

# **EXHIBIT E**

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 JEFFREY L. MOORE  
DATE: Friday, September 8, 2006  
TIME: 9:31 a.m.  
PLACE: Salinas Valley State Prison  
31625 Highway 101  
Soledad, California  
REPORTED BY:  
Patricia Goulet  
RFR, CSR No. 8315  
JOB NO. 51971

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1 APPEARANCES:  
2  
3 FOR THE PLAINTIFF:  
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12 STATE OF CALIFORNIA  
13 DEPARTMENT OF JUSTICE  
14 OFFICE OF THE ATTORNEY GENERAL  
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20  
21  
22  
23  
24  
25

Page 2

1 JEFFREY L. MOORE,  
2 having been first duly administered an oath to tell the  
3 truth, the whole truth, and nothing but the truth,  
4 testified as follows:  
5 EXAMINATION BY MR. CALABRO  
6 Q. Will you state your full name for the record.  
7 A. Jeffrey Leon Moore.  
8 Q. And what's your DCR number?  
9 A. D-01082.  
10 Q. Mr. Moore, my name is Toji Calabro. I  
11 represent Gerry Williams who's an inmate at Salinas  
12 Valley State Prison in a lawsuit called Williams  
13 against Ross. In this lawsuit, Mr. Williams is suing  
14 various correctional officers at Salinas Valley State  
15 Prison for denying him medical care, or what he says,  
16 they inappropriately responded to his request for  
17 medical assistance.  
18 Have you ever spoken with me before today?  
19 A. No.  
20 Q. Have you ever spoken with Mr. McDonough before  
21 today?  
22 A. No.  
23 Q. Have you ever been deposed before? Have you  
24 ever had your deposition taken?  
25 A. No, sir.

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1 (Pages 1 to 4)

1 Q. Do you know what a deposition is?  
 2 A. I guess you ask questions and I give you the  
 3 answers.  
 4 Q. Let me explain how this works.  
 5 The court reporter has just sworn you in.  
 6 A. Correct.  
 7 Q. You are now under oath as you would be under  
 8 oath testifying in a court of law.  
 9 A. Okay.  
 10 Q. Do you understand that?  
 11 A. Yes.  
 12 Q. You are subject to the same penalty of perjury  
 13 today as you would be if you were to lie in court.  
 14 A. Okay.  
 15 Q. Do you understand that?  
 16 A. Um-hmm.  
 17 Q. What's going to happen is that I'm going to  
 18 ask you a series of questions about your background,  
 19 about your relationships with other people at Salinas  
 20 Valley State Prison, and what you remember regarding  
 21 the facts relevant to this case.  
 22 A. Okay.  
 23 Q. If at any point you don't understand my  
 24 questions, just ask me and I will clarify them, repeat  
 25 them so that you do understand.

Page 5

1 A. They say I hear voices.  
 2 Q. They say you hear voices?  
 3 A. They say I hear voices.  
 4 Q. Do you hear voices?  
 5 A. I don't believe I do.  
 6 Q. Do you know whether Navane would affect your  
 7 ability to give your best testimony today?  
 8 A. It wouldn't.  
 9 Q. Do you know whether it would affect your  
 10 memory in any way?  
 11 A. It wouldn't.  
 12 Q. Are you taking any other medication today?  
 13 A. A whole bunch of blood pressure medications,  
 14 but I haven't had those, either.  
 15 Q. Do you know whether those blood pressure  
 16 medications would affect your ability to give your best  
 17 testimony today?  
 18 A. It wouldn't.  
 19 Q. Would it affect your memory?  
 20 A. No.  
 21 Q. Do you remember the name of the blood pressure  
 22 medication that you take?  
 23 A. Atenolol is one of them.  
 24 Q. Can you say that again.  
 25 A. Atenolol.

Page 7

1 A. Okay.  
 2 Q. You have a right to do that, and I ask you to  
 3 do that if you don't understand.  
 4 A. Okay.  
 5 Q. It's very important that you understand  
 6 everything that I ask you and the words that I use so  
 7 that your answer is accurate.  
 8 A. All right.  
 9 Q. Did you take any -- are you under any  
 10 medication today?  
 11 A. No, not yet.  
 12 Q. Not yet?  
 13 A. Not yet.  
 14 Q. Do you normally take medication?  
 15 A. Yes.  
 16 Q. What medication do you normally take?  
 17 A. Navane.  
 18 Q. I'm sorry?  
 19 A. Navane. It's a psychotropical medication.  
 20 Q. How do you spell that?  
 21 A. I don't know.  
 22 Q. Navane? And it's a what?  
 23 A. Psychotropical medication. Psych med.  
 24 Psychotropical medication, for mental health.  
 25 Q. Why do you take that?

Page 6

1 Enalapril, Klonopin and Clonidine.  
 2 Q. Do you know how to spell any of those?  
 3 A. No, I don't. Sorry.  
 4 Q. So we have Navane, we have blood pressure  
 5 medications. Is there anything else?  
 6 A. That's it.  
 7 Q. You said that you haven't taken any of those  
 8 medications today, even though you normally take them?  
 9 A. Um-hmmm.  
 10 Q. Would the absence of taking these medications;  
 11 that is, that you haven't taken them yet, would the  
 12 fact that you haven't taken these medications affect  
 13 your memory today?  
 14 A. No.  
 15 Q. Would it affect your ability to give your best  
 16 testimony?  
 17 A. No.  
 18 Q. Is there anything else, any other  
 19 circumstances that would affect your ability to give  
 20 your best testimony today?  
 21 A. No.  
 22 Q. So there's no reason you can't --  
 23 A. Actually, one.  
 24 Q. What's that?  
 25 A. I'm trying to figure out who's Gerry Williams.

Page 8

1 Q. It's just that you don't know who Mr. Williams  
2 is?  
3 A. Right.  
4 Q. But there's no reason you can't give your best  
5 testimony today?  
6 A. No.  
7 Q. Mr. Moore, did you receive what's called a  
8 notice of deposition?  
9 A. Is that the subpoena paper?  
10 Q. Yes.  
11 A. Yes.  
12 Q. You did receive that. When did you receive  
13 that?  
14 A. Last Wednesday, I believe. Yeah, Wednesday.  
15 Q. Do you have any idea what it was related to?  
16 A. Half of it was blacked out. All it said was  
17 my name, I will appear here at 9:00 o'clock in the  
18 morning.  
19 Q. Who gave that to you?  
20 A. Correctional Counselor Navarro.  
21 Q. Did you ask any questions about the subpoena?  
22 A. I asked her what it was about. She said she  
23 didn't know either. Everything's blacked out.  
24 Q. Did she indicate who blacked it out?  
25 A. No, she didn't.

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1 A. Yes, she is.  
2 Q. What does she look like?  
3 A. Hispanic, about five-three, five-four. Real  
4 short hair.  
5 Q. What building are you in?  
6 A. Building 5.  
7 Q. Does she work in Building 5?  
8 A. Yes.  
9 Q. Does she normally work in Building 5?  
10 A. Yes.  
11 Q. What cell are you in?  
12 A. B-5, 221.  
13 I think the reason why she wouldn't let me  
14 bring it, I had a medical appointment scheduled for  
15 11:45. Medical called me at, I'd say about a quarter  
16 to 9:00, 8:30. So when we go to medical, we can't  
17 bring nothing with us for security reasons. So they  
18 came and got me from medical and brought me directly  
19 here.  
20 Q. Did you tell them that you had some records  
21 that you wanted to bring with you here?  
22 A. No. Because when I tried to tell her I didn't  
23 want to go to medical, she forced me to go to medical.  
24 Q. What other documents did you want to bring  
25 with you here today?

Page 11

1 Q. Did you ask who had blacked it out?  
2 A. Usually when it's information like that,  
3 usually it's either the CC2 or the records office.  
4 Q. What is the CC2?  
5 A. Correctional Counselor 2, her supervisor.  
6 Q. Either she blacked it out or?  
7 A. Or the records office.  
8 Q. Or the records office blacked it. You didn't  
9 ask?  
10 A. No. Normally when you get legal documents of  
11 that nature, that's how it's done. Usually they have  
12 the address and phone number, something in there. They  
13 black everything out and give us a copy of it.  
14 Q. Interesting.  
15 Did you happen to bring that notice with you  
16 today?  
17 A. I tried to bring it, but they told me I  
18 couldn't bring nothing.  
19 Q. Who told you you couldn't bring anything?  
20 A. The building officer.  
21 Q. Who is the building officer?  
22 A. Ramos.  
23 Q. R-a-m-o-s-?  
24 A. Um-hmm.  
25 Q. Is he a correctional officer?

Page 10

1 A. Just basically the subpoena so I'd know what  
2 this is about.  
3 Q. So you didn't talk to anybody in preparation  
4 for this deposition today?  
5 A. No.  
6 Q. Did you review --  
7 A. Oh, excuse me, I did. I talked to the  
8 correctional officer. I was trying to find out what  
9 this is about. Like I said, she didn't know. And that  
10 was the only person.  
11 Q. Did you review any documents in preparation  
12 for today's deposition?  
13 A. No.  
14 Q. Other than the subpoena?  
15 A. Nothing.  
16 Q. Sir, I'm going to ask you a few questions  
17 about some of the guards here at Salinas Valley State  
18 Prison.  
19 A. Okay.  
20 Q. First is a guard by the name of Officer Roach.  
21 A. Um-hmm.  
22 Q. Do you know who Officer Roach is?  
23 A. Yes.  
24 Q. Can you describe your relationship with  
25 Officer Roach.

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3 (Pages 9 to 12)

1 A. Relationship, or what type of person he is?  
 2 Q. Yes.  
 3 MR. McDONOUGH: Objection; vague and  
 4 ambiguous.  
 5 BY MR. CALABRO:  
 6 Q. I'm sorry. I meant to tell you this earlier.  
 7 A. I hear the objection, but what's he objecting  
 8 to?  
 9 Q. At various points today, Mr. McDonough may  
 10 object to various questions that I ask. Those  
 11 objections are simply for the record, and you still  
 12 need to answer the question as if he said nothing. So  
 13 just disregard whatever he says.  
 14 MR. McDONOUGH: Just legal stuff.  
 15 BY MR. CALABRO:  
 16 Q. Do you understand that?  
 17 A. Okay.  
 18 Q. The court reporter is making a record, and in  
 19 case we need to admit this for evidence or into the  
 20 record, his objection is just noted for the record.  
 21 A. Okay.  
 22 Q. Also in relation to that, whenever I ask you  
 23 questions, because the court reporter is taking every  
 24 word we say down, it's very important that you answer  
 25 every question with a verbal "yes" or a verbal "no."

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1 A. Okay.  
 2 Q. No "uh-huh" or nodding the head.  
 3 A. I'll let you know.  
 4 Q. It's also important to let me finish my  
 5 question and then I'll wait to get your response  
 6 because it's very hard for her to record what two  
 7 people are saying at the same time. Is that  
 8 understandable?  
 9 A. Yes.  
 10 Q. So how would you describe Officer Roach?  
 11 A. Friendly, speaks to everybody, tries to help  
 12 people when he can.  
 13 Q. When did you first meet Mr. Roach,  
 14 Officer Roach?  
 15 A. I can't be certain. Maybe in -- I got here in  
 16 '96. I want to say maybe '99, or after 2000. I've  
 17 been here for ten years, so it's hard to say exactly  
 18 when.  
 19 Q. Let us back up and talk about your background.  
 20 Can you tell me where you grew up?  
 21 A. San Francisco.  
 22 Q. Were you born in San Francisco?  
 23 A. Yes, sir.  
 24 Q. You lived there your whole life?  
 25 A. Off and on.

Page 14

1 Q. Did you go to high school in San Francisco?  
 2 A. Yes.  
 3 Q. Did you graduate from high school?  
 4 A. No.  
 5 Q. Did you graduate from high school at all?  
 6 A. No.  
 7 Q. Did you ever receive your GED?  
 8 A. Yes.  
 9 Q. When did you receive that?  
 10 A. Let me think. I was in the Youth Conservation  
 11 Camp, so 16, 17.  
 12 Q. 16, 17?  
 13 A. When I was 16, 17 years old.  
 14 Q. Do you remember what year that was?  
 15 A. '76, '77.  
 16 Q. Did you go to college at all?  
 17 A. No.  
 18 Q. Did you go to any other kind of education,  
 19 school?  
 20 A. Like, training schools throughout California  
 21 Department of Corrections for different trades.  
 22 Q. What kind of trades did you learn?  
 23 A. Like brake and front end.  
 24 Q. I'm sorry?  
 25 A. Brake and front end.

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1 Q. I don't know what that means.  
 2 MR. McDONOUGH: Automotive.  
 3 THE WITNESS: Automotive, yeah.  
 4 BY MR. CALABRO:  
 5 Q. Anything else?  
 6 A. A couple of typing classes, clerical skills.  
 7 Q. Anything else?  
 8 A. That's about it.  
 9 Q. Have you ever had a job?  
 10 A. Yeah. Yes.  
 11 Q. What was your first job?  
 12 A. Driving for United Truck Line.  
 13 Q. For United --  
 14 A. -- Truck Line in San Francisco.  
 15 Q. What was your job there?  
 16 A. Truck driver.  
 17 Q. How long were you there?  
 18 A. Maybe four years.  
 19 Q. What did you do after that?  
 20 A. I went to work for Moore Sandia West Recycling  
 21 Company.  
 22 Q. Moore?  
 23 A. Moore Sandia.  
 24 Q. Do you know how to spell that?  
 25 A. I'm not sure.

Page 16

1 Q. What did you do there?  
2 A. Truck driver.  
3 Q. How long were you there?  
4 A. Two years.  
5 Q. What did you do after that?  
6 A. Then I went to Emeryville Recycling Center.  
7 Q. What did you do there?  
8 A. Truck driver.  
9 Q. How long were you there?  
10 A. I think maybe three and a half to four years.  
11 Q. What did you do next?  
12 A. Became a criminal.  
13 Q. How many times have you been arrested?  
14 A. I'll say over two dozen.  
15 Q. Over two dozen times?  
16 A. Right.  
17 Q. Do you remember the first time? What you were  
18 arrested for?  
19 A. First time, yeah. Auto theft.  
20 Q. For every time that you were arrested, were  
21 you charged with a crime?  
22 A. No.  
23 Q. How many times have you been charged with a  
24 crime?  
25 A. Over two dozen. Over two dozen. See, I will

Page 17

1 get charged then, like, I go to court and the charges  
2 might get dismissed.  
3 Q. How many times have you been found guilty of a  
4 crime?  
5 A. I'd say, once again, 17, just to be safe. The  
6 reason I say 17 is because, like, I had a set of  
7 forgery cases, and they found me guilty of seven of  
8 them, but it was different convictions.  
9 Q. I see. So you had how many forgery  
10 convictions?  
11 A. About -- convictions, about seven or eight.  
12 Q. Do you remember any other crimes that you've  
13 been charged or found guilty of?  
14 A. Um-hmm.  
15 Q. What are those?  
16 A. Grand theft auto, like I said, forgery,  
17 assault with a deadly weapon, possession of a  
18 controlled substance.  
19 Q. What was the controlled substance?  
20 A. Cocaine.  
21 Did I say robbery already?  
22 Q. No.  
23 A. And robbery.  
24 (Brief pause. Court reporter technical  
25 difficulties.)

