

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GERRY WILLIAMS,
Plaintiff,

vs. Case No. C-04-2409 SI (pr)
LIEUTENANT ROSS, et al.,
Defendants.

DEPOSITION OF CHARLES JORDAN

DATE: Thursday, September 7, 2006
TIME: 9:55 a.m.
PLACE: Salinas Valley State Prison
31625 Highway 101
Soledad, California

REPORTED BY:
Patricia Goulet,
RPR, CSR No. 8315
JOB No. 51970

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19	Copy, document beginning "/16/06: (1320 Hrs) Strip searched twice
14	VISIT TERMINATED ("Behavior / Aggressive)" 74
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APPEARANCES:

FOR THE PLAINTIFF:

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FOR THE DEFENDANT:

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
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CHARLES JORDAN,
having been first duly administered an oath to tell the
truth, the whole truth, and nothing but the truth,
testified as follows:

EXAMINATION BY MR. CALABRO

Q. State your name for the record, please.
A. My name is Jordan, D-54540.
Q. Is that your CDCR number?
A. Yes, sir.
Q. First name?
A. Charles.
Q. My name is Toji Calabro, and I represent
Gerry Williams in the case called Williams against
Ross, et al. We're going to ask you a series of
questions in today's deposition about this case to get
an understanding of what your impressions and your
recollections are of the facts and events that are
related to this case.
Have you ever been deposed before?
A. Yes.
Q. So then you're aware of the process. But I
want to step back and make sure we remember and you
understand completely what the procedures are for
today's deposition.
A. But I'd rather you explain them to me, yes.

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1 (Pages 1 to 4)

1 Q. Sir, we're conducting a deposition, and as I
2 said before, we're going to ask you a series of
3 questions. Your answers to those questions are going
4 to be under oath as you were just sworn in. You
5 understand that the oath that you've just taken is the
6 same oath you would take as if you were testifying in
7 court?
8 A. Yes, sir.
9 Q. Do you understand that the answers that you
10 give today are subject to perjury just as if you were
11 to lie in court?
12 A. Yes, sir.
13 Q. And you understand that it's important to be
14 accurate and complete in your testimony today?
15 A. Yes.
16 Q. You understand that the court reporter will be
17 recording every word that we say?
18 A. Yes, sir.
19 Q. Since the court reporter is recording every
20 word we say, it's very important that we answer every
21 question with a verbal answer. So nods of the head,
22 shrugging, shaking your head, those aren't kind of the
23 answers that she can record, so we need you to answer
24 every question with a verbal word. Do you understand
25 that?

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1 A. Yes, sir.
2 Q. It's also important to not talk at the same
3 time. So it's very important that I give you an
4 opportunity to finish your answer before I speak, and
5 you let me finish my question before you speak so she
6 can get an accurate recording of what we say today.
7 A. Yes, sir.
8 Q. If there is ever a time you don't understand
9 my question, you don't understand the words that I use
10 or I'm just not clear, it's very important that you let
11 me know that you don't understand what I'm saying.
12 A. Yes, sir.
13 Q. You have the right to ask me to clarify the
14 question. You should clarify the question if you don't
15 understand it. Do you understand?
16 A. Yes, sir.
17 Q. At various points, Mr. McDonough, who
18 represents the Attorney General in this case, may
19 decide he wants to object to a certain question I have.
20 Those objections are only for the record. You should
21 allow him to make the objections but afterwards, but
22 afterwards, you will still answer the question
23 regardless of the objection. Do you understand that?
24 A. Yes, sir.
25 Q. At any point you need to take a break, please

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1 let us know. We might take various breaks just
2 periodically, but if you specifically need to go to the
3 bathroom or get a drink of water or just want to take a
4 break, let me know that and we can try to accommodate
5 that when we can.
6 Are you taking any medication today?
7 A. Yes, sir.
8 Q. What medication are you taking?
9 A. Abilify.
10 Q. Can you spell that?
11 A. A-b-i-l-i-f-y.
12 MR. McDONOUGH: I'm going to make just one
13 quick statement.
14 I am Tim McDonough. I work for the Attorney
15 General's Office. I just want to be clear that
16 specifically I represent Officers S. Roach and
17 Officer M. Tuntakit. I work for the Attorney General's
18 Office, but I'm representing on behalf of the Attorney
19 General's Office those two officers.
20 THE WITNESS: Yes, sir.
21 BY MR. CALABRO:
22 Q. What do you take the Abilify for?
23 A. I'm diagnosed as PTSD, post-traumatic stress
24 disorder, so this helps me to be calm in situations
25 where there's a incident on the yard.

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1 Q. Is it your understanding that Abilify would
2 affect your ability to give truthful and accurate
3 testimony?
4 A. No, sir.
5 Q. Would it affect your memory in any way that
6 you know of?
7 A. No, sir.
8 Q. Are there any other medications you're taking
9 other than Abilify?
10 A. I take cholesterol meds. I take Benadryl for
11 allergies.
12 Q. Do you know the name of the cholesterol
13 medication you take?
14 A. I believe it's a lovastatin. Lipitor is the
15 generic term, I believe.
16 Q. Do you know if this cholesterol medication
17 would affect your ability to give testimony today?
18 A. No, sir.
19 Q. Would it affect your memory in any way?
20 A. No, sir.
21 Q. You said you also take another drug for, did
22 you say benadrine?
23 A. Benadryl.
24 Q. Benadryl. What do you take Benadryl for?
25 A. Allergy.

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1 Q. Is there any reason that you know of that
2 Benadryl would affect your ability to give testimony
3 today?
4 A. No, sir.
5 Q. Do you know if it would affect your memory?
6 A. It will not affect my memory.
7 Q. Is there any other medication you're taking
8 today other than Abilify, your cholesterol medication
9 and Benadryl?
10 A. No, sir.
11 Q. Is there any medication that you're prescribed
12 to take today that you have not?
13 A. No, sir.
14 Q. Is there any other reason that you can't give
15 your best testimony today?
16 A. No, sir.
17 Q. Mr. Jordan, I'd like to begin by talking about
18 how you prepared for today's deposition. Did you speak
19 with or talk to anybody in preparation for today's
20 deposition?
21 A. Who would I talk to? Nobody to talk to. Not
22 in preparing. I talked with people in relation to
23 this. I told Mr. Williams that I'd been asked to have
24 a deposition today.
25 Q. What did Mr. Williams say to you in response?

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1 A. He encouraged me to give correct answers.
2 Told me to just stick to the facts and tell what I
3 know. He told me to be, basically told me to be open
4 with you guys.
5 Q. Is there anybody else that you spoke with in
6 relation to the deposition today?
7 A. No, sir.
8 Q. Did you review any documents, any notes, or
9 journals that you might keep?
10 A. Yes, sir.
11 Q. What documents did you review?
12 A. I reviewed the declaration that I gave
13 Mr. Williams, just to refresh myself on the exact
14 dates.
15 Q. Is there anything else you reviewed? Any
16 other documents you reviewed in preparation for this?
17 A. Yes, sir. I reviewed a summons that I
18 received. And I just want to state for the record that
19 on the summons it states that it was served on the
20 1st of September. That will be incorrect. It was
21 served, actually served Tuesday.
22 Q. As in two days ago?
23 A. Yes, sir.
24 Q. So that would be September the 4th -- 7th, or
25 5th?

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1 A. 5th.
2 Q. Do you feel like you've had adequate time to
3 prepare for today's deposition?
4 A. Yes, sir.
5 Q. To begin today, I'd also like to talk about
6 your background. Can you tell me where you grew up?
7 A. I am a native of Mississippi. I came to
8 California in '72.
9 Q. How old were you then?
10 A. I believe I was 18 -- 17, 18.
11 Q. Did you go to high school in Mississippi?
12 A. No, sir.
13 Q. Where did you go to high school?
14 A. I was a grade school dropout. I went to grade
15 school in Mississippi.
16 Q. What year was the latest year that you
17 completed?
18 A. I believe it was third grade. I have since --
19 during my incarceration, I finished high school, just
20 so you know.
21 Q. So you got your GED?
22 A. Yes, sir.
23 Q. Do you know when you got your GED?
24 A. I believe the last one was '96.
25 Q. I'm sorry. What do you mean by "the last

Page 11

1 one"?
2 A. Well, I've taken it in '93 and '96. I passed
3 both times, but I wanted to get a higher score.
4 Q. I understand. So the first time you got it,
5 you passed your GED, was in '93?
6 A. Yes, sir.
7 Q. Then you took it again and passed in 1996?
8 A. Yes, sir.
9 Q. So how old were you when you finished the
10 third grade?
11 A. Seven, eight.
12 Q. What did you do from the time that you were
13 eight until you were 18?
14 A. Worked on the farm, pulled cotton, drove
15 tractor.
16 Q. Was this a family farm?
17 A. No, sir. Sharecropping.
18 Q. I'm sorry. Finish your answer.
19 You worked on the farm, sharecropper.
20 A. I stayed with my grandparents. They were
21 sharecroppers, so I had to help out with picking
22 cotton, pulling corn, feeding the hogs, milking the
23 cows.
24 Q. Character building stuff.
25 Why did you decide to leave Mississippi?

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3 (Pages 9 to 12)

1 A. I wanted to get a trade, so I signed up for
 2 Job Corps.
 3 Q. What is the Job Corps?
 4 A. The first one I went to was Breckenridge Job
 5 Corps in Kentucky.
 6 Q. What is the Job Corps?
 7 A. Job Corps is a training program for youth who
 8 have dropped out of school, give them an opportunity to
 9 get a trade and assimilate into mainstream of society.
 10 Q. So the first one you went to you said was
 11 Breckenridge?
 12 A. Yes, sir.
 13 Q. Do you know when that was?
 14 A. I believe that was in '69.
 15 Q. What did you learn there, or what was your
 16 job?
 17 A. Electromotor repair and rewind.
 18 Q. How long were you there?
 19 A. A year.
 20 Q. What did you do after that?
 21 A. After that, I actually graduated before I was
 22 able to qualify for the job placement program, so I
 23 basically just rode around for six months and reentered
 24 the Job Corps again.
 25 Q. When you say "Breckenridge," was that

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1 Q. And your job was what again?
 2 A. A shop assistant for Kirby Vacuum Company.
 3 Q. How long did you work there?
 4 A. I worked there approximately a year.
 5 Q. What were your duties?
 6 A. My duties was to refurbish vacuum cleaners,
 7 assist with the maintenance of the shop, and some
 8 customer service. I was also stocking equipment.
 9 Q. What did you do after that?
 10 A. After that I came to California.
 11 Q. Okay.
 12 A. I got a job at Leslie Belt Company. I got a
 13 job at Rocket Messenger Service. I worked various jobs
 14 in and around Los Angeles, but those were the two that
 15 I stuck with the longest. Leslie Belt Company and
 16 Rocket Messenger Service.
 17 Q. Rocket Messenger Service?
 18 A. Yes, sir.
 19 Q. Did you work at these jobs at the same time or
 20 was one after the other?
 21 A. One after another.
 22 Q. Which one was the first one?
 23 A. The first one was Leslie Belt Company.
 24 Q. What did you do there?
 25 A. Made belts. Assisted in the manufacture of

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1 Breckenridge, Colorado?
 2 A. No, sir. That's in Morganfield. Breckenridge
 3 Job Corps. The Job Corps is actually on an old
 4 military base. It's in Morganfield, Kentucky.
 5 Q. So for six months, then, after six months
 6 you -- so you left Breckenridge, and then six months
 7 later you came back to the Job Corps?
 8 A. No, after six months -- yes. I signed up
 9 again for a different Job Corps.
 10 Q. Where was this Job Corps?
 11 A. The second one was in Washington State.
 12 White Swan.
 13 Q. I'm sorry what was that?
 14 A. White Swan. Washington State.
 15 Q. How old were you at this point?
 16 A. 17.
 17 Q. What did you do at White Swan?
 18 A. Welded, arc welded.
 19 Q. How long were you there?
 20 A. I was there approximately six months.
 21 Q. What did you do after that?
 22 A. After that? I received a job in Yakima,
 23 Washington, as a shop assistant.
 24 Q. How do you spell?
 25 A. Y-a-k-a-m-i.

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1 belts for the garment district.
 2 Q. How long were you there?
 3 A. Approximately six months.
 4 Q. Did you go to Rocket Messenger after that?
 5 A. Yes, sir.
 6 Q. Directly after Leslie Belts, or did you do
 7 other jobs in between?
 8 A. I went directly after -- Rocket Messenger was
 9 a better job, so I went from Leslie Belt Company to
 10 Rocket Messenger Service, while at the same time I was
 11 going to school at night with the West Coast Trade
 12 School.
 13 Q. What did you do at Rocket Messenger?
 14 A. Just delivered stocks and bonds.
 15 Q. How long were you there?
 16 A. Approximately a year.
 17 Q. You said at this time you were also going to
 18 West Coast Trade School?
 19 A. Yes, sir.
 20 Q. What were you studying there?
 21 A. Arc welding.
 22 Q. Was this a continuation --
 23 A. Yes, sir.
 24 Q. -- of White Swan, your studies from White
 25 Swan?

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1 A. Yes, sir.
2 Q. So West Coast Trade School, was that a night
3 school?
4 A. Yes, sir.
5 Q. How long did you attend that school?
6 A. Approximately six months.
7 Q. What did you do when you left Rocket
8 Messenger?
9 A. I came to jail.
10 Q. Did you have any other jobs? Did you have any
11 other work history?
12 A. When I was back home in Mississippi, yes.
13 Q. But since Rocket Messenger --
14 A. No.
15 Q. -- you haven't worked again?
16 A. No.
17 Q. So let's talk about your criminal record.
18 When were you first arrested?
19 A. For this current offense?
20 Q. For this current offense. That was what year?
21 A. Well, I was arrested previously to that year.
22 I was arrested for -- I was picked up for GTA, I was
23 arrested for loitering and jaywalking prior to this
24 current offense.
25 Q. Prior to this current offense. What is "GTA"?

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1 Q. Were you paroled after six months?
2 A. Yes. Released.
3 Q. Released.
4 So your sentence was for six months, and you
5 served your full sentence?
6 A. Yes, sir.
7 Q. Did you receive any jail time or prison time
8 for the loitering and jaywalking?
9 A. It could have been a few days. Can't remember
10 exactly.
11 Q. And prior to this offense, those are the only
12 times --
13 A. Yes, sir.
14 Q. -- you've been arrested. You've been arrested
15 or you've been in jail -- let me rephrase the question.
16 Prior to this offense, the three times: grand
17 theft auto, loitering and jaywalking are the only times
18 that you've been arrested?
19 A. Those were the only times I was actually
20 charged with something. I've been picked up and taken
21 to jail for under the influence and then released, but
22 I was never charged with anything. Just suspicion.
23 Q. Other than the current offense, these three
24 offenses are the only times you've ever been charged
25 with an offense?

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1 A. Grand theft auto.
2 Q. When was that?
3 A. I don't recall exactly. Sometime prior to
4 this current offense.
5 Q. Would you say it was more than ten years ago?
6 A. More than ten years ago?
7 Q. Yes.
8 A. I've been incarcerated 33 years.
9 Q. So it's at least 30 years ago?
10 A. Approximately 35.
11 Q. When were you arrested for the loitering?
12 A. '72.
13 Q. 1972?
14 A. Yes, approximately.
15 Q. And jaywalking, when were you arrested for
16 that?
17 A. Approximately the same time period.
18 Q. For grand theft auto, were you found guilty or
19 did you plead guilty?
20 A. I pled guilty.
21 Q. Did you receive any jail time or prison time?
22 A. Yes, sir.
23 Q. How long?
24 A. I believe it was six months at Wayside Honor
25 Ranch in Los Angeles.

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1 A. Yes, sir.
2 Q. Why were you arrested for the current offense
3 that you're serving jail time for?
4 A. It was, the charge was 187 and 211 for
5 murder/robbery.
6 Q. So 187 is murder?
7 A. Yes, sir.
8 Q. And 211 is robbery?
9 A. Yes, sir.
10 Q. What was the allegation for the murder charge?
11 A. The allegation was I was accomplice to a
12 murder, and said I was a point man.
13 Q. What do you mean by "point man"?
14 A. Lookout.
15 Q. Lookout.
16 Did you plead guilty to that?
17 A. No, sir.
18 Q. Were you found guilty of that?
19 A. Yes, sir.
20 Q. By a jury?
21 A. Yes, sir.
22 Q. And the robbery charge, what was the
23 allegation with the robbery charge?
24 A. The allegation was that the victim had been
25 robbed.

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1 Q. The murder victim, the murder victim had been
2 robbed?
3 A. Yes, sir.
4 Q. Did you plead guilty to that?
5 A. No, sir.
6 Q. Were you found guilty?
7 A. Yes, sir.
8 Q. By a jury?
9 A. Yes, sir.
10 Q. What was your sentence for the murder charge?
11 A. Seven years to life.
12 MR. McDONOUGH: For which charge was that, for
13 the murder charge?
14 THE WITNESS: Yes, sir.
15 BY MR. CALABRO:
16 Q. What about for the robbery charge?
17 A. It was running CC with the murder.
18 Q. I'm sorry --
19 A. It was running concurrent with the murder
20 charge.
21 Q. So the sentence was seven years to life for
22 both the murder and the robbery charge?
23 A. Yes, sir.
24 Q. What year was this?
25 A. 1973.

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1 specific behavior that you've had in the prison?
2 A. They have.
3 Q. What was that?
4 A. A 115.
5 Q. What's a 115?
6 A. Rule violation report for -- the institution
7 has rules. If you break those rules, they'll write you
8 a rule violation report.
9 Q. Which rule were you alleged to have broken?
10 A. Disobeying orders, mutual combat. There's a
11 long list.
12 Q. Do you remember any others?
13 A. Not reporting to work, participating in
14 behavior that could lead to violence, aggressive
15 behavior.
16 Do you want me to go on?
17 Q. As many as you remember would be great.
18 A. Abuse of a computer.
19 Q. Abuse of a computer is a rule violation?
20 A. Yes, sir.
21 Not reporting to work, manipulating staff.
22 Q. What were that the details of that?
23 A. Asked one staff, can I go to the yard? Staff
24 member say no. Go over his head, ask another staff
25 member, say, can I go to the yard? He say yes.

