

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON

THE ESTATE OF GORDON ("CASEY"))
POWELL,)
)
 Plaintiff,)
)
 v.) No. 2:16-cv-00352
)
GARY BARNES, et al.,)
)
 Defendant.)

Deposition Upon Oral Examination
of
BARRY HATCH

Taken at 818 West Main Street
Monroe, Washington

DATE: June 28, 2016

REPORTED BY: April L. Cook, CCR
CCR No.: 3245

A P P E A R A N C E S

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I N D E X

EXAMINATION BY:	PAGE
MR. BUDGE	4
MR. SUTHERLAND.	18

* * *

EXHIBITS FOR IDENTIFICATION:

Number		PAGE
Exhibit 1	Monroe Police Department Incident Report M20151191 authored by Detective Hatch dated 6/12/15.	6
Exhibit 2	Photocopy of Detective Hatch's handwritten follow-up notes.	11
Exhibit 3	Monroe Police Department 2015-1191 Transcript of Officer Tom Talbot Interview dated 5/15/15 by Detective Barry Hatch.	12

* * * *

1 MONROE, WASHINGTON; TUESDAY, JUNE 28, 2016

2 2:01 p.m.

3 --oOo--

4
5 BARRY HATCH, deponent herein, having been
6 first duly sworn on oath, was
7 examined and testified as
8 follows:
9

10 E X A M I N A T I O N

11 BY MR. BUDGE:

12 Q. Could you state your name, please.

13 A. Barry Hatch.

14 Q. And for whom are you employed?

15 A. The City of Monroe.

16 Q. All right. And what is your title?

17 A. Detective.

18 Q. Okay. Detective Hatch, today I'm going to be
19 asking you some questions. And the questions I ask and the
20 answers that you give are being transcribed by the court
21 reporter. Do you understand that?

22 A. I do.

23 Q. All right. And do you understand that the
24 testimony you give today is under oath, as it would be if you
25 were testifying in court?

1 A. Yes.

2 Q. And if you don't understand a question that I ask,
3 please ask me to clarify it or rephrase it for you so that
4 you can understand it. Okay?

5 A. Okay.

6 Q. How long have you been a detective with the Monroe
7 Police Department?

8 A. I went into investigations in January 2002.

9 Q. And is that the date upon which you would've earned
10 the title of detective?

11 A. Yes.

12 Q. And prior to that time were you involved in law
13 enforcement?

14 A. I was a -- I -- yeah, I started my employment here
15 as a police officer in September 1998.

16 Q. Okay. And did you work continuously as a police
17 officer from approximately September of 1998 until
18 approximately January of 2002 when you became a detective?

19 A. Yes.

20 Q. And have you been a detective since January of
21 2002?

22 A. Yes.

23 Q. Okay. Consistently with the Monroe Police
24 Department?

25 A. Yes.

1 Q. Okay.

2 MR. BUDGE: All right. Let's go ahead and
3 mark the first exhibit.

4 (Exhibit No. 1 marked for
5 identification.)

6 Q. Detective Hatch, I've handed to you through the
7 court reporter what's been marked as Exhibit No. 1. This is
8 a nine-page document bearing the numbers 000005, in the upper
9 right-hand corner, through 13. And I'd like to ask that you
10 please take a minute to review this document and let me know
11 if you recognize it.

12 A. I do.

13 Q. Okay. Is this a report that you prepared in
14 connection with an assault that was alleged to have occurred
15 at the Monroe State Reformatory located in Monroe,
16 Washington?

17 A. One of the reports, yes.

18 Q. Did you sign and date the last page of this report?

19 A. I signed on the second-to-the-last page and dated
20 on the last page, yes.

21 Q. Oh, all right. Thank you for clarifying that.

22 And on the second-to-last page, that is your
23 signature above where it says, "Officer's Signature"?

24 A. Yes.

25 Q. And that's also your badge number?

1 A. Yes.

2 Q. And did you sign this report on June 12th, 2015?

3 A. I did.

4 Q. When you signed and dated the last page of the
5 report, Detective Hatch, did you certify or declare under
6 penalty of perjury that the information contained in the
7 report was true and correct?

