this.
24 Q I see. So that's what the "bypass" means.
25 A That's what the "bypass" means.

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1 He bypassed the informal level. He did not
2 want me to receive the 602 and answer, so he bypassed
3 the first level or the informal level, and I believe it
4 went straight to the first level or straight to the
5 formal level.
6 That's what the bypass means. So I never saw
7 this 602.
8 Q Okay. So were you aware that he had even filed
9 a 602?
10 A I was not aware of -- of he had made a
11 complaint about excessive pepper spray until I received
12 the first transactions of this lawsuit.
13 Q All right.
14 After -- let's talk about the 602 process in
15 general.
16 A Okay.
17 Q You said that an inmate will make -- fill out a
18 602 petition, I guess is what it's called, and then the
19 officer has an informal -- at the informal level, the
20 officer has a chance to respond.
21 A Yes.
22 Q If the inmate isn't satisfied with that
23 response, what happens then?
24 A He can send it back to be sent to the formal
25 level.

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1 Q And what's the formal level?
2 A I believe it's a supervisor that answers that.
3 Q What happens at the formal level?
4 MR. McDONOUGH: Objection; vague and ambiguous.
5 THE WITNESS: Whoever answers the formal level
6 can make a decision on if this is warranted, if he
7 should be awarded this or if it's denied. And then the
8 inmate gets the response back, and if he is not happy
9 with that, he can send it to the next level.
10 BY MR. CALABRO:
11 Q What's the next level?
12 A I believe it's called the third level, which
13 goes to -- not quite sure where it goes to. Not quite
14 sure if it goes to the warden's office and then to the
15 director's office. I'm not quite sure.
16 Q When it reaches the formal level, is there any
17 sort of investigation that's done?
18 MR. McDONOUGH: Objection; speculative.
19 THE WITNESS: I can't answer that. I don't
20 know.
21 BY MR. CALABRO:
22 Q Do you know if there is an investigation done
23 at the third level, the next level up you said?
24 A Anything past the informal level, I don't know
25 what happens from there.

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1 time that I first heard about it.
2 Q Let's talk about September 6, 2003.
3 Do you remember your schedule for that day?
4 A The morning, I was a search and escort officer
5 on the yard from 0600 to 2:00 o'clock. And then in the
6 evening, I was working the Bravo 5 floor officer from
7 2:00 until 10:00 p.m.
8 I don't remember if I was doing a swap for
9 somebody or if I was doing overtime. I don't remember.
10 Q Do you know where Officer Tuntakit was on this
11 day?
12 A He was my partner in Bravo 5 from 2:00 p.m. to
13 10:00 p.m.
14 Q Were you two the only officers working Bravo 5
15 that particular day?
16 A There is a control booth officer, as there is
17 for every shift, but I cannot recall who it was.
18 Q Was there anybody else working that building?
19 A No.
20 MR. CALABRO: All right.
21 I'm going to hand you another 602. This will
22 be Exhibit 6, I think.
23 (Deposition Exhibit 6 was marked for
24 identification by the court reporter.)
25 BY MR. CALABRO:

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1 Q So for all you know, prison guards just review
2 this and make a decision based on this?
3 MR. McDONOUGH: Objection.
4 THE WITNESS: No, only at the formal level will
5 the correction officer make the review, will -- will
6 make the answer and give the answer.
7 Anything past the informal level is past the
8 correctional officer; it goes to the supervisors.
9 And then after the -- after the formal level,
10 the next level, I'm not sure where it goes. I'm not
11 sure who reviews it.
12 BY MR. CALABRO:
13 Q You don't know who reviews it and you don't
14 know if there's an investigation done in response to
15 this?
16 A Correct.
17 Q And the first time you heard of any allegation
18 from Mr. Williams that you used excessive pepper spray
19 on August 3rd was through this lawsuit?
20 A Yes.
21 MR. McDONOUGH: Objection; ambiguous.
22 THE WITNESS: Yes.
23 BY MR. CALABRO:
24 Q When did you first learn of this lawsuit?
25 A I don't remember the time. I can't recall the

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1 Q All right. This was a 602 that Mr. Williams
2 did in response to the September 6 incident.
3 MR. McDONOUGH: Objection; assumes facts not in
4 evidence.
5 BY MR. CALABRO:
6 Q Were you aware there Mr. Williams filled out
7 one of these in response to that incident?
8 A No.
9 I didn't answer this, and -- I don't recall
10 this. I might have been aware of it, but I don't recall
11 it.
12 Q Okay.
13 If you look, Officer Tuntakit responds to this.
14 MR. McDONOUGH: Objection; assumes facts not in
15 evidence.
16 BY MR. CALABRO:
17 Q And he says that "Just after" -- if you look at
18 Section C, the last two sentences there, he says that
19 "Just after evening dayroom" -- all right. I'm sorry,
20 the last sentence.
21 "At about 1800 hours, I was cell feeding
22 Building 1 and not aware of his condition."
23 A Where is this at?
24 Q You see Section C?
25 A Okay.