Page 23

1 Q. 1973 was the date you were arrested, or the
2 date you were convicted?
3 A. '73 is the date I was convicted.
4 Q. So you've been in jail since 1973?
5 A. Yes, sir.
6 Q. Have you been up for parole since 1973?
7 A. Yes, sir.
8 Q. How many times?
9 A. Approximately 15.
10 Q. I'm assuming that you were denied parole those
11 15 times?
12 A. Yes, sir.
13 Q. Do you remember why you were denied parole
14 those times?
15 A. I'm told because of the gravity of the
16 offense, subject -- gravity of the offense. No --
17 that's basically it. Gravity of the offense.
18 Q. And so it's been the same reason?
19 A. It's the same thing when I go. Gravity of the
20 offense, we believe the prisoner will need a longer
21 period of observation before he could be considered for
22 release.
23 Q. Has it been the same reason every time?
24 A. Basically.
25 Q. Have they ever denied you parole for any

Page 22

1 Q. That was the rules violation?
2 A. That's a rules violation. That's called
3 manipulating staff. If one officer tell you no, you
4 can't go over his head.
5 Q. Anything else you can remember?
6 A. That's all I can remember right now.
7 Q. What was the disobeying orders? Do you
8 remember the details of that?
9 A. There was probably several disobeying orders.
10 Most recently disobeying an order for a random piss
11 test.
12 Q. I'm sorry?
13 A. Random urinalysis.
14 Q. Does that mean that there's random urinalysis
15 exams that the guards administer to various inmates?
16 A. Yes, sir. They have a random -- they have a
17 program here to, I guess they're trying to eradicate
18 the introduction of drugs into the institution, so what
19 they do is they have random urinalysis tests. And I
20 had one and I gave them one, and then they came back
21 less than two weeks later and wanted another one and I
22 refused.
23 Q. Do you remember when that was?
24 A. I believe it was the 27th of August.
25 Q. Of August. August 27th, 2006?

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1 A. Yes, sir.
2 Q. Was there another disobeying orders RVR within
3 the last ten years?
4 A. I have approximately 115 rule violation
5 reports during my 33 years of incarceration, so I can't
6 tell you which one was what.
7 Q. Sure.
8 Do you remember any rules violations within
9 the last ten years, or any rules violations at all that
10 had to do with deceitful behavior?
11 A. No, sir.
12 Q. Have any of them had to do with you lying?
13 A. I can't recall.
14 Q. I'd like to speak now about your relationship
15 with Mr. Williams. As you know, Mr. Williams is the
16 plaintiff in this case. Can you tell me how you first
17 met Gerry Williams.
18 A. Sometime in 2003, I was transferred to Unit 5
19 at the B facility here at Salinas Valley State Prison.
20 I was assigned to cell 127, and Mr. Williams was
21 assigned to cell 126; hence, I met him because he's
22 considered a neighbor.
23 Q. Prior to this transfer, were you at another
24 facility within Salinas Valley State Prison, or were
25 you transferred from a different prison?

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1 A. I was transferred from a different prison
2 here.
3 Q. What prison was that?
4 A. Corcoran.
5 Q. Did you know Mr. Williams at Corcoran?
6 A. No, sir.
7 Q. So you first met Mr. Williams in 2003 because
8 you were neighbors --
9 A. Yes, sir.
10 Q. -- in B facility, Unit 5, B facility at
11 Salinas Valley State Prison?
12 A. Yes, sir.
13 Q. What kind of relationship have you had with
14 Mr. Williams since then?
15 A. Since then, acquaintance.
16 Q. Would you describe yourself as friends?
17 A. No, sir. We don't have any friends in prison.
18 Q. Would you spend a lot of time with
19 Mr. Williams?
20 A. I have on occasion spoke with Mr. Williams
21 regarding certain officers. We have -- I'm into what
22 they call prison advocacy or prison reform, and
23 Mr. Williams is a knowledgeable individual who has
24 knowledge, and I have consulted with him sometime
25 concerning certain officers.

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1 Q. Is prison advocacy or prison reform, is that a
2 recognized group or organization within the prison, or
3 are you just interested in the idea of prison reform
4 and prison advocacy?
5 A. As an individual, I'm interested in prison
6 reform.
7 Q. Have you brought any lawsuits against the
8 State or the prison in furtherance of your advocacy in
9 prison reform?
10 A. Yes, sir.
11 Q. How many?
12 A. One.
13 Q. When was that?
14 A. '95 -- excuse me. Two.
15 Q. 1992 -- you brought two?
16 A. Yes, sir.
17 Q. The first one was in 1995?
18 A. Yes, sir.
19 Q. When was the second one?
20 A. The second one was, I believe, June of 2006.
21 Q. What were your allegations in the first suit
22 from 1995?
23 A. '95 was regarding brutality at Corcoran State
24 Prison.
25 Q. What happened?

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1 A. Basically, a bunch of guards just jumped on me
2 and beat the hell out of me. That's about it.
3 Q. Why did they do that?
4 A. That was just part of their program. I had
5 gotten a rule violation report and I was being
6 transferred to the SHU at Corcoran.
7 Q. You were being transferred to the what?
8 A. The SHU. To do time at the SHU, the security
9 housing unit at Corcoran. At that time, they had a
10 group of guards that was operating there, when you show
11 up, they just give you a whooping.
12 Q. So for almost every inmate who was transferred
13 to the SHU, they were --
14 MR. McDONOUGH: I'm going to object as calling
15 for speculation.
16 THE WITNESS: No, sir. It's -- okay.
17 BY MR. CALABRO:
18 Q. So when he makes an objection, he's just
19 making it for the record.
20 MR. McDONOUGH: It's just for the record.
21 BY MR. CALABRO:
22 Q. You don't need to worry about it. Pretend as
23 if he didn't say anything.
24 A. I understand.
25 Q. So it's your understanding that almost every

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7 (Pages 25 to 28)

1 inmate who went to the SHU was beaten --
 2 A. Yes, sir.
 3 Q. -- by the guards?
 4 A. Yes, sir.
 5 MR. McDONOUGH: I'm going to object as calls
 6 for speculation.
 7 BY MR. CALABRO:
 8 Q. How do you know that?
 9 A. I was beaten. It was common knowledge. You
 10 go to Corcoran SHU, you're going to get a ass whooping.
 11 Q. Did you see other inmates get beaten by these
 12 guards when they arrived?
 13 A. Yes, sir.
 14 Q. How many would you say that you've seen?
 15 A. Approximately 38.
 16 Q. What was the outcome of your lawsuit in 1995?
 17 A. The defendant was found not guilty.
 18 Q. Did you have an attorney to represent you?
 19 A. No, sir.
 20 Q. Did the defendant have an attorney to
 21 represent him?
 22 A. Yes, sir.
 23 Q. Who represented him, do you remember?
 24 A. They were represented by the Attorney General.
 25 Q. Did the result of that lawsuit harbor any or

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1 instigate any ill will within you towards the prison
 2 system or the California Department of Corrections?
 3 A. It has toward particular guards.
 4 Q. Which guards -- are any of those guards at
 5 Salinas Valley State Prison?
 6 A. No, sir. I haven't seen any of them here.
 7 Q. I'm sorry?
 8 A. I haven't seen any of them here.
 9 Q. So the guards that you have ill will towards
 10 as a result of this particular incident, none of them
 11 are at Salinas Valley State Prison?
 12 A. No, sir. I haven't seen any of them.
 13 Q. Did the Attorney General's involvement with
 14 this lawsuit cause you to have any ill will towards the
 15 Attorney General's Office?
 16 A. No, sir.
 17 Q. What was the second lawsuit about in June of
 18 2006?
 19 A. The second lawsuit was in regard to the BPT
 20 findings and recommendations.
 21 Q. What is BPT?
 22 A. Board of Prison Terms.
 23 Q. What findings and recommendations were you
 24 particularly opposed to or disagree with?
 25 A. It's my information and belief that the Board

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1 of Prison Terms is in violation of laws, statutory
 2 laws.
 3 Q. Regarding what?
 4 A. Regarding when an inmate should be released.
 5 Q. Do you have an attorney for this lawsuit?
 6 A. No, sir.
 7 Q. Who are you suing?
 8 A. Board of Prison Terms.
 9 Q. Do you know if the Board of Prison Terms has
 10 an attorney representing them?
 11 A. Yes. I believe they have someone, either the
 12 Attorney General or someone from the Superior Court. I
 13 believe it's the Attorney General.
 14 Q. Does the Attorney General's Office's
 15 involvement in this case, the June 2006 case that you
 16 filed, cause you to harbor any ill will towards the
 17 Attorney General's Office?
 18 A. No, sir.
 19 Q. Do you have any bias towards the Attorney
 20 General's Office?
 21 A. No, sir.
 22 Q. Do you have any bias against the California
 23 Department of Corrections?
 24 A. Yes, sir.
 25 Q. Is that related to the 1995 incident?

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1 A. Yes, sir.
 2 Q. Do you have any bias towards any of the guards
 3 at Salinas Valley State Prison?
 4 A. Some.
 5 Q. Which ones?
 6 A. Those who I believe are green wall members. I
 7 have a bias towards those.
 8 Q. Can you name any of those members?
 9 A. I will prefer not to at this time.
 10 Q. Can you tell me if Officer Roach is one of
 11 them?
 12 A. I wouldn't know.
 13 Q. You would not know?
 14 A. No.
 15 Q. What about Officer Tuntakit?
 16 A. I don't believe so.
 17 Q. We're taking a little bit of a detour from our
 18 talk about Gerry Williams, so let's get back to your
 19 relationship with Mr. Williams.
 20 Now, my understanding was you became
 21 acquaintances with Mr. Williams because you were
 22 neighbors in Building 5 of B facility at Salinas Valley
 23 State Prison. Is that right?
 24 A. That's true.
 25 Q. And that started in about 2003?

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1 A. Yes, sir.
2 Q. Do you know of Mr. Williams' medical problems
3 or medical concerns?
4 A. I know of his problems.
5 Q. What are you aware of that Mr. Williams
6 suffers from?
7 A. I am aware that, just by knowledge, just by
8 being next door to him, that he has occasionally had to
9 call for man down because he has -- apparent have heart
10 problems.
11 Q. What is "man down"?
12 A. Man down is when an inmate is sick or has been
13 injured or is incapacitated in any way. The rest of us
14 on the tier will yell "man down" to alert the guards
15 that a inmate is in need of help.
16 Q. Is this a term that guards have told you to
17 use, "man down," or is this something that's used among
18 the prisoners?
19 A. This is part of the prison program, prison
20 lingo, I guess you would say.
21 Q. What typically happens when an inmate yells
22 "man down"?
23 A. When an inmate yells "man down," normally an
24 officer will report to that inmate's door to see what's
25 the problem.

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1 Q. How long does that normally typically take?
2 A. A minute or so.
3 Q. You said that occasionally Mr. Williams had to
4 call for man down because of his heart problems?
5 A. Yes.
6 Q. Can you quantify how often that would be?
7 A. During the time we were neighbors, I would say
8 there was at least four times when he called.
9 Q. And you were neighbors with Mr. Williams for
10 how long?
11 A. Approximately a year.
12 Q. So within about a year's time that you
13 remember, he called for man down four times?
14 A. Yes, sir.
15 Q. Do you remember each time he called man down,
16 do you remember the facts specific to those instances?
17 A. All I can recall is each time an officer on
18 duty came to the door to see what was the problem.
19 Q. Do you remember the officers who came to the
20 door?
21 A. I'm sure there was times when Mr. Tuntakit
22 reported. I'm sure there was times when Mr. Roach
23 reported. And other officers working the unit
24 reported.
25 Q. Do you specifically remember Officer Roach and

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1 Officer Tuntakit, or are you just assuming?
2 A. Well, I'm just assuming because they were
3 regulars that work in the unit at the time I was there.
4 Q. When Mr. Williams would typically call -- out
5 of the four times Mr. Williams called "man down" and
6 officers reported, did Mr. Williams usually get medical
7 treatment?
8 A. Usually.
9 Q. Did that entail him going to the MTA?
10 A. Yes, sir.
11 Q. Do you remember a time when Mr. Williams
12 called for man down and a guard approached and
13 determined that it wasn't an emergency and it was just
14 a false alarm?
15 A. That would be on about September the 6th after
16 he had gotten off work.
17 Q. You're talking about the incident involved
18 with this particular lawsuit?
19 A. Yes, sir.
20 Q. Other than this lawsuit, was there ever a
21 particular time when the guards determined that it was
22 a false alarm?
23 A. I can't recall a single time when it was a
24 false alarm.
25 Q. So as far as you know, every time that

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1 Mr. Williams called for man down, he legitimately had a
2 medical need to see the -- as far as you know, every
3 time Mr. Williams called man down, he had a legitimate
4 reason to go to the MTA?
5 MR. McDONOUGH: I'm going to object. This
6 calls for speculation.
7 THE WITNESS: Yes, sir.
8 BY MR. CALABRO:
9 Q. I'd like to talk now about your relationship
10 with Defendant Roach. Do you remember when you first
11 interacted with Officer Roach?
12 A. Approximately 2003.
13 Q. This is when you first came to Salinas Valley
14 State Prison?
15 A. Yes, sir.
16 Q. Do you remember the incident you had with
17 Mr. Roach the very first time you saw him or interacted
18 with him?
19 A. I never had a incident with him, per se. He's
20 a noticeable individual in the way that he carry
21 himself.
22 Q. What's noticeable about him?
23 A. Well, to me, he stands out because he's --
24 some of the guards that work here, they have a
25 professional demeanor. Mr. Roach, on the other hand,

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1 tends to impress me as one of the type guard, he's sort
2 of like more informal, if you will. He's very
3 boisterous, carry himself in a different manner than
4 most guards.
5 Q. Can you describe how he's unprofessional, or
6 at least boisterous and informal the way you described
7 him?
8 A. Well, there are some guards we call, what we,
9 what I mean "we," we're talking about convicts, call
10 goons. He carry himself in a goon-type fashion.
11 Q. What does it mean to be a goon --
12 A. It mean he don't talk -- he talk like
13 convicts, basically.
14 Q. So he uses your lingo?
15 A. He uses prison lingo. He walk, carry himself
16 as basically like a convict.
17 Q. And you consider this to be unprofessional?
18 A. Yes.
19 Q. How do the guards you consider professional
20 carry themselves?
21 A. They usually have, they usually wear Class A
22 uniforms, they will be neatly dressed. They'll have
23 their name tag. They don't have -- most of them don't
24 have tattoos or anything. They don't show them anyway.
25 They don't use profanity and stuff like that.

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1 BY MR. CALABRO:
2 Q. On what do you base that opinion?
3 A. Observation. They have a group of officers
4 that operate here who I believe are so-called green
5 wall members. I don't know for sure if Mr. Roach is
6 one of those, but I have seen him affiliating with some
7 that I believe are.
8 Q. I'm going to ask you a question and it's sort
9 of a legal term, so if you don't understand it, I'll
10 try to explain it after the question, but if you
11 understand it, you can answer it as it is.
12 Does Mr. Roach have a reputation for
13 truthfulness or untruthfulness among the people at
14 Salinas Valley State Prison?
15 MR. McDONOUGH: Objection; calls for
16 speculation, and vague and ambiguous.
17 THE WITNESS: Roach, Mr. Roach will --
18 whatever's convenient for him.
19 BY MR. CALABRO:
20 Q. Can you explain that some more. What I'm
21 trying to ask is: Does Mr. Roach have a reputation for
22 telling the truth, or does Mr. Roach have a reputation
23 for lying sometimes --
24 MR. McDONOUGH: Objection; calls for
25 speculation.

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1 Q. Does Officer Roach have tattoos?
2 A. He has tattoos. He use profanity. He wear
3 jumpsuits as opposed to Class A uniforms. Most of the
4 time he have his name tag covered up with his -- they
5 have a way that they wear the belt, the utility belts,
6 and they can cover up their name, so his will be
7 covered up. And just the way he talk to people like
8 another convict.
9 Q. Do you have any idea why he would cover his
10 name tag?
11 MR. McDONOUGH: Objection; calls for
12 speculation.
13 THE WITNESS: I believe it's because it's just
14 a convenient way just to not be -- not have his name
15 shown.
16 BY MR. CALABRO:
17 Q. Does he have a reason to have his name hidden?
18 MR. McDONOUGH: Objection; calls for
19 speculation.
20 THE WITNESS: In his day-to-day activities
21 with other officers, they may have to do -- they might
22 have to jump on somebody or something. I assume they
23 don't want people to know what their name is so they
24 won't write 'em up.
25 ///

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1 BY MR. CALABRO:
2 Q. -- or being a liar?
3 MR. McDONOUGH: Calls for speculation, vague
4 and ambiguous.
5 THE WITNESS: He don't have a reputation for
6 being a liar, but he have a reputation for, I guess you
7 would call it as being a gangster-type mentality.
8 BY MR. CALABRO:
9 Q. What are the qualities of a gangster that --
10 A. A gangster-type mentality is that he might be
11 straight up and honest with one individual, but if he
12 has to go against one of his own, he's going to
13 represent his own.
14 Q. By representing his own, does that mean lying
15 for another --
16 A. If necessary, he will lie for his own, to
17 protect his own.
18 Q. How do you know that? Is that his reputation?
19 A. That's his reputation.
20 Q. Do you have any specific examples of what that
21 reputation is based on?
22 A. He will tell you himself, hey man, I'm not
23 going to lie against my buddy. I'm not going to tell
24 on my buddy.
25 Q. Has he told you that?

