

PLAINTIFF'S MOTION
EXHIBIT 28

1 SHANTEL JAMES

2 guess and also, I was not familiar with
3 Brooklyn. So I didn't know if he wanted me
4 to be escorted because I know nothing about
5 Brooklyn and of course, he's going to drop
6 me to the hospital. I didn't know if I was
7 going to be relieved at some point in the
8 night and he would have to drive me back.

9 Q. Did Lieutenant Anderson tell you
10 anything about the situation?

11 MS. PUBLICKER METHAM:

12 Objection. You could answer.

13 A. No, he did not.

14 Q. Did Lieutenant Anderson tell you
15 anything about who was already at the
16 hospital?

17 A. I don't recall.

18 Q. When you got to the hospital you
19 saw Lieutenant Bouchard, right?

20 A. I did.

21 Q. When you saw Lieutenant
22 Bouchard, were you surprised to see him
23 there?

24 MS. PUBLICKER METHAM:

25 Objection. You could answer.

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A. No.

Q. Did it strike you as unusual that Lieutenant Anderson was giving you this assignment?

MS. PUBLICKER METHAM:

Objection. You could answer.

A. Yes, it did.

Q. Why?

A. Usually supervisors don't sit on the people in the hospital, but then he is a member of the service. So I assumed I was a supervisor and they only wanted supervisors to sit on Mr. Schoolcraft.

Q. Who conducted the roll call for the police officers that you were scheduled to be supervising that evening?

MS. PUBLICKER METHAM:

Objection. You could answer.

A. I have no idea.

Q. Somebody must have.

A. Somebody must have, yes.

Q. Sitting here today, do you know that Inspector Mauriello, Deputy Chief Marino and others went to the residence of

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Adrian Schoolcraft -- went to Adrian Schoolcraft's residence earlier that evening and went into his apartment?

MS. PUBLICKER METTHAM:

Objection. You could answer.

A. Sitting here now, today, yes, I know that.

Q. When did you first become aware that Marino and others went into Schoolcraft's house that night?

MS. PUBLICKER METTHAM:

Objection. You could answer.

A. Days later, days after the hospital incident.

Q. How did you learn that?

A. I heard about it on the news.

Q. When you say days later. Do you mean days, weeks or months later, much later or do --

A. A week.

Q. It was about a week later?

A. Yes.

Q. What news report did you hear?

A. I don't recall.

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Q. Do you recall anything else about that report?

A. No.

Q. Did you ever have any conversation with anybody about that report or that news report?

MS. PUBLICKER METHAM:

Objection. You could answer.

A. Other than my mom, no.

Q. What did you tell your mom?

A. Well, she actually told me that I was being sued and she actually told me about these people going into this man's house and she asked me about it. She knew more about it than I did, because I didn't know anything about it.

Q. I think I understand what you're saying to me, but I just want to make sure. From the time you went to the hospital on October 31st or November 1st, 2009, up until the time you had this conversation with your mom, you didn't know that there were a whole bunch of members of the service who actually went to Schoolcraft's house, right?

1 SHANTEL JAMES

2 A. That's correct.

3 Q. After you got this assignment
4 from Lieutenant Anderson, what did you do?

5 A. I got dressed in my uniform, I
6 waited for a vehicle to become available,
7 myself and my driver drove to the hospital.

8 Q. Were both you and Sadowsky in
9 uniform when you got to the hospital?

10 A. Yes.

11 Q. And you both were armed?

12 A. Yes.

13 Q. Do you know whose cuffs were
14 used to cuff Schoolcraft?

15 A. No.

16 Q. I'm assuming that both, you and
17 Sadowsky, were armed?

18 MS. PUBLICKER METTHAM:

19 Objection. Asked and answered.

20 A. Yes.

21 Q. Sorry about that.

22 A. No problem.

23 Q. The second entry in your memo
24 book, the 0500 entry?

25 A. Yes.

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Q. Who is the sergeant that you are mentioning here?

A. His name is Sergeant Manwarren.

Q. How do you spell that?

A. I'm sorry, I don't even know if I am pronouncing it right. So I don't know how to spell his name.

Q. Who was he?

A. He was the desk sergeant on the date of incident.

Q. And does this entry indicate that you informed the desk sergeant and Lieutenant Anderson about what occurred here?

A. Yes.

Q. How did you advise them of these facts?

A. I called them on the cell phone. I called the 81st Precinct desk phone.

Q. You reported information that set forth in this 0500 entry?

A. Yes.

Q. What did you say in response?

A. I don't recall. I don't recall.

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Q. Did you do anything as a result of making this report to them?

MS. PUBLICKER METTHAM:

Objection. You could answer.

A. I don't know if I took the initiative to call the emergency service unit or whether or not I was instructed to call the emergency service unit.

Q. Do you think there's a connection between this report that you made at 0500 and the appearance of ESU at the scene 22 minutes later?

MS. PUBLICKER METTHAM:

Objection. You could answer.