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1 MR. McDONOUGH: We're down here in this --
2 THE WITNESS: Oh, okay.
3 BY MR. CALABRO:
4 Q "At about 1800 hours, I was cell feeding
5 Building 1 and not aware of his condition."
6 Do you see that?
7 A Yes.
8 Q Do you have any reason to think that that was
9 an inaccurate statement?
10 MR. McDONOUGH: Objection; speculative and
11 incomplete hypothetical.
12 THE WITNESS: I don't know. I know -- I -- I
13 don't know. I don't think so. I think --
14 BY MR. CALABRO:
15 Q I mean, you have no reason to doubt it, was the
16 question --
17 A No.
18 Q -- the accuracy of that statement?
19 Do you know where you were about 6:00 o'clock
20 on September 6?
21 A I can't recall exactly where I was.
22 Q Do you know if Mr. Williams had asked for
23 medical assistance by 6:00 o'clock?
24 A I don't recall.
25 Q You were working this building at 6:00 o'clock?

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1 A Yes.
2 But if we are cell feeding, we are not in the
3 building. So I don't know if we were cell feeding at
4 the time, or if we were in the building at the time. I
5 don't recall.
6 Q So you don't know whether Mr. Williams has
7 asked for medical assistance at 6:00 o'clock?
8 A That's correct.
9 MR. McDONOUGH: Objection.
10 BY MR. CALABRO:
11 Q Is there anybody else he could have asked for
12 medical assistance at the time?
13 MR. McDONOUGH: Objection; assumes facts not in
14 evidence, incomplete hypothetical, and speculative.
15 THE WITNESS: Only thing he could have did was
16 yell to the control cop, the control officer. If there
17 were no officers in the building, only thing he could
18 have did was -- was yell to the control officer.
19 BY MR. CALABRO:
20 Q You know, I think we should do another drawing
21 of the building so I can understand where various --
22 where his cell was in relation to the control tower and
23 just sort of -- if you could just draw sort of an aerial
24 view of the building, how the cells are laid out --
25 A Okay. This is --

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1 MR. McDONOUGH: Let him finish his question
2 before you start, okay, so it's clear.
3 BY MR. CALABRO:
4 Q How the cells are laid out and sort of where
5 things are in that building.
6 MR. McDONOUGH: I'm going to object to the
7 drawing as an ambiguous question regarding the drawing.
8 THE WITNESS: Okay. This is -- you come into
9 the building, and right above you is the control booth
10 that sits right here in the middle. It's -- it's at the
11 front of the building, but it's stationed right in the
12 middle so you look straight across.
13 If you drew a line from the control booth on
14 the floor all the way across, it dissects the building
15 in half.
16 BY MR. CALABRO:
17 Q Okay.
18 A This is Mr. Williams' cell right here, 126.
19 So if he was to yell out, he would yell out
20 to -- the control booth has windows, open windows, with
21 bars on them, but you hear everything up there.
22 So if there was no officers in the building --
23 like I said, I don't recall if we were in the building
24 at that time or if we were cell feeding -- the only way
25 for him to inform somebody in the building would be to

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1 yell from his cell up to the control booth window.
2 Q What distance do you think that is?
3 A 20 feet. 20 feet on the ground, and then the
4 control booth is probably 12 feet up in the air, 15 feet
5 up in the air.
6 Q What's the distance from one side of the
7 building to the other? From this side to this side
8 from -- from the side you have labeled with Cells 101
9 and 201 to the side of the building you have labeled
10 with Cells 150 to 250?
11 A I'd say approximately 50 feet.
12 Q About 50 feet. Okay.
13 So you had no idea whether Mr. Williams -- did
14 you want to change your answer?
15 A I think it's longer, because we have the
16 hallway in between. I would say about 100 feet.
17 Q 100 feet?
18 A Yeah.
19 Q Comfortable with that answer?
20 A Yes.
21 Q Okay.
22 So as of 6:00 o'clock, you were not aware of
23 whether Mr. Williams had asked for medical assistance at
24 this time?
25 A That's correct.

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1 Q What about at 6:15?
 2 A As far as I recall.
 3 MR. McDONOUGH: What did you say, not at
 4 that --
 5 THE WITNESS: As far as I recall. I was not
 6 aware at 1800. I do not recall. I do not recall if I
 7 was aware.
 8 MR. McDONOUGH: Okay. Just make sure you speak
 9 up.
 10 THE WITNESS: I do not -- I don't recall if I
 11 was aware.
 12 BY MR. CALABRO:
 13 Q Okay. I understand at 6:00 o'clock. What
 14 about at 6:15? Were you aware at that time that he had
 15 asked for medical assistance?
 16 A I don't recall.
 17 Q Okay. And this is 6:15 p.m., right?
 18 A Correct.
 19 Q I would like you to turn back to Exhibit 4, the
 20 RFA responses.
 21 I would like you to look at Page 3.
 22 A Page 3?
 23 Q Right. No. 3.
 24 If you will note, it says, "Request for
 25 Admission No. 3: Admit that plaintiff requested to go

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1 to the medical clinic at or before 7:00 p.m. and you
 2 refused his request."
 3 Do you see that on Page 3?
 4 A And I refused -- okay. Yes.
 5 MR. McDONOUGH: The request part. Do you see
 6 that first --
 7 THE WITNESS: Yeah, I see right down there,
 8 "refused his request."
 9 BY MR. CALABRO:
 10 Q So were ask -- he's asking admit that you --
 11 admit this happened.
 12 And your response -- you have a paragraph of
 13 objections, and then you say, "Without waiving the
 14 objections and referring to September 6, 2003, defendant
 15 responds as follows: Defendant Roach denies the request
 16 for admission. Defendant Roach admits that plaintiff
 17 asked to go to the medical clinic around 6:15 p.m. At
 18 that time, that medical technician was out of the clinic
 19 distributing medications."
 20 Do you see that?
 21 A Yes.
 22 Q Do you have any reason to doubt that at 6:15,
 23 plaintiff had asked to go to the medical clinic?
 24 A No.
 25 Q Do you think that's true, then?

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1 A Yes.
 2 Q As early as 6:15, he has been asking to go to
 3 the medical facility?
 4 MR. McDONOUGH: Objection; mischaracterization
 5 of the evidence, ambiguous and vague.
 6 THE WITNESS: Yes.
 7 BY MR. CALABRO:
 8 Q What was your response at 6:15, when
 9 Mr. Williams asked to go to the medical facility?
 10 A I don't recall.
 11 Q You don't remember?
 12 A I can't answer. I don't remember the
 13 discussion, I don't remember him asking to go, I don't
 14 remember what I said.
 15 Q Okay.
 16 Well, let's go back to Exhibit 6.
 17 Let's go back to the Section C there that we
 18 talked about before.
 19 MR. McDONOUGH: Is this 5?
 20 MR. CALABRO: Exhibit 6 is fine.
 21 Q All right. Let's go back to Section C there.
 22 Mr. Tuntakit says in his Section C that as --
 23 okay.
 24 "MTA was notified immediately, and they
 25 notified me they were going to check his file and get

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1 back to me. As his pain increased, I notified yard
 2 staff to escort him to the MTA office. The time was
 3 approximately 1915 hours, just after evening dayroom
 4 release."
 5 Do you see that?
 6 A Yes.
 7 Q Do you have any reason to doubt the accuracy of
 8 this statement?
 9 A No.
 10 Q 1915 hours is 7:15 p.m.; is that right?
 11 A Yes.
 12 Q So it looks like Mr. Tuntakit says that
 13 sometime before 7:15, they had notified the MTA of the
 14 pain. Right? Because he says, "As his pain increased,
 15 I notified the yard staff to escort him to the MTA
 16 office," right?
 17 A Yes.
 18 Q So it looks like at some point, Mr. Williams
 19 had said, "I'm having pain," according to Mr. Tuntakit,
 20 and then according to Mr. Tuntakit, his pain was
 21 increasing, and then eventually he called to escort him
 22 to the MTA office at approximately 7:15.
 23 MR. McDONOUGH: Objection; assumes facts not in
 24 evidence, mischaracterization of the evidence, and
 25 ambiguous and vague.

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1 BY MR. CALABRO:
2 Q That's what this appears to say; isn't that
3 right?
4 A Yes.
5 Q And have you no reason to doubt that?
6 A No.
7 Q Did you -- okay.
8 Let's back up a little bit.
9 Do you remember the first time that you were
10 notified that Mr. Williams was having chest pains that
11 night?
12 A I can't recall the exact first time, no.
13 Q Do you remember any time?
14 A I remember later on in the evening in the
15 dayroom when he was complaining that he was having chest
16 pains.
17 Q Do you remember what time that was?
18 A We had just finished releasing dayroom, so I
19 would say 7:15. 1915 hours is a good approximation,
20 because we had just finished releasing dayroom. We
21 release dayroom at 7:00 -- at 1900 hours.
22 Q And that was -- that's the only time you
23 remember being notified that Mr. Williams was having
24 pain?
25 A Yes. The only time. I remember talking to

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1 Officer Tuntakit about it.
2 Q Do you remember anyone by the name of Jeffrey
3 Moore informing you that Mr. Williams was having chest
4 pains and needed medical assistance?
5 A No.
6 Q Do you remember any inmate coming to you,
7 informing you --
8 A No.
9 Q -- that Mr. Williams was having chest pains?
10 A No.
11 Q At all?
12 A No.
13 Q So how did you know that Mr. Williams was
14 having chest pains?
15 A I talked to Officer Tuntakit at that time, when
16 me and him conferred about it.
17 I don't remember Mr. Williams telling me that
18 he had chest pains.
19 Q Do you remember any other inmate telling you
20 that he had -- for example, the porter, did the porter
21 tell you that he had chest pain?
22 A Not that I can recall.
23 Q And you don't remember any other inmate?
24 A Not that I can recall.
25 Q So it's your testimony that the way you learned

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1 that Mr. Williams was having chest pains was through
2 Officer Tuntakit?
3 A I believe so. I don't recall the 18 -- the
4 1815 hours, and I don't recall the -- I don't recall him
5 telling me. I can't remember what was said. I can't --
6 I can't recall it.
7 Q Do you --
8 A Go ahead.
9 Q I'm sorry. Go ahead and finish your answer.
10 A I'm trying to think, and I just don't recall
11 what was said that night and at what time that he said
12 he had chest pains.
13 Q You don't remember anything with respect to the
14 time --
15 A Not the time frame.
16 Q -- at all?
17 A No.
18 I do -- well, okay. I'm sorry.
19 Talking to Officer Tuntakit, that was when I
20 was aware he had chest pains in this time frame, when he
21 called for yard staff to come escort him.
22 I don't remember talking to Mr. Williams and
23 Mr. Williams telling me he had chest pains at that time
24 frame.
25 Q So the reason you are saying 7:15 is because of

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1 that statement, not because you independently remember
2 it?
3 A I'm looking at this statement, I -- I vaguely
4 remember talking to Officer Tuntakit about it. I don't
5 remember the exact conversation with him. I don't
6 remember Mr. Williams telling me he had chest pains. I
7 don't remember the conversations.
8 Q And you don't remember the -- from personal
9 knowledge, you don't remember the time that you had this
10 conversation with Mr. Tuntakit?
11 A Being that it was dayroom release, I would
12 imagine that that time is correct, but I couldn't tell
13 you the specific time off -- out of my head.
14 Q But you do remember that it was daytime.
15 Independently -- independently of this exhibit, you
16 independently remember that you had this conversation
17 with Mr. Tuntakit during dayroom release?
18 A Yes.
19 MR. McDONOUGH: Objection; vague and ambiguous.
20 THE WITNESS: During dayroom, yes.
21 BY MR. CALABRO:
22 Q And that normally happens around 7:00 o'clock?
23 A Yes.
24 Q So we can agree that around 7:00 to 7:15 --
25 well, at least before 7:15, Mr. Williams was complaining

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1 of chest pains?
 2 A Yes.
 3 Q Do you remember what you were doing during day
 4 release at this time, around 7:00 o'clock or 7:15?
 5 A No, I can't tell you exactly what I was doing.
 6 Q I'll take those exhibits back.
 7 Can you remember any reason that you could not
 8 immediately summon medical assistance for Mr. Williams
 9 at that time?
 10 MR. McDONOUGH: Objection; argumentative,
 11 assumes facts not in evidence.
 12 THE WITNESS: No.
 13 BY MR. CALABRO:
 14 Q Can you think of any reason at all that
 15 Mr. Williams couldn't have medical assistance
 16 immediately if he was complaining of chest pains at that
 17 time?
 18 MR. McDONOUGH: Objection; incomplete
 19 hypothetical, calls --
 20 THE WITNESS: The only reason --
 21 MR. McDONOUGH: Let me finish the objection.
 22 Calls for speculation.
 23 THE WITNESS: The only reason I can think is
 24 that the medical staff wasn't at the medical facility at
 25 the time. That's the only reason.

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1 A I was a building officer, correct.
 2 Q What do you do during the day on that shift?
 3 Are you patrolling the entire building?
 4 A You start it at 2:00 p.m., that you come on
 5 shift. You go into the building.
 6 You have a dayroom that's already out from --
 7 from the second watch. They're from the 6:00 to 2:00
 8 shift. At 1:00 they get released for yard and dayroom
 9 again. From 2:00 to 3:30, you have your dayroom. You
 10 secure your dayroom.
 11 Then you do yard recall. If they're-- yeah,
 12 you do yard recall, yard comes in.
 13 Then you prepare for chow and to cell feed or
 14 walk to chow, whatever we were doing that day. You do
 15 that.
 16 You get done at 1800 hours, which is 6:00 p.m.;
 17 it's count time. Count your building and call in your
 18 counts, then at 7:00 o'clock you release your dayroom.
 19 Q What I'm interested in is when people are in
 20 their cells, where are you?
 21 A Where am I usually when -- that's our office
 22 (indicating).
 23 Q So you have an office in the building?
 24 A Yes.
 25 Q And during the day, you will sit in the office?

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1 We have a number to call, we call them, they
 2 tell us what they are going to do.
 3 BY MR. CALABRO:
 4 Q Did you call the medical staff that night?
 5 A I don't recall if I called or not.
 6 Q Did you ever observe Mr. Williams that night?
 7 A I saw him when he was taken out of the
 8 building.
 9 Q You didn't take him out of the building?
 10 A No, I did not.
 11 Q Do you remember who took him out of the
 12 building?
 13 A No, I do not.
 14 Q What was his -- what did his condition appear
 15 to be when he was taken out of building?
 16 MR. McDONOUGH: Objection; vague and ambiguous.
 17 THE WITNESS: I don't recall. I don't recall
 18 what he looked like or what he was doing when they
 19 escorted him out.
 20 BY MR. CALABRO:
 21 Q If you are on dayroom -- I'm sorry, not
 22 dayroom -- what did you call it, building staff? Is
 23 that what it's called?
 24 A Yes.
 25 Q You were on building staff that night?