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1 A. He tell -- he's very open with how he is. And
2 there have been instances where we've been sitting
3 around talking and things and he told people, I ain't
4 no rat.
5 Q. Has he ever told you anything like that
6 specifically?
7 A. Not me, no, sir.
8 Q. But that's at least his reputation?
9 A. Yes, sir.
10 Q. Would you say that Officer Roach is
11 vindictive?
12 MR. McDONOUGH: Objection.
13 THE WITNESS: Oh, yes.
14 MR. McDONOUGH: Objection; calls for
15 speculation.
16 BY MR. CALABRO:
17 Q. Why do you say he is vindictive?
18 A. There are two instances that I can recall, one
19 regarding Mr. Williams.
20 Q. Is that one related to this particular --
21 A. Yes, sir.
22 Q. We'll talk about that in a minute.
23 What's the other one that you remember?
24 A. Another one is when he found out that I had
25 given, I don't know how this happened, but somehow he

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1 found out that I had gave Mr. Williams an affidavit.
2 Q. For this case?
3 A. For this case. And one day on my way to chow
4 while he was working the central control tower, he
5 called me over, and he told me in his way of telling
6 me, you know Williams got that fucking lawsuit going.
7 Q. Was that a direct quote?
8 A. That was a direct quote. You know, Williams
9 got that fucking lawsuit going. Ain't nothing going
10 come of it. He might as well drop it.
11 Now, the way I perceived that when he called
12 me over that he was aware that I had, you know, given
13 him, Mr. Williams, an affidavit. And by him being in
14 the control tower, he talking to me and he holding a
15 gun, he have a way of looking at me to let me know
16 that, hey -- I felt it was intimidating. I felt it was
17 an intimidating move.
18 Q. Did he say anything specifically about the
19 affidavit that you had done?
20 A. He alluded to it just by calling me over. And
21 just by calling me over, he alluded to it not directly
22 but indirectly, and saying words to the effect,
23 whoever's helping him is not going, nothing's going to
24 become of it.
25 Q. Was there anybody else that he called over at

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1 the same time?
2 A. No, sir.
3 Q. Did he call you specifically by name?
4 A. He called me over. "Jordan."
5 Q. Do you know if he had called anybody else?
6 Has he had the same sort of talk with anybody else --
7 A. No, sir.
8 Q. -- related to this case?
9 MR. McDONOUGH: Objection; calls for
10 speculation.
11 THE WITNESS: It's my information and belief
12 that he called me over specifically to let me know that
13 he was aware that I had given Mr. Williams an
14 affidavit, and that -- it's the way he positioned
15 himself with his weapon and things, it was just in a,
16 you know, subtle way of what I perceived as a threat.
17 BY MR. CALABRO:
18 Q. Do you remember when that happened?
19 A. Possibly, sometime between 2004 and sometime
20 between October and December.
21 Q. Is there anything in your mind, any events in
22 your mind that make you think it's between October 2004
23 and December of 2004?
24 A. Yes, sir.
25 Q. What are those events?

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1 A. Those events were I had just left the main
2 line and come to the SNY yard, and I know that was
3 October when I came. It was after October when I made
4 that decision to leave the main line and come to the
5 SNY yard. And I found out, bam, he's over here. And
6 so . . .
7 Q. So you know it was after October?
8 A. I know it was after October. It was before
9 December. That time period.
10 Q. How do you know it was before December?
11 A. Because Christmas ring a bell in there. It
12 was before Christmas. It was sometime before. It was
13 sometime before Christmas. Why, I can't tell you why I
14 remember it being before Christmas, but it was sometime
15 before Christmas.
16 But he has worked -- other times he stopped
17 and talked to me a couple of other times since then.
18 Q. And when were those times?
19 A. I can't recall exactly, but they would have to
20 be sometime early 2005.
21 Q. What did he say in these exchanges?
22 A. On one occasion he told me, Inmate White, I
23 think he dead. I said, what do you mean? He said, oh,
24 I don't know. I think he might have had cancer or
25 something.

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1 Now, the significance of that statement is
2 that it Inmate White is the other inmate that
3 Inmate Williams had got in a fight with. And when
4 Roach responded, that's when he sprayed him with an
5 enormous amount of tear gas into the cell. It was so
6 much that it came into my cell next door. And I don't
7 know why he told me that, but I think the point was to
8 let me know that he was dead, or he was going to die,
9 or something of that nature. But that was what he had
10 told me. And I said, wow.

11 And just in general, in passing conversation,
12 I think he might have told me a couple of times that,
13 you know, I'm not worried about Williams.

14 Q. Did you ask him why he wasn't worried about
15 Williams?

16 A. No.

17 Q. Were you talking about Mr. Williams in
18 conversation and that's when he said, I'm not worried
19 about Williams?

20 A. He just wanted me to know that he wasn't
21 worried about Williams.

22 Q. So he would just come up to you and say, I'm
23 not worried about Williams?

24 A. Just in passing he would say it.

25 There would be times when he would be working

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1 subsequently, in a different conversation, you told him
2 that, you confirmed to him that you actually had given
3 him an affidavit.

4 A. Yes, sir.

5 Q. In that conversation, what had you been
6 discussing before you told him that?

7 A. I believe he had let me know that Williams was
8 still in the hole; that is, in the hole. And I asked
9 him, how was he doing or whatever. And I guess the
10 conversation evolved out of that, me asking him was he
11 all right back there in the hole.

12 Because once you leave the main line, you go
13 to a place we call accessing at the hole, and that was
14 the last place I knew Williams to be, and I was
15 concerned about him and I believe he told me that he's
16 all right. He's back there. He's still back there.
17 He's doing -- he's being Williams.

18 Q. This then this case --

19 A. And I let him know, well, you know, I did give
20 him a affidavit and I didn't say anything that
21 wasn't -- that you don't already know. And that was my
22 way of letting him know that I'm not intimidated by you
23 or by anybody else. So it was just a pissing contest
24 between me and him, basically.

25 Q. So was there some animosity between you and

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1 either the control tower or the unit control, and I
2 would be walking by and he would just say this.

3 Q. Did you ever tell Mr. Roach that you were
4 involved with this case?

5 A. I never -- what I told him, after the first
6 time we talked I told him, yeah, I gave him an
7 affidavit.

8 Q. So the very first time when he was control
9 booth or before that?

10 A. That was after the time when he had talked to
11 me in the control tower. It was obvious to me that he
12 knew. So I told him, yeah, I gave him my affidavit.

13 Q. Did Mr. Roach ask if you had given an
14 affidavit, or you just volunteered that you had given
15 it?

16 A. I told him I gave him a affidavit. I
17 voluntarily told him I had given him a affidavit. But
18 there was no doubt in my mind that he had already knew.

19 Q. What were you talking about with Officer Roach
20 at this time?

21 A. Again, when he called me over to the control
22 tower, his demeanor and the way he talked and
23 positioned himself, it just let me know that he was
24 aware of it.

25 Q. I understand that. And then you said

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1 Officer Roach?

2 A. It's like I said, the way he had talked to me
3 a couple of times I feel that it was an intimidating
4 move, it was an attempt to intimidate me. He knows
5 other officers on the yard and they have their way of
6 letting you know, we don't like something that you're
7 doing. They will harass you. And I let them know that
8 this is not going to work.

9 Q. Did you have any animosity with Officer Roach
10 before September 6th of 2003?

11 A. Let me clarify. I don't have any animosity
12 towards anybody. I can't afford to have animosity
13 toward anyone.

14 I don't like things he do. I don't like the
15 way he carry himself. I don't like the way he talk to
16 people. I don't like the way he talked to me. But
17 this is not -- I don't dislike him. I'm just doing
18 what I feel I've gotta do, and I know he gonna do what
19 he gotta do. There's no like or dislike about it.

20 Q. Would you be willing to lie in this lawsuit in
21 order to paint Mr. Roach in an unpleasant light?

22 A. I am not willing -- I'm not going to lie in
23 any case, for this lawsuit or any other lawsuit.

24 I am testifying in this particular case
25 because I believe that Mr. Roach and some of his

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1 associates are involved in activity that is not
2 conducive to my welfare, or the welfare of any other
3 inmate, and some officers.
4 I am a inmate, I have health problems of my
5 own and I would like to believe if I needed help, that
6 someone will come to give me help, not question what
7 basically had been their own diagnosis.
8 Q. Do you know anything about the relationship
9 between Mr. Roach and Mr. Williams?
10 A. A little.
11 Q. Have you observed any interactions between
12 Officer Roach and Mr. Williams?
13 A. A little.
14 Q. What is your understanding of the relationship
15 between them?
16 A. I know that Roach -- I know that Roach, he
17 antagonizes Mr. Williams after this fight between
18 Mr. Williams and this other inmate.
19 Q. You're referring to the August 2003 cell fight
20 with --
21 A. With Inmate White. Yes, sir. Inmate White is
22 a flamboyant, homosexual-type inmate. And Mr. Roach
23 let everybody in the unit know that this inmate whooped
24 Mr. Williams' ass, to use his language.
25 Q. He would say that often?

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1 A. He would come by and say, you let a homosexual
2 whoop your ass. At first it was funny. We laughed.
3 Inmates would laugh it off because we didn't take it
4 serious. But apparently, there was some truth to it
5 and the word got out and that created some snickles
6 against Mr. Williams. So every time Roach would want
7 to antagonize him or whatever, he would throw that out.
8 Oh, shut the fuck up, you got your ass whooped by a
9 faggot. I didn't think that was a healthy attitude to
10 be expressing over the tier.
11 Q. Do you know anything else about their
12 relationship?
13 A. That's it.
14 Q. So have you personally had any conflicts with
15 Officer Roach other than the intimidation we just
16 talked about?
17 A. No, sir.
18 MR. CALABRO: Anybody feel like taking a
19 break.
20 (Recess had from 10:59 until 11:04.)
21 MR. CALABRO: Back on the record.
22 BY MR. CALABRO:
23 Q. Mr. Jordan, I'd like to talk now about your
24 relationship with Defendant Tuntakit. Can you tell me
25 when you first interacted with Officer Tuntakit?

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1 A. Officer Tuntakit was the building officer when
2 I moved to his unit. He was the officer in charge.
3 Q. Of Building 5 --
4 A. Yes, sir.
5 Q. -- in Salinas Valley State Prison.
6 Can you describe your interactions with
7 Officer Tuntakit? Is there anything remarkable about
8 them?
9 A. Officer Tuntakit is what convicts call a good
10 officer.
11 Q. Why is he a good officer?
12 A. He's a good officer. He's respectful. He
13 don't go out of his way to harm anyone.
14 I don't have any -- I don't have any -- I
15 don't have anything bad to say about Mr. Tuntakit.
16 Q. So he's a professional --
17 A. Yes.
18 Q. -- officer?
19 A. Yes, sir.
20 Q. That you consider a professional officer.
21 Would you consider him to be somebody who's
22 vindictive?
23 A. No, sir.
24 Q. Do you know if he has a reputation for
25 truthfulness?

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1 A. Yes, sir.
2 Q. What is his reputation?
3 A. He's a very professional officer.
4 Q. He's a straight shooter?
5 A. He's a straight shooter, yes.
6 Q. Do you know what his relationship with
7 Mr. Williams is?
8 A. I don't know anything about his relationship
9 with Mr. Williams. I do know that he was part of
10 Mr. Williams' lawsuit, and that sort of surprised me
11 because I don't -- he's a good officer. It surprised
12 me that he was a part of this lawsuit.
13 Q. Do you know -- have you ever had any conflicts
14 with Officer Tuntakit at all?
15 A. No, sir.
16 Q. Has he ever written you up on a rules
17 violation report?
18 A. He probably has written me up on a rule
19 violation of some sort, but nothing that I didn't
20 deserve.
21 Q. Do you know if Officer Tuntakit has had any
22 conflicts with Mr. Williams other than with regard to
23 this lawsuit?
24 A. Like I said, I know that he's a part of this
25 lawsuit.

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13 (Pages 49 to 52)

1 Q. Other than this lawsuit, do you know of any
 2 other conflicts between Mr. Williams and Mr. Tuntakit?
 3 A. No, sir.
 4 Q. I'd like to talk now about the day that was
 5 basically the center of this lawsuit that began on
 6 September 6, 2003. Do you remember what you were doing
 7 that day?
 8 A. I remember I was working. I work in the
 9 dining hall, and I come back to the unit and get ready
 10 for showers. The first thing I usually do when I come
 11 into the unit is I go to my assigned cell and get my
 12 shower stuff, and then go back out to shower.
 13 Q. What were you doing at the dining hall?
 14 A. Serve food, prepare, help prepare food, clean
 15 up. Whatever is needed in the chow hall to serve the
 16 meal.
 17 Q. Do you have a set shift?
 18 A. Yes, sir.
 19 Q. What time does your shift begin?
 20 A. My shift begins at 1300 hours.
 21 Q. Is that every day?
 22 A. Yes, sir.
 23 Q. What time was your shift over?
 24 A. It's over -- officially, it's over at 2100
 25 hours.

1 approximately, anywhere from 15 to 20 minutes for me to
 2 get to the unit. It shouldn't take that long, but most
 3 of the time it takes that long.
 4 Q. Why does it take that long?
 5 A. Might want to talk to a couple of people on
 6 the way to the unit. Might want to take my time. Not
 7 really get to the unit too fast.
 8 Q. You're not anxious to get back to your cell?
 9 A. No, sir.
 10 Q. Do you remember what time count finished or
 11 was cleared at -- I'm sorry. Scratch that.
 12 Do you remember what time count was cleared on
 13 September 6, 2003?
 14 MR. McDONOUGH: Objection; calls for
 15 speculation.
 16 THE WITNESS: Well, basically, he's right.
 17 Normally, count clear around 1830 hours, normally. So
 18 naturally, you get in the habit of expecting it to be
 19 clear. But I have no reason to believe it didn't clear
 20 at the normal hour.
 21 BY MR. CALABRO:
 22 Q. Is there anything that makes you think -- is
 23 there any event that happened on September 6, 2003,
 24 that would make you think that you got back to the cell
 25 before 1900 hours, or around 1900 hours?

1 Q. What do you mean "officially"?
 2 A. We don't, we usually be finished long before
 3 that, so they let us off early.
 4 Q. What time do you usually finish?
 5 A. Usually finish around somewhere between
 6 1830 hours to 1900 hours.
 7 Q. Do you remember what time you finished on
 8 September 6, 2003?
 9 A. It was approximately 1900 hours.
 10 Q. Is there any particular events that help you
 11 remember that it was around 1900 hours?
 12 A. Yes, sir. There's a mandatory count at
 13 1800 hours, mandatory institution count. And usually
 14 we'll be finished in the chow hall with all of our
 15 duties or whatever and we will be waiting for count to
 16 clear. And that usually happens somewhere around 1830
 17 hours.
 18 Q. So when count happens, you're still in the
 19 chow hall?
 20 A. Yes, sir.
 21 Q. And you're counted at the chow hall?
 22 A. Yes, sir.
 23 Q. That usually is finished around 1830, you
 24 said?
 25 A. Usually finished around 1830. And it take

1 A. I would have gotten there approximately
 2 1900 hours because other people were on the way from
 3 chow, as well, other workers was coming in and we were
 4 all sort of, like, competing for the shower. So
 5 basically, everyone got there at approximately the same
 6 time, which would have been about 1900 hours.
 7 Q. So sometime before, a little bit before, you
 8 said 15 to 20 minutes it usually takes you to get --
 9 A. Yes. Normally, it will take about 15 to
 10 20 minutes. Because normally I will stop at the
 11 program office and talk with somebody there, talk with
 12 somebody that works in the canteen to see what items is
 13 in stock, out of stock or whatever. And there will be
 14 some business I might have to talk with somebody on the
 15 way back to the building. But I wouldn't allow that to
 16 go on too long beyond 30 minutes because it will make
 17 the officer wonder where am I at.
 18 Q. So when you got back to Building 5, what do
 19 you do?
 20 A. Got back to Building 5. Go straight to my
 21 assigned cell to get my shower stuff.
 22 Q. Now, this is the stuff that was right next to
 23 Mr. Williams?
 24 A. Yes, sir. Our cell is right next door to each
 25 other. Before I got to my cell, Mr. Williams' cellmate

1 say, hey, Williams having chest pains. We need an MTA
2 over here.
3 Q. Do you remember who Mr. Williams' cellmate was
4 at the time?
5 A. His name was Mr. Perkins.
6 Q. So Mr. Perkins informed you that --
7 A. Yeah, that Mr. Williams was having chest
8 pains. That wasn't something that was -- I've known
9 him to have chest pains in the past, so I know he have
10 apparent heart problem, or some type of respiratory
11 problem.
12 So I say, okay. I dropped my work stuff and
13 went over to the office area. Well, Mr. Roach and
14 another unidentified officer, but since Mr. Roach is
15 the officer in charge, I talk to him. Mr. Williams
16 need the MTA, he's having chest pains. No problem,
17 I'll handle it.
18 Q. Mr. Roach said, no problem, I'll handle it?
19 A. Yeah.
20 So I came back and told Mr. Perkins, I told
21 him, he said he going to handle it; that is, he going
22 to call the MTA. I assume that it will be happening
23 because, like I said, Mr. Williams has had chest --
24 he's had episodes like this before. So I just
25 proceeded on to get my shower stuff and go to the

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1 shower.
2 I took my shower, came back in. And I guess
3 after I had gotten back in the cell, it must have been
4 about 20 minutes later, I heard Mr. Perkins; that is,
5 Mr. Williams' cellmate yelling again, man down, and he
6 need to go to the MTA. I thought this was unusual
7 because I thought Mr. Roach had told me he was going to
8 handle this previously.
9 So I heard his voice on the tier, oh, there
10 ain't a motherfucking thing wrong with him. He just
11 wants to get out of his cell because he's LOP. That's
12 basically it.
13 Q. Did you ever see Officer Roach approach
14 Mr. Williams' cell?
15 A. No, I didn't. But I assume he approached it
16 the second time when he made that statement about ain't
17 nothing wrong with, because he was walking down the
18 tier going in that direction.
19 Q. In the direction towards Mr. Williams' cell?
20 A. Yes, sir.
21 Q. But you never actually saw him get to the
22 cell?
23 A. I never saw him get there, no. He made the
24 statement while he was out on the tier and it was loud
25 enough for me to hear it. And he was going that

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1 direction so I assumed he walked right by his cell.
2 Q. What does the cell door look like? Is it
3 bars? Is it a solid door?
4 A. The cell door look like that door
5 (indicating). The only exception that that window
6 would be in the center as opposed to the side as it is
7 there.
8 Q. So it's fair to say that a cell door is a
9 solid door with a glass window in the center top half
10 of the door?
11 A. Yes, sir.
12 Q. Can you see into the cell -- if you're outside
13 the cell, can you see someone sitting on their bunk?
14 A. Yes.
15 Q. Can you see somebody laying down on the bunk?
16 A. Possibly, if you're close enough.
17 Q. If you're in Mr. Roach's position -- let's
18 start back.
19 If you're from the podium in Building 5, do
20 you know whether you could see inside Mr. Williams'
21 cell from the podium?
22 MR. McDONOUGH: Objection; calls for
23 speculation.
24 THE WITNESS: I can answer that one because
25 you can't see his bunk, no.