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1 BY MR. CALABRO:  
2 Q. So you had said that you had been found guilty  
3 of about 17 crimes?  
4 A. Correct.  
5 Q. You mentioned forgery, seven to eight  
6 convictions; grand theft auto, assault with a deadly  
7 weapon, possession of cocaine?  
8 A. Correct.  
9 Q. And robbery?  
10 A. Correct.  
11 Q. Are there any others?  
12 A. That covers it.  
13 Q. Those were the crimes you were found guilty  
14 of?  
15 A. Correct.  
16 Q. Have there been any other crimes that you've  
17 pled guilty to?  
18 A. Those crimes right there.  
19 Q. So you pled guilty to these?  
20 A. Right.  
21 Q. There wasn't a jury?  
22 A. No jury trial.  
23 Q. You actually admitted you committed these  
24 crimes?  
25 A. Yes.

Page 19

1 Q. The forgery convictions, did you plead guilty  
2 to all of these at the same time?  
3 A. Separate cases.  
4 Q. What were the forgery convictions about?  
5 MR. McDONOUGH: Objection; overbroad.  
6 THE WITNESS: Nowadays, they call it identity  
7 theft.  
8 BY MR. CALABRO:  
9 Q. So what did you do, then?  
10 A. Get somebody's information and apply for  
11 credit cards and use the credit cards.  
12 Q. And you did that seven to eight times?  
13 A. Right.  
14 Q. Do you remember when that was?  
15 A. 1984, I believe.  
16 Q. Did you receive a prison sentence for that?  
17 A. Yes.  
18 Q. How long?  
19 A. Three years.  
20 Q. So you completed that prison sentence?  
21 A. Yes.  
22 Q. Then you were paroled?  
23 A. Correct.  
24 Q. What was the grand theft auto?  
25 A. Car.

Page 20

1 Q. You stole a car?  
 2 A. Um-hmm.  
 3 Q. When was that?  
 4 A. That was, what, 15, 16 years old.  
 5 Q. You were 15 or 16 years old?  
 6 A. Right.  
 7 Q. Did you receive a prison term?  
 8 A. No.  
 9 Q. What was your punishment?  
 10 A. Youth Conservation Camp.  
 11 Q. Assault with a deadly weapon, when did that  
 12 happen?  
 13 A. 1986 or '87, I believe.  
 14 Q. What happened then?  
 15 A. Three years.  
 16 Q. What happened to -- what did you do?  
 17 A. Slashed somebody's throat.  
 18 Q. You stabbed somebody's throat?  
 19 A. Um-hmm.  
 20 Q. How did that happen?  
 21 A. Heated argument.  
 22 Q. You were in an argument with somebody?  
 23 A. Right, uh-huh.  
 24 Q. Did that person die?  
 25 A. No.

Page 21

1 A. Some man. I just robbed him.  
 2 Q. On the street?  
 3 A. Actually, it was a drug deal that went bad,  
 4 but they considered it robbery. There was no evidence  
 5 the drugs actually transpired between us.  
 6 Q. Would that have affected your sentence if it  
 7 was a drug deal?  
 8 A. Not really.  
 9 Q. Was this in San Francisco?  
 10 A. Yes, South San Francisco.  
 11 Q. So the drug deal went bad and you just took  
 12 his money?  
 13 A. Right -- actually, the victim was a female.  
 14 It was her money.  
 15 Q. We need to be politically correct.  
 16 A. Thanks.  
 17 Q. In prison, how long have you been at Salinas  
 18 Valley State Prison?  
 19 A. Since October of 1996.  
 20 Q. Have you always been in B facility?  
 21 A. No. I was over in A yard.  
 22 Q. Did you start at A yard?  
 23 A. I started at A yard.  
 24 Q. How long were you there?  
 25 A. Maybe eight months.

Page 23

1 Q. So you finished your sentence for the assault  
 2 with a deadly weapon?  
 3 A. Correct.  
 4 Q. When did the possession of a controlled  
 5 substance occur?  
 6 A. 1988, I believe. '88 '89 -- or '89.  
 7 Q. What was your prison term for that?  
 8 A. Actually -- a year.  
 9 Q. A year?  
 10 A. One year.  
 11 Q. So you finished that prison term?  
 12 A. Correct.  
 13 Q. And then the robbery, when did that occur?  
 14 A. That's why I'm here now. 12 and a half years  
 15 ago.  
 16 Q. So --  
 17 A. It was '94. 1994.  
 18 Q. What happened there?  
 19 A. I received 15 years.  
 20 Q. 15 years for robbery, but three years for  
 21 stabbing somebody's throat?  
 22 A. Second strike.  
 23 Q. This is your second strike?  
 24 A. Right.  
 25 Q. What did you steal? Who did you rob?

Page 22

1 Q. And then what?  
 2 A. Then I came to B facility.  
 3 Q. And you've been there ever since?  
 4 A. Correct, except when I went to the hole.  
 5 Q. When was that?  
 6 A. In September of last year.  
 7 Q. September 2005?  
 8 A. Correct.  
 9 Q. How long were you there?  
 10 A. September -- maybe four and a half months.  
 11 Q. Until?  
 12 A. January 10th of this year.  
 13 Q. Why did you go to the hole?  
 14 A. Drug debts, selling drugs.  
 15 Q. Selling drugs?  
 16 A. Right.  
 17 Q. In prison?  
 18 A. In prison.  
 19 Q. Have you received any RVRs, rules violation  
 20 reports?  
 21 A. Since?  
 22 Q. Since you arrived.  
 23 A. Oh, yes.  
 24 Q. How many?  
 25 A. Maybe eight or nine.

Page 24

1 Q. Do you remember what those were for?  
2 A. One was possession of alcohol -- well, pruno.  
3 Q. What is pruno?  
4 A. Home made alcohol.  
5 Q. You make it here at the prison?  
6 A. Yes.  
7 Q. Is that sanctioned by the guards?  
8 A. Yes.  
9 Q. They allow you to do this?  
10 A. No, no.  
11 Q. It's important for you to ask me if you don't  
12 understand what I'm asking you.  
13 A. I thought you said do they control it. If we  
14 get busted with it, we get punished for it.  
15 Q. It's not allowed?  
16 A. No.  
17 Q. It's against the rules to have pruno?  
18 A. Correct.  
19 Q. So there was possession of pruno. Do you  
20 remember any of the other RVRs that you had?  
21 A. Disobeying direct orders.  
22 Q. Do you remember what order you disobeyed?  
23 A. Refusing to lock to my cell.  
24 Q. Refusing to what?  
25 A. Lock to my cell. It was a delay in lock-up.

Page 25

1 Q. Anything else, or was it just one?  
2 A. It was, like, several of them of that nature.  
3 The way they do the rule violation reports, they charge  
4 you with one thing, they could say something else.  
5 Like they say, you failed to obey a direct order.  
6 Well, the order was you refused to go to your cell when  
7 the announcement was made. It is like a direct order  
8 but I participated in refusing to lock up, or refusing  
9 to stand by my cell door.  
10 Q. Do you remember any other RVRs?  
11 A. Basically, that's it.  
12 Q. So they were all either disobeying direct  
13 orders or possession of pruno?  
14 A. Correct.  
15 Q. All right.  
16 I'm going to hand you a document. I apologize  
17 I didn't have copies of this made. I didn't think I  
18 was going to use it.  
19 MR. McDONOUGH: Do you want me to pass it to  
20 him?  
21 MR. CALABRO: Yes.  
22 BY MR. CALABRO:  
23 Q. Do you recognize that document?  
24 A. Yes. Now I remember who Gerry is.  
25 Q. Can you hand that back.

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1 Does that refresh your recollection about who  
2 Gerry Williams is?  
3 A. Yes.  
4 Q. Do you remember what this case is about now?  
5 A. Yes.  
6 Q. Would you like a chance to reread this  
7 document to refresh your recollection?  
8 A. Actually, yes.  
9 Q. This was your handwriting on this page?  
10 A. This is my handwriting.  
11 Q. Is that your signature at the bottom?  
12 A. Yes, it is.  
13 MR. McDONOUGH: I'm going to ask that it be  
14 admitted. I think it needs to be admitted as an  
15 exhibit at some point in the deposition.  
16 I'm just going to object on foundation in  
17 regards to the use of this document.  
18 THE WITNESS: (Brief pause.)  
19 Okay. Yeah. We can talk about that document.  
20 BY MR. CALABRO:  
21 Q. When is the last time you've seen  
22 Mr. Williams?  
23 A. It was maybe October, November.  
24 Q. Of what year?  
25 A. Of last year.

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1 Q. So almost a year?  
2 A. No -- oh, yeah. Actually, yes, it is almost a  
3 year.  
4 Q. So you haven't talked to Mr. Williams about  
5 this case since at least October or November of last  
6 year?  
7 A. Correct. It might have been after -- let's  
8 say up until, just to be safe, to the end of December.  
9 Q. So you don't remember talking -- when's the  
10 last time you remember talking to Mr. Williams about  
11 this case?  
12 A. I want to say around Christmastime of last  
13 year.  
14 Q. Do you remember when you wrote this  
15 declaration?  
16 A. Yes.  
17 Q. When was that?  
18 A. Hmmmm. Let me think of the exact time. Do  
19 you need the exact month?  
20 Q. If you remember when it was.  
21 A. Let's say October, November of last year.  
22 Q. Of 2005?  
23 A. Yes.  
24 Q. Have you look at the last paragraph there.  
25 MR. McDONOUGH: Does it make sense to mark it

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1 as an exhibit now so we can keep the record clear on  
2 what we're passing?  
3 MR. CALABRO: If you want to, that's fine.  
4 MR. McDONOUGH: Why don't we mark it  
5 Exhibit 24, that way we can refer to it and make the  
6 record clear.  
7 (Plaintiff's Exhibit 24, marked.)  
8 BY MR. CALABRO:  
9 Q. That says to October 2003?  
10 A. Um-hmm.  
11 Q. So did you actually do it --  
12 A. No, I didn't. I know exactly when I did this  
13 document.  
14 Q. Why did you date it October 2003?  
15 A. Because this document -- do you want it back?  
16 Q. No.  
17 A. This document right here is supposed to be a  
18 rough draft for Mr. Williams, a copy of his own. All  
19 this was was a rough draft. This document was done in  
20 2005 when I was in the hole.  
21 Q. When you were in the hole?  
22 A. Um-hmm.  
23 Q. Is that document accurate?  
24 A. If you want to know the truth, no, it's not  
25 accurate. It is not accurate.

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1 Q. What is not accurate about it?  
2 A. Well, we did it at the time we were in the  
3 hole. We was maybe two or three cells apart. He was  
4 asking me how would he write something up. I said,  
5 okay, give me the circumstances. I will do a rough  
6 draft for you.  
7 I did the rough draft. This is the rough  
8 draft. He was supposed to destroy this document.  
9 Q. So nothing in that document is true?  
10 A. I remember vaguely this incident. As far as  
11 him making all the statements where he told me to go  
12 tell the officer, no.  
13 Q. None of that happened?  
14 A. No.  
15 Q. You said that you sort of remembered this  
16 incident?  
17 A. Um-hmm.  
18 Q. What do you remember exactly?  
19 A. I can't remember the exact date. Mr. Williams  
20 told me one time he was having chest pains. I asked  
21 what did he want me to do. He told me to go out and  
22 notify Officer Rocha.  
23 Q. Officer Rocha or Officer Roach?  
24 A. We call him Rocha. You're talking about a  
25 tall, white dude. You guys call him Roach, we call him

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1 Rocha.  
2 Q. But it's Officer Roach?  
3 A. Right.  
4 Officer Roach told Mr. Williams he will be in  
5 his cell in a couple seconds. I went to my cell.  
6 Roach went to Mr. Williams' cell.  
7 Q. Mr. Roach went to Mr. Williams' cell?  
8 A. Yes.  
9 Q. Do you remember what time it was?  
10 A. It had to be -- I came in, let's say between  
11 4:00, I got to just give you a rough estimate. I'd say  
12 between 4:00 and 5:30.  
13 Q. Why do you say it was between 4:00 and 5:30?  
14 A. Normally when I'm working in the program  
15 office, I usually leave the program office to go back  
16 to my assigned cell between 4:00 and 5:30 for count.  
17 Q. So this was before -- this incident happened  
18 before count?  
19 A. Correct.  
20 Q. Is it possible that it happened during count?  
21 A. No.  
22 Q. Why is that?  
23 A. Because if it happened during count, I would  
24 have been in my cell.  
25 Q. So before count occurred, you saw

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1 Officer Roach go to Mr. Williams' cell to see how he  
2 was?  
3 A. Yes.  
4 MR. McDONOUGH: I'm going to object. It's  
5 vague as to date. It's a kind of an ambiguous  
6 question.  
7 BY MR. CALABRO:  
8 Q. Was this on September 6, 2003?  
9 A. I can't -- I know it was in 2003. I can't be  
10 sure what month or what date, but it was in 2003.  
11 Q. Could you see Officer Roach go to  
12 Mr. Williams' cell?  
13 A. If I'm not mistaken, Mr. Williams lived in  
14 either cell 134 or 136.  
15 Q. How do you know that?  
16 A. Because he used to always call me every time I  
17 come in the building.  
18 Q. He used to call you every time you came in the  
19 building?  
20 A. Mr. Williams, he always wanted something. He  
21 used to always yell my name out.  
22 Q. What kinds of things would he ask you?  
23 A. Hot water. Something stupid.  
24 Q. Why would he ask you these things?  
25 A. Because I was the only one out at that time.

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1 Q. Why were you out?  
2 A. Because I was coming back from the program  
3 office.  
4 Q. What's the program office?  
5 A. Well, how can I explain. Where all the clerks  
6 work at. It's on the patio area outside the building.  
7 Q. Do you work there everyday?  
8 A. Everyday.  
9 Q. At least during September of 2003?  
10 A. Yes.  
11 Q. So you would work in the program office from  
12 what time to what time?  
13 A. From, like, 7:00 o'clock in the morning to,  
14 like I said, up until 4:00 or 5:30. And after the  
15 institutional count here, about 6:30, I'll go back to  
16 my job to, like, 7:45, 8:30.  
17 Q. I'm sorry. What time do you go back after  
18 count?  
19 A. After count, usually about quarter to 7:00.  
20 Q. Did Mr. Williams ever ask you to get medical  
21 assistance before, or is this the only time that you  
22 remember this happening?  
23 A. Mr. Williams used to ask everybody to get him  
24 medical assistance in the housing unit.  
25 Q. In the housing unit?

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1 A. Correct.  
2 Q. So he would frequently need medical  
3 assistance?  
4 A. Correct.  
5 MR. McDONOUGH: Objection; misrepresentation  
6 of the testimony.  
7 BY MR. CALABRO:  
8 Q. Is it fair to say that you knew that  
9 Mr. Williams had a medical, had medical problems?  
10 A. In his head.  
11 Q. In his head. How do you know that it was all  
12 in his head?  
13 A. Sometimes I would go to Mr. Williams' door,  
14 he'd be sitting around talking like we speaking now.  
15 Next thing he goes, go tell officer you found me laying  
16 on the floor.  
17 All right, Gerry. Officer, man's laying on  
18 the floor. He needs medical help.  
19 Q. Is it against prison procedures to have  
20 another inmate ask for medical assistance?  
21 A. No.  
22 Q. Or at least not that you're aware of?  
23 A. Not that I'm aware of.  
24 Q. Do you ever remember Mr. Williams complaining  
25 of severe chest pains?