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1 A If there's a dayroom out, no. If the inmates
 2 are all in their cell, yeah, we will sit in there and do
 3 our logbooks and eat our lunch, things like that.
 4 Q Is that raised, or is it on --
 5 A No, it's on ground level.
 6 Q It's on ground level.
 7 A Yes.
 8 Q From 6:00 to 7:00, then, you would be doing
 9 what on this day, 6:00 p.m. to 7:00 p.m.?
 10 A Counting the building and then going to our
 11 evening meeting.
 12 Q Counting the building, what does that mean?
 13 A You count the inmates in the building. We have
 14 counts at the prison, and at 1800 hours, it's count
 15 time. You count the inmates that are in your building
 16 for accountability reasons, and you call it in.
 17 Q Who counts? I mean --
 18 A The floor officers.
 19 Q -- do you physically go and --
 20 A You physically go to each cell and count the
 21 inmates in the cell.
 22 Q So you were counting inmates at 6:00 o'clock?
 23 A At 1800 hours, I should have been counting
 24 inmates. Or I might have -- yeah, it was count time.
 25 We were counting inmates. There's no way to get around

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1 it.
2 Q So it's possible that as you were counting the
3 cells -- and you said at 6:15, Mr. Williams asked for
4 help -- that you were going by, counting his cell, and
5 that's when he asked for medical assistance?
6 MR. McDONOUGH: Objection; assumes facts not in
7 evidence --
8 THE WITNESS: I don't recall.
9 MR. McDONOUGH: -- mischaracterization -- of
10 the testimony.
11 THE WITNESS: I should not have been counting
12 the building at 6:15. Count's at -- you have to call in
13 your count by 6:00 o'clock. That's when they call for
14 count to be called in.
15 So at 6:15, I should not have been counting our
16 building. It should have already been completed. But I
17 can't recall exactly if I was still counting at the
18 time.
19 BY MR. CALABRO:
20 Q What time do you normally count, actually
21 physically count, if you have to call it in by
22 6:00 o'clock?
23 A When they call count at 6:00, I usually start
24 my count about 1755 hours, about 5:55 is when I start
25 counting.

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1 Q So it takes like five minutes?
2 A Yeah, five, ten minutes.
3 Q Do you go up by each individual cell in the
4 count?
5 A Yes.
6 Q Is it always the case that you count at 5:55 or
7 five minutes before?
8 MR. McDONOUGH: Objection; overbroad.
9 THE WITNESS: No. No, there's times when we
10 count earlier, count it later because of situations that
11 have occurred.
12 BY MR. CALABRO:
13 Q So it's possible that the count was actually
14 occurring at 6:15 that day?
15 A It could have been.
16 Q You don't remember anything to the contrary?
17 A Yeah, I don't recall.
18 Q And you -- and it's possible, then, that while
19 you were counting at 6:15, Mr. Williams had then asked
20 you --
21 A It's possible.
22 Q -- for medical assistance?
23 MR. McDONOUGH: Objection; ambiguous and vague.
24 BY MR. CALABRO:
25 Q And your answer was?

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1 A Yes.
2 Q It's possible?
3 A Possible.
4 Q Do you remember saying anything to Mr. Williams
5 at all that night after he had asked for medical
6 assistance?
7 A No, I do not recall.
8 Q Do you remember saying anything to anybody
9 about Mr. Williams that night?
10 A No.
11 Q Not to Mr. Tuntakit?
12 A No. I don't recall.
13 Q Not to any of the inmates?
14 A No.
15 Q There is an allegation in the complaint that
16 you -- that when you were informed that Mr. Williams
17 needed medical assistance, that you said "Ain't a
18 fucking thing wrong with him, he just wants to get out
19 of his cell because he's on LOP."
20 A I don't recall --
21 Q Did you say that -- did you say that statement?
22 A I don't recall if I said that statement.
23 Q Does it sound like something you would say?
24 A No. Not -- I don't recall if I said it;
25 doesn't sound like something I'd say to an inmate who'

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1 complaining of chest pains.
2 Q But you don't deny saying it?
3 A I don't recall saying it.
4 Q I'm sorry. The question was, you don't deny
5 saying it?
6 A No.
7 Q Do you remember why Mr. Williams was on LOP
8 that day?
9 A I believe it was for his cell fight on
10 August 3rd or August -- yeah, August 3rd.
11 Q Do you know how long he was on LOP?
12 A I don't recall how long it was.
13 Q Was it a typical procedure that someone would
14 get LOP after being in a cell fight?
15 A Yes.
16 Q Do you have any idea when Mr. Williams
17 eventually got medical treatment on September 6, 2003,
18 for his chest pains?
19 A I don't remember what time he was escorted out
20 of the building.
21 That -- once he's escorted from the building, I
22 don't know when medical saw him or when they didn't, and
23 I don't recall what time he was escorted out.
24 Q Do you have any guess as to whether it was an
25 hour or two after you talked with Officer Tuntakit?