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1 BY MR. CALABRO:
2 Q. Why can't you see his bunk?
3 A. Because of the angle of the podium. The
4 podium is approximately -- it's just too far to the
5 right of the cell.
6 Q. If you're looking at the cell from the podium,
7 the podium's too far to the right of where
8 Mr. Williams' cell is?
9 A. Exactly, it's too far to the right.
10 Q. And if you're looking in Mr. Williams' cell,
11 is the bunk on the right-hand side or the left-hand
12 side?
13 A. His bunk would be on the right-hand side of
14 the cell.
15 Q. So then the angle would be too much, so that
16 if you're looking from the podium --
17 A. If you were looking from the podium, the only
18 thing you could possibly see through that window is the
19 end of the top bunk, the very end of the top bunk.
20 Q. How big would you say the window is in the
21 door of a cell if you had to estimate measurements?
22 A. Somewhere between six to eight inches,
23 somewhere between six to eight inches.
24 Q. Six to eight inches wide?
25 A. Yes.

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1 Q. How tall?
2 A. How tall, approximately would be anywhere from
3 36 inches, approximately 36 inches. Approximately the
4 same size as that door over there, (indicating).
5 Q. A little bit wider or just about that size?
6 A. Just about that size.
7 Q. But the window would be in the middle --
8 A. Yes, sir.
9 Q. -- of the door, the middle of the top half of
10 the door.
11 So you never saw Officer Roach actually
12 approach, or actually be at the door to see
13 Mr. Williams?
14 A. I never saw him actually come over to see what
15 he wanted. I was doing whatever I was doing, and I was
16 surprised later on when I heard Mr. Perkins calling for
17 the MTA because I thought this had already been
18 handled.
19 Q. If Mr. Roach were standing at Mr. Williams'
20 cell, would you be able to hear Mr. Roach's voice?
21 A. I would be able to hear and see him.
22 Q. Did you ever see Mr. Roach standing in front
23 of the door?
24 A. No, sir.
25 Q. Did you ever hear Mr. Roach talking to

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1 Q. So there's a sliding door on the cells?
2 A. Yes.
3 Q. The door will slide, when it's opened, it
4 would slide in front of the wall --
5 A. Yes.
6 Q. -- of the cell?
7 A. Yes, sir.
8 Q. And there is a space between the door and the
9 wall --
10 A. Yes, sir.
11 Q. -- when the door's actually open?
12 A. Yes, sir. And even when the door is closed.
13 Q. And you would estimate that there would be
14 about two, three inches?
15 A. No, it's approximately -- the space between
16 the door and the wall is approximately an inch.
17 Q. So when the door is fully closed, then,
18 there's still that inch gap on both sides of the door?
19 A. Yes, sir.
20 Q. And it's through that that you can hear?
21 A. Yes, sir.
22 Q. When you first came in and asked Officer Roach
23 for an MTA for Mr. Williams -- well, let's backup.
24 When you first came in, Mr. Perkins asked you
25 to go ask for an MTA, you said?

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1 Mr. Williams at the door?
2 A. No, sir.
3 Q. As far as you know, Officer Roach never
4 checked out Mr. Williams?
5 A. No, sir.
6 Q. No, sir, he didn't, or, no, sir, you don't
7 know?
8 A. No, sir, he never, that I can recall, that he
9 ever came over. The only time I heard his voice was
10 when he said, there ain't no fucking thing wrong with
11 him. He just want to get out of his cell because he
12 LOP.
13 Q. I'm confused how you can hear. If there's a
14 solid door, how do you hear what Mr. Roach is saying
15 15, 20 feet away?
16 A. First of all, the door is a solid door. The
17 door, there's a crack in the door. The door sits on a
18 track. And the side of the door, just about that much
19 room between the door and the wall. It's not -- it's
20 not completely closed.
21 Just like that door is over there is
22 completely closed and you probably couldn't hear. But
23 there's about that much crack because the door slides
24 back and forth so it have to have a little clearance to
25 clear.

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1 A. Yes, sir.
2 Q. At that point, could you see Mr. Williams?
3 A. I could not see Mr. Williams. I assumed he
4 was on his bunk somewhere. Mr. Perkins was at the door
5 so I couldn't see beyond him. I didn't check to see if
6 he was telling me the truth or not because I didn't
7 figure he'd have any reason to lie to me. He wouldn't
8 lie to me about something like that because it would be
9 against the prison code to have me go over there and
10 tell this officer something that wasn't true.
11 Q. So you couldn't see whether Mr. Williams was
12 in pain?
13 A. No, sir.
14 Q. And you said you had no reason to think that
15 Mr. Perkins would --
16 A. Lie. No, he wouldn't lie to me.
17 Q. When you went over to talk to Mr. Roach, you
18 said there was an unidentified officer there?
19 A. Yeah. There was two officers kicked back in
20 the office just talking.
21 Q. Do you remember what the officer looked like?
22 A. I can't remember who it was.
23 Q. Is it possible it was Officer Tuntakit?
24 A. It could have been.
25 Q. You just don't remember?

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1 A. It could have been Tuntakit.
2 Q. Then at that point, you went back to your cell
3 to get your shower stuff?
4 A. Yes, sir.
5 Q. How long does it normally take you to take a
6 shower?
7 A. Ten minutes.
8 Q. Is there any record, any written records of
9 when --
10 A. They don't keep, they should, but they don't.
11 They don't keep a log of the people in the shower.
12 Q. And you went back, and you say 20 minutes from
13 the time that you first asked Officer Roach --
14 A. It was approximately 20 minutes from the time
15 I got out of the shower to the time I got back in the
16 cell that I heard Mr. Perkins calling for the officer
17 to call for the MTA.
18 Q. Was Mr. Perkins calling himself, or was he
19 calling for another inmate to go ask for an MTA?
20 A. I believe the officers was on the tier
21 preparing to have a release of some sort, and
22 Mr. Perkins saw them and he hollered out the cell door,
23 hey, we need a MTA over here. And that's when
24 Mr. Roach yelled out the profanities, and, you know,
25 ain't nothing wrong with him. Because he was actually

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1 out on the tier, not in the office.
2 Q. So day room had not been released yet?
3 A. Exactly.
4 Q. And day room usually releases at what time?
5 A. I don't -- at that time I can't recall
6 exactly. I'm not sure.
7 Q. Was it around 7:00 clock usually?
8 A. It could have been around that time. It could
9 have been around that time.
10 Q. You just can't say for sure?
11 A. Yeah.
12 But for whatever reason, they were having an
13 unlock for something. That's all I know. They were
14 about to have an unlock for something. And it would
15 have had to have been, I would assume it was day room.
16 It could have been for whatever.
17 Q. Are you sure that all of this transpired
18 before --
19 A. Yes. It was transpired around, I guess around
20 7:00-ish.
21 There was a unlock happening. He was on the
22 tier and there was an unlock happening.
23 Q. What happened next? You said that you've
24 already asked Roach, you asked Roach once and then
25 20 minutes later, you heard Mr. Perkins again?

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1 A. Yes.
2 Q. What happened next?
3 A. I have no recollection of what happened beyond
4 the point that he said, there ain't nothing wrong with
5 him. They had a unlock, and I went out and did
6 whatever I had to do, and that was the end of my
7 involvement in the situation.
8 Q. Did you ever see any officer go check out
9 Mr. Williams?
10 A. At some point that evening, I think he did go,
11 actually eventually made it to the MTA. Whether it was
12 with Mr. Roach who took him there or someone else, I
13 don't know.
14 Q. You didn't see it?
15 A. No.
16 Q. What did you do when day room released? Did
17 you go out and --
18 A. I probably went out. I can't recall exactly
19 what I did that day.
20 Q. But you were out of your cell at that time?
21 A. Yes.
22 Q. Do you remember what time you went back into
23 your cell?
24 A. No, sir.
25 Q. Is there a normal time day room is over at

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1 night?
2 A. Yes. At that time, there were -- I believe it
3 would have been around 8:00-ish, 8:30, somewhere
4 between 8:00 and 8:30.
5 Q. And at that time, you would go back to your
6 cell like everybody else?
7 A. Yes.
8 Q. Do you remember if Mr. Williams was in his
9 cell at that time?
10 A. I can't recall.
11 Q. Do you know if there were any inmates who went
12 to ask Officer Roach for Mr. Williams' medical
13 assistance other than Mr. Perkins?
14 A. I can't recall.
15 MR. McDONOUGH: Objection; calls for
16 speculation.
17 THE WITNESS: I can't recall.
18 BY MR. CALABRO:
19 Q. Do you know an individual by the name of
20 Jeffrey Leon Moore?
21 A. Don't ring a bell.
22 Q. Do you know a guy named Mr. Brown, who I think
23 he was referred to as Philly?
24 A. I know a Philly.
25 Q. Do you remember who Philly was?

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1 A. Yes, sir.
2 Q. Do you remember what job Philly had at that
3 time?
4 A. Yes, sir.
5 Q. What job was that?
6 A. He had what they call a tier tender job. He's
7 an individual, he's always out and about.
8 Q. What does he do when he's always out and
9 about?
10 A. His duties are to clean up the unit, sweep,
11 mop. And they usually run errands for us if we want
12 something done.
13 Q. Is that also referred to as a porter?
14 A. Yes, sir.
15 Q. Do you know whether Mr. Brown or Philly asked
16 for assistance for Mr. Williams?
17 A. I don't recall.
18 Q. Is there anything else relevant to this
19 particular day that I haven't asked you that you think
20 should be on the record that you can think of off the
21 top of your head?
22 A. The only thing that I would like to add that
23 may or may not be a part of the record is that
24 Mr. Williams had previous instances of shortness of
25 breath or, you know, incidents where we would have to

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1 call for the MTA. Always there would be no problem
2 with the officer responding, calling the MTA.
3 As a rule, the officer has an obligation to
4 respond to the incident and report it. If the inmate
5 is lying or faking or whatever, then it's that
6 officer's responsibility to document that person's
7 behavior.
8 Mr. Williams was sort of known for having some
9 type of respiratory problem. So if he was calling for
10 the MTA, no one would basically question it because he
11 got a history of having respiratory problems.
12 I don't know why on this particular day that
13 Mr. Roach decided he didn't want to let Mr. Williams
14 out. I would assume, knowing him the way I do, I would
15 assume that he probably thought Mr. Williams was
16 faking. But that would be inconsistent with the
17 protocol of the unit. Because if the inmate involves
18 another inmate in calling for man down and found out
19 that he's faking, nothing wrong with him, then he would
20 have the inmates to deal with.
21 Q. On what basis do you think that Officer Roach
22 thought Mr. Williams was faking it?
23 A. I don't think that he think he was faking it.
24 I just think he probably didn't care because of this
25 total war that was going with regards to Mr. Williams

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1 getting in the fight with Mr. White. For whatever
2 reason, Mr. Roach had put it out there and let the
3 inmates in the unit know that Mr. Williams had got his
4 ass whooped by a faggot. And that's a very bad thing
5 to do.
6 Q. Why is it a very bad thing to do?
7 A. Because if someone -- because in a prison
8 environment, it's just nobody wants to be known for
9 getting whooped by a fag. It's just something that --
10 Q. It's important to appear tough?
11 A. Yes.
12 Q. Is it consistent with your view of Mr. Roach's
13 reputation that Mr. Roach just decided not to respond
14 to Mr. Williams' request for medical attention because
15 he's a vindictive person and they have an acrimonious
16 relationship?
17 MR. McDONOUGH: Objection; calls for
18 speculation, vague and ambiguous.
19 THE WITNESS: That would be consistent with
20 Mr. Roach, yes.
21 BY MR. CALABRO:
22 Q. We talked about some allegations of
23 intimidation from Officer Roach directed at you as a
24 result of your involvement in this lawsuit.
25 Have there been any other acts of intimidation

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1 by any other person at Salinas Valley State Prison
2 directed at you related to this?
3 A. Yes, sir.
4 I have kept a log. Since the time, since the
5 time I heard Mr. Williams was coming to this yard, I
6 have kept a log from April up until now.
7 Q. Why did you keep a log?
8 A. Well, I keep a log when there's any unusual
9 occurrence. When I feel that there is a unusual
10 occurrence on the yard, I will keep a log.
11 Q. Why do you keep this log?
12 A. I keep this log to keep track of which staff
13 is working. Because certain staff are consistent with
14 certain behaviors. For example, right now, this
15 officer we were talking about, the unusual -- it's
16 unusual for the yard to be up right now.
17 Q. What do you mean by "up"?
18 A. Normal program.
19 This -- right now that's unusual. We are
20 expecting something to happen right now. It's not
21 usual right now.
22 Q. So the normal program is unusual?
23 A. Yeah. Depending on what staff is working.
24 Right now, you have certain supervisory staff that are
25 working that things have a tendency to happen on their

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1 watch. And it's unusual for them, because of staff
2 that's on duty right now, it's unusual for the yard to
3 be up in its normal program.
4 So I keep a log because if, for example, if
5 Officer Thomas is sergeant in charge, I want to keep a
6 log. If Officer Roach or Officer Galloway or whoever
7 is working on a particular day, I want to keep a log of
8 the incidents that happen on that particular day.
9 Q. So this is related to your interest in prison
10 reform?
11 A. Yes. It's just something I do in general.
12 Not nothing to do particular with this particular case.
13 Just to keep track of the goings on.
14 Q. So you keep this log personally?
15 A. Yes. This is my personal log.
16 Q. You make entries in the log as they occur?
17 A. Yes, sir.
18 I have a typed version, but I also have a
19 handwritten version back in my cell that I keep. Since
20 April 16th --
21 Q. Of 2006 --
22 MR. McDONOUGH: You're reviewing that document
23 now, Mr. Jordan?
24 THE WITNESS: Yes, sir.
25 MR. McDONOUGH: Are you reviewing that

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1 document now?
2 THE WITNESS: Yes, sir. I'm reviewing what
3 I'll call a hard copy.
4 MR. McDONOUGH: We're probably going to have
5 to make that an exhibit if he's reviewing it.
6 MR. CALABRO: Do you mind if we make it an
7 exhibit?
8 THE WITNESS: No, I don't care.
9 MR. CALABRO: So we'll go ahead and mark this
10 as Exhibit 19.
11 (Plaintiff's Exhibit 19, marked.)
12 BY MR. CALABRO:
13 Q. So you're testifying from Exhibit 19?
14 A. Yes.
15 Q. Now, are you using this to refresh your
16 recollection, or are you using this as a record of what
17 occurred?
18 A. I'm using this to show that there is a unusual
19 amount of attention that I believe has been focused on
20 me as a result of my willingness to participate in this
21 lawsuit.
22 It has been my contention in the past that I
23 have been -- there have been attempts of intimidation
24 by associates of Mr. Roach.
25 April the 16th I was strip searched twice.

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1 Q. This is April 16, 2006?
2 A. 2006. At approximately 1320 hours, I was
3 stripped searched twice and had my visit terminated.
4 I have been incarcerated 33 years. I have
5 never have inappropriate behavior, never had a problem
6 with visiting staff. But my visitor come from a
7 distance of over 150 miles away, Manteca, California.
8 Old lady. Drive down over two hours. They terminated
9 our visit for reasons that I felt was frivolous
10 reasons.
11 Q. What were the stated reasons?
12 A. The stated reason was that my behavior was
13 aggressive. In reality, my visitor wanted to go out in
14 the hallway and talk to the chaplain, and the officer
15 on duty refused to let her leave. And I thought that
16 was inappropriate because he blocked the doorway and
17 locked the door and prevented her from leaving the
18 visitors' area. When he did that, I says, excuse me,
19 this is not an inmate. You cannot stop her. This is a
20 free person. Any time she want to leave this room for
21 any reason, you should let her through the door
22 quickly. And he took that as being aggressive and
23 terminated the visit. And I thought that was unusual.
24 Q. What does this have to do with the strip
25 search?

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1 A. They strip searched me twice. They strip
2 searched me once when I went back to talk to him in the
3 back of the building here.
4 Q. Talk to who?
5 A. The officer that terminated the visit. That
6 would be Officer Barella.
7 Q. So Officer Barella terminated the visit that
8 you were having?
9 A. Yes.
10 Q. Then you went back to talk to him?
11 A. Yes. He terminated -- I talked to him first,
12 okay. So when he brought me back here to talk to him,
13 he strip searched me then. Then after we talked, he
14 called the sergeant and I had a talk with the sergeant
15 and sergeant upheld his decision. So after I talked
16 with the sergeant, they strip searched me again so the
17 visit was terminated.
18 Q. What were they looking for when they strip
19 searched you?
20 MR. McDONOUGH: Objection; calls for
21 speculation.
22 THE WITNESS: That's -- contraband.
23 BY MR. CALABRO:
24 Q. Were they afraid that -- did they suspect that
25 your visitor had given you contraband?