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1 A. Yes.  
2 Q. Is that often?  
3 A. Yes.  
4 Q. How often, would you say?  
5 A. I mean, you want an exact number?  
6 Q. An estimate.  
7 A. Out of a week, let's say maybe four times.  
8 Q. Four times a week?  
9 A. Yes.  
10 Q. What would happen when he asked for medical  
11 assistance?  
12 A. Normal procedure, from whatever building  
13 officer we usually have, they notify the health  
14 department. The MTA come over, examine you. If they  
15 felt you need to go down to central treatment center,  
16 that's where they sent you.  
17 Q. Did you ever observe MTA coming to observe  
18 Mr. Williams?  
19 A. I want to say yes, but I can't be certain.  
20 Q. You can't be certain.  
21 A. You know what. I will change my answer on  
22 that one. Yes, I have seen them come to assist  
23 Mr. Williams.  
24 Q. What happened? Did they take him to the MTA?  
25 A. They usually examine him right there in the

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1 building. On some occasions, they would take him over  
2 to facility B clinic.  
3 Q. So you remember him being taken to the MTA  
4 clinic by the MTA?  
5 A. Correct.  
6 Q. So at least some of the time Mr. Williams'  
7 complaints were legitimate?  
8 MR. McDONOUGH: Objection; calls for  
9 speculation.  
10 THE WITNESS: Actually, I'd like to answer  
11 that question.  
12 The way they do it here, if you complain about  
13 chest pains, automatically they have to take you over  
14 there to examine you.  
15 BY MR. CALABRO:  
16 Q. So every time an MTA came to see Mr. Williams,  
17 they always took him back to the MTA clinic?  
18 MR. McDONOUGH: Objection; calls for  
19 speculation.  
20 BY MR. CALABRO:  
21 Q. Every time that you've seen the MTA come over  
22 to observe Mr. Williams, they always took him back to  
23 the MTA clinic?  
24 A. I can't say for certain.  
25 Q. Do you remember a time in which you saw the

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1 MTA come to observe Mr. Williams but they didn't take  
 2 him back to the MTA clinic?  
 3 A. Yes.  
 4 Q. I'm confused. I thought you just said it was  
 5 procedure that every time they called, they took him  
 6 back?  
 7 A. Every time you call, if you tell them you're  
 8 having chest pains and they come over to see you, they  
 9 take you. I can't say every time they came, they came  
 10 for his chest pains. Like I said, Mr. Williams, he'll  
 11 complain about anything and everything under the sun  
 12 just to get out of his cell.  
 13 Q. How do you know that he'll complain just to  
 14 get out of his cell?  
 15 A. Because I have assisted him on several  
 16 occasions.  
 17 Q. Do you remember those occasions?  
 18 A. I can't give months, but I remember lies I  
 19 told for him.  
 20 Q. What are the lies that you told for him?  
 21 A. Like he was profusely sweating when he was  
 22 throwing water on his forehead to make it look like he  
 23 was sweating.  
 24 Q. When was that?  
 25 A. In 2003.

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1 Q. When?  
 2 A. I can't give you months, but I remember doing  
 3 these things for Mr. Williams.  
 4 Q. Why would you do these things for him?  
 5 A. Because he wanted to get out of the cell.  
 6 Q. Why would you help him?  
 7 A. Because at certain times I would say I felt  
 8 Mr. Williams was being treated unfairly.  
 9 Q. Why do you say that?  
 10 A. A lot of cops didn't like him.  
 11 Q. Why didn't they like him?  
 12 A. He would write them up for anything and  
 13 everything. He was a manipulator.  
 14 Q. What would they write him up for?  
 15 A. Okay. Let's see. What was the last thing  
 16 they wrote him up for.  
 17 Oh, one time he wrote him up because dinner  
 18 wasn't hot enough for him. One time he wrote him up  
 19 because he didn't get his shower right when his chrono  
 20 said he's supposed to get his shower.  
 21 Q. Anything else that you remember?  
 22 A. Actually -- no, no. I can't say that. No.  
 23 Q. So the only thing that he ever wrote him up  
 24 for that you know of were for dinners and warm showers?  
 25 A. He wrote him up for a whole bunch of things

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1 that didn't make any sense to nobody.  
 2 Q. But were some of them legitimate?  
 3 A. Being in prison, in any opinion, no, they  
 4 wasn't.  
 5 Q. None of them were legitimate that you know of?  
 6 A. I don't remember every single one, but the one  
 7 that he used to talk about, waste of time.  
 8 Q. How did he used to talk about this?  
 9 A. He is always trying to get a group petition  
 10 going against different rules in the prison right  
 11 within our housing unit, 602.  
 12 Q. So the only 602s that you remember  
 13 Mr. Williams talking about was his dinner wasn't hot  
 14 enough and his shower wasn't on time?  
 15 A. Dinners, showers, packages, special purchase  
 16 orders they wasn't doing those fast enough.  
 17 Q. Were these actual violations of rules even if  
 18 they were technical violations of the rules?  
 19 MR. McDONOUGH: Objection; speculation.  
 20 THE WITNESS: No.  
 21 BY MR. CALABRO:  
 22 Q. That you know of, anyway?  
 23 A. No.  
 24 Q. Did Mr. Williams ever tell you why he was  
 25 doing these things?

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1 A. No.  
 2 Q. Did these 602s that Mr. Williams filed, were  
 3 they before or after he started being treated poorly by  
 4 the guards?  
 5 MR. McDONOUGH: Objection; uses information  
 6 that's not in evidence, ambiguous and vague.  
 7 THE WITNESS: Question again, please.  
 8 MR. CALABRO: The question was -- would you  
 9 read the question back.  
 10 (Record read as follows:  
 11 QUESTION: Did these 602s that  
 12 Mr. Williams filed, were they before  
 13 or after he started being treated  
 14 poorly by the guards?  
 15 THE WITNESS: I can't say for sure.  
 16 BY MR. CALABRO:  
 17 Q. What kinds of things would the guards do to  
 18 Mr. Williams that you said were unfair?  
 19 A. I would consider them unfair making him wait a  
 20 extended period of time actually for his shower.  
 21 Q. So they did it on purpose?  
 22 MR. McDONOUGH: Objection; calls for  
 23 speculation.  
 24 THE WITNESS: I can't say it was on purpose  
 25 because, like I stated earlier, yes, he had a medical

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1 chrono for a shower. Like the guards tell all of us  
2 when we get these chronnels, the chronnels do not have  
3 times on them. There are certain chronnels, if you  
4 have, like, medication you have to put on your body and  
5 it has to be taken off within 30 minutes, they will  
6 make sure you get your shower. But they tell you,  
7 they're not going to stop their program because you  
8 want your shower. You'll get it before 9:00 o'clock.  
9 That's all that counts.  
10 BY MR. CALABRO:  
11 Q. My question was, the guards made Mr. Williams  
12 wait for his shower that was past his medical chronnel.  
13 Is that right?  
14 MR. McDONOUGH: Objection; overbroad.  
15 THE WITNESS: That was your question.  
16 BY MR. CALABRO:  
17 Q. Am I understanding your testimony correctly?  
18 A. No.  
19 Q. So, let's clarify the record.  
20 A. What I'm saying -- I'll try to help you.  
21 Q. Okay.  
22 A. When they have -- let's say we told them  
23 Mr. Williams' sickly. They would tell him, we're not  
24 going to give you your shower at 7:00 o'clock when you  
25 want your shower. As long as we give it to you before

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1 we leave at 9:00 o'clock, you got a shower for that  
2 day.  
3 Q. Now, do you have any idea what his medical  
4 chrono said?  
5 A. That you get a daily shower.  
6 Q. I'm asking if you know. I'm not asking you to  
7 guess.  
8 A. No, I know. It's a daily shower.  
9 Q. So Mr. Williams had asked for a shower and  
10 they wouldn't give it to him when he wanted it?  
11 A. Correct.  
12 Q. Is there any particular reason why he would  
13 want it at a certain time?  
14 MR. McDONOUGH: Objection; calls for  
15 speculation.  
16 BY MR. CALABRO:  
17 Q. That you know of?  
18 A. To get out of his cell.  
19 Q. Any other reason?  
20 A. No.  
21 Q. So my understanding is he would ask for a  
22 shower from the guards?  
23 A. Yes.  
24 Q. And they would make him wait?  
25 A. Yes.

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1 Q. And then he would file a 602?  
2 A. I can't say for sure.  
3 Q. Would you agree that they at least made him  
4 wait for a shower?  
5 A. Not only him, everyone else.  
6 Q. But they made him wait for a shower?  
7 A. Correct.  
8 Q. When he would ask for a shower, and they would  
9 say, you have to wait?  
10 A. Correct.  
11 Q. What else did the guards do that you thought  
12 was unfair to Mr. Williams?  
13 A. Called him out of his name.  
14 Q. What does that mean, "called him out of his  
15 name"?  
16 A. Let me say. They will call him a cry baby, a  
17 whiner, tell him to stop sniveling.  
18 Q. Did they do anything else that you thought was  
19 unfair?  
20 A. No.  
21 Q. Do you think it's fair to say that there is an  
22 antagonistic relationship between Mr. Williams and the  
23 guards?  
24 A. That's a good one.  
25 There might be.

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1 Q. What do you mean? Why do you say, "there  
2 might be"?  
3 A. It depends who the officer is and what's the  
4 situation.  
5 Q. What officers were the most antagonistic  
6 toward Mr. Williams?  
7 A. That I really can't say for sure.  
8 Q. Was Mr. Roach antagonistic toward  
9 Mr. Williams?  
10 A. I would say no.  
11 Q. Why is that?  
12 A. I know Roach, I dealt with Roach. He treats  
13 all of us the same. His motto is the same. If you got  
14 it coming, I'll give it to you; if you don't have it  
15 coming, don't ask me for it. He's not going to treat  
16 me better than he treat anybody else. That's always  
17 been his policy since I've known him.  
18 Q. Have you ever seen Mr. Williams and Mr. Roach  
19 interact?  
20 A. Yeah.  
21 Q. Have you ever seen Mr. Roach call Mr. Williams  
22 names?  
23 A. Yes, I have.  
24 Q. Frequently?  
25 A. Yes.

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1 Q. Is it fair to say that Mr. Roach would taunt  
 2 Mr. Williams?  
 3 MR. McDONOUGH: Objection; argumentative.  
 4 THE WITNESS: No.  
 5 BY MR. CALABRO:  
 6 Q. What's your understanding of the word "taunt"?  
 7 A. Continuously pick at him.  
 8 Q. You say that didn't happen?  
 9 A. No.  
 10 Q. Even though he continuously called  
 11 Mr. Williams names?  
 12 A. It was an even exchange.  
 13 Q. It was an even exchange?  
 14 A. Yeah.  
 15 Q. What would Mr. Williams call Mr. Roach?  
 16 A. Whew. Is it safe to say? He will call him an  
 17 asshole, he will call him bitch. He will tell him to  
 18 go fuck his mother. The whole nine yards.  
 19 Q. This was after Mr. Roach started making fun of  
 20 him?  
 21 A. I would say -- I remember one incident when I  
 22 was coming in the building from work, Mr. Williams  
 23 asked me to go tell Mr. Roach that he wanted, I think  
 24 it was a shower -- no, he needed to go to MTA after  
 25 count.

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1 He said, okay, go tell the cry baby I'll let  
 2 him go. Mr. Williams already yelled out of the cell,  
 3 go fuck yourself. This is to Officer Roach.  
 4 Q. This was after Officer Roach said, go tell the  
 5 cry baby --  
 6 A. I'll take care of it.  
 7 I never made it back to the cell to tell  
 8 Mr. Williams, but he knew Roach was going to say  
 9 something negative, so he just shouted out the door,  
 10 tell him to go fuck himself.  
 11 Q. Wasn't it possible that Mr. Williams already  
 12 heard Mr. Roach when he said that?  
 13 MR. McDONOUGH: Objection; calls for  
 14 speculation.  
 15 THE WITNESS: To my knowledge, no.  
 16 BY MR. CALABRO:  
 17 Q. Your cell was on the bottom floor, right?  
 18 A. Um-hmm.  
 19 Q. It was fairly close to 15 to 20 feet away  
 20 from --  
 21 A. You couldn't hear it.  
 22 Q. Have you ever been in Mr. Williams' cell?  
 23 A. Once. Once or twice.  
 24 Q. With the door shut or with the door open?  
 25 A. Open.

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1 Q. And you couldn't hear anybody from the guards,  
 2 you don't remember hearing anybody from the guards?  
 3 A. No.  
 4 Q. I'd like to get back to the day in question  
 5 with regard to this specific declaration. Do you  
 6 remember that day?  
 7 A. Um-hmm.  
 8 Q. And it was on that day -- was it in September  
 9 of 2003?  
 10 A. That I did this?  
 11 Q. No.  
 12 So you wrote Exhibit 23 about a certain day?  
 13 MR. McDONOUGH: I think it's Exhibit 24.  
 14 BY MR. CALABRO:  
 15 Q. I'm sorry. Exhibit 24 about a certain day?  
 16 A. Correct.  
 17 Q. Was that day that you wrote this about, was  
 18 that in September of 2003?  
 19 A. Well, Mr. Williams the one that gave me the  
 20 date.  
 21 Q. Independently, do you remember it being in  
 22 September of 2003?  
 23 A. No.  
 24 Q. When do you remember it being?  
 25 A. I can't say exactly.

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1 Q. You don't know for sure?  
 2 A. Right.  
 3 Q. But you definitely remember a day which  
 4 Mr. Williams asked you to go ask Mr. Roach for medical  
 5 assistance because he was having chest pains?  
 6 A. Chest pains.  
 7 Q. And you have no idea when that day was?  
 8 A. No.  
 9 Q. And you remember that day, that it was before  
 10 count?  
 11 A. Um-hmm.  
 12 MR. McDONOUGH: Objection; calls for  
 13 speculation, vague, and ambiguous.  
 14 BY MR. CALABRO:  
 15 Q. And then you saw Mr. Roach go to Mr. Williams'  
 16 cell to see how he was?  
 17 A. Correct.  
 18 Q. What did you do next?  
 19 A. Went to my cell.  
 20 MR. McDONOUGH: Objection; vague as to date,  
 21 vague as to time, no foundation.  
 22 BY MR. CALABRO:  
 23 Q. What did you do when you got to your cell?  
 24 A. Actually, nothing. Just went to my cell and  
 25 turned on the radio.

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1 Q. What did you do next?  
2 A. Turned on the radio.  
3 Q. Then what did you do after that?  
4 A. Who knows. I probably went to sleep. Normal  
5 program.  
6 Q. I thought you went back to work?  
7 A. That's after the count clears.  
8 Count usually starts at 6:00 o'clock. It  
9 usually clears around 6:45 to 7:00, and that's when I  
10 go back to work. And between that, I usually take a  
11 nap.  
12 Q. So between 6:45 to 7:00 you went to bed?  
13 A. No, actually, like, from 5:00 o'clock. I  
14 leave the program office at 4:00 o'clock, I report  
15 back, and at 5:30, I'm in my cell.  
16 Q. You're in your cell by 5:30?  
17 A. Right.  
18 Q. So you went back to your cell?  
19 A. Um-hmm.  
20 Q. And then you slept until -- you probably went  
21 to sleep until what time?  
22 A. Until institutional count clears.  
23 Q. That was around 6:30?  
24 A. About 6:30, quarter to 7:00.  
25 Q. What did you do until around 6:30?

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1 A. If count cleared at 6:30, I got up, washed up.  
2 And at 6:45, I left the building.  
3 Q. Do you happen to remember where Mr. Williams  
4 was at that time?  
5 MR. McDONOUGH: Objection; vague as to date  
6 and time.  
7 THE WITNESS: He should have been in his cell.  
8 BY MR. CALABRO:  
9 Q. Do you remember where he was at the time?  
10 A. I'd have to say he was in his cell.  
11 Q. Are you guessing or do you know?  
12 A. He was in -- I'm guessing, but nine times out  
13 of ten, he was in his cell.  
14 Q. I just want to know if you remember --  
15 A. The reason I'm saying, he was in his cell  
16 because usually when the count clears, the officers in  
17 the building comes over to the program office for their  
18 unit meeting. I usually leave with them at that time.  
19 No inmates are on the floor.  
20 Q. I understand that that's how it normally  
21 happens, but I'm asking if you remember specifically if  
22 Mr. Williams was in his cell.  
23 A. No.  
24 MR. McDONOUGH: Vague as to date and time.  
25 What day are we talking about?

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1 BY MR. CALABRO:  
2 Q. What did you do after, when you left to get  
3 back to the program office?  
4 A. I probably went over there and did some  
5 typing.  
6 Q. Do you remember that day very well at all?  
7 A. No.  
8 Q. This day that we're still talking about, this  
9 day that you remember, do you remember who  
10 Mr. Williams's cellmate was at the time?  
11 MR. McDONOUGH: Objection; vague and ambiguous  
12 as to date.  
13 THE WITNESS: If I'm not mistaken, he didn't  
14 have a cellmate.  
15 BY MR. CALABRO:  
16 Q. He didn't have a cellmate?  
17 A. No.  
18 Q. Did you know a Mr. Perkins ever in Building  
19 B-5?  
20 A. Um-hmm.  
21 Q. Do you remember a Mr. Perkins that was  
22 Mr. Williams' cellmate?  
23 A. At one time there were cellies.  
24 To be honest, I'm not certain if they were  
25 cellies. I remember they used to always be together,

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1 but I can't say 100 percent sure that I remember them  
2 actually living in the cell together.  
3 Q. Do you know an inmate by the name of  
4 Charles Jordan?  
5 A. Is he deaf?  
6 Q. No.  
7 MR. McDONOUGH: Objection.  
8 THE WITNESS: No.  
9 MR. McDONOUGH: Lack of foundation.  
10 BY MR. CALABRO:  
11 Q. Was there a porter at the time named Philly  
12 that you remember?  
13 A. Yes.  
14 Q. What can you tell me about Philly?  
15 A. What do you want to know about him. His name  
16 is Philly.  
17 Q. Was he a porter at the time?  
18 A. Yes.  
19 MR. McDONOUGH: Objection; vague as to date.  
20 BY MR. CALABRO:  
21 Q. Were you friendly with Philly?  
22 A. Yes.  
23 Q. Were you frustrated with Philly?  
24 A. No.  
25 Q. When I asked you if you remember Philly, you

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13 (Pages 49 to 52)

1 sort of shrugged your head.  
2 A. It's like, yes, I remember him. I used to  
3 sell him drugs.  
4 Q. Do you remember seeing him on the day that we  
5 were talking about with regard to that declaration?  
6 A. I cannot say for certain.  
7 Q. Do you remember if Officer Roach was working  
8 in Building 5 in September of 2003?  
9 A. I'm trying to figure out how to answer the  
10 question. The reason being because there was X-amount  
11 of days that Officer Roach worked in the building,  
12 there was X-amount of days he worked in the yard. He  
13 always got rotated. He wasn't like a permanent officer  
14 in the building all the time. So I can't say all of  
15 September he worked in the building because I might be  
16 mistaken.  
17 Q. But do you remember him working in the  
18 building in September of 2003?  
19 A. I believe so, yes.  
20 Q. Do you remember a time when Officer Roach was  
21 working in the building that Mr. Williams asked you to  
22 get him medical assistance because he had severe chest  
23 pains during September of 2003?  
24 A. I would say yes.  
25 Q. How many times?

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1 you were talking about?  
2 A. I'm not certain. The reason I'm saying that  
3 is I'm looking at the time I put down there. 7:25 I  
4 know for a fact I wouldn't be in the housing unit.  
5 Q. I'm not asking about the time. I'm asking  
6 about the day.  
7 A. Okay. I'm not sure. It could have been. I'm  
8 not certain.  
9 Q. On the day that you remember asking  
10 Officer Roach to go help Mr. Williams, do you know if  
11 Mr. Williams ever got medical assistance that day?  
12 A. No, I don't.  
13 Q. Do you know if Mr. Williams ever saw an MTA  
14 that day at all?  
15 A. You're talking about this, right here?  
16 Q. Yes.  
17 MR. McDONOUGH: Objection; calls for  
18 speculation.  
19 THE WITNESS: I'm not certain.  
20 BY MR. CALABRO:  
21 Q. Did you ever see an MTA talk to Mr. Williams  
22 on that day?  
23 A. Not certain.  
24 Q. When Officer Roach went to Mr. Williams' cell  
25 to check him out, did he then transport him to the MTA?

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1 A. I knew that was coming next. I'm not sure.  
2 Q. How many times do you remember? Do you  
3 remember just once?  
4 A. Several.  
5 Q. Do you remember if they were at the beginning  
6 of September, in the middle of September, at the end of  
7 September?  
8 A. I'm not certain.  
9 Q. The date with regard to this declaration, do  
10 you remember if this incident that you're talking about  
11 in this declaration, do you remember if that was at the  
12 beginning of September, in the middle of September or  
13 at the end of September?  
14 A. I want to say beginning.  
15 Q. I'm asking if you remember whether it was the  
16 beginning?  
17 A. I'm not certain.  
18 Q. Do you have any reason to believe it wasn't  
19 the beginning of September of 2003?  
20 A. No.  
21 Q. Is it possible it was September 6 of 2003 that  
22 Mr. Williams asked you to go ask Officer Roach?  
23 A. Yes.  
24 Q. If you had put September 6, 2003, there, is it  
25 more likely than not it was September 6 of 2003 that

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1 Did you see that?  
2 A. No, I didn't see that.  
3 Q. Did you see Mr. Roach call for an MTA on that  
4 day?  
5 A. No.  
6 Q. Is there any indication to you at all that  
7 Mr. Roach did anything to summons medical assistance  
8 for Mr. Williams on that day?  
9 MR. McDONOUGH: Calls for speculation,  
10 foundation, vague and ambiguous.  
11 THE WITNESS: No.  
12 BY MR. CALABRO:  
13 Q. We talked a little bit before about  
14 Officer Roach. You said that you were friendly with  
15 him. Is that right?  
16 A. I wouldn't say friendly. I wouldn't go that  
17 far with it.  
18 Q. Why would you not say friendly?  
19 A. I mean, I try not to be friends with actually  
20 none of them.  
21 Q. You seem like a friendly guy.  
22 A. Um-hmm.  
23 Q. But you're not friendly with Officer Roach?  
24 A. At the time it was a level 4 maximum security.  
25 Just by the politics alone, you couldn't be friendly

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1 with staff.  
2 Q. What do you mean by the "politics"?  
3 A. Prison politics.  
4 Q. Can you explain prison politics?  
5 A. I was telling him, if he was a correctional  
6 officer, I wouldn't have a conversation with him more  
7 than five minutes, a couple other inmates would have to  
8 be standing there with me just to make sure I wasn't  
9 leaking out no information.  
10 Q. What kind of information?  
11 A. Like who was selling drugs, who was planning  
12 on stabbing somebody, who had weapons in their cell.  
13 Q. Do those kind of things happen at this prison?  
14 A. Yes.  
15 Q. Do the guards know those kind of things are  
16 going to happen?  
17 A. Yes.  
18 Q. Are any guards complicit in those things  
19 happening at the prison?  
20 A. Explain.  
21 Q. Complicit means -- do you know what an  
22 accomplice is?  
23 A. No.  
24 Q. You don't know what the word "accomplice"  
25 means.

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1 Do any of the guards allow these things to  
2 happen?  
3 A. That's what "accomplice" means. No, it  
4 doesn't happen.  
5 Q. Have you heard the phrase the green wall?  
6 A. Yes.  
7 Q. What is that? What is your understanding of  
8 the green wall?  
9 A. A whole bunch of assholes. That's what our  
10 interpretation of it is.  
11 Q. Why is that?  
12 A. And were they here? Yes, they were here.  
13 Q. What is the green wall?  
14 A. A whole bunch of cops screwing over inmates,  
15 messing over them.  
16 Q. By "cops," you mean correctional officers?  
17 A. Correctional officers.  
18 Q. What kind of things would the green wall do to  
19 inmates?  
20 A. You have certain -- whatever cops was involved  
21 in the green wall would tell -- we would call shot  
22 callers --  
23 Q. I'm sorry?  
24 A. Shot callers, like inmates that actually ran  
25 certain little groups.

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1 Q. I don't know what you're saying.  
2 A. Shot callers.  
3 Q. Shock?  
4 A. No. Shot callers.  
5 Q. Shot. They would be calling the shots. Okay.  
6 Not shock collars.  
7 A. Man, where you been.  
8 For instance, if we knew a guy was a child  
9 molester or a rapist, and certain cops would give us  
10 this information, and they'd say, this guy's telling  
11 about what you're doing. They will notify us and those  
12 inmates will handle the business, stab the inmates.  
13 Q. Were you personally involved with some of the  
14 green wall?  
15 A. No, no, no. Hell, no. I couldn't stand them.  
16 Q. Why is that?  
17 A. Because they're suckers.  
18 Q. I'm sorry?  
19 A. Because the activities such as those. Even  
20 though I was selling narcotics, I still feel once the  
21 court sends somebody to prison, it's not our place to  
22 screw over them or make their life any harder. Just  
23 stay away from them.  
24 Q. So the green wall would target various,  
25 certain kinds of offenders?

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1 A. Right.  
2 Q. Who would they target?  
3 A. It would be actually at the time who they  
4 didn't like.  
5 Q. It's just whoever they didn't like?  
6 A. Right.  
7 Q. Is the green wall still around?  
8 A. In my eyes, yes.  
9 Q. Do you know who's part of the green wall?  
10 A. No.  
11 Q. If you knew who was part of the green wall,  
12 could you tell me?  
13 A. Oh, yes.  
14 Q. You're not afraid of any reprisals?  
15 A. I would probably tell him, this gentleman over  
16 here from the Attorney General's Office. I would tell  
17 him before I would tell you.  
18 Q. Why would you not be afraid of reprisals from  
19 them?  
20 A. This is what I know for a fact. Like I said,  
21 I've been here for ten years. There lots of officers  
22 here who seriously take pride in what they do. They  
23 don't tolerate bullshit from their own. If they see  
24 something that's not right, if they have the heart,  
25 they would notify the supervisors. All the supervisors

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15 (Pages 57 to 60)



1 that we have in our yard right now, I've known them and  
2 they're straight by the book. That's one thing I would  
3 say. They're straight by the book.  
4 Q. You say they would protect you?  
5 A. They would put me in the hole.  
6 Q. Administrative segregation?  
7 A. Correct.  
8 Q. You feel you would be safe there?  
9 A. Yes.  
10 Q. You could stay there the entire time?  
11 A. No. You go see what they call a institutional  
12 committee, and they would put you up for a transfer.  
13 Q. Is the green wall limited to Salinas Valley  
14 State Prison?  
15 MR. McDONOUGH: Objection; calls for  
16 speculation.  
17 THE WITNESS: No.  
18 BY MR. CALABRO:  
19 Q. So they're everywhere?  
20 A. They're everywhere.  
21 Q. So even if you were transferred to another  
22 facility, the green wall members in Salinas Valley  
23 State Prison can still --  
24 A. Correct.  
25 Q. -- tell others?

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1 A. Correct.  
2 See, what everybody's not understanding,  
3 everyone goes around using this phrase "green wall."  
4 It's like, have you ever heard the term "the  
5 good old boys"? That all the green wall is, the good  
6 old boys. They've been around from day one. They'll  
7 always be around.  
8 Q. Do you know if Officer Roach was a member of  
9 the green wall?  
10 A. No. He was too stupid to be a member of the  
11 green wall, to be honest.  
12 Q. Why do you say he was too stupid?  
13 A. Because he was one of the type of cops,  
14 officers that I know of, he's against stuff like that.  
15 Q. How do you know he's against it?  
16 A. He was against gang members on the yard,  
17 period. He didn't believe in none of that.  
18 He's not the best cop in the world. I'm not  
19 trying to paint that picture on him. He just has  
20 morals and values.  
21 Q. What makes you think that he has morals and  
22 values?  
23 A. Just -- okay, prime example. Back in 2003,  
24 2001, 2004, you always get in lock down. And a lot of  
25 officers knew the inmates depended on packages from the

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1 canteen. Officer Roach, Officer Gardinez, Officer  
2 Macula, Officer Magdaleno, they would go out of their  
3 way to make sure that we get our stuff just to satisfy  
4 us. The ones you call the green wall keep saying,  
5 don't give them nothing, make them wait.  
6 These officers went out of their way to make  
7 sure that we got our stuff.  
8 Q. What strikes me as interesting is that you say  
9 that Officer Roach has all these morals and values, yet  
10 he antagonizes Mr. Williams.  
11 A. You said it. It didn't go that way.  
12 MR. McDONOUGH: Objection; mischaracterization  
13 of testimony.  
14 BY MR. CALABRO:  
15 Q. You did say that he made fun of Mr. Williams?  
16 A. Yes.  
17 Q. Used to call him names?  
18 A. He also made fun of me and other inmates.  
19 It's a tit for tat game. But you not being in prison,  
20 you don't see the games being played. It's a big old  
21 game. My job is to get what I can from you, and your  
22 job is showing me, you think you're conning me, but  
23 you're not.  
24 Q. So it goes both ways, you're saying?  
25 A. Correct.

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1 Q. So while Mr. Williams would play games against  
2 the guards, the guards would play games against  
3 Mr. Williams?  
4 A. Yes.  
5 Q. And some of the games that the guards would  
6 play would be to make Mr. Williams wait longer for his  
7 shower or various other things?  
8 A. Yes.  
9 Q. Have you ever had a conflict with  
10 Officer Roach?  
11 A. Oh, yes.  
12 Q. What conflicts have you had with  
13 Officer Roach?  
14 A. Well, about me actually doing what I want to  
15 do.  
16 Q. I'm sorry?  
17 A. About me doing what I want to do.  
18 Q. Could you elaborate?  
19 A. As far as, go back in time, it's like you can  
20 do anything you want to do. You don't care what the  
21 consequences are. We always got into it about that.  
22 He always tried to tell me, I am in prison,  
23 not a free society, I can't do what I want to do. My  
24 idea is do what I want to do whatever the consequences  
25 are, but at this particular time.

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1 Q. What did you want to do?  
2 A. It depends on what I was doing.  
3 Q. Did you argue about specific things?  
4 A. Like, days I went to issue out packages to the  
5 inmates. It was him and other cops didn't think that  
6 was the best time to do it, and I always take a stand  
7 on it, so we used to debate on it.  
8 Q. I think you just said that Officer Roach would  
9 go out of his way to --  
10 A. He would go out of his way.  
11 Q. I thought you said Officer Roach would go out  
12 of his way?  
13 A. He would.  
14 Q. But there would be times that he would deny  
15 you giving these packages?  
16 A. Not me. He felt the time wasn't appropriate  
17 to issue them out.  
18 Q. Why didn't he feel the time was appropriate?  
19 A. Because on some occasions, Officer Gardinez is  
20 the main officer assigned to issue out the packages.  
21 Sometime Officer Gardinez will leave his chip with  
22 another officer so they could get the key to the room.  
23 I always felt that he always left it with  
24 Roach or anybody else. He would say, Moore, I'll tell  
25 him it's a lie. No way to prove that he did leave the

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1 chip, but that would start an argument.  
2 Q. I'm totally confused.  
3 A. On which part?  
4 Q. So there were these packages. Start again,  
5 there were these packages?  
6 A. The packages are secured in the facility B  
7 hobby shop behind a locked door. One officer is  
8 designated with a chip for that key.  
9 Q. A chip, meaning?  
10 A. Just a chip.  
11 Q. A computer chip?  
12 A. No. Just a regular, looks like -- we can use  
13 your bottle top. This will be a chip. So you have to  
14 bring it right to the center complex, you give them  
15 your water bottle cap, they'll give you the key to lock  
16 the room. Sometimes Officer Gardinez would leave with  
17 other officers so we couldn't get our packages. I knew  
18 Officer Gardinez and Officer Roach were, like, the best  
19 friends. Normally, he would leave it with Roach.  
20 Roach would then tell me, no, Gardinez didn't leave me  
21 the key. I'd tell him he's lying, and we just start  
22 arguing.  
23 Q. Do you remember any other conflicts that you  
24 had with Officer Roach?  
25 A. Standing in front of my cell door, showers.

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1 Q. What were the conflicts?  
2 A. I want to take a shower at a certain time,  
3 he'll tell me no. I will go in the shower anyway.  
4 Q. What about the one where you were standing in  
5 front of your cell door, what was the conflict there?  
6 A. When we come in from the shower, we're  
7 supposed to stand directly in front of our door. On  
8 the normal routine, I'll go to another cell door. He  
9 will always get on me for not standing in front of my  
10 door.  
11 Q. Why do you go to another cell door?  
12 A. I want to drop off my drugs. That's the best  
13 I can give you, if you want honesty.  
14 Q. We want honesty, that's for sure.  
15 Do you feel any need to protect Officer Roach?  
16 A. No.  
17 Q. Do you feel like you want to portray  
18 Officer Roach in a good light?  
19 A. No.  
20 Q. Would it surprise you to hear that you're the  
21 first person who did not have, who said that  
22 Officer Roach was friendly with them?  
23 MR. McDONOUGH: Objection; suggests facts that  
24 are not in evidence, speculation, improper question.  
25 THE WITNESS: No.

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1 BY MR. CALABRO:  
2 Q. That wouldn't surprise you?  
3 A. (Shaking head from side to side.)  
4 Q. Why is that?  
5 A. Because inmates around here, if we're going to  
6 be honest, when it comes to hearings like these, like  
7 115 hearings, they always try to paint the picture that  
8 these officers are treating them wrong on this and that  
9 and actually, that's not the case.  
10 Q. Why is it the case that all these people tell  
11 a story that's different than you?  
12 A. All these people are actually black, too,  
13 aren't they?  
14 Q. I'm asking you.  
15 A. Because I'm going to be honest about it. I  
16 know Roach a lot longer than whatever other these  
17 inmates you talked about or have talked with, and I  
18 just know him.  
19 Q. What does the race of these prisoners have to  
20 do with anything?  
21 A. Because around here in this setting, everybody  
22 always pull out the race card.  
23 Q. Nobody's mentioned race except you.  
24 A. But they pull it out. If this was a black  
25 officer up in the area, they'd be saying half nice

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1 things about him and paint a picture, he is a straight  
 2 asshole. You look at inmates here, by being black  
 3 that's an asshole. It's just a big game.  
 4 Roach is not one of the nicest officers, and  
 5 he's not one of the worst.  
 6 Q. Why isn't he one of the nicest? What does he  
 7 do that makes him not a nice guy?  
 8 MR. McDONOUGH: Objection; calls for  
 9 speculation.  
 10 THE WITNESS: He won't bring you contraband.  
 11 BY MR. CALABRO:  
 12 Q. So you're saying the nice officers are the  
 13 ones that bring contraband?  
 14 A. Yes, there are a lot of nice officers that  
 15 bring contraband into the prison system.  
 16 Q. Does that help people get drugs to sell?  
 17 A. We wouldn't go with drugs. We go with DVDs.  
 18 Q. What about Officer Tuntakit, what do you know  
 19 about Officer Tuntakit? I suppose you know  
 20 Officer Tuntakit.  
 21 A. Um-hmm.  
 22 Q. What is your relationship with  
 23 Officer Tuntakit?  
 24 A. He's all right.  
 25 Q. He's all right.

1 A. Maybe a couple months, max.  
 2 Q. This was in the program office?  
 3 A. Yes.  
 4 Q. When you work in the program office, do you  
 5 interact often with the prison guards?  
 6 A. Yes.  
 7 Q. Do you think that helps you develop a  
 8 different relationship with the prison guards than,  
 9 say, Gerry Williams?  
 10 A. Yes.  
 11 Q. Would you characterize your relationship with  
 12 the prison guards as more friendly than, say,  
 13 Mr. Williams' relationship with the prison guards?  
 14 MR. McDONOUGH: Objection; calls for  
 15 speculation.  
 16 THE WITNESS: Actually, yes, it was.  
 17 BY MR. CALABRO:  
 18 Q. Would it be fair to say, then, that you would  
 19 be less likely to say negative things about prison  
 20 guards than Mr. Williams would?  
 21 A. No.  
 22 MR. McDONOUGH: Objection; calls for  
 23 speculation.  
 24 BY MR. CALABRO:  
 25 Q. Do you still work with prison guards?

1 A. Yeah.  
 2 Q. Did you ever have conflicts with  
 3 Officer Tuntakit?  
 4 A. Nothing serious.  
 5 Q. On the day that this declaration concerns, the  
 6 day that you remember asking Officer Roach to help  
 7 Mr. Williams get medical assistance, do you remember if  
 8 Officer Tuntakit was around at the time?  
 9 MR. McDONOUGH: Objection; calls for  
 10 speculation, mischaracterization of the testimony, lack  
 11 of foundation.  
 12 THE WITNESS: I can't say for sure.  
 13 BY MR. CALABRO:  
 14 Q. When's the first time you met  
 15 Officer Tuntakit?  
 16 A. I can't say for sure about that one. I -- I'm  
 17 going to say it might have been before 2000. I'm going  
 18 to say around the year 2000.  
 19 Q. Can you describe your interactions with  
 20 Officer Tuntakit?  
 21 A. At one point, he was my acting supervisor.  
 22 And that's basically it.  
 23 Q. When was he your acting supervisor?  
 24 A. Maybe in 2002.  
 25 Q. For how long, do you remember?

1 A. No.  
 2 Q. You don't work in the program office?  
 3 A. Actually, I do work around prison guards.  
 4 Q. What do you do?  
 5 A. I'm a porter in Building 5.  
 6 Q. So you still do work with prison guards?  
 7 A. Um-hmm.  
 8 MR. McDONOUGH: I need a break, whenever is  
 9 good.  
 10 (Recess had from 10:50 until 10:53.)  
 11 BY MR. CALABRO:  
 12 Q. Do you know of any instances of intimidation  
 13 by prison guards to other prisoners at this prison?  
 14 A. Be more specific.  
 15 MR. McDONOUGH: Objection; overbroad.  
 16 BY MR. CALABRO:  
 17 Q. Have there been examples of -- have there ever  
 18 been a case in which a prison guard has suggested, that  
 19 you know of, has suggested to a prisoner that you  
 20 shouldn't testify against him in a lawsuit?  
 21 A. No.  
 22 Q. Has there ever been any examples of prison  
 23 guards threatening violence against a prisoner, that  
 24 you know of?  
 25 MR. McDONOUGH: Objection; calls for

1 speculation.  
2 THE WITNESS: In regards to a lawsuit?  
3 BY MR. CALABRO:  
4 Q. Just in general.  
5 A. They do it all the time.  
6 Q. What do they say?  
7 A. They'll kick your ass straight out.  
8 Q. If what?  
9 A. It depends on the situation. I mean, sometime  
10 a inmate will step up and challenge an officer, and  
11 they tell you, do it and I'll kick your ass. Just by  
12 the training I have, I will kick your ass, simple.  
13 Q. Are those the only kind of examples in which a  
14 guard said I can kick a prisoner's ass?  
15 A. I've seen guards say, I will have you beat up,  
16 and it has happened.  
17 Q. How has that happened?  
18 A. Back to what I said before earlier. They tell  
19 the inmates what inmate to get, and they will tell  
20 them, give them something or if they ever get in a  
21 situation where they can help them, they'll assist  
22 them, and then beat up another inmate.  
23 Q. So a prison guard will tell an inmate to go  
24 beat up another inmate, or he'll say, the prison guard  
25 will say to the prisoner, if you're ever in a situation

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1 and I can help you out, I will help you out?  
2 A. Yes.  
3 Q. So that does happen in which prison guards  
4 will offer to help out a prisoner in exchange for the  
5 prisoner doing a favor for the prison guard?  
6 A. Yes.  
7 Q. And you know this from personal experience?  
8 A. Yes.  
9 Q. So generally, it's a good idea to do favors  
10 for prison guards if they're willing to help you out?  
11 A. I will say yes.  
12 Q. In your opinion, it's a good idea to do favors  
13 for prison guards if they can help you out?  
14 A. It goes both ways. The answer is still going  
15 to be yes.  
16 Q. So you help out prison guards, and the prison  
17 guards will help out you?  
18 A. Will I do it now?  
19 Q. I'm just asking, when you say it goes both  
20 ways, does it mean you help out a prison guard and a  
21 prison guard will help out you?  
22 A. Well, see -- at the time when I was actually  
23 selling narcotics on the yard, no, they couldn't help  
24 me out. Because the inmates I had around me was my  
25 protectors. So actually, the guards couldn't do

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1 nothing. Their job was to keep the guards off me. So  
2 when you said, I'm a nice guy, yes, I was nice only  
3 because of what I was doing at the time. So a certain  
4 amount of respect I had to show them in order for them  
5 not to mess with me. So that actually balanced out.  
6 Q. Do you still have those prisoners that protect  
7 you?  
8 A. No.  
9 Q. We were talking about the back and forth.  
10 A. Um-hmm.  
11 Q. So what you meant by back and forth, then, was  
12 if you help out a prison guard, then a prison guard  
13 will help you out?  
14 A. Correct.  
15 Q. Let's talk a little bit more about this  
16 declaration that you did, Exhibit 24. I'm going to  
17 read -- I'm sorry I don't have an extra copy. It says,  
18 "I, Jeffrey Leon Moore, D-01082 declare under the  
19 penalty of perjury that the foregoing is true and  
20 correct. Executed on this 17th day of October 2003 at  
21 Salinas Valley State Prison, P.O. Box 1040, Soledad,  
22 California 93960," and then the rest of the ZIP code is  
23 cut off.  
24 A. Right.  
25 Q. Do you need to see that to see that I read it

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1 correctly?  
2 A. No. I know you read it correctly.  
3 Q. You wrote that in your own handwriting?  
4 A. Yes.  
5 Q. And you signed it in your own handwriting?  
6 A. Correct.  
7 Q. So you wrote that you were under penalty of  
8 perjury?  
9 A. Um-hmm.  
10 Q. And you signed it?  
11 A. Correct.  
12 Q. Even though all this now is incorrect?  
13 A. No. The actual facts in there, some of them  
14 are incorrect. Like I said, the date that it was  
15 written, that's incorrect.  
16 Mr. Williams asked me to do a rough draft. I  
17 said, give me an example. He told me about the  
18 situation that happened with him and Tuntakit and  
19 Roach, and he mentioned another officer. I said, if I  
20 were to write it, I would write it like this.  
21 Q. Do you have any legal background?  
22 A. Somewhat.  
23 Q. What is your legal background?  
24 A. As far as writing documents like that, I type  
25 up inmates' legal work. The way you have it written on

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1 paper, you have some guys in here that actually know  
2 the law, they just can't afford typewriters. I'll sit  
3 there and copy it for them. After a while, you just  
4 know how stuff should be done, and books you read.  
5 Q. So Mr. Williams asked you how to draft a  
6 declaration?  
7 A. I had said I will draft it, because he wasn't  
8 a great speller.  
9 Q. So you gave him a rough draft of this?  
10 A. Right. That actually was a rough draft.  
11 Q. Where did you get the information for the  
12 rough draft?  
13 A. From Mr. Williams. Like I say, we were a few  
14 cells away from each other, and all we did was talk,  
15 the only thing we could do.  
16 Q. So was there ever a final draft?  
17 A. No. That's just an example of how he should  
18 have written it, the correct spelling, and that was it.  
19 Q. So this information was for him to sign?  
20 A. Right. My name, he supposed to have rewritten  
21 it with his name. That was just a draft. He told me  
22 that paper was thrown away.  
23 Q. But was it your understanding that you were  
24 eventually going to do a declaration for him?  
25 A. Not for him.

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1 was the original, but I guess you made a copy of it.  
2 Somebody made a copy of it.  
3 Q. Somebody made a copy of this then I received  
4 it.  
5 But I'm confused about why you would put  
6 specific information about your specific job. What  
7 does the second line here say?  
8 A. Which one?  
9 Q. Right through here, on Exhibit 24.  
10 A. "On or about September 6, 2003" --  
11 Q. Next line.  
12 A. Return to my assigned cell housing in B-5 from  
13 the program office.  
14 Q. The program office wasn't Gerry?  
15 A. No, no, no. You confused yourself.  
16 I told Gerry, if I was going to do one of  
17 these for him, this is how I would write it. I told  
18 him, you have to put where you work at, where the guy  
19 was coming from. This is how I would do it, if I was  
20 doing it. He said, okay. I will change it, copy it,  
21 correct spelling for a lot of stuff.  
22 Q. Just so the record is clear, let's read  
23 through this, and I want you to tell me which sentence  
24 is accurate and which sentence is inaccurate.  
25 MR. McDONOUGH: Objection; mischaracterization

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1 Q. Nothing regarding this case?  
2 A. No.  
3 Q. Why did you put your name?  
4 A. Like I said, it was a rough draft.  
5 Gerry, this is the way I will write it. I'll  
6 put my name, filled out all the information, shot it  
7 back to him. Gerry, all you got to do is change the  
8 names, the dates and times and stuff.  
9 He said, all right. He told me, like I said,  
10 he flushed that paper. Now you have the paper.  
11 Q. I'm just confused that you would put such  
12 specific information regarding you specifically in  
13 here.  
14 A. He did tell me what he said, what he wanted  
15 was written, right? I said, okay, this is how I will  
16 do it.  
17 Actually, you know what? There was another  
18 guy in there that he was supposed to be writing it for.  
19 Q. I'm sorry?  
20 A. Three of us in the hole from the yard, and he  
21 was supposed to give me the copy of how to do it. I  
22 told him, I would do one. Here's the information.  
23 Whole nine yards. Here's how I will write it, Gerry,  
24 if I was doing it for you. And I gave it back to him.  
25 He said, I will copy it, and flush the original. That

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1 of the evidence, vague and ambiguous.  
2 THE WITNESS: So still want me to read?  
3 BY MR. CALABRO:  
4 Q. Just read it out loud.  
5 A. "I Jeffrey Leon Moore, D-01082 hereby declare  
6 as follows. I am a prisoner at Salinas Valley State  
7 Prison, P.O. Box 1050, Soledad, California 93960-1040."  
8 Q. Is that correct?  
9 A. That's correct.  
10 Q. That's correct.  
11 A. "I have personal knowledge of the matter  
12 stated herein. If called to testify, I could and would  
13 competently testify to the matters set forth below."  
14 Q. So let's stop. That's neither true or untrue?  
15 A. That would be correct.  
16 Q. Right.  
17 A. Okay. "On or about September 6, 2003, at  
18 approximately 7:25 p.m. I was returning to my assigned  
19 housing unit B5 from the Facility B5 from the Facility  
20 B program office."  
21 Q. Stop. Is that the end of the sentence?  
22 A. I will say no, but I guess so.  
23 Q. Let's stop there. Let's identify everything  
24 that was correct and incorrect in that sentence.  
25 A. The date would be incorrect.

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1 Q. The date's incorrect or you just don't  
2 remember?  
3 A. I just don't remember.  
4 The time would be incorrect.  
5 Q. Because it was what time?  
6 A. 7:25.  
7 Q. And you said before count?  
8 A. Right.  
9 MR. McDONOUGH: Objection. He just said he  
10 doesn't know the day. It's a very misleading question  
11 and ambiguous. Thank you.  
12 THE WITNESS: Let's see. I was returning to  
13 my assigned cell. I was in unit B-5. Okay.  
14 Actually, let me make sure I understand the  
15 question. You want me to go through and read this  
16 paper and see what information would be correct and  
17 what information would be false?  
18 BY MR. CALABRO:  
19 Q. Correct.  
20 A. If that's the case --  
21 MR. McDONOUGH: I'm going to object as  
22 misleading and ambiguous question for the record.  
23 MR. CALABRO: That's just for the record.  
24 THE WITNESS: I'm giving him time to stop.  
25 MR. McDONOUGH: Thank you.

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1 THE WITNESS: I will say, on or about  
2 September 6, 2003, at approximately 7:25 I was  
3 returning to my assigned -- no, I returned to my  
4 assigned cell housing unit B program office. I would  
5 say that is incorrect.  
6 BY MR. CALABRO:  
7 Q. And the reason why?  
8 A. That would be a lie.  
9 Q. The reason why is because you don't remember  
10 the date, and the time is wrong?  
11 A. Correct.  
12 Q. Because you do remember returning from the  
13 program office at some point and asking -- okay.  
14 Go ahead. We'll just finish. We'll just  
15 leave it there.  
16 A. I am assigned as a purchase clerk. That part  
17 is correct.  
18 Q. That was correct as of September 2003?  
19 A. I can't say that date's correct.  
20 Q. You just don't remember?  
21 A. I just don't remember.  
22 Q. Okay.  
23 A. "As I entered the housing unit B5 inmate  
24 Williams called me to his cell B5, 126." I'm not sure  
25 that's right. "And asked me to inform C/O Roach that

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1 he (Williams) needed to go to the medical clinic due to  
2 experiencing chest pains and reported heart  
3 palpitations." Is that what it is? That would be  
4 incorrect. On that day. At the time he did tell me to  
5 go tell him that he had chest pains, but I can't say it  
6 was this specific date and that specific time.  
7 And as far as the cell number, I was always  
8 under the impression Mr. Williams was either in -- I  
9 remember Mr. Gerry Williams living in 123, 134 and,  
10 like, 141. I know he wasn't in 126 at the time.  
11 Q. Okay.  
12 A. All right. "I then approached C/O Roach and  
13 C/O," I guess, "Tuntakit and informed them that  
14 Mr. Williams in cell 126 was having heart problems and  
15 needed to go to the medical clinic. C/O Roach stated:  
16 'It ain't a fucking thing wrong with him,' ain't no  
17 fucking thing wrong with him. "He just want to get out  
18 of his cell because he's on L.O.P. status."  
19 Q. Do you know if that was true?  
20 A. He had said that before.  
21 Q. He has said that before?  
22 A. He has said that before.  
23 Q. Do you remember if it was the same day that  
24 you asked him for medical assistance?  
25 A. I can't say for sure.

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1 Q. You can't say for sure?  
2 A. That sounds like Rocha. That's why I'm saying  
3 that sounds like him.  
4 Q. By "Rocha," you mean Officer Roach?  
5 A. Officer Roach, that sounds like him.  
6 "C/O Roach and C/O Tuntakit then proceeded to  
7 release the top tier for Day Room. I went back to  
8 Mr. Williams cell 126 and informed him what C/O Roach  
9 had said to me. Mr. Williams states: 'I heard him.'  
10 So I went to my cell."  
11 Q. So was any of that correct? I know you said  
12 the LOP quote was correct. After that quote?  
13 MR. McDONOUGH: Objection; mischaracterization  
14 of his testimony.  
15 THE WITNESS: You keep fixing on the certain  
16 date.  
17 BY MR. CALABRO:  
18 Q. The reason I'm fixing on the date is because  
19 you said that there were multiple times, and I'm trying  
20 to find out which time, which day it was.  
21 A. That's why I said, I can't say on the 6th or  
22 7th this was done. This right here, it could have  
23 happened on that date or the date that he's stating,  
24 because like I said earlier, when I usually come back  
25 in from work, I go straight to my cell so I won't be

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1 bothered with nobody. And this is putting everything  
 2 after the time that I'm not in the housing unit.  
 3 So the last couple lines, "I Jeffrey Leon  
 4 Moore D-01082 declare under the penalty of perjury that  
 5 the foregoing is true and correct. Executed on this  
 6 17th day of October 2003 at Salinas Valley State  
 7 Prison, P.O. Box 1040, Soledad California 93960-10,"  
 8 and the last two numbers are blanked out. That's  
 9 incorrect.  
 10 MR. CALABRO: Thanks. I think I'm finished.  
 11 MR. McDONOUGH: Okay. I've got a few  
 12 questions for you.  
 13 EXAMINATION BY MR. McDONOUGH  
 14 Q. Mr. Moore, my name is Tim McDonough. I'm a  
 15 Deputy Attorney General, and I represent, as I  
 16 mentioned, Officer Roach and Officer Tuntakit.  
 17 Hopefully, you recall Attorney Calabro asking  
 18 you, or explaining the procedure a little bit and so  
 19 forth.  
 20 It's important to tell the truth. You're not  
 21 required to guess at things and so forth, so if you  
 22 don't know something, it's appropriate to say that you  
 23 don't know. Do you understand that?  
 24 A. Yes.  
 25 Q. And if you can't understand a question I'm

1 A. January 20th of 2007.  
 2 Q. That's an extra four months. I apologize.  
 3 A. Yes.  
 4 Q. You've got about four months left?  
 5 A. Correct.  
 6 Q. And in all of these cases that you were  
 7 convicted, you actually pled guilty?  
 8 A. Yes.  
 9 Q. Would you say you took responsibility for  
 10 those?  
 11 A. Yes.  
 12 Q. You've received RVRs, you mentioned?  
 13 A. Correct.  
 14 Q. Rule violation reports?  
 15 A. Correct.  
 16 Q. Have you received one for disruptive behavior?  
 17 A. I believe so. I'm not -- I think so.  
 18 Q. Have you received some for delaying lock-up?  
 19 A. Yes.  
 20 Q. For disobeying orders?  
 21 A. Yes.  
 22 Q. You said you'd received one for possession of  
 23 inmate manufactured alcohol?  
 24 A. Correct.  
 25 Q. You received some for refusing to lock up for

1 asking, you can't hear my voice, just please ask me to  
 2 repeat it and I will do so.  
 3 Generally you need to, as you've been doing  
 4 very well, respond verbally to the questions. You  
 5 can't nod your head or shrug because the court reporter  
 6 can't type that down.  
 7 I'm just going to go back. I'm going to try  
 8 not to repeat too many questions, but please bear with  
 9 me.  
 10 A. All right.  
 11 Q. You were convicted of numerous crimes --  
 12 A. Correct.  
 13 Q. Including robbery, forgery, grand theft,  
 14 possession of controlled substances, robbery, correct?  
 15 A. Correct.  
 16 Q. And you're currently serving a 12 and a half  
 17 year sentence?  
 18 A. 15 year sentence.  
 19 Q. 15 year sentence. For robbery?  
 20 A. Robbery and grand theft auto.  
 21 Q. Do you have a release date?  
 22 A. Yes.  
 23 Q. Is it May 20th of 2007?  
 24 A. No.  
 25 Q. What date is it?

1 count?  
 2 A. Yes.  
 3 Q. And, in fact, did you commit these RVRs?  
 4 A. Yes.  
 5 Q. And, in fact, did you have a hearing on them?  
 6 A. Yes.  
 7 Q. And did you admit that you committed them at  
 8 your hearings?  
 9 A. Yes.  
 10 Q. And you took responsibility?  
 11 A. Yes.  
 12 Q. You mentioned today that during a period of  
 13 time you were selling drugs here at Salinas Valley  
 14 State Prison?  
 15 A. Correct.  
 16 Q. Do you recall about when that was?  
 17 A. 2001 up until September of 2005, maybe. 1998  
 18 to 2005.  
 19 Q. And you take responsibility for that?  
 20 A. Yes.  
 21 Q. In your experience here at Salinas Valley  
 22 State Prison, do a lot of inmate never admit any guilt  
 23 at all?  
 24 A. Yes.  
 25 Q. Even in situations where they obviously are

1 guilty?  
2 A. Yes.  
3 Q. You're not one of those inmates?  
4 A. I try not to be.  
5 Q. Your release date is January of 2007?  
6 A. Correct.  
7 Q. I'd like to ask you some questions about  
8 Mr. Williams.  
9 A. Okay.  
10 Q. You lived in the same building with  
11 Mr. Williams in 2003?  
12 A. Yes.  
13 Q. You mentioned earlier, you discussed an  
14 example or an incident that you had with Mr. Williams  
15 when you were in his cell?  
16 A. Um-hmm.  
17 Q. And you said something to the effect of, he  
18 was lying on the ground, he said, I'm going to lie on  
19 the ground, call for medical help?  
20 A. Correct.  
21 At this time, I wasn't in his cell. I just  
22 went to his cell.  
23 Q. You went to his cell?  
24 A. I was outside so I went to his cell.  
25 Q. Can you describe that conversation you had

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1 from the beginning with him?  
2 A. I don't know it word-for-word.  
3 Q. Can you give us your best recollection.  
4 A. Okay. We was having day room -- actually, we  
5 was having evening day room. He was trying to get up  
6 to do something or other.  
7 Q. He wanted to get out of his cell?  
8 A. Right. So he told me give him a few minutes  
9 and he'll put Vaseline and water, make it look like  
10 sweat, and go tell the officer that he needed medical  
11 attention.  
12 Q. Did you feel like he needed medical attention?  
13 A. No.  
14 Q. Was it a scam?  
15 A. It was a scam.  
16 MR. CALABRO: Objection.  
17 BY MR. McDONOUGH:  
18 Q. You can answer the question.  
19 Was it a scam?  
20 A. In my opinion, it was a scam.  
21 Q. He placed water on his head --  
22 A. He put some water in his hand, rubbed some  
23 Vaseline in it and went like that (indicating).  
24 Q. Your understanding was that -- as if he was  
25 sweating?

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1 A. Correct.  
2 Q. So why did you help him out in that situation?  
3 A. Because it was an inmate trying to get out.  
4 It was just the right thing to do.  
5 Q. So you went and told the officers?  
6 A. Yes.  
7 Q. Were there other incidents like that?  
8 A. He -- you know what, yes. I will say yes.  
9 Q. Can you remember any of them?  
10 A. Basically, he was always, like I said earlier,  
11 it was always medical. Because one thing about, I  
12 don't know how it is in other prisons, but here  
13 normally when you say you have a medical problem, you  
14 either walk yourself to medical or they escort you.  
15 And once you return, you have full day room going on.  
16 Q. You called Mr. Williams a manipulator earlier.  
17 Is that correct?  
18 A. Yes.  
19 Q. Do you believe that Mr. Williams would ask for  
20 medical treatment just so he could get out of his cell?  
21 A. Yes.  
22 Q. And you experienced that?  
23 A. Yes.  
24 Q. In your opinion, or in your experiences in  
25 building B-5, around 2003, you heard Mr. Williams used

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1 to yell from his cell?  
2 A. Yes.  
3 Q. Who would he yell at?  
4 A. The officers, the other inmates, the control  
5 booth officer.  
6 Q. What does it mean to talk trash?  
7 A. Exchange, actually, insults.  
8 Q. Was that something that Mr. Williams would  
9 often do?  
10 A. Yes.  
11 Q. Mr. Williams liked to talk trash?  
12 A. Yes.  
13 Q. And would he do that on a regular basis?  
14 A. All of us did, yes.  
15 Q. And Officer Roach and Mr. Williams often  
16 talked trash?  
17 A. Yes.  
18 Q. September 6th, 2003, do you remember that day?  
19 A. Not really.  
20 Q. You don't remember what happened that day?  
21 A. No.  
22 Q. About three years ago, a little over three  
23 years ago.  
24 A. No.  
25 Q. You don't remember where you were?

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23 (Pages 89 to 92)



1 A. Yeah, I vaguely remember where I was.  
 2 Q. Were you at Salinas Valley State Prison?  
 3 A. Yes.  
 4 Q. That's the easiest question we'll have all  
 5 day.  
 6 But you don't remember seeing Mr. Williams  
 7 that day?  
 8 A. I mean, I don't want to say no when I actually  
 9 seen him, but I don't want to say yes, I did, when he's  
 10 saying I did and I didn't do it.  
 11 Like I say, to me, it's a lot of inmates.  
 12 I've been here so long, every day seems like the same  
 13 day.  
 14 Q. So you really can't remember that specific  
 15 day?  
 16 A. Right.  
 17 Q. But you do remember that Mr. Williams used to  
 18 often ask to get out of his cell?  
 19 A. Yes.  
 20 Q. For various reasons?  
 21 A. Um-hmm.  
 22 Q. If he was on loss of privileges, what would  
 23 that mean?  
 24 A. No privileges coming to you. You have to stay  
 25 in your cell.