8 A. I did.

9 Q. And did you prepare this report in connection with
10 your regular and official duties as a detective with the
11 Monroe Police Department?

12 A. Yes.

13 Q. Does the information contained in this report
14 truly and accurately describe various of your activities
15 and observations in connection with your role in the
16 investigation into the assault at the Monroe Correctional
17 Complex on May 9th, 2015, by Offender Benjamin Price?

18 A. Yes. May 9th through the final date of -- of this
19 document, which I think was up to May 15th. May 9th through
20 the 15th.

21 Q. All right. And so, with that clarification, does
22 the report truly and accurately describe various activities
23 and observations by yourself between May 9th and May 15th of
24 2015?

25 A. Yes.

1 Q. I want to take you through some of the information
2 contained in the document and ask you some questions about
3 it.

4 First of all, on May 9th, 2015, as indicated toward
5 the beginning of your report, did you receive a telephone
6 call at approximately 5:34 p.m. from Monroe police sergeant
7 Paul Ryan advising you that an alleged assault had taken
8 place at the Monroe Correctional Complex?

9 A. Yes.

10 Q. And did you learn from Sergeant Ryan that the
11 victim of the assault had been taken to Providence Hospital,
12 Colby Campus, in Everett?

13 A. Yes.

14 Q. Did Sergeant Ryan request that you go to the
15 hospital?

16 A. Yes.

17 Q. Did you go to the hospital where the victim,
18 Gordon Powell, was located?

19 A. Yes.

20 Q. And did you arrive at the hospital at approximately
21 6:20 p.m.?

22 A. Yes.

23 Q. Did you go to Room 610 at the hospital?

24 A. The emergency room Room 610, yes.

25 Q. Okay. And --

1 A. There's more than one.

2 Q. -- shortly after you arrived at Room 610, did
3 hospital staff wheel in the victim of the assault --

4 A. Yes.

5 Q. -- Gordon Powell?

6 A. (Witness nods head affirmatively.)

7 Q. When Gordon Powell was wheeled in to Room 610, was
8 he accompanied by two individuals who you understood to be
9 DOC corrections officers?

10 A. Yes.

11 Q. Were those individuals in uniform?

12 A. Yes.

13 Q. Were those two corrections officers named Barnes
14 and Caraway?

15 A. Yes.

16 Q. And did you speak to Corrections Officer Barnes at
17 that time?

18 A. Yes.

19 Q. Did Corrections Officer Barnes tell you that when
20 he came on shift on the date of the assault that he was
21 advised by someone that, quote, Price was slipping, as a
22 warning about Inmate Price's behavior?

23 A. Yes.

24 Q. Did you clearly understand Corrections Officer
25 Barnes to be saying that the information about Price slipping

1 came to him as a warning about Price's behavior?

2 A. Yes.

3 Q. Did you gain or seek to gain an understanding about
4 who Barnes got that information from about Price slipping?

5 A. Not that I recall, and I don't -- unless there's
6 something specific in my report that you can point me to.

7 Q. There's not.

8 A. No, not that I recall.

9 Q. Okay. Do you recall whether the statement made by
10 Barnes to you that he was warned about Price slipping when he
11 came on shift, do you recall whether that statement was made
12 to you in the presence of Corrections Officer Caraway? Let
13 me rephrase the question.

14 When Corrections Officer Barnes told you that when
15 he came on shift that he was advised that Price was slipping,
16 was Corrections Officer Caraway there when that information
17 was provided to you?

18 A. I can't say for certain.

19 Q. Okay. Do you recall whether anything else was said
20 to you by Barnes or Caraway about Price?

21 A. Not to my memory. There's still a lot of medical
22 staff coming and going. So, no, not to my memory.

23 Q. Okay.

24 MR. BUDGE: All right. Let's go ahead and
25 mark the next document as Exhibit 2.

1 (Exhibit No. 2 marked for
2 identification.)

3 Q. Handing you what's now been marked as
4 Exhibit No. 2. Are these handwritten notes that you made in
5 connection with your investigation?

6 A. Yes.

7 Q. And were these notes made by you in the course and
8 scope of your official duties as a detective in the Monroe
9 Police Department?

10 A. They were.

11 Q. The first page of this exhibit appears to contain
12 notes dated 5/9/15 with the time indicated on the right-hand
13 column beginning with 6:20 p.m. Do you see that?

14 A. I do.

15 Q. And in these notes did you record your various
16 activities and observations in connection with your
17 investigation as they occurred on the 9th of May 2015?

18 A. Some, yes. They're not verbatim notes.

19 Q. Okay.

20 A. So, of course, some quotes are.

21 Q. All right. And about halfway down the first page
22 it appears that you have the following note, quote, Barnes,
23 and then there's a dash, pass-down, comma, Price is slipping,
24 period. Do you see that?

25 A. Yes, I do.

1 Q. Was that a note by you that was intended to record
2 a statement made to you by Corrections Officer Barnes?

3 A. Yes.

4 Q. Did Corrections Officer Barnes tell you that he had
5 been advised at pass-down that Price is or was slipping?

6 MR. SUTHERLAND: Object to the form. You can
7 go ahead and answer. I just wanted to --

8 A. Pass-down comes in many flavors. It can be written
9 or it can be verbal. I don't know if it was verbal or
10 written. The term pass-down was used, but I don't know how
11 he learned of it and I didn't inquire.

12 Q. Was it your understanding from the conversation
13 that you had with Corrections Officer Barnes that he learned
14 at pass-down, whether it was verbal -- that is, oral -- or
15 whether it was written, that Price was slipping?

16 A. Yes.

17 Q. Did Officer Barnes give you any more information
18 about how Price was slipping?

19 A. No, not that I remember. Nothing specific that I
20 remember.

21 Q. Did he give you any other information about the
22 communication that he received concerning Price at pass-down?

23 A. No.

24 (Exhibit No. 3 marked for
25 identification.)

1 Q. And now we've handed you through the court reporter
2 what's been marked as Exhibit No. 3. This is a document with
3 the numbers 001538 through 001581 in the upper right-hand
4 corner. Excuse me, 001582 in the upper right-hand corner.
5 And I would ask you, Detective Hatch, whether this is a
6 transcript of a recorded interview that you conducted with
7 Officer Tom Talbot on May 15, 2015.

8 A. Yes, it is.

9 Q. And the second page of the document bears the
10 title, "Taped Interview Review Form." Do you see that?

11 A. Yes.

12 Q. And it says that on November 30, 2015, "I reviewed
13 the audio recording and transcription for an interview
14 conducted with Tom Talbot on 5/15/15. The transcription is a
15 true and accurate record of that interview," and then it's
16 signed by Barry Hatch and dated 12/1/15. Do you see that?

17 A. Yes.

18 Q. In fact, did you review the transcript and compare
19 it with the actual recorded interview of Tom Talbot in order
20 to ensure that the transcript accurately reflected what was
21 said in the interview?

22 A. To the best of my ears, yes.

23 Q. Okay. Returning now, if you would, please, to
24 Exhibit 2, which are your handwritten notes. If I could ask
25 you to turn to the page that, in the upper right-hand corner,

1 says 001444.

2 A. Yes.

3 Q. These appear to be your notes from May 15, 2015,
4 concerning information obtained from Tom Talbot; is that
5 correct?

6 A. It is.

7 Q. Do these notes reflect information provided to you
8 by Tom Talbot?

9 A. Bits and pieces, yes.

10 Q. Okay. Do you recall whether these notes were made
11 during the recorded interview that Tom Talbot gave or whether
12 these notes were made by you in connection with a separate
13 conversation that you may have had with Corrections Officer
14 Talbot?

15 (Cell phone rings.)

16 A. A little bit of both in all likelihood. My notes
17 start at 1630 and the audio recording starts at 1636, and I
18 can't tell you where I started writing after the interview
19 started versus -- I -- I can tell you I sat down at 1630.