A. Yes.

Q. Am I correct that at ten minutes after midnight you arrived at Jamaica Hospital with Sadowsky?

A. Yes, that's correct.

Q. And what was the situation when you arrived?

MS. PUBLICKER METTHAM:

Objection. You could answer.

A. Upon my arrival I was greeted by

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2 Lieutenant Bouchard, who told me not to
3 speak to Schoolcraft and he left. I
4 observed Schoolcraft sitting on his bed and
5 I observed that one of his hands was cuffed
6 to the gurney. I sat down at the nurse's
7 station with Officer Sadowsky, which was
8 approximately two to three feet away from
9 Schoolcraft's gurney and that was it. We
10 just sat down there were. No words
11 exchanged, no acknowledgements and that was
12 it up until 5:00 a.m.

13 Q. When you say that was it, that
14 was meaning nothing occurred up until?

15 A. Right. There were no incidents
16 that occurred up until 5:00 a.m.

17 Q. How was Schoolcraft dressed?

18 A. I don't recall.

19 Q. Was he in civilian clothes or
20 hospital garb?

21 MS. PUBLICKER METHAM:

22 Objection. You could answer.

23 A. I don't recall.

24 Q. I am going to show you two
25 photographs that were taken of the emergency

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room at Jamaica Hospital and I just -- they are separate photographs. One is two phones and another one is a single phone. I just want you to tell me, if you can, tell me whether or not you could recognize these photographs and --

MS. PUBLICKER METTHAM: Are you marking those?

MR. SMITH: Yes.

Q. And if you could tell where Schoolcraft's gurney was and where Schoolcraft was in relationship to either one of these photographs?

MR. OSTERMAN: Were those marked previously?

MR. SMITH: I don't think they were, but I have copies. I am going to mark as 118 the photograph with two phones and 119 as the photograph with one phone and just take a look at those.

(Plaintiff's Exhibit 118, photocopy of a photograph, was marked for identification as of this date.)

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(Plaintiff's Exhibit 119,
photocopy of a photograph, was marked
for identification as of this date.)

A. Okay. This doesn't look
familiar to me --

Q. Hold on. Let everybody else
catch up.

A. Okay. I'm sorry.

Q. Okay. So have you had a chance
to look at 118 and 119?

A. I have.

Q. Can you tell me where
Schoolcraft was in relationship to either
one of these telephones?

MS. PUBLICKER METHAM:

Objection. You can answer.

A. I can't because this layout
doesn't look familiar to me at all.

Q. Can you tell me what the layout
was when you got to the hospital ten minutes
after midnight on November 1, 2009?

MS. PUBLICKER METHAM:

Objection. You could answer.

A. Sure. I came into the emergency

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2 room, double doors, Schoolcraft was maybe
3 five beds from the double doors. I -- you
4 speaking of the phone incident, I know that
5 he definitely did not use these two phones
6 because I remember the phone was hanging on
7 the wall. So he did not use these phones
8 while I was there.

9 Q. I don't mean to interrupt you,
10 but I just want to make the record clear
11 that you're indicating the phones which are
12 depicted in 118?

13 A. Yes.

14 Q. Go ahead, please.

15 A. If I remember correctly, the
16 nurse's station was positioned in front of
17 the gurney and Schoolcraft walked around the
18 nurse's station and he used the phone to the
19 right of the station, which would have been
20 positioned here. Not attached to this
21 desktop here.

22 Q. So when you walked into the
23 emergency room through the double doors, was
24 the telephone that Schoolcraft later used
25 that evening to your left?

1 SHANTEL JAMES

2 A. It was.

3 MR. SMITH: And I am going mark
4 this as 120.

5 (Plaintiff's Exhibit 120,
6 photocopy of a photograph, was marked
7 for identification as of this date.)

8 Q. Now this is another photograph
9 at the Jamaica Hospital, but I am not
10 showing you this about the phone at all,
11 because this actually was a photograph taken
12 at a different location than in the
13 emergency room, but does this gurney look
14 like the gurney that Schoolcraft was in when
15 you got there?

16 MS. PUBLICKER METTHAM:

17 Objection. You could answer.

18 A. Yes.

19 Q. Was the gurney that Schoolcraft
20 was in was it elevated like the ones
21 depicted in 120 with the back up or was
22 Schoolcraft in the gurney with the back
23 down?

24 MS. PUBLICKER METTHAM:

25 Objection. You can answer.

1 SHANTEL JAMES

2 MR. OSTERMAN: Objection.

3 A. I don't remember.

4 MS. PUBLICKER METHAM: Would it
5 be a good time for a break?

6 MR. SMITH: Yeah, that's fine.
7 It's 11:25, going off the record.

8 (Whereupon, a recess was taken.)

9 MR. SMITH: Going back on the
10 record, it's 11:40.

11 Q. Sergeant, when you got to the
12 hospital and you saw Schoolcraft, was that
13 the first time you had ever seen Schoolcraft
14 before?