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1 A No, I -- I don't recall.
 2 Q You just have no concept of the time frame?
 3 A I -- I have no idea, because he's out of the
 4 building and we're in the building. So I don't know
 5 when medical saw him.
 6 When -- in their -- if Officer Tuntakit says
 7 that they were escorted at -- he was escorted out at
 8 7:15 that evening, I don't know what time he was seen
 9 when they escorted him over to the medical clinic.
 10 Q My question was, do you remember -- do you know
 11 what time he left to get treatment; in other words, left
 12 the building to get treatment?
 13 A I don't recall.
 14 Q Do you have any idea whether it was an hour or
 15 two afterwards?
 16 MR. McDONOUGH: Objection; ambiguous, vague.
 17 THE WITNESS: I don't know.
 18 BY MR. CALABRO:
 19 Q You have no --
 20 A I don't remember when he got escorted. I don't
 21 remember the time frame.
 22 Q You have no even estimation of when that was?
 23 A No.
 24 Q Okay.
 25 No, you don't have the estimation, or --

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1 A No, I don't have the estimation.
 2 Q Okay.
 3 And did you ever learn what his medical
 4 condition was that night?
 5 A No.
 6 Q It wasn't something that you would ask him
 7 later?
 8 A No.
 9 Q Had Mr. Williams ever asked you for assistance
 10 before September 6, 2003, to get medical treatment?
 11 A Not that I can recall.
 12 Q Is there any way for an inmate to get out of
 13 his cell other than by asking permission through a
 14 guard?
 15 MR. McDONOUGH: Objection; overbroad.
 16 THE WITNESS: If he breaks his door somehow or
 17 forces his way out somehow; but other than that, no. If
 18 we tell him he can't come out -- our control booth
 19 officer is the one who controls the doors. So he waits
 20 for us to let him know to open the door. And if he
 21 doesn't open it, that door doesn't open.
 22 BY MR. CALABRO:
 23 Q Is the control booth officer the only one who
 24 has control over the door?
 25 A Yes.

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1 Q So in order to let an inmate in or out, the
 2 control booth officer has to know what's -- what's
 3 happening?
 4 A Yes.
 5 Q And he has to be given a signal to let somebody
 6 in or out?
 7 A Yes.
 8 MR. McDONOUGH: Objection; mischaracterization
 9 of the evidence.
 10 MR. CALABRO: I want to show you a copy of what
 11 we will mark as -- is this Exhibit 7?
 12 (Deposition Exhibit 7 was marked for
 13 identification by the court reporter.)
 14 BY MR. CALABRO:
 15 Q Have you ever seen a form like this before?
 16 A Yes.
 17 Q What is this?
 18 A 7219 -- is this -- I believe it's the 7219.
 19 Q And what does that mean?
 20 A It the form where we mark either officers or
 21 inmates that have been injured somehow.
 22 This is the form that the medical staff uses.
 23 Q And this is for the correctional treatment
 24 center?
 25 A Yeah, but this is -- you know, I'm sorry. This

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1 is not a 7219, because this is from our -- I believe
 2 it's from CTC -- yeah, this is from CTC. So this isn't
 3 what our -- our medical technicians on the yard uses.
 4 So this form I'm not familiar with. I'm sorry.
 5 Q Okay, you are not familiar. But you have seen
 6 this kind of form before?
 7 A I never seen this particular form, no.
 8 Q Okay.
 9 Turn to the next page.
 10 Do you have any idea what this is?
 11 A Yes.
 12 Q What?
 13 A What the doctors write down, what's going on,
 14 the complaint, and what their findings are.
 15 Q Have you ever been present while doctors and
 16 nurses fill out one of these forms?
 17 A Yes. Yes.
 18 Q And do you know whether the nurses fill these
 19 out concurrently -- I mean, at the same time that
 20 something's happening --
 21 MR. McDONOUGH: Objection; speculative.
 22 BY MR. CALABRO:
 23 Q -- or do they wait to fill it out later?
 24 A No, my experience is they fill them out right
 25 when they have the inmates in there, when they are

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1 treating the inmate for whatever problem, whatever
 2 ailment he has. He's in there, they fill these out
 3 right away.
 4 Q Okay.
 5 It looks like the very first entry on this
 6 page, the second page, it's signed by, it looks like
 7 Ibarra. And it looks is says "LVN" after that.
 8 Do you see that, on the --
 9 A Where's that at?
 10 Q -- first paragraph, right at the end of the
 11 first paragraph?
 12 A Right here?
 13 Q Right to the right of that.
 14 A Oh. Okay.
 15 Q Do you see that?
 16 A Yes.
 17 Q Do you know of a nurse named Ibarra?
 18 A I don't remember him or her.
 19 Q If you look at the top left-hand corner, it
 20 says "September 6, 2003."
 21 A Yes.
 22 Q And then it says "Time, 2000 hours"?
 23 A Yes.
 24 Q That would be 8:00 p.m.?
 25 A Yes.

1 Q And then it says "Inmate Williams was brought
 2 over by correctional officer" -- probably E.
 3 Does that mean escort?
 4 MR. McDONOUGH: I'm going to object. I'm not
 5 sure what that is on there; mischaracterization.
 6 THE WITNESS: Doesn't -- no, it was supposed to
 7 be somebody's name, but not in there.
 8 BY MR. CALABRO:
 9 Q Okay.
 10 But what I want to draw your attention to is
 11 that this says 8:00 o'clock p.m.
 12 A Yes.
 13 Q Would you have any reason to disagree with that
 14 8:00 o'clock?
 15 A No.
 16 Q And then on the front page, when we are looking
 17 at the correctional treatment center, it says the time
 18 in there is -- in the top right-hand corner, under
 19 September 6, 2003, it says "Time in, 2150 hours."
 20 Do you see that?
 21 A Yes.
 22 Q Which would be 9:50 p.m.?
 23 A That's correct.
 24 Q And the time out would be 2250?
 25 A That's correct.

1 Q It would be 10:50 p.m.?
 2 A Yes.
 3 Q Do you have any reason to doubt that he didn't
 4 get treatment at the CTC until 9:50?
 5 MR. McDONOUGH: Objection; speculative.
 6 THE WITNESS: No.
 7 BY MR. CALABRO:
 8 Q You have no reason to doubt that?
 9 A No.
 10 Q And you have no reason to doubt that he wasn't
 11 seen by a nurse until 8:00 o'clock?
 12 MR. McDONOUGH: Objection; speculative.
 13 THE WITNESS: No.
 14 BY MR. CALABRO:
 15 Q I mean, that he was -- because -- do you know
 16 if this is from the -- from the facility on the yard or
 17 if this was from the CTC?
 18 MR. McDONOUGH: Objection; speculative.
 19 THE WITNESS: It looks to me like the
 20 8:00 o'clock -- yeah. This one here is from the yard,
 21 the 2000. The 8:00 o'clock one is from the yard.
 22 And then this one was done at CTC.
 23 BY MR. CALABRO:
 24 Q And the one that was on the yard, that's the
 25 one we said was only a couple minutes' walk away from

1 the building?
 2 A Correct.
 3 Q I'd like to talk now about your relationships
 4 with the other guards.
 5 I think we're finished with that exhibit.
 6 A Oh.
 7 Q How would you describe your relationship with
 8 the other guards?
 9 MR. McDONOUGH: Objection; vague and ambiguous,
 10 overbroad.
 11 THE WITNESS: Good.
 12 BY MR. CALABRO:
 13 Q You don't have any particular problems with any
 14 of the other guards that you work with?
 15 A No.
 16 Q What is your relationship with Officer
 17 Tuntakit?
 18 A We have been partners before, he's a friend of
 19 mine. We don't hang out outside of work, but we talk at
 20 work and we are friends at work.
 21 Q Do you work with him regularly at work, on the
 22 same shift?
 23 A Not anymore. He works the third watch shift,
 24 which is 2:00 to 10:00, and I work the 6:00 to
 25 2:00 shift.

1 Q And you said your relationship was strictly
 2 professional, you never saw each on a social --
 3 A We never hung out outside of work, no.
 4 Q -- on a social basis.
 5 But you worked together regularly when you were
 6 working Building 5 during the fall of 2003?
 7 MR. McDONOUGH: Objection; mischaracterization
 8 of testimony.
 9 THE WITNESS: No. We were on two different
 10 shifts.
 11 BY MR. CALABRO:
 12 Q Oh, you were on different shifts completely?
 13 A Yes.
 14 Q Is there what you would consider a sense of
 15 brotherhood or anything among the guards at Salinas
 16 Valley State Prison?
 17 MR. McDONOUGH: Objection; ambiguous, vague.
 18 THE WITNESS: I wouldn't say brotherhood, but I
 19 would say that we watch out for each other because we
 20 work in such a dangerous environment. So there's a
 21 family feeling, yes.
 22 BY MR. CALABRO:
 23 Q Feel like there's a sense of loyalty to one
 24 another there?
 25 A To a certain point, yes.

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1 Q What would you say would be the limits, then,
 2 of that loyalty?
 3 MR. McDONOUGH: Objection as vague and
 4 ambiguous, incomplete hypothetical, calls for
 5 speculation.
 6 THE WITNESS: I can only answer that from my
 7 perspective, nobody else's. And I will be loyal to my
 8 partner until he does something that could cost me my
 9 job or cost himself his job or get somebody hurt.
 10 BY MR. CALABRO:
 11 Q If a fellow guard were to break the rules,
 12 would this be something that you wouldn't necessarily
 13 report?
 14 MR. McDONOUGH: Objection; incomplete
 15 hypothetical, calls for speculation.
 16 THE WITNESS: I would report it.
 17 BY MR. CALABRO:
 18 Q In every case?
 19 A Yeah, because I -- it's my job that's on the
 20 line.
 21 Q So if a guard asked you to lie in a proceeding,
 22 you wouldn't do it?
 23 A No.
 24 MR. McDONOUGH: Objection; incomplete
 25 hypothetical, calls for speculation.

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1 BY MR. CALABRO:
 2 Q Have you ever heard of anything called the
 3 "green wall"?
 4 A Yes.
 5 Q What is that?
 6 A I can't tell you what it is. I saw it in the
 7 paper a couple times, but I can't answer -- I can't
 8 answer you what it is. I don't know what it is.
 9 Q What's your understanding about what the "green
 10 wall" is?
 11 A I don't know.
 12 Q Do you know if there is a "green wall" at
 13 Salinas Valley State Prison?
 14 MR. McDONOUGH: Objection; ambiguous and vague.
 15 THE WITNESS: Not that I know of.
 16 BY MR. CALABRO:
 17 Q Do you know if there is any gang of guards, per
 18 se, at the prison who call themselves the "green wall"?
 19 A Not that I know of.
 20 Q Is there any gang of guards at the prison who
 21 are known as the "green wall"?
 22 A Not that I know of.
 23 Q Okay.
 24 With regard to this particular action, who is
 25 paying your legal bills?

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1 MR. McDONOUGH: Objection.
 2 I'm going to -- I think that's attorney-client
 3 privilege; I'm going to direct you not to answer that.
 4 BY MR. CALABRO:
 5 Q If you were to lose this case in order to pay
 6 money damages, who would be liable for that?
 7 MR. McDONOUGH: I am going to object to that
 8 based on attorney-client privilege.
 9 And don't answer that question.
 10 MR. CALABRO: This is attorney-client
 11 privilege, who pays for the legal -- who pays for the
 12 judgment?
 13 MR. McDONOUGH: I think the -- that's
 14 materials -- that's between the client and himself. I
 15 think it is -- I think it's -- first of all, spec -- I
 16 will also object on the fact that it's speculative and
 17 ambiguous and misleading.
 18 MR. CALABRO: Is your objection to this
 19 particular question that it's attorney-client privilege?
 20 MR. McDONOUGH: Okay. Can you repeat the
 21 question?
 22 MR. CALABRO: Yeah.
 23 Q If you were to lose this case, who would pay
 24 the judgment?
 25 MR. McDONOUGH: If there was a judgment in the

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1 case, a money judgment?
 2 MR. CALABRO: Right.
 3 MR. McDONOUGH: I'm going to object that it's
 4 speculative and it's ambiguous.
 5 And if you know -- if he knows, he can answer
 6 the question.
 7 THE WITNESS: I don't know.
 8 BY MR. CALABRO:
 9 Q You don't know the answer?
 10 A No.
 11 Q Do you know if you are indemnified by the
 12 State?
 13 A I'm sorry, but I don't know what that means.
 14 Q Okay.
 15 Will the state pay any judgment in this case if
 16 you are found guilty in order to pay money?
 17 MR. McDONOUGH: I'm going to object as
 18 ambiguous and misleading, incomplete hypothetical, and
 19 speculative.
 20 THE WITNESS: I don't know.
 21 BY MR. CALABRO:
 22 Q Do you have personal insurance?
 23 MR. McDONOUGH: Objection.
 24 I'm going to -- ambiguous, misleading.
 25 Are you talking about car insurance, are you

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1 talking about --
 2 BY MR. CALABRO:
 3 Q Do you understand the question?
 4 MR. McDONOUGH: Do you have insurance, is the
 5 question, right?
 6 THE WITNESS: Yes.
 7 BY MR. CALABRO:
 8 Q Do you have any kind of insurance that would
 9 cover you in case you were found guilty in this case and
 10 had to pay money?
 11 MR. McDONOUGH: Objection; speculative,
 12 argumentative, incomplete hypothetical.
 13 THE WITNESS: No.
 14 BY MR. CALABRO:
 15 Q Do you know what effect on your job a verdict
 16 against you in this case would have?
 17 MR. McDONOUGH: Objection; incomplete
 18 hypothetical, speculative.
 19 THE WITNESS: No.
 20 BY MR. CALABRO:
 21 Q Have you ever thought about that?
 22 A Yes.
 23 Q And did you investigate what would happen if
 24 you lose this case?
 25 A No. I -- no, I didn't.

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1 Q Is there anything else that you think is
 2 relevant to this case that you want on the record?
 3 A No.
 4 Q Is there anything else relevant to the case
 5 that you can even think of?
 6 A No.
 7 Q Okay.
 8 I don't have any further questions.
 9 MR. McDONOUGH: Okay. I don't have any
 10 questions at this time.
 11 THE REPORTER: Do you want a copy of the
 12 transcript?
 13 MR. McDONOUGH: Yes, please.
 14 Then do we want to just make sure we have the
 15 exhibits correct?
 16 MR. CALABRO: Off the record.
 17 (Discussion off the record.)
 18 (Deposition Exhibit 8 was marked for
 19 identification by the court reporter.)
 20 ///
 21 ///
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 9 I, SHANE VON ROACH, do hereby declare under
 10 penalty of perjury that I have read the foregoing
 11 transcript; that I have made any corrections as appear
 12 noted, in ink, initialed by me; that my testimony as
 13 contained herein, as corrected, is true and correct.
 14 EXECUTED this ____ day of _____,
 15 200__, at _____, _____.
 (City) (State)
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SHANE VON ROACH

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: _____

ERIC GILLIAM
CSR No. 3338

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