20 Q. Okay. Did Corrections Officer Barnes provide you
21 with the information that is summarized in these notes,
22 whether it was during the course of the recorded interview or
23 otherwise?

24 MR. SUTHERLAND: Uh --

25 Q. Excuse me, Corrections Officer Talbot.

1 A. Can you ask the question again --

2 Q. Sure.

3 A. -- with the right name?

4 Q. Did Corrections Officer Talbot provide you with the
5 information that is summarized in these notes, whether or not
6 it was in connection with the actual recorded interview or
7 otherwise?

8 A. Yes. They're my words, but sometimes I'll write
9 myself a question in these. So he was the only person I was
10 interviewing during this page and the next page as well.

11 Q. If you could go down approximately two-thirds of
12 the way on the page that we've been talking about, 001444,
13 did Tom Talbot indicate that Price has been "trouble since we
14 got him"? Meaning, presumably, since Talbot and his
15 colleagues got him at the DOC.

16 A. Yes. However, I don't -- Talbot wasn't overseeing
17 him the entire time he was at DOC; only at SOU.

18 Q. Okay.

19 A. And I don't know off the top of my head how long
20 he's been in that pod. I know it's documented in here
21 somewhere.

22 Q. Okay. And then working your way down just a few
23 lines to where it says, "Inmates knew," could you read the
24 next three lines for me, please.

25 A. Starting with "Inmates knew"?

1 Q. Yes.

2 A. "He was kind of trouble. Common knowledge to
3 staff. Report it to counselors. Request to speak to LE" --
4 which is short for law enforcement -- "two weeks prior.
5 Brock" -- and it's -- my -- my line there says, "Brock --
6 counselor FNU" -- stands for First Name Unknown -- and "No
7 contact Saturday."

8 Q. And on that first sentence that you read, "Inmates
9 knew he was kind of," does it say volatile or trouble?

10 A. That's volatile.

11 Q. Okay.

12 A. Sorry, that's my -- my penmanship while I'm --

13 MR. SUTHERLAND: And I think you misspoke when
14 you were reading --

15 THE WITNESS: Oh, I'm sorry.

16 MR. SUTHERLAND: -- it the first time.

17 THE WITNESS: I'm sorry.

18 A. It -- it should say "volatile."

19 Q. And what did you mean when you wrote, "Common
20 knowledge to staff"?

21 A. That he was kind of volatile and it was common
22 knowledge to staff.

23 Q. And --

24 A. And, again, these are my notes while we're having
25 a conversation. So sometimes they're notes to myself;

1 sometimes they're quotes.

2 Q. All right. And what did you mean when you wrote,
3 "Report it to counselors"?

4 A. I don't know. I'm not sure if that was during the
5 taped transcript or not, and that might be an indicator.

6 Q. And what did you mean when you wrote, "Request to
7 speak to LE" -- law enforcement -- "two weeks prior"?

8 A. That was Price requesting to speak to law
9 enforcement through a variety of staff, counselors,
10 correctional officers.

11 Q. Did you continue to act as the lead detective in
12 the criminal investigation concerning the assault against
13 Powell by Price on May 9th, 2015?

14 A. Yes. To my knowledge I still am.

15 Q. Okay.

16 A. He wasn't been convicted yet.

17 Q. Right. And other than what we've been through,
18 have you heard or learned of any information from any source
19 that any employee of the DOC may have received information
20 prior to the assault that Price intended to hurt or kill
21 somebody before the assault actually occurred?

22 A. Other -- can you say that again?

23 Q. Other than anything that we've already been
24 through, have you ever heard or learned from any source that
25 any employee of the DOC may have received information that

1 Price expressed an intention to hurt or kill somebody before
2 the assault on May 9th, 2015?

3 A. No, other than what I've documented in my reports
4 already.

5 Q. Okay. Did you ever hear orally from any source
6 about violent tendencies or a disposition toward violent
7 behavior by Price preceding the assault against
8 Gordon Powell?

9 A. No, only what's been documented.

10 Q. Okay. Have you communicated with anybody at the
11 AG's office about any aspect of this case?

12 A. Only how to get the video to play.

13 Q. All right.

14 A. Which I understand is a common theme.

15 Q. Yes. But you have not been interviewed concerning
16 your investigation or anything of that nature?

17 A. No.

18 MR. BUDGE: Okay. All right. Well, that's
19 all I have. Thank you, Detective Hatch.

20 E X A M I N A T I O N

21 BY MR. SUTHERLAND:

22 Q. Earl Sutherland with the AG's office. I've just
23 got a couple of follow-up questions.

24 You were asked if you had heard from any source
25 about Price's tendency to violent behavior and you said

1 nothing other than what's in here. You -- is -- in your
2 taking notes about "Inmates knew he was kind of volatile,"
3 for example, "Common knowledge of staff," was that violent
4 behavior that you understood the inmates knew or was that
5 something different?

6 A. I'm actually thinking back to days when it was
7 documented that he was pounding his fists on the wall and
8 they were red, things like that.

9 Q. Okay.

10 A. I think everybody draws a different line on what's
11 considered violent.

12 Q. Okay. Had he done violent -- did you learn in
13 your investigation that, other than this event, he had done
14 violence to another inmate?

15 A. I learned that he had attempted to strangle his
16 cellmate.

17 Q. Okay. Any other --

18 A. I --

19 Q. -- violent --

20 A. -- would consider that a violent act.

21 Q. Is that in this material here somewhere?

22 A. It could be. I don't know.

23 Q. Okay.

24 A. It's --

25 Q. When did --

1 A. -- it could be --

2 Q. -- that occur?

3 A. -- in the transcript.

4 Q. Okay. When did that occur, to your recollection?

5 A. I don't -- I can't -- don't remember the date off
6 the top of my head.

7 Q. Okay. But the recollection that you have would be
8 embodied in these exhibits, your reports or the interviews or
9 your notes?

10 A. Yes. I believe I requested a copy of what they
11 had -- "they" being --

12 Q. Uh-huh.

13 A. -- DOC -- and I know I reviewed it. I may have not
14 have written that I reviewed it.

15 Q. Okay.

16 A. But it -- when I say embodied within the case, it's
17 in there somewhere.

18 Q. Okay.

19 A. It may not be spoken of in a transcript, it may not
20 be written in my report, but the -- there was a copy of the
21 incident from DOC in Shelton. And, going by memory only, I
22 thought it was 2011-ish.

23 MR. SUTHERLAND: Okay. That's all I have.

24 MR. BUDGE: No follow-up.

25 MR. KENNY: Great.

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(Signature reserved.)

(Deposition concluded at 2:26 p.m.)

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July 5, 2016

To: DANIEL KENNY
OGDEN MURPHY WALLACE, PLLC

Case Name: POWELL v. BARNES, et al
Deposition of: BARRY HATCH
Date Taken: Tuesday, June 28, 2016
Court Reporter: April Cook, CCR

This letter is to advise you of the following:

Signature was reserved. The Affidavit and correction sheet are being forwarded to you in electronic form. Please have the deponent review the transcript, note any corrections on the corrections page, and return the signed affidavit and correction page to us with 30 days of this notice. According to Court Rule 30(e), the deposition affidavit should be signed within thirty (30) days or signature is considered waived.

Signature was reserved. The transcript is ready for review and signature. Your office did not order a copy of the deposition transcript. Please contact our office to make an appointment for review. Signature must be completed within 30 days of this notice.

(Sent without signature to avoid delay)

April Cook, CCR

cc: ED BUDGE

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Exhibits	2:01 4:2	arrive 8:20
	2:26 21:2	arrived 9:2
160628 Hatch Exhibit 1 3:0 6:4,7	3	aspect 18:11
160628 Hatch Exhibit 2 3:0 10:25 11:1,4 13:24	3 12:24 13:2	assault 6:14 7:16 8:7,11 9:3,20 17:12,20,21 18:2,7
160628 Hatch Exhibit 3 3:0 12:24 13:2	30 13:12	attempted 19:15
-	5	audio 13:13 14:17
--ooo-- 4:3	5/15/15 13:14	B
0	5/9/15 11:12	back 19:6
000005 6:8	5:34 8:6	badge 6:25
001444 14:1 15:12	6	Barnes 9:13,16,19,25 10:4,10,14,20 11:22 12:2,4,13,17 14:20
001538 13:3	610 8:23,24 9:2,7	Barry 4:5,13 13:16
001581 13:3	6:20 8:21 11:13	bearing 6:8
001582 13:4	9	bears 13:9
1	9th 7:17,18,19,23 8:4 11:17 17:13 18:2	beginning 8:5 11:13
1 6:4,7	A	behavior 9:22 10:1 18:7,25 19:4
12/1/15 13:16	accompanied 9:8	Benjamin 7:17
12th 7:2	accurate 13:15	bit 14:16
13 6:9	accurately 7:14,22 13:20	Bits 14:9
15 13:7 14:3	act 17:11 19:20	Brock 16:5
15th 7:19,20,23	activities 7:14,22 11:16	BUDGE 4:11 6:2 10:24 18:18 20:24
1630 14:17,19	actual 13:19 15:6	C
1636 14:17	advised 9:21 10:15 12:5	call 8:6
1998 5:15,17	advising 8:7	Campus 8:12
2	affirmatively 9:6	Caraway 9:14 10:12,16,20
2 10:25 11:1,4 13:24	AG'S 18:11,22	case 18:11 20:16
2002 5:8,18,21	ahead 6:2 10:24 12:7	cell 14:15
2011-ish 20:22	alleged 6:14 8:7	cellmate 19:16
2015 7:2,17,24 8:4 11:17 13:7,12 14:3 17:13 18:2	answers 4:20	certify 7:5
2016 4:1	appears 11:11,22	City 4:15
28 4:1	approximately 5:17,18 8:6,20 15:11	clarification 7:21

colleagues 15:15	declare 7:5	
column 11:13	Department 5:7,24 7:11 11:9	<hr/> F <hr/>
comma 11:23	deponent 4:5	fact 13:18
common 16:2,19,21 18:14 19:3	deposition 21:2	final 7:18
communicated 18:10	describe 7:14,22	fists 19:7
communication 12:22	detective 4:17,18 5:6,10,18,20 6:6 7:5,10 11:8 13:5 17:11 18:19	flavors 12:8
compare 13:18	disposition 18:6	FNU 16:6
Complex 7:17 8:8	DOC 9:9 15:15,17 17:19,25 20:13,21	follow-up 18:23 20:24
concluded 21:2	document 6:8,10 7:19 8:2 10:25 13:2,9	form 12:6 13:10
conducted 13:6,14	documented 15:20 18:3,9 19:7	<hr/> G <hr/>
connection 6:14 7:9,15 11:5,16 14:12 15:6	draws 19:10	gain 10:3
considered 19:11	duly 4:6	gave 14:11
Consistently 5:23	duties 7:10 11:8	give 4:20,24 12:17,21
contact 16:7	<hr/> E <hr/>	Gordon 8:18 9:5,7 18:8
contained 7:6,13 8:2	Earl 18:22	Great 20:25
continue 17:11	earned 5:9	<hr/> H <hr/>
continuously 5:16	ears 13:22	halfway 11:21
conversation 12:12 14:13 16:25	embodied 20:8,16	handed 6:6 13:1
convicted 17:16	emergency 8:24	Handing 11:3
copy 20:10,20	employed 4:14	handwritten 11:4 13:24
corner 6:9 13:4,25	employee 17:19,25	Hatch 4:5,13,18 6:6 7:5 13:5,16 18:19
correct 7:7 14:5	employment 5:14	head 9:6 15:19 20:6
correctional 7:16 8:8 17:10	enforcement 5:13 16:4 17:7,9	hear 18:5
corrections 9:9,13,16,19,24 10:12, 14,16 12:2,4,13 14:13,20,25 15:4	ensure 13:20	heard 17:18,24 18:24
counselor 16:6	entire 15:17	hospital 8:11,15,17,20,23 9:3
counselors 16:3 17:3,9	event 19:13	hurt 17:20 18:1
couple 18:23	Everett 8:12	<hr/> I <hr/>
court 4:20,25 6:7 13:1	examined 4:7	identification 6:5 11:2 12:25
criminal 17:12	Excuse 13:4 14:25	incident 20:21
<hr/> D <hr/>	exhibit 6:3,4,7 10:25 11:1,4,11 12:24 13:2,24	indicator 17:5
dash 11:23	exhibits 20:8	individuals 9:8,11
date 5:9 6:18 7:18 9:20 20:5	expressed 18:1	information 7:6,13 8:1 9:25 10:4,16 12:17,21 14:4,7,21 15:5 17:18,19,25
dated 6:19 7:4 11:12 13:16		
days 19:6		

inmate 9:22 19:14		Officer's 6:23
inmates 15:23,25 16:8 19:2,4	<hr/> M <hr/>	officers 9:9,13 17:10
inquire 12:11	made 10:9,11 11:4,7 12:2 14:10,12	official 7:10 11:8
intended 12:1 17:20	mark 6:3 10:25	oral 12:14
intention 18:1	marked 6:4,7 11:1,3 12:24 13:2	orally 18:5
interview 13:6,10,13,15,19,21 14:11,18,22 15:6	material 19:21	order 13:19
interviewed 18:15	Meaning 15:14	overseeing 15:16
interviewing 15:10	medical 10:21	<hr/> P <hr/>
interviews 20:8	memory 10:21,22 20:21	p.m. 4:2 8:6,21 11:13 21:2
investigation 7:16 11:5,17 17:12 18:16 19:13	minute 6:10	pass-down 11:23 12:5,8,10,14,22
investigations 5:8	misspoke 16:13	Paul 8:7
involved 5:12	Monroe 4:1,15 5:6,23 6:15 7:11,16 8:6,8 11:8	penalty 7:6
<hr/> J <hr/>	<hr/> N <hr/>	penmanship 16:12
January 5:8,18,20	named 9:13	period 11:24
June 4:1 7:2	nature 18:16	perjury 7:6
<hr/> K <hr/>	nine-page 6:8	person 15:9
KENNY 20:25	nods 9:6	phone 14:15
kill 17:20 18:1	note 11:22 12:1	pieces 14:9
kind 16:2,9,21 19:2	notes 11:4,7,12,15,18 13:24 14:3,7, 10,12,16,21 15:5 16:24,25 19:2 20:9	place 8:8
knew 15:23,25 16:9 19:2,4	November 13:12	play 18:12
knowledge 16:2,20,22 17:14 19:3	number 6:25	pod 15:20
<hr/> L <hr/>	numbers 6:8 13:3	point 10:6
law 5:12 16:4 17:7,8	<hr/> O <hr/>	police 5:7,15,16,23 7:11 8:6 11:9
LE 16:3 17:7	oath 4:6,24	pounding 19:7
lead 17:11	Object 12:6	Powell 8:18 9:5,7 17:13 18:8
learn 8:10 19:12	observations 7:15,23 11:16	preceding 18:7
learned 12:11,13 17:18,24 19:15	obtained 14:4	prepare 7:9
likelihood 14:16	occur 20:2,4	prepared 6:13
lines 15:23,24	occurred 6:14 11:17 17:21	presence 10:12
located 6:15 8:18	Offender 7:17	Price 7:17 9:21,25 10:4,10,15,20 11:23 12:5,15,18,22 15:13 17:8,13, 20 18:1,7
long 5:6 15:19	office 18:11,22	Price's 9:22 10:1 18:25
lot 10:21	officer 5:15,17 9:16,19,24 10:12,14, 16 12:2,4,13,17 13:7 14:13,20,25 15:4	prior 5:12 16:4 17:7,20

Providence 8:11	right-hand 6:9 11:12 13:3,4,25	state 4:12 6:15
<hr/>	rings 14:15	statement 10:9,11 12:2
Q	role 7:15	strangle 19:15
<hr/>	room 8:23,24 9:2,7	summarized 14:21 15:5
question 5:2 10:13 15:1,9	Ryan 8:7,10,14	Sutherland 12:6 14:24 16:13,16 18:21,22 20:23
questions 4:19 8:2 18:23	<hr/>	sworn 4:6
quote 9:21 11:22	S	<hr/>
quotes 11:20 17:1	<hr/>	T
<hr/>	sat 14:19	<hr/>
R	Saturday 16:7	taking 19:2
<hr/>	scope 11:8	Talbot 13:7,14,19 14:4,8,11,14,25 15:4,13,14,16
read 15:23 16:8	second-to-last 6:22	talking 15:12
reading 16:14	second-to-the-last 6:19	taped 13:10 17:5
recall 10:5,8,9,11,19 14:10	seek 10:3	telephone 8:5
receive 8:5	sentence 16:8	tendencies 18:6
received 12:22 17:19,25	separate 14:12	tendency 18:25
recognize 6:11	September 5:15,17	term 12:10
recollection 20:4,7	sergeant 8:6,10,14	testified 4:7
record 11:15 12:1 13:15	Shelton 20:21	testifying 4:25
recorded 13:6,19 14:11,22 15:6	shift 9:20 10:11,15	testimony 4:24
recording 13:13 14:17	short 16:4	theme 18:14
red 19:8	shortly 9:2	things 19:8
reflect 14:7	sign 6:18 7:2	thinking 19:6
reflected 13:20	signature 6:23 21:1	thought 20:22
Reformatory 6:15	signed 6:19 7:4 13:16	time 5:12 9:17 11:12 15:17 16:16
regular 7:10	slipping 9:21,25 10:4,10,15 11:23 12:5,15,18	title 4:16 5:10 13:10
remember 12:19,20 20:5	SOU 15:17	today 4:18,24
rephrase 5:3 10:13	source 17:18,24 18:5,24	told 10:14
report 6:13,18 7:2,5,7,9,13,22 8:5 10:6 16:3 17:3 20:20	speak 9:16 16:3 17:7,8	Tom 13:7,14,19 14:4,8,11 15:13
reporter 4:21 6:7 13:1	specific 10:6 12:19	top 15:19 20:6
reports 6:17 18:3 20:8	spoken 20:19	transcribed 4:20
request 8:14 16:3 17:6	staff 9:3 10:22 16:3,20,22 17:9 19:3	transcript 13:6,18,20 17:5 20:3,19
requested 20:10	stands 16:6	transcription 13:13,14
requesting 17:8	start 14:17	trouble 15:13 16:2,9
reserved 21:1	started 5:14 14:18,19	true 7:7 13:15
Returning 13:23	Starting 15:25	TUESDAY 4:1
review 6:10 13:10,18	starts 14:17	
reviewed 13:12 20:13,14		

turn 13:25

write 15:8

two-thirds 15:11

writing 14:18

U

written 12:8,10,15 20:14,20

wrote 16:19 17:2,6

Uh-huh 20:12

understand 4:21,23 5:2,4 9:24
18:14

understanding 10:3 12:12

understood 9:8 19:4

uniform 9:11

Unknown 16:6

upper 6:8 13:3,4,25

V

variety 17:9

verbal 12:9,14

verbatim 11:18

versus 14:19

victim 8:11,17 9:3

video 18:12

violence 19:14

violent 18:6,25 19:3,11,12,19,20

volatile 16:9,10,18,21 19:2

W

wall 19:7

wanted 12:7

warned 10:10

warning 9:22 10:1

Washington 4:1 6:16

weeks 16:4 17:7

wheel 9:3

wheeled 9:7

words 15:8

work 5:16

working 15:22

would've 5:9