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1 MR. McDONOUGH: Objection; calls for
2 speculation.
3 THE WITNESS: I would assume.
4 BY MR. CALABRO:
5 Q. Did they tell you why they were strip
6 searching you?
7 A. What they tell you, it's routine, that it's
8 part of their regular routine.
9 It is routine for when you come to a visit
10 they will search you, and when you leave they will
11 search you. But it is unusual for them to search you
12 twice within, let's say, on this particular date, they
13 searched me twice within 30 minutes. That was unusual.
14 Two months later, an Officer Barnes had a cell
15 search. That was on 6.23.06 at 1050 hours. CO Barnes
16 came and searched the cell. I was told that this was a
17 mandatory search, whatever that means.
18 On that same day at 1430 hours, CO Barry
19 searched me and refused to let me report to work.
20 That's my work supervisor. That was unusual because I
21 should have been allowed to go to work.
22 Three weeks later, on 7.24.06 at 1320 hours
23 CO P-u-r-g-i-t stripped searched me and he searched the
24 cell. I was told that was a routine search.
25 8.02.06 at 1110 hours, CO Mata searched my

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1 cell again. On that same day at 1300 hours, CO Mata
2 strip searched me.
3 The very next day, on 8.03.06 at 1450 hours,
4 CO J.G. Martinez detained me in a holding cell, strip
5 searched me and requested what he said was a random
6 urinalysis, random testing for urinalysis. Though he
7 didn't have any problem, because I'm aware that there
8 is a testing program on this yard, so I submitted to
9 the search.
10 Three days later, 8.06.06, Officer Barella
11 terminated my visitor again. I didn't even make it to
12 the visitor room this time. He terminated my visit
13 before I made it to the visitor room because of the
14 fact that my visitor had a \$5 bill in her Bible.
15 Normally, the officer will, hey, guest, you
16 can't bring a \$5 bill inside to the visitor room. You
17 have to leave it in the bag. And they will put it in a
18 plastic bag and let them keep it outside. But he
19 choose to label this as contraband and terminated the
20 visit even before it started. So she had to drive back
21 again. And I was told that he talked with her with
22 contempt.
23 And so -- okay. That was unusual because here
24 we are, we got terminated twice within a very short
25 period of time.

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1 On 8.08.06 at 0730 hours, CO Mota again, and a
2 nurse, requested a blood test. I gave them blood. I
3 gave them three vials of blood. Now they said this was
4 a routine, this was a routine blood test because I take
5 medication and they want to see if the medication is
6 having an adverse effect on me. So I gave them three
7 vials of blood.
8 On 8.13.06 at 1320 hours, CO White had a cell
9 search. 8.24.06, CO J.G. Martinez, the same officer
10 that had previously tested me for urine test, he came
11 to my cell again and tested my cellie, my cellmate.
12 Took him out for urinalysis. Allegedly this is random.
13 I don't know what they using as a randomizer, but there
14 is approximately a thousand people on this particular
15 facility, and I know hundreds that hasn't been tested
16 at all. So the chances of two people getting searched
17 within the same, within a couple weeks of each other,
18 it just don't impress me as being random. But he
19 submitted to the test and that was his random test.
20 Now, on the same day at 1920 hours,
21 Mr. Martinez became irate when I asked him why he was
22 testing my cellmate. You have to understand, when
23 you're testing someone's cellmate, that's just like
24 testing the cellmate, as well.
25 Q. Why is that?

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1 A. The theory is, if a person is smoking, say,
2 marijuana in the cell, then if you test one, you test
3 both. Because --
4 Q. They typically share?
5 A. You share the same air in the cell. So it
6 will show up on the test. If my cellmate is smoking
7 something and I'm breathing the same air, then it will
8 show up in the test.
9 So, anyway, I asked him why was he testing
10 him, because neither of us have a history of drugs. We
11 are not involved in any type of drug trafficking and
12 don't have anything that would give them probable
13 cause.
14 So three days later on 8.27.06,
15 CO J. T-e-r-c-e-r-o and Mitchell, they conducted a cell
16 search again. I noted that there's a average ten days
17 since the last cell search. This is unusual. Usually,
18 you might get a cell search about once a month or
19 something like that. That would be normal.
20 Two days later on 8.29.06, CO Panalla,
21 P-a-n-a-l-l-a, I don't know if that's the correct
22 spelling or not, but he requested another blood test.
23 In addition to the blood test, they took me to CTC and
24 I had X-rays and a MRI. I was told that this was part
25 of medical.

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1 The reason I'm bringing this up, if I was
2 involved in any type of drugs or anything, all of the
3 blood tests and urinalysis that I had given up to this
4 point, it would show up. But nothing is showing up
5 positive, but they just keep on testing me and I keep
6 on submitting to them.
7 Now 8.30.06 at 1528 hours, the same officer
8 Mr. J.T. Martinez, came to my cell and said, hey, this
9 is your lucky day. You got another random urinalysis
10 test. And I said, man, you're joking. He said, no.
11 So I initially refused. I said, well, this time I'm
12 going to -- I'm tired of being tested. I gave you guys
13 blood, I gave you a urine test, you test my cellie. I
14 said, I don't believe this is random, I believe this is
15 harassment. So I initially refused.
16 However, I consulted with another inmate and
17 they suggested that, hey, if you're clean, you might as
18 well go ahead and test because it's hard to beat that.
19 So I went to him 20 minutes later and I said, okay,
20 man, I'll submit to the test, and he refused. He said
21 no, no, you already refused. Now we're going to write
22 you up. So that was that.
23 Now, that same day, 1633 hours is when I
24 decided to take the test but I was refused by
25 Officer Martinez. I reported to the sergeant to let

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1 him know that I was willing to take the test and the
2 sergeant went along with the officer's decision not to
3 let me take the test. They wanted to accept my initial
4 refusal.
5 So on 9.02, we had a cell search again. Just
6 a few days later, on 9.07 at approximately 950 hours,
7 there was another cell search.
8 And I'm just showing it has gotten
9 progressively worse since --
10 Q. So today you had a cell search?
11 A. 9.07.
12 Oh, also, I wanted to tell you. Just when I
13 was coming over here, just for your information, this
14 is what observed myself. I observed Mr. Williams
15 trying to go to the law library to get some copies of
16 some documents. The officer somehow perceived what he
17 was saying as sexual or something, sexual. Before,
18 just before I came over here, they had him locked up in
19 the cage and I assumed that they trying to take him to
20 the hole or something. But myself and three other
21 people was right there and he said nothing
22 inappropriate. Approximately eight officers came and
23 locked him up.
24 Q. I'm sorry. What did you see from the
25 beginning again?

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1 A. He was trying to get to the library to get
2 some copies of some documents.
3 Q. How do you know that?
4 A. Because he had the documents in his hand and
5 he was talking to the officer about going to the
6 library. And she told him something to the effect,
7 well, you can't go, you're not on the list to go to the
8 library or something.
9 Anyway, he left and went and talked to the
10 sergeant about the incident. And while he was talking
11 to the sergeant, the same officer came back, where did
12 he go? Did he leave? And we told him that he was up
13 talking to the sergeant.
14 Well, he left, and that is too bad because the
15 library was going to let him get the copies. So I ran
16 over to where Mr. Williams was to get him and said,
17 hey, man you can get your copies now. And he came
18 over. And once he came over, the same officer said,
19 oh, it's too late now, I'm not going to take you over
20 there. You going to have to sign up again or
21 something.
22 He said, what do you mean? You just called me
23 over here. I tell you, you not going. So Mr. Williams
24 asked her, what's the problem? I don't have a problem.
25 You got a problem? It was a very hostile exchange that

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1 was going on there. And she walked out the gate and
2 about five minutes later, about seven, eight officers
3 came and got Mr. Williams, gathered him up and took him
4 off to the holding cage. She made a claim right there
5 that I feel that this inmate is sexually, or making
6 sexual comments at me and I feel uncomfortable. It was
7 just very obvious that she was making things up and it
8 was just plain to us that was listening that, man, this
9 is really unheard of.
10 So it's my information and belief that as we
11 speak right now, Mr. Williams is probably in the hole
12 or at least locked up somewhere. I don't know.
13 Q. Did you hear Mr. Williams make any sexual --
14 A. He did not make a sexual, no, sir. He didn't
15 say anything sexual.
16 It's my information and belief that this
17 officer, her name is Mata, M-a-t-a, she lied on him
18 because I believe that she knew that I was coming over
19 here to give a deposition for him. How she know this,
20 I don't know, but she's one of the officer just like
21 Mr. Roach. She carry herself different. And it's my
22 information and belief that if they are not green wall,
23 then they are affiliated with people that are green
24 wall. But they done basically framed Mr. Williams up
25 this morning on a bogus charge.

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21 (Pages 81 to 84)

1 Q. And you feel like that's related to your
2 deposition?
3 A. I feel that this is related.
4 Q. Do you have any basis for that?
5 A. It's just -- they knew where I was going.
6 They told me to stand out there. They knew I was
7 coming over here to give a deposition. And they saw
8 Mr. Williams. He was trying to get to the library.
9 And they know he's a litigator. They know I'm a
10 advocate. I just believe that they are trying to
11 separate him from his paperwork.
12 Q. Do you have any other allegations of
13 intimidation?
14 A. I didn't put it in the log, but it was about
15 four nights ago, I wouldn't say it's intimidation, but
16 it's unusual. Officer Tuntakit worked first watch in
17 the building, and he made it a point of getting my
18 attention because he don't usually work this yard,
19 period. He shined the light in the cell. And I showed
20 myself because I thought he just wanted a count. He
21 shined the light again, and I know that was unusual.
22 So I got up to see why was he kept shining the light,
23 and then I saw who it was. He was just letting his
24 presence be known. Let me know, hey, I'm here.
25 Okay. What you doing over here, man? You

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1 supposed to be on D yard? They got me over here for
2 the night. I said, all right. I'll be seeing you
3 around, man. It wasn't intimidation or nothing, but he
4 wanted to let me know that he was out there. I thought
5 that he wanted to get involved in a conversation or
6 something. I don't know why.
7 Q. Are you friendly with Officer Tuntakit?
8 A. I don't have -- we have a real good rapport
9 with each other. He's always treated me civilly.
10 During my incarceration, I've have very bad
11 experiences with some officers, but he's one of the few
12 officers, he always have a good attitude toward inmates
13 and staff. And I believe at one point I did ask
14 Mr. Williams, why this man a part of this lawsuit. He
15 went to tell me something about he was responsible for
16 something, but I didn't have any knowledge of that and
17 I was just surprised and I suggested to Mr. Williams
18 that, hey, this ain't the type of officer I think that
19 should be part of this lawsuit.
20 Q. Has Officer Tuntakit ever done favors for you?
21 A. Yes.
22 Q. Do you feel like Officer Tuntakit protects
23 you?
24 A. I believe -- no. I believe he's someone that
25 does his job, which in this setting is not always a

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1 good thing. If I got something coming, I get it, as
2 opposed to if I got it coming. He don't come to work
3 with a chip on his shoulder or something. He don't
4 have a chip on his shoulder. He's what we call a fair
5 officer.
6 Q. Do you think Officer Tuntakit was letting
7 himself be known to encourage you not to say anything
8 harmful against him?
9 A. I think so, yes.
10 Q. I'm sorry?
11 A. I think so, yes.
12 Q. Would you be amenable to glossing over some of
13 Officer Tuntakit's shortcomings because of your
14 relationship with him?
15 A. No.
16 MR. McDONOUGH: Objection; vague and
17 ambiguous.
18 THE WITNESS: No, I wouldn't. If I knew
19 something that he had did, I would not hesitate to
20 convey it just as a matter of principle. I understand
21 what's at stake here. Just because he's an okay
22 officer, he understand that I'm an individual and I
23 will do what I think is right. And in this case, even
24 though I feel that he shouldn't be a part of this
25 lawsuit, I just simply don't know of any facts that are

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1 involved here concerning him.
2 BY MR. CALABRO:
3 Q. Not with just in regard to Officer Tuntakit,
4 but with regards to the guards in general, do you think
5 they want you to -- do you think that they want you to
6 say certain things in this lawsuit?
7 A. I think --
8 MR. McDONOUGH: Objection; calls for
9 speculation.
10 THE WITNESS: I believe because of the unusual
11 amount of searches; the unusual amount of terminations
12 of my personal visits they know that I love, they know
13 that I love my visitor, we have a close relationship
14 and the unusual amount of terminations; cell searches;
15 strip searches; random piss tests; blood tests, they --
16 I believe that's harassment as a direct result of my
17 participation in this lawsuit.
18 And if I had my way, I would either be
19 transferred out of the jurisdiction of these defendants
20 because they do work here and they do carry a grudge
21 and they do have a way of letting their presence be
22 felt. But I'm not going to -- I'm not going to be
23 intimidated.
24 BY MR. CALABRO:
25 Q. Would it be fair to say that if you didn't

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1 give this testimony today, that your life would be
2 easier?
3 A. Yes, sir.
4 MR. McDONOUGH: Objection; calls for
5 speculation.
6 THE WITNESS: Yes, sir.
7 BY MR. CALABRO:
8 Q. Finally, the last thing that you talked about
9 was this idea of the green wall. Can you tell me what
10 the green wall is?
11 A. It's my information and belief that the green
12 wall is a group of guards that has been operating at
13 this particular institution since -- well, before I
14 arrived here in 2003. My experience is when I left the
15 B yard to come to the SNY yard, that was basically my
16 statement to the administration and the convicts that
17 I'm tired of the politics, I'm tired of the games. I'm
18 out of here.
19 Q. "Out of here" being B yard?
20 A. Yes, main line. I'm tired of the games. I'm
21 tired of the whole program. I'm going to SNY.
22 Q. What is the "main line" and what's "SNY"?
23 A. The main line is your main general population.
24 That's where you have your primary, the mainstream
25 population. The SNY is people that -- you have

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1 different types of people that go SNY. They are people
2 that either drop out of gangs and they decide they want
3 to turn their life around, they drop out. You have
4 people that get in debt or trouble with other inmates
5 and their life is threatened so they are on the run.
6 You have people that are high profile cases that
7 probably can't function in main line without getting
8 hurt or drawing too much attention to themselves, so they
9 go SNY.
10 Q. Is SNY, are those initials?
11 A. SNY is acronym for assisted need yard, which
12 is a politically correct term for protective custody.
13 Q. So you choose to go SNY?
14 A. I choose to go SNY. As a result of that, I
15 had to basically tell an officer some of my previous
16 affiliations and dealings in the main population. This
17 involved people that I believe were not only inmates,
18 but also certain guards that I believe was a threat to
19 me.
20 Because in order to run away from my peers,
21 some of my peers have relationships with guards who
22 have a relationship with them. So I have to -- I'm
23 between a rock and hard place, if you will. The thing
24 is, when I got over here to the SNY yard, there was an
25 Officer Murray. When I was on armitation and I wanted

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1 a new classification to get released to the yard, he
2 just straight out asked me out of nowhere, what do you
3 know about the green wall? I said, why are you asking
4 me this? And he all, man, you don't want to mess with
5 that green wall. I said, why are you telling me this?
6 I know you, Jordan, I know what's going on.
7 And so the message was that he know about the
8 relationship between Williams and I. And he was trying
9 to tell me that, hey, these, at least some of these
10 officers is friends with the green wall.
11 Q. And named in this lawsuit?
12 A. Yes. And the indication was, to me, that you
13 don't want to do that.
14 And I let Williams -- I did write my attorney.
15 I sent my attorney an affidavit, and I told him at that
16 time to convey this to Mr. Williams. But he refused to
17 do it because he considered it third party mail. But I
18 will run across it and give it to Mr. Williams when I
19 dig it out of my file. It's a separate affidavit that
20 never got to him.
21 Q. So as a result of this green wall, or the
22 perception of the green wall, you feel intimidated at
23 this institution?
24 A. Yes, sir. And it's my information and belief
25 that Mr. Williams himself is beginning to feel the

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1 heat.
2 Q. Why do you say that?
3 A. Because of his situation this morning. He
4 didn't say anything inappropriate to get deserved
5 locked up. I don't know for a fact that they did lock
6 him up, but from all indications, he will probably be
7 in the hole when I get back.
8 MR. CALABRO: I don't have any other
9 questions.
10 MR. McDONOUGH: I'm going to have questions,
11 but I want to take a break.
12 (Recess had from 12:02 until 12:07.)
13 MR. McDONOUGH: Back on the record.
14 EXAMINATION BY MR. McDONOUGH
15 Q. Good afternoon, Mr. Jordan. My name
16 Tim McDonough, as I explained before. I represent
17 Officer Tuntakit and Officer Roach, and I'm from the
18 Attorney General's Office.
19 A. (Nodding head up and down.)
20 Q. Hopefully, you recall some of the procedures
21 that Attorney Calabro explained to you earlier. Do you
22 recall those?
23 A. Yes, sir.
24 Q. And I'm going to just ask you to follow those
25 procedures obviously with my questions, as well. I'm

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23 (Pages 89 to 92)

1 not going to try to ask you any trick questions. If
2 you don't understand a question for whatever reason or
3 you can't hear me, ask me to repeat it and I will
4 repeat it or clarify it.

5 We need you to answer truthfully and honestly
6 as if you were testifying in court. And you have been
7 sworn in and are testifying under the pains and
8 penalties of perjury. Do you understand that?

9 A. Yes, sir.

10 Q. You indicated earlier, actually when we first
11 met when we came in, you said something to the effect,
12 oh, when I explained that I was from the Attorney
13 General's Office, you said, oh, you're the bad guy.
14 What did you mean by that?

15 MR. CALABRO: Let the record reflect the
16 witness is laughing.

17 THE WITNESS: I was just making small talk. I
18 didn't mean anything. I didn't mean anything by that.
19 I was just coming into the room and I wanted to find
20 out who is the attorney, and who was the attorney
21 general. It might have been a bad choice of words. I
22 didn't mean that. It was just all in fun.

23 BY MR. McDONOUGH:

24 Q. Do you feel the Attorney General's Office is
25 in a negative light? Do you view them in a negative

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1 Attorney Calabro, have you seen this?

2 MR. CALABRO: I got one from him. Let me see
3 if it's the same one. (Brief pause.)

4 I've got the one that's signed. Do you want
5 to just use this one? It's the same thing.

6 MR. McDONOUGH: Is it the same?

7 MR. CALABRO: It's typed on a different
8 printer.

9 It's not exactly the same, no.

10 MR. McDONOUGH: Why don't we have the one he
11 reviewed as Exhibit 20, because that's what he
12 reviewed.

13 (Plaintiff's Exhibit 20, marked.)

14 BY MR. McDONOUGH:

15 Q. Looking at that, do you remember when you
16 typed that up?

17 A. I typed this up from the original. I just
18 typed this up a couple of days ago.

19 Q. And if we could look at it.

20 So you typed this up a couple days ago?

21 A. Yeah, looking from the original.

22 Q. Where is the original?

23 A. The original is in some file in my cell.

24 Q. In paper form?

25 A. Yes, sir.

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1 light?

2 A. No, sir. They got to do a job and they got to
3 get to the facts. I understand that. I know that the
4 perception is the Attorney General is the guy that work
5 for the bad guy, but I know that they are actually
6 there to do their job to get to the facts.

7 Q. Okay.

8 You mentioned in your preparation for the
9 deposition that you reviewed a declaration that you
10 gave to Mr. Williams.

11 A. Yes, sir.

12 Q. Do you have a copy of that?

13 A. Yes, sir. A unsigned copy. I have a copy
14 here.

15 Q. Can I see it.

16 A. (Document handed to Counsel.)

17 Q. And what I'm going to ask you to do while
18 we're testifying is that I really need you to testify
19 from your recollection. So if you could -- thank you,
20 and I've noticed you really haven't been doing that,
21 but your best recollection unless I ask you to review a
22 document or something.

23 A. Yes, sir.

24 MR. McDONOUGH: Okay. I'd like to make this
25 Exhibit 20.

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1 Q. Did you copy it verbatim?

2 A. I believe verbatim. There may have been two,
3 I might have made two, I might have edited twice. The
4 substance of it is the same, though. It was just I
5 edited for, I believe, it was either continuity,
6 something didn't sound right and I changed a couple
7 words there. If I look at it, I can tell you exactly
8 what it was.

9 Q. Okay.

10 MR. CALABRO: You know what, this might be the
11 original.

12 MR. McDONOUGH: Why don't you look at that and
13 tell me if that's the original.

14 THE WITNESS: This is the original right here,
15 I know (indicating).

16 MR. McDONOUGH: And you typed that one up, in
17 your right hand, the one you reviewed.

18 THE WITNESS: (Brief pause.) I'm sorry. I
19 can't -- I know I changed something.

20 MR. CALABRO: Look at the first couple
21 paragraphs. One's longer than the original.

22 MR. McDONOUGH: There seems to be a few
23 different words.

24 MR. CALABRO: The preamble, it looks like it's
25 longer.

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1 MR. McDONOUGH: Yeah, it is.
2 Why don't we do this: This new one will be
3 21, and the new one was the one you gave to
4 Mr. Williams.
5 A. Yes. Okay. At the bottom here, this is, I
6 left this off, too.
7 Q. So it's a little different.
8 So you reviewed Number 20, and Number 21 is a
9 copy of a document you gave to Mr. Williams?
10 A. This is Number 20?
11 Q. That's 21.
12 A. Yes, that's what I gave Mr. Williams.
13 Q. And you signed that one?
14 A. Yes, sir.
15 Q. All right. So we'll mark those as exhibits.
16 I'll grab them for now, and I'll get back to them.
17 (Plaintiff's Exhibit 21, marked.)
18 BY MR. McDONOUGH:
19 Q. Okay. I'm going to go back over some things.
20 I'm not going to rehash everything that you've gone
21 through. I'll try not to repeat too much, but I do
22 have some questions that go back, and then we'll go
23 forward. Okay.
24 How old are you?
25 A. 53.

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1 Q. On the telephone?
2 A. Yes, sir.
3 Q. You didn't see him in person?
4 A. No, sir.
5 Q. Do you recall what you talked about?
6 A. Yes, sir.
7 Q. What did you talk about?
8 A. Basically the same thing we talked about
9 today, the stuff that's in the declaration there.
10 Q. Did you talk about this declaration?
11 A. We talked about the information that was on
12 the declaration. I don't recall if we talked about the
13 declaration itself, but the subject matter in the
14 declaration we talked about.
15 Q. So passing you -- this is Exhibit Number 21,
16 that's your signature?
17 A. Yes, sir.
18 Q. And do you remember when you physically signed
19 that document?
20 A. The first time I did this was a long time ago.
21 Q. When you actually -- on the original to this
22 document right here, when did you put your name on that
23 line, physically when did you sign it?
24 A. This is a retype of a previous, of a previous
25 one that I gave to Mr. Williams.

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1 Q. 53.
2 And you were incarcerated in 1973 on a murder
3 charge?
4 A. Yes, sir.
5 Q. And a concurrent robbery charge?
6 A. Yes, sir.
7 Q. Do you feel that you were wrongly convicted?
8 A. Yes, sir.
9 Q. And you're currently serving a seven years to
10 life sentence?
11 A. Yes, sir.
12 Q. You've been denied parole 15 times?
13 A. Approximately.
14 Q. About that?
15 A. Yes, sir.
16 Q. And are you frustrated by the parole process?
17 A. Yes, sir.
18 Q. Have you ever talked to Attorney Calabro prior
19 to this session today?
20 A. Yes, sir.
21 Q. When did you talk to Attorney Calabro?
22 A. Approximately three, four weeks ago.
23 Q. Where did you talk to him?
24 A. It was a telephonic, I talked to him right
25 here.

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1 Q. Let me try to be more clear.
2 When did you retype it?
3 A. I retyped this approximately -- I can't recall
4 the exact date.
5 Q. Was it within the last two months?
6 A. Yes.
7 Q. And when you retyped it, then did you then
8 sign it?
9 A. Yes, sir.
10 Q. So you actually signed it within the last two
11 months?
12 A. Yes, sir.
13 Q. So here, reading from this, and it says,
14 "executed this 10th day of November 2003 at Salinas
15 Valley State Prison," doesn't actually refer to your
16 signature on this exact form?
17 A. No, no, no. That's referring to a previous, a
18 previous one that I gave. This is a retype.
19 The original was typed on that particular day
20 right here.
21 Q. So you think about November 10th, 2003, is
22 when you made the original?
23 A. Yes.
24 Q. Just going back, you currently have two
25 lawsuits that you filed. One was back in '95?

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25 (Pages 97 to 100)

1 A. Yes, sir.
2 Q. And that was against officers at Corcoran?
3 A. Yes, sir.
4 Q. And that case is --
5 A. That case has been dismissed.
6 Q. -- dismissed. So it's not ongoing?
7 A. No, sir.
8 Q. And you have a current case. Is that right?
9 A. Yes, sir.
10 Q. That's a state court case in the California
11 courts?
12 A. Yes, sir.
13 Q. And is it a habeas petition?
14 A. Yes, sir.
15 Q. Regarding your?
16 A. Board of Prison Term.
17 Q. So you're challenging your parole?
18 A. Yes, sir.
19 Q. Now, you indicated in earlier testimony that
20 you received numerous RVRs?
21 A. Yes, sir.
22 Q. Which are rule violation reports?
23 A. Yes, sir.
24 Q. Some of those were for refusing direct orders?
25 A. Yes.

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1 Q. Did you receive one for being in possession of
2 inmate manufactured alcohol?
3 A. Yes, sir.
4 Q. How about theft of State food?
5 A. Yes.
6 Q. And have you had RVRs with charges of being in
7 possession of controlled substances?
8 A. Yes.
9 Q. Have you had RVRs for being in possession of
10 marijuana?
11 A. Yes.
12 Q. Have you had RVRs for being in possession of
13 stimulants and sedatives?
14 A. Yes.
15 Q. And you've had RVRs for manipulating staff?
16 A. Yes.
17 Q. And how about for refusing a cell move?
18 A. Yes.
19 Q. There were other ones?
20 A. Yes. Approximately 115 of them during my
21 entire incarceration.
22 Q. Over the 33 years?
23 A. Yes.
24 Q. Now, you indicate that you are involved in
25 reforms?

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1 A. Yes, sir.
2 Q. You're seeking reforms in the California
3 Department of Corrections and Rehabilitation prison
4 system?
5 A. Yes, sir.
6 Q. And is that part of what that log we were
7 discussing earlier was about?
8 A. That's a tool that we use, yes.
9 Q. When you say "we," who's "we"?
10 A. I'm just speaking of -- just the way I speak.
11 Q. Do you have a group of people that work with
12 you on these reform initiatives that you discussed?
13 A. Some, yes.
14 Q. What's the group?
15 A. You have Critical Resistance, you have
16 California Prison Focus, you have -- I went to the
17 Attorney General's Office one time. The CCPOA.
18 Q. Even the CCPOA?
19 A. Yes, sir. Prison law office.
20 Q. And you've worked with all these groups to
21 share your ideas on prison reform?
22 A. Yes, sir.
23 Q. What is CCPOA?
24 A. CCPOA is California Peace Officers
25 Association, to the best of my knowledge, or California

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1 Peace Officers Association. How did that "O" get in
2 there. California Correctional Peace Officer
3 Association.
4 Q. That's a correctional union?
5 A. That's the prison guard union.
6 Q. Earlier you were discussing your perception of
7 Officer Roach, and you referred to him as a goon,
8 correct?
9 A. That's prison lingo. Yes.
10 Q. And, I guess, it's your perception that
11 Officer Roach is a goon?
12 A. Yes, sir.
13 Q. However, you don't know him to be a liar. Is
14 that correct?
15 MR. CALABRO: Objection; mischaracterization
16 of the testimony.
17 THE WITNESS: A goon is someone who will lie.
18 BY MR. McDONOUGH:
19 Q. So you feel he is someone who would lie?
20 A. Yes, sir.
21 Q. All right.
22 Now, you indicated that in October to
23 December, between October of 2004 to December of 2004,
24 somewhere in that period, you had an encounter with
25 Officer Roach?

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1 A. Yes, sir.
2 Q. Was that where he called you from the control
3 tower to come talk to him?
4 A. Yes.
5 Q. And during that time, you felt intimidated?
6 A. Yes.
7 Q. That was based on your perception of the
8 conversation you had with him?
9 A. And his demeanor.
10 Q. His demeanor?
11 A. Yes.
12 Q. He didn't say any specific words that made you
13 threatened?
14 A. He's a little bit too smart for that.
15 Q. So he didn't?
16 A. Not specifically, no.
17 Q. And he didn't mention this case?
18 A. I can't recall specifically.
19 Q. He didn't mention the affidavit, he didn't
20 physically mention the affidavit?
21 A. At some point he did. I don't know if it
22 was -- at some point he did. He didn't physically --
23 he let me know that he was aware of the affidavit. He
24 didn't specifically state it. He just let me know
25 through his demeanor that he was aware of it.

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1 Q. He didn't say it?
2 A. No, sir. He's smarter than that.
3 Q. And the only other thing he's really ever said
4 to you regarding the case was that he wasn't worried
5 about Williams?
6 A. Yes.
7 Q. So he hasn't said anything?
8 A. No, he hasn't said anything, but that let me
9 know that he knows a lot.
10 Q. That's based on your perception?
11 A. Yes, sir.
12 Q. Not on his words?
13 A. Right.
14 Q. In your work to reform the California prison
15 system, do you think the prison system would be better
16 off if they hired more officers like Officer Tuntakit?
17 A. Yes, sir.
18 Q. Should Officer Tuntakit serve as the model of
19 the type of person that they should seek out to be a
20 correctional officer at Salinas Valley State Prison?
21 A. I would think so, yes.
22 Q. And you've never felt any kind of harassment
23 from Officer Tuntakit?
24 A. No, sir.
25 Q. And he's never harassed you regarding this

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1 case in any way?
2 A. No, sir.
3 Q. You don't know Officer Roach to be -- you
4 don't know that he's member of this alleged green wall?
5 A. I don't know.
6 Q. How about Officer Tuntakit, do you know --
7 A. I don't know.
8 Q. You don't know that Officer Tuntakit --
9 A. No, sir.
10 Q. Do you think Officer Tuntakit is?
11 A. I wouldn't think so.
12 Q. How many times did you talk with Attorney
13 Calabro prior to this session today?
14 A. One.
15 Q. That was the one we discussed, on the phone?
16 A. Yes, sir.
17 Q. Did you receive any mail from him?
18 A. No, sir.
19 Q. I'm going to -- I'm trying to not repeat too
20 much stuff.
21 If I could direct your attention to
22 August 3rd, 2003, to the morning of August 3rd, 2003.
23 Remember that day?
24 A. No, sir.
25 Q. Do you remember a day when Mr. Williams got

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1 into a cell fight with his cellmate --
2 A. Yes, sir.
3 Q. -- in August of 2003?
4 A. Yes, sir.
5 Q. That helps refresh your memory?
6 A. Yes, sir. If that's the day. If that was on
7 the 3rd, yes, I recall it.
8 Q. And do you recall what happened that morning?
9 A. Yes, sir.
10 Q. Could you just kind of briefly describe what
11 happened around that morning. Did anything catch your
12 attention that morning?
13 A. Yes.
14 Q. What was it?
15 A. The first thing that caught my attention was
16 the commotion inside the cell, because our cells are
17 connected, we share the same vent. And there was some
18 argument going on between Mr. Williams and his
19 cellmate. And then there was a rumble as if there was
20 scuffling going on. Somebody hit the door, and that
21 alerted an officer to the door who activated the person
22 alarm.
23 Q. So an officer came to the door and activated
24 the alarm?
25 A. Yes, sir.

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1 The next thing that I recall that was unusual
2 was Roach spraying and telling them to break it up,
3 break it up, get off of him, get off of him.
4 Q. So you saw Officer Roach?
5 A. Yes.
6 Q. And what did you see him doing?
7 A. He was spraying.
8 Q. What was he spraying?
9 A. He had his arm through the door, through the
10 tray slot of the door, and he was spraying inside the
11 cell.
12 Q. And you could see this?
13 A. Yes, sir.
14 Q. Was the door to your cell shut?
15 A. The crack was facing Mr. Williams' cell.
16 Q. So you could see it through the crack in your
17 cell door?
18 A. Yes, sir. I could see his arm.
19 And the unusual part was after he had emptied
20 all of that, he said, get me another one, get me
21 another one, get me another one.
22 Q. Officer Roach said that?
23 A. Yes.
24 Q. To who?
25 A. To another officer that was standing -- by

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1 and his cellmate, and one of them said, let go, or, get
2 off me, or, quit spraying me. I heard Mr. Williams
3 say, quit spraying. I'm off of him, quit spraying,
4 quit spraying. There was commotion. That's basically
5 all I heard.
6 Q. And then subsequently, or afterwards, did
7 anything happen?
8 A. Not that I recall. They took them out,
9 eventually they took them out and took them over to a
10 cage or something somewhere. And I know it was really
11 good and sprayed.
12 Q. Do you remember anything else about that day,
13 or about that cell fight?
14 A. The only thing I remember is it was so much
15 gas in there that it came inside my cell and I was
16 complaining because I thought it was too much, and I
17 wanted my cell to be decontaminated.
18 Q. Do you know what the gas was?
19 A. No, sir.
20 Q. Was it pepper spray?
21 A. I don't know the difference between pepper
22 spray, OC sprays or tear gas. It all is spray to me.
23 I don't know how to tell the difference between them.
24 Q. So you don't know what the gas was?
25 A. No.

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1 that time, there was various officers. I don't know
2 which one it was that he got it from, but he kept
3 saying, give me another one, give me another one, give
4 me another one. And he took another one and he emptied
5 that. I thought that was unusual.
6 Q. He emptied that into the cell?
7 A. Yes, sir.
8 Q. You're sure this was Officer Roach?
9 A. Yes, sir.
10 Q. What does Officer Roach look like?
11 A. Tall, kind of big around the waist. Tall. He
12 got a relatively close haircut.
13 Q. How tall do you think he is?
14 A. I would say he's six-five, six-six.
15 Q. So he's a big guy?
16 A. Yes.
17 Q. What ethnicity does he appear to be?
18 A. He appear to be white. He talk like he black,
19 though.
20 Q. Then what happened after -- did you hear him
21 saying anything while the spraying -- did you hear
22 anyone say anything while the spraying was going on, if
23 you recall?
24 A. I can't recall specifically. I couldn't hear
25 clearly what was going on inside. I heard Mr. Williams

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1 Q. And that occurred in the morning?
2 A. Yes.
3 Q. Early morning?
4 A. I want to say between -- yes, early.
5 Q. Say between 6:00 and 7:00 in the morning?
6 A. No, I don't think it would be that early.
7 Probably between 7:00 and -- somewhere between 7:00 and
8 10:00, probably.
9 Q. Okay.
10 I'm going to direct your attention, if I
11 could, to September 6th of 2003. Do you remember that
12 day?
13 A. Number don't mean -- what happened on that
14 day?
15 Q. That was the day that Attorney Calabro was
16 talking with you earlier about, and which you indicated
17 you were working over at the dining hall.
18 A. Oh, okay, okay, okay. That's the day, the 3rd
19 or the 6th? Are you sure it wasn't the 6th?
20 Q. You don't remember?
21 A. I remember the incident, but was it the 6th or
22 the 3rd?
23 Q. Well, let me ask you this: Do you remember a
24 day in which you returned from --
25 A. Yes.

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1 Q. -- the dining hall?
2 A. Yes, sir.
3 Q. You talked with --
4 A. Mr. Perkins.
5 Q. -- Mr. Perkins about Mr. --
6 A. Williams.
7 Q. -- Williams' health. Do you remember that
8 day?
9 A. Yes, sir.
10 Q. Do you remember what day that was?
11 A. I have it documented. I don't recall the date
12 specifically from memory, but I have it documented
13 somewhere, what date it was.
14 Q. All right.
15 Would it refresh your memory to review your
16 declaration?
17 A. Yes.
18 Q. Why don't you review that and see if that
19 helps refresh your memory.
20 A. Okay. 6th.
21 Q. Okay. It did refresh your memory.
22 So September 6th, 2003, you indicate you were
23 working, was it the dinner shift?
24 A. Yes, sir.
25 Q. What was your position?

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1 A. My position is a line server.
2 Q. Where is that?
3 A. Dining hall 1 and 2 on the B facility.
4 Q. So that's all on the B facility?
5 A. Yes, sir.
6 Q. And you were living in Building B-5?
7 A. Yes.
8 Q. Still cell 127?
9 A. Yes, sir.
10 Q. Right next to Gerry Williams' cell?
11 A. Yes.
12 Q. And you think you returned around 7:00 p.m.?
13 A. I believe it was somewhere approximately
14 around 1900 hours.
15 Q. And 1900 hours is military time for 7:00 p.m.?
16 A. Yes, sir.
17 Q. Do you know exactly what time you returned?
18 A. No, sir.
19 Q. It was around 7:00 p.m.?
20 A. Yes, sir.
21 Q. When you came back from dinner, what happened
22 when you came in Building B-5?
23 A. I came in the building. I normally had my
24 work clothes. May have had a piece of bread or
25 something in my bag or whatever. And I came into the

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1 building. Before I could get to my cell, Mr. Perkins
2 called me. Mr. Perkins called me to the cell, said,
3 hey, could you get the police to call the MTA. My
4 cellie's having chest pains.
5 Q. And at that point, did you go and look at
6 Mr. Williams?
7 A. No, sir.
8 Q. Where did you go at that point?
9 A. I went immediately to the unit office.
10 Q. Where is that located in relation to
11 Mr. Williams' cell?
12 A. It's approximately 20 yards northeast of his
13 cell.
14 Q. So that's in front of his cell?
15 A. Yes, sir.
16 Q. And who did you talk to?
17 A. I talked to Roach.
18 Q. Officer Roach?
19 A. Yes, sir.
20 Q. Was there anyone else there?
21 A. Someone else. I don't recall exactly who it
22 was, but it was another officer. Both of them was in
23 the office kickback talking.
24 Q. They were in the office?
25 A. Yes, sir.

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1 Q. What did you say to Officer Roach?
2 A. Mr. Williams' having chest pain, and he need
3 the MTA. Don't worry about it. Okay.
4 Q. What did Mr. Roach say to you?
5 A. He said, okay, don't worry about it. I have
6 it.
7 Q. Subsequently you then did what?
8 A. I proceeded back to my cell. And Mr. Perkins
9 was still at the door. I told him, man, he said he's
10 gonna handle it. I went to get my shower stuff and
11 take my shower.
12 Q. Did you take your shower?
13 A. Yes, sir.
14 Q. How long were you in the shower?
15 A. Approximately ten minutes.
16 Q. You came out of the shower. What did you do?
17 A. Came out of the shower. I don't know exactly
18 what I did, but I wasn't out there too long. I guess I
19 was out from my shower for approximately -- the
20 duration of the time that I was out of my cell for my
21 shower was approximately 20 minutes.
22 Q. So when you came out of the shower --
23 A. I went back to my cell.
24 Q. Did anything happen at that point?
25 A. After I got in the cell, I heard Mr. Perkins

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1 call for the officer.
2 Q. What did he say when he --
3 A. He said, hey, man. He just said, man down,
4 something to the effect my cellie needs the MTA. He
5 was hollering at Mr. Roach who was in the process of
6 getting ready to do some type of release.
7 Q. Where were they physically in the building?
8 A. Roach was out on the tier somewhere to my
9 left, and Mr. Perkins who was next door to me was on my
10 right. Mr. Roach was somewhere, he was coming down the
11 tier towards Williams' cell.
12 Q. Can you clarify what you mean by "coming down
13 the tier." Was he on the second level?
14 A. No. He was on a ground level.
15 Q. And he was coming down the row of --
16 A. He was walking -- he was walking from left to
17 right.
18 Q. So he would be walking from --
19 A. He will be coming from cell -- he will be
20 somewhere around cell 130, whereas Mr. Williams and --
21 my cell would be in 127, and Mr. Williams would be in
22 126. So he was somewhere in the general area of 130.
23 Q. And he was walking towards your cells?
24 A. Yes, sir.
25 Q. Did you hear him saying anything?

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1 A. That's when I heard him saying, there ain't a
2 fucking thing wrong with him. He just wants to get out
3 because he's on LOP.
4 Q. Do you know if Mr. Williams was on LOP?
5 A. I don't recall if, in fact, he was on LOP or
6 not.
7 Q. And by "LOP" you mean?
8 A. That's the acronym for loss of privileges. In
9 other words, your loss of privileges means you can't
10 come out. So I would assume that he meant that he just
11 wanted to get out of his cell.
12 Q. What happened next after you heard that?
13 A. I heard the normal sounds of doors being
14 unlocked and people coming out of their cells.
15 Q. For day release or something?
16 A. Yes, sir.
17 Q. Did you hear anything else from Mr. Williams?
18 A. I can't recall.
19 Q. Were you out of your cell at this point?
20 A. No. I stayed in the cell.
21 Q. So you went back in the cell?
22 A. Yes.
23 Q. So you didn't come out between the time you
24 returned from your shower?
25 A. No. I can't recall what I did. I just, I was

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1 tired. I probably laid down and watched television or
2 something.
3 Q. Did you see Mr. Williams go for -- did you see
4 anyone come and get Mr. Williams?
5 A. I never actually seen anyone come and get him.
6 I assumed that eventually someone did come and get him.
7 I lost interest in the situation after the
8 fact that I heard Roach say what he said. I made a
9 note -- well, that stood out in my mind because it was
10 loud and it was concerning something that I was
11 involved in. But you learn to let go of things after a
12 while. I wasn't involved in it no more.
13 Q. So you don't know what time he went to the
14 MTA?
15 A. No, sir. I don't know what time he actually
16 came out, but I do believe eventually someone came and
17 got him, took him out.
18 Q. When do you recall seeing Mr. Williams next?
19 A. Can't remember. Can't recall.
20 Q. Did you see him that night?
21 A. Can't recall.
22 Q. Were you on any -- had you taken any alcoholic
23 pruno that day?
24 A. I can't recall.
25 Q. Had you had any marijuana that day?

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1 A. I can't recall.
2 Q. At some point, you gave a handwritten
3 declaration to Mr. Williams?
4 A. Yes, sir.
5 Q. I'm going to pass you a document, if I could.
6 (Plaintiff's Exhibit 22, marked.)
7 MR. McDONOUGH: We'll mark this Exhibit 22,
8 please.
9 THE WITNESS: (Brief pause.) Okay.
10 BY MR. McDONOUGH:
11 Q. Is that your signature on page 2?
12 A. Yes, sir.
13 Q. Did you sign that under the penalty of
14 perjury?
15 A. Yes, sir.
16 Q. And was that done on the 5th of December,
17 2003?
18 A. That would have been on the 5th, yes, sir.
19 Q. Is the first page entitled, of the document,
20 "Affidavit of Charles Jordan"?
21 A. Yes, sir.
22 Q. And would you agree with me that in this
23 affidavit you were discussing what happened on
24 August 3rd, 2003?
25 A. Yes, sir.

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1 Q. Now, in the affidavit, in the beginning of the
2 affidavit, I'm going to read and just make sure I'm
3 doing this correctly. "On August 3rd, 2003" --
4 MR. CALABRO: Are you going to be long because
5 I need to use the restroom.
6 MR. McDONOUGH: Why don't we take a break.
7 (Recess had from 12:51 until 12:54.)
8 BY MR. McDONOUGH:
9 Q. And you did, in fact, give this affidavit to
10 Mr. Williams?
11 A. Yes, sir.
12 Q. Have you given any further affidavits to
13 Mr. Williams other than the affidavit of Charles Jordan
14 we just spoke of, the signed declaration of
15 Charles Jordan you've given us today, and the unsigned
16 declaration of Charles Jordan that you also gave us
17 today? Do you recall giving any other declarations?
18 A. No, sir. I attempted to give him another one
19 but it never made it to him.
20 Q. It got lost in the mail?
21 A. My attorney would not forward it to him.
22 Q. Have you given any other declarations to
23 Mr. Williams than these three here?
24 A. No, sir.
25 Q. Directing your attention to September 6th,

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1 2003, the day we're discussing --
2 A. Yes, sir.
3 Q. -- you indicated you came back around
4 1900 hours from your dinner shift?
5 A. Yes, sir.
6 Q. And subsequent to that, you talked to
7 Officer Roach about Mr. Williams' --
8 A. Not subsequent to that, but after I got back.
9 Q. After you got back?
10 A. Yes, yes, yes.
11 Q. After you got back, you talked to him?
12 A. Yes.
13 Q. Then you went to the shower?
14 A. Yes.
15 Q. Then you came back to your cell?
16 A. Yes.
17 Q. During that period of time, between coming
18 back to facility B-5 and returning to your cell after
19 your shower, you didn't see Officer Roach and Tuntakit,
20 Officer Tuntakit, the entire time?
21 A. I may have.
22 Q. You didn't see them when you were in the
23 shower?
24 A. Not that I recall.
25 Q. So is it possible that during that period of

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1 time, Officer Tuntakit could have made a phone call to
2 the MTA office?
3 A. It's possible.
4 Q. And is it possible that Officer Roach could
5 have possibly made a phone call to the MTA office
6 during that time --
7 A. Yes, sir.
8 Q. -- and, perhaps, you just didn't see?
9 A. Yes, sir.
10 Q. Did it appear to you that during the time that
11 you requested an MTA for Mr. Jordan to Officer Roach,
12 and then subsequently after he said -- let me strike
13 that question. It was a confusing question.
14 On September 6, 2003, you testified that you
15 heard Officer Roach say something to the effect of,
16 there ain't nothing fucking wrong with him, he just
17 wants to get out of his cell because he's on LOP?
18 A. Yes.
19 Q. Was it your understanding that Mr. Roach
20 didn't believe that Mr. Williams needed to see the MTA?
21 A. Yes.
22 Q. Did you believe that Officer Tuntakit didn't
23 believe that Mr. Roach needed to see an MTA?
24 A. I can't recall if Tuntakit was there or not.
25 He may have been. I wouldn't be surprised if he was.

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1 I can't recall if, in fact, he was there or not, but if
2 he were there, he would have been under the influence
3 of Roach because Roach would have been the one in
4 charge, I believe.
5 Q. I'm going to pass you another document. I'm
6 going to pass you a declaration or a document, just
7 that one, and I'm going to ask you to review that, if
8 you would.
9 A. (Brief pause.) Okay.
10 Q. You read that?
11 A. Yes, sir.
12 Q. And you recognize that document?
13 A. Yes, sir.
14 Q. And is it dated at the top?
15 A. Yes, sir.
16 Q. What's the date on it?
17 A. September the 12th.
18 Q. Of what year?
19 A. 2005.
20 Q. Is that your --
21 A. Yes, September 12th, 2005.
22 Q. Is that your signature at the bottom?
23 A. Yes, sir.
24 Q. And I'm going to read the last paragraph to
25 make sure, and then I have a question.

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1 "I declare under the penalty of perjury under
 2 the laws of the State of California that the foregoing
 3 is true and correct, except for those matter alleged on
 4 Information & Belief, and to those matters I believe to
 5 be true also. This declaration was executed on," line,
 6 "at SVSP Facility 'A' in the County of Monterey, and in
 7 the City of Soledad California." And it's signed
 8 Charles Jordan. Is that what it says there?
 9 A. It is.
 10 Q. Did you sign this under the penalty of
 11 perjury?
 12 A. Yes, sir.
 13 Q. I'm going to read, directing your attention to
 14 number 2, and it says, "That on or about 12/01/04,"
 15 December 1st of '04, 2004, "and on several subsequent
 16 occasions while in the D2 exercise cages, inmate
 17 Williams and I spoke extensively about the defendants
 18 he intend to file civil charges against relative to the
 19 way he was treated by guards in response to the
 20 incident he had with inmate White." Is that paragraph
 21 true?
 22 A. Yes, sir.
 23 Q. What did you mean by the "D2 exercise cages"?
 24 Is that administrative segregation?
 25 A. Yes, sir.

1 strengthen his charges against other guards and to
 2 fight off Summary Judgment, which was anticipated to be
 3 filed by other defendants. Again, Inmate Williams
 4 assured me that at some point after Summary Judgment he
 5 would drop C/O Tuntakit as a defendant, because none of
 6 his actions were considered malicious or
 7 unprofessional. I then agreed to give Inmate Williams
 8 an affidavit on the contingency he would not pursue
 9 false claims against this officer." Did I read that
 10 correctly?
 11 A. Yes, sir.
 12 Q. Is that correct?
 13 A. Yes, sir.
 14 Q. And is that true?
 15 A. Yes, sir.
 16 Q. I'm going to read number 4.
 17 "It should be noted that while I did in fact
 18 give Mr. Williams an affidavit to pursue his claims, it
 19 is my Information & Belief that C/O Tuntakit has always
 20 performed all his duties as Correctional Officer in a
 21 respectful and professional manner. During my
 22 residence at Salinas Valley State Prison I have 'never'
 23 observed C/O Tuntakit using excessive force against
 24 inmates, nor have I ever observed him to conspire with
 25 other guards to do anything that would be considered

1 Q. Were you both in administrative segregation at
 2 the time?
 3 A. Yes.
 4 Q. And the exercise cages are how you get your
 5 exercise when you're on administrative segregation?
 6 A. Yes.
 7 Q. I'm going read number 3.
 8 So you say number 2 is correct, true and
 9 accurate?
 10 A. Yes, sir.
 11 Q. "Mr. Williams requested an affidavit regarding
 12 my knowledge of the incident. During my conversation
 13 with Mr. Williams, I made it clear to Inmate Williams
 14 that I never witnessed any misconduct on behalf of C/O
 15 Tuntakit and C/O Maze. At this time Inmate Williams
 16 informed me that he had no intentions of pursuing
 17 litigation against C/O Tuntakit or Maze, and that at
 18 some point during litigation process he planned to drop
 19 them as defendants and pursue other guards who's
 20 actions were more malicious and injurious to his
 21 welfare." Am I reading that correctly?
 22 A. Yes, sir.
 23 Q. "Inmate Williams further explained that the
 24 only reason he had included C/O Tuntakit in the law-
 25 suit is because it was necessary in order for him to

1 unprofessional. It is my Information & Belief C/O
 2 Tuntakit is one of the few staff working here who has
 3 always treated both staff and inmate as 'human beings'
 4 deserving of respect and the best professionalism."
 5 Did I read that correctly?
 6 A. Yes, sir.
 7 Q. Is number 4 true and correct?
 8 A. Yes, sir.
 9 Q. Is it true and correct even as of today's
 10 date, September 7th, 2006?
 11 A. Yes, sir.
 12 Q. Would you like to see -- let me strike that.
 13 Does it bother you that Officer Tuntakit is
 14 still a defendant in this lawsuit?
 15 A. Yes, sir.
 16 Q. Do you feel that he should be dismissed from
 17 this lawsuit, Officer Tuntakit?
 18 A. Based upon my knowledge of his behavior, yes.
 19 But I don't have -- I don't know what his --
 20 apparently, Mr. Williams has knowledge of something
 21 that I don't.
 22 Q. Okay.
 23 Mr. Williams told you that he was going to
 24 drop him from his lawsuit at some point, didn't he?
 25 A. Yes, sir.

1 Q. And you believed him?
2 A. Yes, sir.
3 Q. And, in fact, you drafted the declarations for
4 him based on your belief that he would drop
5 Officer Tuntakit from the lawsuit?
6 A. Yes, sir.
7 Q. And it's your understanding today that
8 Officer Tuntakit has not been dropped from this
9 lawsuit?
10 A. That's my understanding from what you've said,
11 yes, sir.
12 MR. McDONOUGH: I'd like to mark this as
13 Exhibit 23.
14 (Plaintiff's Exhibit 23, marked.)
15 BY MR. McDONOUGH:
16 Q. Have you been part of the mental health
17 services delivery system here at Salinas Valley State
18 Prison at all?
19 A. Yes, sir.
20 Q. And have you been diagnosed with any mental
21 illness?
22 A. Yes, sir.
23 Q. What was that?
24 A. Post-traumatic stress disorder.
25 Q. Do you know where that comes from?

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1 A. I believe so.
2 Q. Where do you believe it comes from?
3 A. Numerous incidents with staff. For example,
4 when I was at Corcoran, the beatings I observed and
5 those that I sustained.
6 Q. As a result of that, you believe you developed
7 a post-traumatic stress disorder, is that PTSD?
8 A. I believe that contributed to it, yes.
9 Q. What else do you think contributed to it?
10 Your whole life or --
11 A. 12 years at San Quentin. I did time at just
12 about all of the level 4 prisons: Folsom, San Quentin,
13 Pelican Bay, Corcoran. I seen lots of violence, death.
14 Q. And this, obviously, has had a negative effect
15 on you?
16 A. Yes, sir.
17 Q. If you had to -- it sounds from the
18 declaration we just read that you hold Officer Tuntakit
19 in high regard?
20 A. Yes, sir.
21 Q. And is it your hope, do you hope that
22 Officer Tuntakit does not receive any discipline or
23 adverse action as a result of this case, this current
24 lawsuit that we're taking your deposition on?
25 A. Apparently, yes.

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1 Q. You would like him to not be in any trouble?
2 A. Yes, sir.
3 Q. And you would like other officers in the
4 California Department of Corrections and Rehabilitation
5 to emulate Mr. Tuntakit's demeanor?
6 A. (Nodding head up and down.)
7 Q. Mr. Tuntakit's professionalism?
8 A. Yes, sir.
9 Q. At any time did Mr. Williams offer to give you
10 anything if he should win this lawsuit?
11 A. No.
12 Q. He didn't offer to, say, give you any money if
13 he won this lawsuit?
14 A. No, sir.
15 Q. Anything at all?
16 A. No. I asked him to try and get me out of the
17 jurisdiction, if he could, of the defendants. And
18 that's about it.
19 Q. When did you ask him that?
20 A. I asked him that during one of our
21 conversations prior to me giving him - or prior to or
22 after, I can't remember which one came first, but I
23 knew there would be repercussions. I figured it would
24 be a good idea for both of us to be transferred out of
25 the jurisdiction, so I asked him to try to do that.

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1 Q. Did he say he would?
2 A. Yeah, he said he would ask the judge. That's
3 all he could do.
4 Q. Would you still like to be transferred today
5 to another prison?
6 A. Yes, sir.
7 Q. Which prison would you like to go to?
8 A. Possibly Mule Creek, Folsom.
9 Q. Is Mule Creek the best prison in the
10 California of Department of Corrections?
11 A. Is it the what?
12 Q. Is it the best prison?
13 A. No, sir.
14 Q. Which is the best prison?
15 A. In my opinion, it would be San Quentin.
16 Q. Regarding September 6, 2003, do you recall
17 seeing Officer Tuntakit there in Building B-5 at around
18 7:00 p.m. when you returned from the dining hall?
19 A. Today I don't recall that. I don't recall.
20 Q. If you can give me just a second, I'll review
21 my notes. (Brief pause.)
22 Have you been diagnosed with any mental
23 illnesses other than the post-traumatic stress
24 disorder?
25 A. Have I ever?

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33 (Pages 129 to 132)

1 Q. Yes.
2 A. Possibly.
3 Q. What were you diagnosed with?
4 A. Best I can recall, I remember seeing something
5 about antisocial personality disorder.
6 Q. Anything else?
7 A. Possibly if you go way, way, way back to when
8 I -- the first part of my incarceration, I had, I can't
9 recall what it was. They said a lot of stuff back
10 then, so possibly.
11 Q. What did they say?
12 A. Possibly post-psychotic.
13 Q. Post-psychotic.
14 When's your next parole date?
15 A. I'm not sure. I believe it's -- I'm not sure.
16 Q. Are you actively working on things that you
17 believe will assist you in the parole?
18 A. Yes, sir.
19 Q. What are those things?
20 A. Well, I'm going to group therapy. I take
21 advantage of just about every program in the yard.
22 Going to group therapy. Trying to stay out of
23 trouble. Participate in the chapel program, group
24 therapy, lifer program.
25 THE REPORTER: I'm sorry, what program?

1 Q. Do you remember why you filled out this
2 affidavit? Did somebody ask you to do so?
3 A. It's possible that -- it's possible Tuntakit
4 told me that he had been -- that he was still a party
5 to this lawsuit, and that probably surprised me. I
6 probably voluntarily told him that I would give him
7 this affidavit.
8 Q. Do you talk regularly with Officer Tuntakit?
9 A. Beg your pardon?
10 Q. Do you talk regularly with Officer Tuntakit?
11 A. I used to. I used to during the time -- I
12 used to.
13 Q. Did you talk about this case with
14 Officer Tuntakit?
15 A. Possibly I talked to him about it a couple of
16 times.
17 Q. I know you talked to him at least some of the
18 time because you talked about the affidavit with him,
19 right?
20 A. This affidavit, if I wrote it, I had to have
21 talked to him about it.
22 Q. So you discussed this affidavit with him
23 before you sent it to the court?
24 A. Yes. I probably --
25 Q. Yes or probably?

1 THE WITNESS: Lifer, l-i-f-e-r, program.
2 Trying to have good rapport with the officers, that
3 helps. That's about it. Not too much programs
4 available.
5 BY MR. McDONOUGH:
6 Q. Is that an area you would like to see reformed
7 at the prison, more programs?
8 A. Yes, sir, I would like there to be more
9 programs to make it possible for a person to qualify
10 for parole.
11 MR. McDONOUGH: All right. Good luck with
12 that.
13 THE WITNESS: Thank you.
14 MR. McDONOUGH: I don't have any further
15 questions.
16 MR. CALABRO: I have a couple follow-up
17 questions.
18 FURTHER EXAMINATION BY MR. CALABRO
19 Q. With regard to this, I think it's Exhibit 22?
20 MR. McDONOUGH: The September 12th, 2005,
21 declaration.
22 (Discussion had off the record.)
23 BY MR. CALABRO:
24 Q. Mr. Jordan, let's look at Exhibit 23.
25 A. Yes, sir.

1 A. Probably let him read it. Be consistent with
2 what I would do, probably let him see it.
3 Q. So you even think you let him read it before
4 you sent it?
5 A. Maybe so.
6 Q. I notice there are some blanks missing. I was
7 hoping you might remember what those blanks were
8 regarding.
9 A. Those blanks were because I wasn't sure of
10 what dates or whatever. When I'm not sure of
11 something, I will just leave it blank until I can
12 verify the date.
13 Q. With paragraph 1, it's talking about a cell
14 fight between Inmate Williams and Inmate White. Is
15 that right?
16 A. Yes, sir.
17 Q. In fact, this entire declaration is talking
18 about this incident between Inmate Williams and
19 Inmate White -- let me rephrase the question.
20 Does this declaration ever discuss, talk about
21 the incident that we've been discussing today on
22 September 6, 2003, where Officer Roach and Tuntakit
23 reacted to Mr. Williams' request for medical
24 assistance?
25 MR. McDONOUGH: I'm going to object as

1 misleading.
2 THE WITNESS: I don't believe it do.
3 BY MR. CALABRO:
4 Q. In fact, in paragraph 3 on the first line it
5 says, "Mr. Williams requested an affidavit regarding my
6 knowledge of the incident."
7 A. Yes, sir.
8 Q. So that would be singular?
9 A. That would be regarding his cell fight.
10 Q. So this affidavit was based on your knowledge
11 of the defendants Tuntakit and Maze regarding the cell
12 fight?
13 A. Yes, sir.
14 Q. It didn't have anything to do with the medical
15 claim?
16 A. No, sir.
17 Q. So I'll also ask you a few more questions on
18 paragraph 3. About halfway down it says, "Inmate
19 Williams further explained that the only reason he had
20 included C/O Tuntakit in the law-suit is because it was
21 necessary in order to him for strengthen his charges
22 against other guards and to fight off Summary
23 Judgment." Do you see that?
24 A. Yes, sir.
25 Q. What was your understanding of what he meant

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1 A. Those are my words.
2 Q. Those were your words?
3 A. Yes, sir.
4 Q. Do you remember the exact words that
5 Mr. Williams said?
6 A. No, sir.
7 Q. Is it possible that this was just what your
8 impression of the conversation was about?
9 A. Yes, sir. It's possible.
10 Q. Isn't it possible that Mr. Williams didn't
11 actually feel this way, but this was just your
12 impression of what Mr. Williams felt?
13 A. Well, I indicated to Mr. Williams that I would
14 not testify against Tuntakit.
15 Q. I understand that you haven't seen
16 Officer Tuntakit do anything wrong?
17 A. Yes.
18 Q. I understand that you haven't done that. And
19 that's your testimony. But my question is: Is it
20 possible that Inmate Williams has information to
21 legitimately charge Officer Tuntakit with --
22 A. That's true. Yes, sir.
23 Q. -- with violations of his Eighth Amendment
24 rights?
25 A. Yes, sir, it's possible that he knows

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1 by that?
2 MR. McDONOUGH: Objection; speculative.
3 THE WITNESS: My understanding is that somehow
4 Tuntakit was either -- either Mr. Williams had already
5 made a claim regarding Tuntakit's involvement in the
6 incident which he was litigating and he couldn't drop
7 him at that point.
8 BY MR. CALABRO:
9 Q. So Mr. Tuntakit had already -- I mean,
10 Mr. Tuntakit had already been a part of the lawsuit.
11 Mr. Williams had already filed charges against
12 Mr. Tuntakit?
13 A. Yes, sir.
14 Q. Did Mr. Williams ever say that Tuntakit --
15 well, let me scratch that question.
16 The next sentence says, "Again, Inmate
17 Williams assured me that at some point after Summary
18 Judgment he would drop C/O Tuntakit as a defendant,
19 because none of his actions were considered malicious
20 or unprofessional." Do you see that two words?
21 A. Yes, sir.
22 Q. Do you remember if those were the exact words
23 he used?
24 A. No, sir.
25 Q. Were those --

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1 something that I don't.
2 Q. If Mr. Tuntakit is still in this lawsuit when
3 this case goes to trial, are you still willing to
4 testify in this case?
5 A. I'm willing to testify in this case; however,
6 I don't have any information that will be relevant to
7 Officer Tuntakit.
8 Q. You said that your declaration was given in
9 this case on the contingency that Mr. Williams would
10 drop Officer Tuntakit from the case?
11 A. Yes, sir.
12 Q. Will the contents of your declaration change
13 if Mr. Tuntakit isn't dropped from the case?
14 A. I guess I would still be willing to testify
15 but I just don't have any testimony that would be
16 relevant to Officer Tuntakit.
17 Q. Is the truth of the statements in your
18 declarations we talked about earlier today, are they
19 inaccurate?
20 A. Well --
21 MR. McDONOUGH: Objection; overbroad. Which
22 declaration?
23 MR. CALABRO: Any of them.
24 THE WITNESS: The part where it says,
25 contingent upon him being dropped, Tuntakit being

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1 dropped, I guess if I'm still willing to testify
2 against other officers involved, I guess that part
3 would be inaccurate.
4 BY MR. CALABRO:
5 Q. But the substance of the other declarations is
6 all true?
7 A. Yes.
8 Q. You didn't lie in any of those declarations?
9 A. No.
10 Q. Even though you still want Officer Tuntakit
11 dropped from the lawsuit, you didn't add anything
12 untruthful in the declarations regarding the substance
13 other than the contingency that we just talked about?
14 A. Yes, sir.
15 MR. CALABRO: And just for the record, Tim,
16 how did you get a copy of this, because I've never seen
17 this before.
18 MR. McDONOUGH: That's an inappropriate
19 question. I'm not being deposed.
20 I have a couple follow-up questions.
21 MR. CALABRO: I'm not finished.
22 MR. McDONOUGH: It's not appropriate for me to
23 answer questions such as that.
24 MR. CALABRO: I'd like to have a meet and
25 confer with you. I'm just curious how you got this.

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1 MR. McDONOUGH: How I got this document?
2 MR. CALABRO: Yes.
3 MR. McDONOUGH: Give me a second here.
4 MR. CALABRO: Sure.
5 MR. McDONOUGH: (Brief pause.) I don't think
6 I need to answer that question. But you may get the
7 answer later, but I'm not going to give you that answer
8 right now.
9 BY MR. CALABRO:
10 Q. I'd like to talk a little bit more about the
11 cell fight in particular. You said that you saw -- do
12 you remember the cell fight of August 2003? This was
13 the incident in which Mr. Williams had a cell fight
14 with his cellmate.
15 A. Yes.
16 Q. You testified that you saw Officer Roach spray
17 into the cell?
18 A. Yes.
19 Q. I remember you saying that the way that you
20 saw this was through the slit in the door from your
21 cell?
22 A. Yes.
23 Q. We talked earlier, and that slit is about an
24 inch wide?
25 A. Yes.

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1 Q. Through that inch, how much of Officer Roach
2 could you see? I know you said you saw his arm. Could
3 you see anything else?
4 A. You could see his arm, and you could see his
5 face if you come all the way up to the door.
6 Q. Did you ever see his face connected to the arm
7 spraying?
8 A. Yes.
9 Q. Do you remember Officer Sotello being there at
10 the same time?
11 A. I don't recall who else was there. There was
12 a lot of officers there. They had activated a personal
13 alarm, and every officer in the facility is subject to
14 respond. So everybody that were working that day was
15 probably there, so I don't remember. I remember
16 Officer Roach.
17 Q. Do you know what Officer Sotello looks like?
18 A. I can't hook the name up with a face right
19 now.
20 Q. Is it possible that in all of the confusion of
21 the day with all the officers there, that it was
22 another person's arm you saw going through the cell
23 door spraying and not Officer Roach?
24 A. That's not likely because -- it's possible.
25 It's possible. But from where I was looking, I just --

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1 it looked to be Roach. He was the one doing all the
2 talking: get off of him, get off of him.
3 Q. Was the person who was spraying into the cell,
4 was that person using their right arm or their left
5 arm?
6 A. I believe it had to be the right.
7 Q. So they were reaching their right arm into the
8 cell --
9 A. Yes.
10 Q. -- to spray?
11 A. The tray slot.
12 Q. So that would mean their back was to you, the
13 guard's back was to you?
14 A. Yes.
15 Q. Was the guard's face toward you, or was he
16 spraying this way looking into the cell?
17 A. He would have his head this way, yes. The
18 same way I am, he would have his arm through the tray
19 slot like this.
20 Q. So it's possible --
21 A. Yes.
22 Q. So you saw the back of the officer spraying
23 into the cell, his right arm was placed in. Is it
24 possible that you saw another person spraying and just
25 heard Officer Roach's voice because he was standing

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1 right there as well amongst the crowd of officers?
 2 A. It's possible.
 3 Q. There was another confusion that I think we
 4 have conflicting statements on the record, so I want to
 5 bring it to your attention and resolve it now.
 6 During my questioning, we were talking about
 7 the statement Officer Roach said, ain't a fucking thing
 8 wrong with him. He's just an LOP.
 9 A. Yes, sir.
 10 Q. I asked you whether you thought he actually
 11 believed there wasn't anything wrong with Mr. Williams.
 12 You said you thought that Officer Roach didn't think --
 13 you said Officer Roach wouldn't care, that you thought
 14 that he was just being vindictive towards
 15 Inmate Williams.
 16 MR. McDONOUGH: I'm going to -- ask your
 17 question. I'm sorry.
 18 BY MR. CALABRO:
 19 Q. When Mr. McDonough was asking you questions,
 20 you said that you really believed that Officer Roach
 21 thought Mr. Williams had nothing wrong with him, so I
 22 want to clarify the two statements. Do you understand
 23 what I'm asking you?
 24 A. I understand. To me, the way I understand
 25 them, they are one and the same. Whether he really

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1 believed nothing was wrong with him or whether he was
 2 being vindictive because of their relationship, to me
 3 they are one and the same. He don't care or he's being
 4 vindictive. Kind of like throw them all in together,
 5 not caring and being vindictive.
 6 In other words, I don't care what's wrong with
 7 you. Ain't nothing wrong with you is just a statement
 8 being made. I don't think he really -- I don't know.
 9 All I know is what I heard. And based upon the
 10 relationship, he probably didn't care.
 11 MR. McDONOUGH: I'm just going to object to
 12 that last question and move to strike as being
 13 speculative.
 14 MR. CALABRO: I have no further questions.
 15 MR. McDONOUGH: I just have a couple, just
 16 briefly, Mr. Williams.
 17 FURTHER EXAMINATION BY MR. McDONOUGH
 18 Q. Who do you think sprayed Mr. Williams on
 19 August 3rd, 2003?
 20 A. From the best of my recollection, and anything
 21 is possible, I believe it was Roach.
 22 Q. Regarding Exhibit Number 23, which is your
 23 affidavit, do you know if you actually sent this to the
 24 court?
 25 A. What probably happened, I probably gave it to

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1 someone thinking that they would present it to the
 2 judge.
 3 Q. Who do you think you gave it to?
 4 Do you know if you gave it to
 5 Officer Tuntakit?
 6 A. I think so.
 7 Q. I'm going to read number 4 from that
 8 statement. In this declaration, number 4, "It should
 9 be noted that while I do in fact give Mr. Williams an
 10 affidavit to pursue his claims, it is my Information &
 11 Belief that C/O Tuntakit has always performed all
 12 duties as Correctional Officer in a respectful and
 13 professional manner. During my residence at Salinas
 14 Valley State Prison I have 'never' observed C/O
 15 Tuntakit use excessive force against inmates, nor have
 16 I ever observed him to conspire with other guards to do
 17 anything that would be considered unprofessional. It
 18 is my Information & Belief C/O Tuntakit is one of the
 19 few staff working here who has always treated both
 20 staff and inmate as 'human beings' deserving of respect
 21 and the best of professionalism." When you wrote
 22 that -- that is correct, correct, what I just read?
 23 A. Yes, sir.
 24 Q. When you wrote number 4, were you talking
 25 about at all times that you have known Officer Tuntakit

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1 at Salinas Valley State Prison?
 2 A. To the best of my knowledge, he's always.
 3 Q. And you weren't just talking about just
 4 August 3rd, 2003, in that paragraph?
 5 A. No, sir.
 6 Q. You were talking about at all times?
 7 A. Yes, sir.
 8 MR. McDONOUGH: I don't have any further
 9 questions.
 10 MR. CALABRO: I think we're done.
 11 (Time noted: 1:37 p.m.)
 12 --o0o--
 13 I, CHARLES JORDAN, do hereby declare under
 14 penalty of perjury that I have read the foregoing
 15 transcript; that I have made any corrections as appear
 16 noted, in ink, initialed by me, or attached hereto; that
 17 my testimony as contained herein, as corrected, is true
 18 and correct.
 19 EXECUTED this _____ day of _____,
 20 20_____, at _____, _____.
 (City) (State)
 21
 22
 23 _____
 CHARLES JORDAN
 24
 25

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1 REPORTER'S CERTIFICATE

2

3 I, PATRICIA GOULET, a Certified Shorthand
4 Reporter in and for the State of California, hereby
5 certify that the witness in the foregoing deposition

6 CHARLES JORDAN

7 was by me duly administered an oath to tell the truth,
8 the whole truth and nothing but the truth in the
9 within-entitled cause, and that the foregoing is a full,
10 true and complete transcript of the proceedings had at
11 the taking of said deposition, reported to the best of
12 my ability and transcribed under my direction.

13 I further certify that I am not of counsel or
14 attorney for either/or any of the parties to the said
15 deposition, nor in any way interested in the event of
16 this cause, and that I am not related to any of the
17 parties thereto.

18

19

20

21

22 Date: September 18, 2006 _____

PATRICIA GOULET,
RPR, CSR Number 8315

23

24

25

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