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1 A. For certain, I know it was in 2005.  
 2 Q. It was not on the 17th day of October of 2003?  
 3 A. No.  
 4 Q. And sometime in 2005?  
 5 A. Yes.  
 6 Q. And where were you when you wrote it?  
 7 A. I said, Building D-8.  
 8 Q. And Mr. Williams was in Building D-8?  
 9 A. Yes.  
 10 Q. And you had a conversation?  
 11 A. Yeah.  
 12 Q. And he asked you to write a declaration --  
 13 A. Correct.  
 14 Q. -- or how?  
 15 A. Not ask me to write. Rough draft.  
 16 Q. He asked you to write it so he could use it as  
 17 an as example?  
 18 A. Correct.  
 19 Q. For another inmate?  
 20 A. Basically for him. He said he wanted it done  
 21 for him because he couldn't read or write that well. I  
 22 said what I will do. He told me basically the  
 23 circumstance. I will do it as I was writing it for  
 24 myself.  
 25 Q. When you wrote this declaration, you weren't

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1 Q. Was Mr. Williams often on loss of privileges  
 2 while you were there?  
 3 MR. CALABRO: Objection; vague and ambiguous,  
 4 calls for speculation.  
 5 THE WITNESS: Not really.  
 6 BY MR. McDONOUGH:  
 7 Q. Did Mr. Williams like to come out of his cell,  
 8 that you know of?  
 9 MR. CALABRO: Objection; calls for  
 10 speculation, vague and ambiguous.  
 11 THE WITNESS: Yes. We all did.  
 12 BY MR. McDONOUGH:  
 13 Q. You all did?  
 14 A. Um-hmm.  
 15 Q. Could you pass me Exhibit 24.  
 16 I'm going to ask you about this document we've  
 17 marked as Exhibit 24, and it's entitled "Declaration of  
 18 Jeffrey Leon Moore." Do you recall -- you said you did  
 19 write this out --  
 20 A. Um-hmm.  
 21 Q. -- with your hand, and you did sign it?  
 22 A. Yes, that's my writing and signature.  
 23 Q. When did you write it?  
 24 A. I can give you a month or a year.  
 25 Q. Month or year.

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1 writing it as a declaration of yourself?  
 2 A. No.  
 3 Q. You wrote it as an example?  
 4 A. Correct.  
 5 Q. So someone could then write it and sign their  
 6 own name to it?  
 7 A. Right. Put their actual, their name.  
 8 Q. So in this declaration it says, "On or about  
 9 September 6, 2003, at approximately 7:25 p.m. I was  
 10 returning to my assigned house in unit B-5 in the  
 11 facility B program office when I am assigned as the  
 12 facility B special --"  
 13 A. "Purchase."  
 14 Q. "-- purchase --"  
 15 A. "Clerk."  
 16 Q. "-- clerk. As I enter the housing unit B-5  
 17 inmate Williams called to me from his cell B-5, 126,  
 18 and asked me to inform C/O Roach that he needed to go  
 19 to the medical clinic due to excruciating chest pain  
 20 and reported heart palpitations." Where did you get  
 21 that information to put in here?  
 22 A. From him.  
 23 Q. You didn't get it from your own mind?  
 24 A. No.  
 25 Q. He told you?

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1 A. He told me to write that.  
 2 Q. When you wrote that, you weren't writing it  
 3 that you, in fact, remembered that?  
 4 A. No.  
 5 Q. Or, in fact, that he did that?  
 6 A. That's what he asked me to write.  
 7 Q. So you were writing for him?  
 8 A. Right.  
 9 Q. You anticipated this would just be used as an  
 10 example?  
 11 A. Rough draft.  
 12 Q. A rough draft?  
 13 A. Um-hmm.  
 14 Q. You never intended that this would be  
 15 submitted to anyone?  
 16 A. No.  
 17 Q. You never intended it would be submitted to  
 18 his attorney to be --  
 19 A. No.  
 20 Q. -- submitted to court?  
 21 A. No.  
 22 I never even knew he had a lawsuit or a case  
 23 with Roach and them.  
 24 Q. It says, "I then approached C/O Roach and  
 25 C/O Tuntakit informed that Mr. Williams in cell 126 was

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1 having heart problems and needed to go to the medical  
 2 clinic. C/O Roach stated, it ain't a fucking thing  
 3 wrong with him. He just wants to be out of his cell  
 4 because he's on L.O.P. status." You don't remember  
 5 that happening on September 6, 2003?  
 6 A. No.  
 7 Q. "C/O Roach and C/O Tuntakit then proceeded to  
 8 release the top tier of the day room." That's in this  
 9 declaration?  
 10 A. Right.  
 11 Q. And you don't remember that?  
 12 A. No.  
 13 Q. That was something that --  
 14 A. He told me.  
 15 Q. -- Mr. Williams asked you to write down here.  
 16 It then states -- or tell me if this correct.  
 17 It then says, "I went back to Mr. Williams cell 126 and  
 18 informed him what C/O Roach had stated to me.  
 19 Mr. William stated, I heard him, so I went to my cell."  
 20 Is that something that Mr. Williams asked you to write  
 21 on this example?  
 22 A. Like I said, he was telling me basically what  
 23 he wanted in there.  
 24 Q. And you signed this under the pains and  
 25 penalties of perjury and executed on the 17th day of

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1 October 2003 is incorrect?  
 2 A. Incorrect.  
 3 Q. In fact, you never intended this to be any  
 4 sort of legal document?  
 5 A. Until this point I still don't consider it a  
 6 legal document.  
 7 Q. And it's not -- this was never intended to  
 8 actually be a declaration. It was intended to be an  
 9 example --  
 10 A. Correct.  
 11 Q. -- for him to use?  
 12 A. For him, yeah.  
 13 Q. To use to write a declaration?  
 14 A. Actually, that paper right there, he was going  
 15 to throw it away.  
 16 Q. Mr. Williams told you he would throw it away  
 17 when he was done?  
 18 A. Yes.  
 19 Q. Did you want him to do that?  
 20 A. Yes.  
 21 Q. And he told you that?  
 22 A. Yes.  
 23 Q. And he didn't do it?  
 24 A. I thought he did, but apparently he didn't do  
 25 it.

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1 Q. You really don't remember September 6, 2003?  
 2 A. No.  
 3 Q. You discussed your relationship with -- about  
 4 a relationship with Officer Tuntakit.  
 5 A. Um-hmm.  
 6 Q. Do you consider him a good officer?  
 7 A. Yeah.  
 8 Q. You discussed some incidents, I think in a  
 9 general way that sometimes correctional officers will  
 10 or have in the past use other inmates to invoke  
 11 violence on other inmates, or do something to other  
 12 inmates?  
 13 A. Yes.  
 14 Q. Do you know that Officer Tuntakit's ever done  
 15 that?  
 16 A. I never seen him do it.  
 17 Q. What about Officer Roach, have you ever seen  
 18 Officer Roach --  
 19 A. No.  
 20 Q. You talked a little bit about something called  
 21 the green wall --  
 22 A. Um-hmm.  
 23 Q. -- or you were asked about the green wall.  
 24 A. Um-hmm.  
 25 Q. And do you recall when you first learned about

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1 the green wall?  
2 A. See, like I say, you guys are calling it  
3 "green wall." I call it the "good old boys." That's  
4 just what they are.  
5 Q. Is the term "green wall" something that's  
6 thrown around a lot without a specific definition?  
7 MR. CALABRO: Objection; vague and ambiguous,  
8 calls for speculation.  
9 THE WITNESS: Back then it was, and now it's  
10 not.  
11 BY MR. McDONOUGH:  
12 Q. Have you heard inmates talk about the green  
13 wall?  
14 A. Yeah.  
15 Q. Have you heard -- do inmates often talk about  
16 things that have happened to them that have happened to  
17 them as being the result of the green wall?  
18 MR. CALABRO: Objection; vague and ambiguous,  
19 calls for speculation.  
20 THE WITNESS: No.  
21 BY MR. McDONOUGH:  
22 Q. Do you feel that inmates use the term "green  
23 wall" at times even when, perhaps, it's not warranted?  
24 MR. CALABRO: Objection; vague and ambiguous,  
25 calls for speculation.

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1 of the green wall?  
2 A. She was part of the green wall.  
3 Q. And you know, in fact, that she's not?  
4 A. I know she's not.  
5 Q. So would you say that this notion of the green  
6 wall sometimes gets blown out of proportion?  
7 A. Yeah.  
8 MR. CALABRO: Objection; calls for  
9 speculation, vague and ambiguous.  
10 BY MR. McDONOUGH:  
11 Q. Does it get blown out of proportion?  
12 A. And I do it a lot.  
13 Q. You even do it?  
14 A. If there's an officer I don't like. I go,  
15 7-23, huh? And they just started laughing.  
16 I say, think of the alphabet in the sense of  
17 GW, what you're doing, green wall.  
18 Q. The seventh letter of the alphabet is G, and  
19 the 23rd is W?  
20 A. GW.  
21 Q. So sometimes you'll say that to officers even  
22 when it's not true?  
23 A. A lot of them to piss them off.  
24 Q. And Mr. Williams is often, in September 2003,  
25 would often ask for, you recall him often asking for

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1 THE WITNESS: Yeah.  
2 BY MR. McDONOUGH:  
3 Q. Can you explain that.  
4 A. I can give you an example. Maybe two weeks  
5 ago I was showing an officer, one of the new officers,  
6 some paperwork on the green wall. I told the officer,  
7 you guys still exist. This officer had been here maybe  
8 less than a year, and the way she carries herself in  
9 the building I know she's not part of it. Then I show  
10 the paperwork to other inmates, and they said, yeah,  
11 she's part of the green wall, too.  
12 Q. So in this example you're talking about, you  
13 know a woman and you know that she's not part of the  
14 green wall?  
15 A. I know she's not part of it.  
16 Q. And you showed documents to her about the  
17 green wall --  
18 A. Correct.  
19 Q. -- as part of your normal job?  
20 A. No, it's not part of my job. I was just  
21 cleaning out some paperwork I had in my cell. I came  
22 across information that we got on it.  
23 Q. And other inmates?  
24 A. I showed it to them.  
25 Q. And they immediately assumed that she was part

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1 something?  
2 A. Yeah, um-hmm.  
3 Q. All the time?  
4 A. Yes.  
5 Q. Actually, in fact, many times he would ask you  
6 for things?  
7 A. Yes.  
8 Q. Was he a complainer?  
9 A. Yes.  
10 MR. CALABRO: Objection; vague and ambiguous.  
11 BY MR. McDONOUGH:  
12 Q. Was he a whiner?  
13 MR. CALABRO: Objection; vague and ambiguous,  
14 speculation.  
15 THE WITNESS: Yes.  
16 BY MR. McDONOUGH:  
17 Q. And often he would use manipulation to get  
18 what he wanted?  
19 MR. CALABRO: Objection; vague and ambiguous,  
20 calls for speculation.  
21 THE WITNESS: Yes.  
22 BY MR. McDONOUGH:  
23 Q. "Yes"?  
24 A. Yes.  
25 Q. And, in fact, you know of incidents where he

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1 used a request for medical treatment in order to get  
2 out of his cell when, in fact, he didn't need medical  
3 treatment?  
4 A. Yes.  
5 Q. If you'll just give me a second. (Brief  
6 pause.)  
7 Are you telling the truth today?  
8 A. Yes.  
9 Q. Mr. Moore, would you lie for correctional  
10 officers?  
11 A. No.  
12 Q. Would you lie for Mr. Roach?  
13 A. No, no.  
14 Q. Would you lie for Mr. Tuntakit?  
15 A. No.  
16 Q. You mentioned earlier that you were involved  
17 in the selling of drugs --  
18 A. Um-hmm, correct.  
19 Q. -- in prison?  
20 A. Yes.  
21 Q. Are you living a better life now?  
22 A. No.  
23 Q. "No"?  
24 A. No.  
25 Q. Have you ever filed any lawsuits, civil

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1 lawsuits?  
2 A. I tried once.  
3 Q. When was that?  
4 A. I think it was 2002, or 2000.  
5 Q. What was that regarding?  
6 A. I got hit in the head with a typewriter rod by  
7 another inmate.  
8 Q. Did you sue the inmate?  
9 A. I tried to sue the staff.  
10 Q. What was the basis for that?  
11 A. Negligence on their behalf.  
12 Q. For not?  
13 A. Well, the inmate at the time stated that I was  
14 out to kill him. And we was working in the program  
15 office, and for maybe nine hours of the day they had  
16 the inmate sitting behind me. So when he got the  
17 opportunity, he popped me in the head.  
18 Q. What happened to that lawsuit?  
19 A. I didn't know what I was doing, so I actually  
20 gave up.  
21 Q. You mentioned earlier that you would mention  
22 to me about people that you knew were part of the green  
23 wall?  
24 A. Um-hmm.  
25 Q. Why did you feel that you could tell me?

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1 A. Because you work for the Department of  
2 Corrections. Don't you report to the Government?  
3 Q. Let me just clarify without testifying, or if  
4 you recall, back when we first talked I mentioned, do  
5 you recall me mentioning that I'm a Deputy Attorney  
6 General?  
7 A. Um-hmm.  
8 Q. And I work for the Department of Justice?  
9 A. Well, okay. In my idea, same people.  
10 Q. And do you feel that you've given your best  
11 testimony today, best of your recollection?  
12 A. Yes.  
13 Q. And it's your testimony today here that you  
14 really don't recall what happened specifically on  
15 September 6, 2003?  
16 A. I don't recall.  
17 Q. You mentioned earlier, you talked about prison  
18 politics?  
19 A. Um-hmm, correct.  
20 Q. And you indicated that often inmates are  
21 trying to get back at, or get at correctional officers  
22 in some way?  
23 A. Correct.  
24 Q. Do inmates -- in your knowledge, do inmates  
25 sometimes do that by filing inmate 602's, inmate

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1 appeals?  
2 A. No. We call them citizen complaints.  
3 Q. What's a citizen complaint?  
4 A. Basically the same thing as 602, but you  
5 attach a thing to the 602 that makes it a citizen  
6 complaint where either a sergeant or a lieutenant has  
7 to respond to it. The officer cannot respond to it.  
8 Q. Why is that important?  
9 A. Because if the officer responds to it,  
10 normally he writes "denied," puts some fruitless answer  
11 down, makes it go to the next level.  
12 Q. In your experience here at Salinas Valley --  
13 which is about ten years, 12 years?  
14 A. About 12 years.  
15 Q. 12 years.  
16 Have some inmates -- strike that. I'm sorry.  
17 In your experience in building B-5 in 2003,  
18 did -- strike that.  
19 MR. McDONOUGH: Actually. I have no further  
20 questions.  
21 MR. CALABRO: I have a few follow-up  
22 questions.  
23 Do you need break?  
24 THE WITNESS: No. I'm fine.  
25 ///

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1 FURTHER EXAMINATION BY MR. CALABRO  
 2 Q. The citizen complaint that you talked about  
 3 just now -- did I call it right, is it a citizen  
 4 complaint?  
 5 A. Citizen complaint.  
 6 Q. You said it was different than a 602?  
 7 A. Correct.  
 8 Q. Because if you filed a 602, that would go  
 9 straight to the officer?  
 10 A. Correct.  
 11 Q. And the officer would just deny it or give  
 12 some fruitless explanation?  
 13 A. Correct.  
 14 Q. That is your experience with these complaints?  
 15 A. Yes.  
 16 Q. Even if you have a legitimate complaint, they  
 17 would just give it a fruitless denial?  
 18 A. Yes.  
 19 Q. Do you know examples of any inmate's  
 20 legitimate complaint against an officer and they just  
 21 deny it or give a fruitless denial?  
 22 A. Yes.  
 23 Q. Does that happen often?  
 24 A. Yes.  
 25 Q. Can you name other specific examples of when

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1 that has happened?  
 2 A. I filed several 602's and the responses have  
 3 been way out.  
 4 Q. What do you mean by "way out"?  
 5 A. I'll give you a for-instance. One time a  
 6 search was conducted in my cell, my radio was taken.  
 7 So I filed a 602 against the officer. The officer  
 8 stated he never took the radio.  
 9 When it got to the next level, which is  
 10 usually the sergeant, the radio appears with the  
 11 officer's name on it with a confiscation slip on there.  
 12 Q. So in that example, you had a legitimate  
 13 complaint against the officer and the officer denied  
 14 it?  
 15 A. Right. He said he never took the radio.  
 16 Q. Do you remember any other examples -- I'm  
 17 sorry.  
 18 Do you remember who the officer was who took  
 19 the radio?  
 20 A. Man. Let's see. Who was this one. I'm  
 21 trying to remember. What was his name. I got him  
 22 several times for it. It was a Gomez, but I don't  
 23 remember his first initial.  
 24 Q. Do you remember any other examples?  
 25 A. A week ago -- if you want to go with medical,

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1 I had a problem with going to medical.  
 2 Q. Could you explain an example of that?  
 3 A. Sometime I received a medical ducket. I would  
 4 notify the staff that I have to go to my medical  
 5 appointment. They tell me my ducket's not valid and  
 6 they wouldn't let me go. Or they say they called the  
 7 MTA and they say the MTA doesn't want you. I actually  
 8 go there and they ask me where I've been, and why I  
 9 don't show up. I said, the officer didn't let me off.  
 10 So I write the officer up. He would say I never  
 11 notified him.  
 12 Q. Do you know who that officer was?  
 13 A. A lot of them.  
 14 Q. So it wasn't limited to just Officer Gomez?  
 15 A. No.  
 16 Q. I just want to clarify your story when it came  
 17 to this medical example. A medical ducket is like a  
 18 pass?  
 19 A. Right. It's an RTW.  
 20 Q. Is it pass to go see the MTA?  
 21 A. Yes.  
 22 Q. And you're saying in this particular example,  
 23 you asked the guards to go see the medical clinic  
 24 because of your medical ducket?  
 25 A. Right.

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1 Q. And the guards said the MTA doesn't want you?  
 2 A. Correct.  
 3 Q. When you actually saw the medical office, they  
 4 were, like, "where were you?"  
 5 A. "Where were you?"  
 6 Q. So you took from that that the MTA office  
 7 never told the guards?  
 8 A. They told them.  
 9 Q. You know for a fact?  
 10 A. Yes.  
 11 Q. How do you know?  
 12 A. I know the medical officer over there.  
 13 Today was a prime example.  
 14 Q. Tell me today's example.  
 15 A. I knew I had the appointment with you  
 16 gentlemen. I told them I had to go to the deposition.  
 17 Q. You told who?  
 18 A. The control booth officer.  
 19 Q. Who was that?  
 20 A. Ramos.  
 21 Q. This is in Building 5?  
 22 A. Building 5.  
 23 Q. You told Officer Ramos that you had to go to  
 24 this?  
 25 A. Right. I told him I also have a medical

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1 ducket for 11:45. He said, no, you don't have one for  
2 11:45. They might want you now.  
3 Well, I'm not going there.  
4 I'm giving you a choice, either come see you  
5 gentleman or go to the clinic.  
6 I go back to my cell. The officers up there,  
7 they force me to go to medical.  
8 Q. Can you give another specific example.  
9 A. I don't remember the year, but I can. It was,  
10 I'm not going to say 2003, so let's say 2002. I was  
11 sitting in my cell. I guess I ruptured a vein in my  
12 nose. I sit there bleeding with blood all over my  
13 shirt. I'll telling correctional staff, look at me.  
14 They walk by like it didn't exist. I wrote a 602. The  
15 officer said I never notified him I was bleeding.  
16 On the same day another officer came by that I  
17 actually knew. He seen me and took me directly to  
18 medical.  
19 Q. Do you remember the officers involved in this  
20 example?  
21 A. I think her name was Leyla. The officer's  
22 name was Gardinez.  
23 Q. With respect to any of these -- I'm sorry.  
24 Do you remember any other specific examples?  
25 A. With me, usually medical, a lot of them.

1 of it.  
2 Q. Do you think these officers know that you  
3 filed complaints against them?  
4 A. Yes, they know.  
5 Q. Do you think that they have an attitude in  
6 which they can do whatever they want since they're not  
7 going to be reprimanded?  
8 A. Yes.  
9 MR. McDONOUGH: Objection; mischaracterization  
10 of the testimony, and vague and ambiguous, and  
11 speculative.  
12 BY MR. CALABRO:  
13 Q. Your answer was "yes"?  
14 A. Yes.  
15 Q. Do you have any personal knowledge of guards  
16 saying that they're not going to get caught for  
17 whatever they do?  
18 A. They don't tell you they're not going to get  
19 caught. They will tell you, file your paperwork. We  
20 don't give a fuck. Some of them will actually go get  
21 the paperwork for you and give it to you.  
22 Q. Has that happened to you?  
23 A. Yes.  
24 Q. On numerous occasions?  
25 A. Yes.

1 Q. There were a lot of them?  
2 A. Right.  
3 Q. You can't remember specifically, but there  
4 were a lot more?  
5 A. Um-hmm.  
6 Q. In any of these examples where you named  
7 specific officers in these complaints, to your  
8 knowledge, did any of these officers -- were any of  
9 these officers reprimanded for their action for not  
10 giving you proper attention?  
11 A. No.  
12 MR. McDONOUGH: Objection; calls for  
13 speculation.  
14 THE WITNESS: In my opinion, I would say no.  
15 BY MR. CALABRO:  
16 Q. Do you have any reason to think that they were  
17 reprimanded?  
18 A. No.  
19 Q. Have you ever talked to any of these officers  
20 about these complaints that you filed against them?  
21 A. No.  
22 But one complaint I filed about the nose bleed  
23 situation, they told me I waited too long to file the  
24 paperwork, it didn't have any merit, but they would  
25 investigate it and they would let me know the outcome

1 Q. Do you remember any of the officers involved?  
2 A. Gomez.  
3 It's hard for me to remember them because  
4 Building 5 is what they consider like a garbage  
5 building.  
6 Q. What do you mean by that?  
7 A. All their headache inmates are in that  
8 building. It's the same with the staff.  
9 MR. McDONOUGH: Headache inmates?  
10 THE WITNESS: Problem child, they call us.  
11 BY MR. CALABRO:  
12 Q. And you said it's the same with the staff?  
13 A. Same with the staff, ones that they really  
14 can't, I wont say control, but wanted things their way,  
15 they're in Building 5.  
16 Q. So you have, quote-unquote, problem child  
17 inmates and problem child guards in Building 5?  
18 A. Yes.  
19 Q. And it's notorious for that?  
20 A. Yeah.  
21 Q. These examples that you've said, these were  
22 all related to you personally?  
23 A. Um-hmm.  
24 Q. Is there any reason for you to believe that  
25 the same kind of treatment doesn't happen to other

1 inmates -- let me rephrase the question.  
 2 Do you know whether the other inmates in  
 3 Building 5 are treated the same way that you are?  
 4 MR. McDONOUGH: Objection; calls for  
 5 speculation.  
 6 THE WITNESS: I will say yes.  
 7 BY MR. CALABRO:  
 8 Q. Do you base that on personal experience?  
 9 A. Yes.  
 10 Q. What personal experience do you base that on?  
 11 MR. McDONOUGH: Objection; calls for  
 12 speculation.  
 13 THE WITNESS: I know of several dudes, or  
 14 inmates that had to go, like, different duckets.  
 15 During lock downs, if they didn't feel like taking you,  
 16 they just don't take you.  
 17 BY MR. CALABRO:  
 18 Q. You mean if the guards don't feel like taking  
 19 you to a legitimate medical, they just won't take you?  
 20 A. Right. They just don't go.  
 21 Q. You also talked about -- you also  
 22 characterized Mr. -- let me start again. Sorry.  
 23 Was it your testimony that Mr. Williams has  
 24 used requests for medical treatment as an excuse to get  
 25 out of his cell?

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1 A. Correct.  
 2 Q. Can you name any specific example in which  
 3 that happens?  
 4 A. In the beading up of water on his head with  
 5 the grease.  
 6 Q. When did that occur?  
 7 A. I can't say for sure.  
 8 Q. Do you remember who the guard was that you  
 9 asked for medical treatment at that time?  
 10 A. What is her name. She's a sergeant now.  
 11 I know she is sergeant now. I just don't  
 12 remember her name.  
 13 Q. It wasn't Officer Roach?  
 14 A. No.  
 15 Q. And it wasn't Officer Tuntakit?  
 16 A. No. Go back to Tuntakit's part of the time.  
 17 She was a female.  
 18 Q. What's her name?  
 19 A. That's what I'm trying to remember. She just  
 20 became a sergeant. She's nice, too. I'll figure it  
 21 out.  
 22 Q. So your description was that -- could you  
 23 start again, please. Describe what happened with that  
 24 incident. I know you already have once again, but I  
 25 want to make sure.

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1 A. Which one?  
 2 Q. The one with the water beads.  
 3 A. Like I said, we sat in day room. He called me  
 4 over to his cell and told me he was going to pretend  
 5 like he was sweating, tell staff that he needed medical  
 6 attention.  
 7 Q. Did you talk to Mr. Williams and ask him if he  
 8 needed medical attention?  
 9 A. No. He called me to the cell.  
 10 Q. Right. So when you came over, did you ask him  
 11 if he actually needed medical attention?  
 12 A. I know he didn't need it. Once he told me  
 13 what he was doing, I know he didn't need medical  
 14 attention.  
 15 Q. My question was, did you ask him if he needed  
 16 medical attention?  
 17 A. No.  
 18 Q. Is it possible that he had a pain like an  
 19 internal pain that you couldn't see?  
 20 A. It's a possibility.  
 21 Q. Is it possible that that internal pain was the  
 22 real reason he wanted to get medical treatment, he just  
 23 didn't think they would believe him?  
 24 A. That's possible.  
 25 Q. Is it possible that he created the sweat on

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1 his brow as a reason to create so that the guards would  
 2 have some visible reason so the guards would let him  
 3 go?  
 4 A. That's possible.  
 5 Q. In any case, what happened, Mr. Williams asked  
 6 you to lie for him to the guards?  
 7 A. Correct.  
 8 Q. And you went and lied to the guards?  
 9 A. Yes.  
 10 Q. You thought it was a lie?  
 11 A. Yeah, I thought it was a lie.  
 12 Q. Do you remember any other specific examples of  
 13 a time in which Mr. Williams you believe was using  
 14 medical treatment as an excuse to get out of his cell?  
 15 A. No. But he also used the law library.  
 16 Q. I'm asking about medical treatment at this  
 17 time.  
 18 A. No.  
 19 Q. You say he also used the law library?  
 20 A. Yes.  
 21 Q. Do you remember any specific examples of the  
 22 law library, the time that he would use what you  
 23 considered an excuse to go to the law library?  
 24 A. I think he actually had to go.  
 25 You know, actually, I would say, back in, I

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1 can't be for sure when it was because I've known him  
 2 for so long. I remember a couple times when he  
 3 actually did have a library ducket, and I will tell the  
 4 staff he had to go to the law library, and they'll say  
 5 no.  
 6 Q. So he had a legitimate reason to go to the law  
 7 library, Mr. Williams had a legitimate reason to go to  
 8 the law library, he had a ducket, and the guard said  
 9 no?  
 10 A. The guard said no. We'll get to him when we  
 11 get to him.  
 12 Q. They said no to you?  
 13 A. They will either say, no, or, we'll get to him  
 14 when we get to him.  
 15 Q. Do you have any reason to believe they  
 16 actually got to him?  
 17 A. Sometimes I know they didn't get to him.  
 18 Q. Do you know if Mr. Williams wrote a 602 up  
 19 about that?  
 20 A. I can't say for sure.  
 21 Q. Other than this example with the water on his  
 22 forehead, can you name an example of a time in which  
 23 you think Mr. Williams asked you to help him get out of  
 24 his cell for medical reasons that you think was  
 25 illegitimate?

1 A. No.  
 2 Q. So when you describe him as a manipulator,  
 3 could you give me an example of what would make you  
 4 think he was a manipulator?  
 5 A. Excuse me. Medical excuses sometimes.  
 6 Q. Medical excuses we already talked about.  
 7 A. Showers.  
 8 Q. Asking for showers at a particular time?  
 9 A. Right. When you know he already took a shower  
 10 earlier in the day.  
 11 Q. Anything else?  
 12 A. No. Just basically . . .  
 13 MR. McDONOUGH: I just have one follow-up  
 14 question.  
 15 MR. CALABRO: Sure.  
 16 FURTHER EXAMINATION BY MR. McDONOUGH  
 17 Q. With regards to this incident where he was  
 18 putting water on his forehead and was putting Vaseline,  
 19 what do you believe he was doing?  
 20 A. Faking.  
 21 Q. Faking. Do you believe that this was a scam  
 22 to get out of his cell?  
 23 MR. CALABRO: Objection; calls for  
 24 speculation.  
 25 THE WITNESS: Yes.

1 BY MR. McDONOUGH:  
 2 Q. And you're sure of that?  
 3 A. Yes.  
 4 MR. McDONOUGH: I don't have any further  
 5 questions.  
 6 MR. CALABRO: You're done.  
 7 THE REPORTER: Mr. McDonough, do you want a  
 8 copy?  
 9 MR. McDONOUGH: Oh, yeah.  
 10 THE REPORTER: Both days?  
 11 MR. McDONOUGH: Yes.  
 12 (Time noted: 11:48 a.m.)  
 13 --o0o--  
 14 I certify under the penalty of perjury under the laws  
 15 of the State of California that the foregoing is true  
 16 and correct.  
 17  
 18  
 19  
 20  
 21 Date: \_\_\_\_\_  
 22 JEFFREY L. MOORE  
 23  
 24  
 25

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 JEFFREY L. MOORE  
 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 19, 2006 \_\_\_\_\_  
 23 PATRICIA GOULET,  
 24 RPR, CSR Number 8315  
 25



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