15 A. Yes.

16 Q. Did you know, when you got
17 there, that he was a police officer at the
18 81st Precinct?

19 A. Yes.

20 Q. How did you know that?

21 A. I recall seeing his name on the
22 roll call.

23 Q. Had you heard anything at all
24 about Schoolcraft at that time?

25 MS. PUBLICKER METHAM:

1 SHANTEL JAMES

2 Objection. You could answer.

3 A. Not to my knowledge.

4 MR. SMITH: Let me rephrase that
5 question.

6 Q. At the time that you got to the
7 hospital, when you first saw Schoolcraft,
8 had you heard anything from anybody at any
9 time previously about Schoolcraft?

10 MS. PUBLICKER METHAM:

11 Objection. You could answer.

12 A. Not that I recall.

13 Q. Did you have any idea why you
14 were supposed to be guarding Schoolcraft for
15 his safety?

16 MS. PUBLICKER METHAM:

17 Objection. Asked and answered. You
18 could answer again.

19 A. No, I did not.

20 Q. Did you have any understanding
21 as to what his status was when you got to
22 the hospital?

23 MR. OSTERMAN: Objection.

24 MS. PUBLICKER METHAM:

25 Objection. You could answer.

1 SHANTEL JAMES

2 A. No.

3 Q. Did you know whether or not he
4 was a perp or EDP or something else?

5 MS. PUBLICKER METHAM:

6 Objection. You can answer.

7 A. I did not know.

8 Q. Did you have any understanding
9 about what risk he was subject to which
10 needed protection?

11 MS. PUBLICKER METHAM:

12 Objection. You could answer.

13 A. I did not.

14 Q. When you got to the hospital,
15 did you understand that you were to be
16 guarding Schoolcraft for his safety, because
17 he was a risk to himself or because somebody
18 else was a risk to him?

19 MS. PUBLICKER METHAM:

20 Objection. You could answer.

21 MR. OSTERMAN: Objection.

22 MR. LEE: Object to the form.

23 MR. KOSTER: Objection.

24 A. I did not know.

25 Q. Am I correct that your

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conversation with Bouchard, when you got there, was a very quick conversation?

A. Yes, it was very brief.

Q. And the sum and substance of that conversation was don't talk to him and I'm leaving?

A. Yes.

Q. Did he provide you with any other information about the situation?

MS. PUBLICKER METTHAM:

Objection. You could answer.

A. No, he did not.

Q. Did anybody else provide you with any other information about the situation?

MS. PUBLICKER METTHAM:

Objection. You could answer.

MR. OSTERMAN: Objection.

A. No, they did not.

MR. SMITH: I will rephrase that.

Q. Did anybody from the police department provide you with any information?

MS. PUBLICKER METTHAM:

1 SHANTEL JAMES

2 Objection. You could answer.

3 A. No.

4 Q. Did anybody from the hospital
5 provide you with any information?

6 MS. PUBLICKER METHAM:

7 Objection. You could answer.

8 A. No.

9 Q. Did you receive any instructions
10 from anybody at the hospital?

11 MR. OSTERMAN: Objection.

12 A. No.

13 Q. You give any instructions to
14 anybody at the hospital?

15 MS. PUBLICKER METHAM:

16 Objection. You could answer.

17 A. No, I did not.

18 Q. So when you got to the hospital
19 and Schoolcraft was in the gurney, you and
20 Sadowsky sat down in chairs and you were
21 watching him; is that correct?

22 MS. PUBLICKER METHAM:

23 Objection. You could answer.

24 A. Yes.

25 Q. And is it fair to say that

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basically nothing happened for the next four
and a half, five hours?

MS. PUBLICKER METHAM:

Objection. You could answer.

MR. OSTERMAN: Objection.

A. Yes.

Q. You don't recall anything
happening, right?

MR. OSTERMAN: Objection.

MS. PUBLICKER METHAM:

Objection. You can answer.

A. I do not.

Q. Do you recall Schoolcraft saying
anything during that period of time?

MS. PUBLICKER METHAM:

Objection. You can answer.

A. No.

Q. Do you recall him doing anything
during that approximately five-hour period
of time?

A. No.

Q. Did you see him speaking to
anybody?

A. I don't recall.

1 SHANTEL JAMES

2 Q. Did you see him using a
3 telephone?

4 A. I don't recall.

5 Q. Is it fair to say he just wasn't
6 a problem at all up until 5:00 in the
7 morning, right?

8 MR. OSTERMAN: Objection.

9 MS. PUBLICKER METHAM:
10 Objection. You can answer.

11 A. Yes, it's fair to say.

12 Q. What was his demeanor like
13 during that five-hour period?

14 MS. PUBLICKER METHAM:
15 Objection. You could answer.

16 A. He appeared to be very calm.

17 Q. Am I correct that you didn't say
18 anything to him?

19 A. That's correct.

20 Q. And Sadowsky didn't say anything
21 to him?

22 A. Not to my knowledge.

23 Q. Did Schoolcraft try and
24 communicate with either you or Sadowsky?

25 MS. PUBLICKER METHAM: