

Transcript of the Testimony of

CHARLENE COMBS

September 27, 2016

The Estate of John Patrick Walter

vs.

Correctional Healthcare Companies, Inc, et al.

Annette Norris, RPR

Annette Norris, RPR

Hansen and Company, Inc.

Registered Professional Reporters

1600 Broadway, Ste. 470

Denver, Colorado 80202

Phone (303) 691-0202 * Fax (303) 691-2444

CELEBRATING 20 YEARS
Of Court Reporting In Colorado



IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF COLORADO

No. 2:16-cv-00629-WJM-MJW

DEPOSITION OF: CHARLENE COMBS - September 27, 2016

THE ESTATE OF JOHN PATRICK WALTER, BY AND THROUGH ITS
SPECIAL ADMINISTRATOR, DESIREE Y. KLODNICKI,

PLAINTIFF,

V.

CORRECTIONAL HEALTHCARE COMPANIES, INC., ET AL.,

DEFENDANTS.

PURSUANT TO NOTICE AND AGREEMENT, THE
DEPOSITION OF CHARLENE COMBS was taken on behalf of the
Plaintiff, at 615 Macon Avenue, Room 207, Canon City,
Colorado, on September 27, 2016, at 1:21 p.m., before
Annette Norris, Registered Professional Reporter and
Notary Public within Colorado.

Page 2

A P P E A R A N C E S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

For the Plaintiff:

EDWIN S. BUDGE, ESQ.
Budge & Heipt, P.L.L.C.
705 Second Avenue
Suite 910
Seattle, Washington 98104
(206) 624-3060
ed@budgeandheipt.com

For the CHC
Defendants:

C. GREGORY TIEMEIER, ESQ.
Tiemeier & Stich, P.C.
1000 East 16th Avenue
Denver, CO 80218
(720) 473-7525
gtiemeier@tslawpc.com

For the Individual
Defendants - FCSO
Personnel:

BRENDAN L. LOY, ESQ.
Wells, Anderson & Race, LLC
1700 Broadway
Suite 1020
Denver, CO 80290
(303) 830-1212
bloy@warllc.com

I N D E X

		PAGE
1		
2		
3	EXAMINATION OF CHARLENE COMBS:	
4	September 27, 2016	
5	BY MR. BUDGE:	5, 118
6	BY MR. TIEMEIER	98, 119
7	BY MR. LOY:	116
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

		INITIAL REFERENCE
7	DEPOSITION EXHIBITS	
8	Exhibit 1 Fremont County Sheriff's Office Training Records for Charlene Combs (FSCO 001145 - 1147)	9
10	Exhibit 2 Fremont County Timesheets for Charlene Combs (FSCO 000208, 265, 321; Inmate Notes 4-13-14 - 4-20-14 (FSCO 000425 - 427)	13
13	Exhibit 4 Fremont County Sheriff's Office Inmate Notes	25
14	Exhibit 5 Inmate welfare check list, 4-15 through 4-20-14 (FSCO 00029 - 35)	39
16	Exhibit 6 Fremont County Sheriff's Office Jail Incident, 4-19-14, by Sara Lightcap (FSCO 000062)	53
18	Exhibit 7 Fremont County Sheriff's Office Jail Incident report, 4-20-14, by Greg Owen (FSCO 000063 - 64)	59
20	Exhibit 8 Fremont County Sheriff's Office Jail Incident report, 4-20-14, by Charlene Combs (FSCO 000065 - 66)	78
22	Exhibit 10 Autopsy photograph	82
23	Exhibit 11 Autopsy photograph	82
24	Exhibit 16 Autopsy photograph	83
25	Exhibit 18 Autopsy photograph	83

Page 4

1 I N D E X (Continued)

2	Exhibit 35	Autopsy photograph	84
3	Exhibit 36	Autopsy photograph	84
4	Exhibit 37	Autopsy photograph	84
5	Exhibit 39	Autopsy photograph	84

6 (Attached to original transcript.)

7

8	PREVIOUSLY MARKED DEPOSITION	INITIAL
8	EXHIBITS:	REFERENCE
	(None)	

9

10	INFORMATION REQUESTED:
	(None)

11

11	QUESTIONS INSTRUCTED NOT TO ANSWER:
	(None)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 PROCEEDINGS

2 WHEREUPON, the following proceedings were
3 taken pursuant to the Federal Rules of Civil
4 Procedure.

5 CHARLENE COMBS,
6 having been first duly sworn to state the whole truth,
7 testified as follows:

8 EXAMINATION

9 BY MR. BUDGE:

10 Q. Miss Combs, could you please state your name
11 for the record.

12 A. Charlene Combs.

13 Q. And, Miss Combs, I'm going to be asking you
14 questions today, and the questions that I ask and the
15 answers that you give are going to be transcribed by
16 the court reporter who's sitting with us here in the
17 room. Okay?

18 A. Uh-huh.

19 Q. Yes?

20 A. Yes.

21 Q. It's important, unlike ordinary conversation
22 when we nod and say uh-huh and huh-uh and shake and nod
23 our heads and so on, that we actually give verbal
24 answers for the record.

25 A. Okay.

Page 6

1 Q. If you ever don't answer a question verbally,
2 I'll just ask for a clarification.

3 A. Okay.

4 Q. It's not a problem.

5 A. No.

6 Q. But you do understand that the testimony you
7 are giving today is being transcribed, correct?

8 A. Yes.

9 Q. Do you also understand that today you are
10 under oath just as if you would be if you were in a
11 court of the law before a judge?

12 A. Yes.

13 Q. And you also understand that, in addition to
14 giving answers that are truthful, your answers have to
15 be complete in response to my question?

16 A. Yes.

17 Q. So, for example, if I ask you to tell me
18 everything you remember about something, and you
19 remember something but don't tell me, then that would
20 be considered to be an untruthful answer. Okay?

21 A. Yeah.

22 Q. Okay. Also, if you don't understand a
23 question that I ask, please just ask me to rephrase it
24 or clarify it for you and I will. Okay?

25 A. Okay.

1 Q. And is there any reason that you can think of
2 that you might not be able to give your best testimony
3 today?

4 A. No.

5 Q. As I understand it, you grew up in Fremont
6 County; is that right?

7 A. Yes.

8 Q. And for a period of slightly less than three
9 years, from about '95 to '98 or so, you worked as a
10 corrections officer for the Colorado Department of
11 Corrections?

12 A. Yes.

13 Q. Was that in Fremont County?

14 A. Yes.

15 Q. What was the name of that institution?

16 A. Colorado State Penitentiary.

17 Q. And then from about '98 until 2002 you worked
18 as a cook at Canon City Middle School; is that right?

19 A. Yes.

20 Q. And then, as I understand it, you did not
21 work outside the home from about 2002 until about 2012
22 when you got a job as a cashier at Walmart; is that
23 right?

24 A. Yes.

25 Q. And then in early 2013, you obtained a job as

Page 8

1 a detention deputy at the Fremont County Detention
2 Center in Canon City; is that correct?

3 A. Yes.

4 Q. Now, sometimes during this deposition I'll
5 refer to the Fremont County Detention Center as the
6 Fremont County jail or the jail for short. If you are
7 confused about what I mean, please just ask me and I'll
8 clarify it for you. Okay?

9 A. Okay.

10 Q. Our records show that you started working at
11 the Fremont County jail in about March of 2013. Does
12 that sound about right to you?

13 A. Yes.

14 Q. And you were a probationary employee for the
15 first year you worked at the jail; is that true?

16 A. Yes.

17 Q. So as of April 2014, you were about a month
18 out from having completed your probationary period,
19 correct?

20 A. Yes.

21 Q. So I'm going to provide you with some
22 documents from time to time in the case, and they have
23 exhibit markers at the bottom so we know what we are
24 referring to.

25 A. Okay.

1 Q. And I'll always have an extra copy for you to
2 pass over to your lawyer, too.

3 So I'm now handing you what's been marked
4 Deposition 1 to your deposition. And I'll ask you if
5 you can please look at that and tell me if that appears
6 to be an accurate copy of your training record at the
7 Fremont County jail.

8 A. It appears to be.

9 Q. Does it appear to accurately reflect all the
10 training that you got from the date of your hire in
11 March of 2013 until February of 2016?

12 A. I believe so.

13 Q. So it looks like as of April of 2014 you had
14 training in two courses, defensive tactics and report
15 writing; is that right?

16 A. I don't see where the dates are on here --
17 oh, there it is. Yeah. That's right.

18 Q. And then you received some additional
19 training as listed in this document after April of
20 2014, correct?

21 A. Yes.

22 Q. Did you receive any other training courses
23 that aren't recorded in this document that you know of?

24 A. No.

25 Q. The document indicates that you had 8 hours

Page 10

1 of CPR first aid training in March of 2015, about one
2 year after Mr. Walter died. Is that correct?

3 A. Yes.

4 Q. And who put on that training, if you
5 remember?

6 A. I don't remember who exactly taught that one.

7 Q. Was it at the jail?

8 A. No. I believe it was over at the Garden Park
9 over here.

10 Q. I see.

11 Then you had one hour of training in
12 communicable diseases in June of 2015; is that right?

13 A. Yes.

14 Q. And then an hour of first aid training in
15 August of 2015?

16 A. Yes.

17 Q. Okay. Miss Combs, did you ever receive any
18 training from Fremont County's corporate medical
19 provider, Correctional Healthcare Companies?

20 A. No.

21 Q. Did you ever receive any training from any
22 other provider of jail health services, such as Correct
23 Care Solutions or Correctional Healthcare physicians or
24 CHC Companies?

25 A. No.

1 Q. At the beginning of your employment and as a
2 detention deputy with Fremont County or at any time
3 after your employment began, did you get any training
4 on any of the following topics from Correctional
5 Healthcare Companies or any designee of Correctional
6 Healthcare Companies: Number one, recognizing acute
7 manifestations of certain chronic illnesses, e.g.,
8 asthma, seizures, intoxication and withdrawal and/or
9 adverse reactions to medications?

10 A. No.

11 Q. Recognizing signs and symptoms of mental
12 illness and violent behavior?

13 A. No.

14 Q. Recognizing signs and symptoms of acute
15 chemical intoxication or withdrawal?

16 A. No.

17 Q. Procedures for appropriate referral of
18 patients with health complaints to healthcare staff or
19 appropriate medical facilities?

20 A. One more time.

21 Q. Procedures for appropriate referral of
22 patients with health complaints to healthcare staff
23 and/or appropriate medical facilities?

24 A. No.

25 Q. Are you aware of any other detention deputies

Page 12

1 who received any training on any of the topics that I
2 just mentioned?

3 A. No.

4 Q. Are you aware of any health or mental health
5 education and training program for the county deputies
6 and jailers put on by Correctional Healthcare Companies
7 or any designee of it?

8 A. No.

9 Q. Are you aware of any training program
10 established by Correctional Healthcare Companies or any
11 designee to guide health-related training for security
12 staff who work with inmates who might have medical
13 needs?

14 A. No.

15 Q. Is it the case that you didn't get any
16 training from anybody related in any way to the risks,
17 signs and symptoms of withdrawal from benzodiazepines?

18 A. No, I haven't.

19 Q. And as of April 2014, you didn't know
20 anything about the signs and symptoms of benzodiazepine
21 withdrawal?

22 A. No.

23 Q. You did not know that it could be dangerous?

24 A. I hadn't received any training on it.

25 Q. And so I take it, then, that you didn't know

1 what might happen if a person who was dependent on a
2 benzodiazepine medication was suddenly cut off from a
3 benzodiazepine?

4 A. No.

5 Q. Did you know what a benzodiazepine was?

6 A. Not -- not specifically, no.

7 Q. Okay. Did you know anything about how to go
8 about monitoring a person who might be at risk for
9 benzo withdrawal?

10 A. No.

11 Q. Are you aware of any uniform written
12 procedure established by Correctional Healthcare
13 Companies or any designee of it to recognize when the
14 need to refer a patient to a qualified healthcare
15 professional should occur?

16 A. No.

17 Q. So now I'm going to hand you Exhibit 2 to
18 your deposition, which I believe are copies of your
19 time sheets. And I would ask that you take a minute
20 and review the exhibit that I've handed you and ask you
21 if these are time sheets that you completed and signed
22 to document the days and hours that you worked between
23 April 3rd and April 20, 2014?

24 A. Yeah.

25 Q. From April 3rd to April 20, 2014, were you

Page 14

1 **working as a detention deputy?**

2 A. Yes.

3 **Q. Miss Combs, what were your duties and**
4 **responsibilities as a detention deputy?**

5 A. It would depend on where I was assigned. If
6 I was in housing, then the SOPs would follow down
7 there. That would include feeding the inmates, doing
8 med line, sometimes cell searches, sometimes writing
9 the inmates up. Basically anything that pertained to
10 the safety and security of the facility.

11 **Q. Okay.**

12 A. If I was in booking, you know, that's a total
13 different -- you know, you got to book people in and
14 release people, and we still had a med line and trays
15 to hand out up there, too. And just reports, anything
16 that we needed to log in ITI and stuff.

17 **Q. When you say "ITI," what is that?**

18 A. That's our computer system that has every
19 inmate listed, and that's where you put notes and stuff
20 on them.

21 **Q. I see. Like Inmate Notes?**

22 A. Yeah.

23 **Q. Okay. So in April of 2014, do you remember**
24 **what your duties and responsibilities were, whether you**
25 **were in booking or housing or somewhere else?**

1 A. I believe I was in booking.

2 **Q. So when you were working as a detention**
3 **deputy in booking, did your responsibilities involve**
4 **bringing meal trays to inmates?**

5 A. Yes.

6 **Q. Did your responsibilities include med line?**

7 A. Yes.

8 **Q. Could you tell me a little bit about how med**
9 **line worked.**

10 A. Well, the nurse would just show up, and we
11 would usually do med line with T pod first. And we
12 would call med line, have everybody come up. She would
13 dispense their meds. And if they had medical cards or
14 something they needed to fill out or talk to her about
15 something, that's the time to do that.

16 And then we would go around to the booking
17 cells to inmates that needed med line there.

18 **Q. Okay. How did the inmates have kites**
19 **available to them?**

20 A. At that time, there were paper -- medical
21 kites? The nurse would issue them to them, they would
22 fill them out, and they would have to give them back to
23 Medical, not to us.

24 **Q. So if an inmate had a desire to fill out a**
25 **medical kite, then he or she would have to ask for the**

Page 16

1 **kite?**

2 A. Yeah. They would have to let Medical know
3 they needed a kite.

4 **Q. They weren't available to them freely in the**
5 **cell --**

6 A. No.

7 **Q. -- like in a box of forms or something?**

8 A. No.

9 **Q. When you went to med line, would the nurse**
10 **show up in booking and say, It's time to do med line**
11 **now?**

12 A. We would see the nurse show up so we knew it
13 was time, so we would go out and do med line.

14 **Q. Would the nurse have a card?**

15 A. Yeah.

16 **Q. You would follow the nurse and go to the door**
17 **of the cell?**

18 A. Yeah.

19 **Q. And then you would open the cell; is that**
20 **right?**

21 A. Yeah.

22 **Q. And would either you or the nurse call "med**
23 **line" or something to that effect?**

24 A. Um. Generally the nurse would, but there
25 have been times where I've just opened the door and

1 yelled "med line," too, just to . . .

2 Q. Was the nurse that you went with usually
3 either Nurse Maestas or Nurse Repshire?

4 A. Yeah. There was also Monica.

5 Q. Doughty?

6 A. Yeah.

7 Q. Did you regularly do med line?

8 A. Yeah. I would say yeah.

9 Q. What was the policy -- if you went to med
10 line and opened up the door of the cell and med line
11 was announced, an inmate didn't quite make it to the
12 door in time, what happened?

13 A. Um. Medical would not stand there and wait
14 for them. Once med line was done -- once the last
15 inmate was done with their meds, shut the door and she
16 would move on.

17 Q. What if an inmate was on the toilet or
18 something like that and couldn't quite make it to the
19 door on time; they wouldn't get their meds?

20 A. I think it depended on the nurse, for the
21 most part. No, they wouldn't.

22 Q. They wouldn't get their meds?

23 A. Yeah.

24 Q. How did it work with Kathy Maestas if an
25 inmate didn't quite make it?

Page 18

1 A. No, they wouldn't get their meds.

2 Q. Can you explain to me about what her practice
3 was?

4 A. Well, she -- she knew -- well, she had the
5 train of thought that inmates know when med line is,
6 they need to be there, they need to be ready, they need
7 to have their cup of water with them, and if they are
8 not there, then they refused.

9 Q. So if an inmate didn't quite make it to the
10 door in time, even if the inmate was 5 seconds late and
11 the door was shut, would Nurse Maestas, nevertheless,
12 give them their meds, or was that the end?

13 A. That was it.

14 Q. They would not get their meds?

15 A. No.

16 Q. Did it happen on occasion what you observed
17 inmates not get their meds because they showed up at
18 the door a little bit late with Nurse Maestas?

19 A. I can't remember specific inmates and stuff,
20 but I'm sure it's happened.

21 Q. Did it happen when you were doing med line?

22 A. Yeah.

23 Q. And was it the policy or the practice of
24 Nurse Maestas to document that as a refusal?

25 A. I don't know what she documented or didn't.

1 Q. How did you document it, if you did?

2 A. I didn't document anything. That was on
3 Medical to document that.

4 Q. Did you ever hear Nurse Maestas say anything
5 to the effect of -- not exact words, but to the effect
6 of, If they don't show up right at the door at the
7 appointed time, it's a refusal?

8 A. Something to that effect, yeah.

9 Q. What if an inmate was sick and couldn't quite
10 get up from their bunk or their bed to make it to the
11 door in time; did they get their meds?

12 MR. TIEMEIER: Object to foundation.

13 A. Times that I remember, if I personally had
14 knowledge of an inmate being sick, I would let the
15 nurse know, This inmate is sick, and I would take the
16 nurse to go see that inmate.

17 Q. (BY MR. BUDGE) What was the practice with
18 regard to Ms. Repshire; was it the same as
19 Nurse Maestas, that if the inmate didn't show up at the
20 door right at the appointed time they would not get
21 their meds?

22 A. Yes.

23 Q. Would that also be considered a refusal?

24 A. Yes.

25 Q. And it was a refusal as far as Nurse Maestas

Page 20

1 was concerned as well, correct?

2 A. Yes.

3 Q. Now if you could go to Exhibit 2, which are
4 the time sheets that were marked. Back in April of
5 2014, did you work a regular shift, such as day shift
6 or swing shift or graveyard?

7 A. Yeah.

8 Q. What was your shift?

9 A. Swing shift.

10 Q. 2:00 to 10:00?

11 A. Yeah.

12 Q. And was it the case that at 7:00 p.m.
13 whichever nurse was on duty went home, left the jail?

14 A. Yeah.

15 Q. And then was there any nurse on duty from
16 7:00 p.m. to 7:00 a.m.?

17 A. No.

18 Q. What if an inmate had a medical need between
19 7:00 p.m. and 7:00 a.m.?

20 A. Supervisor would call Medical.

21 Q. Meaning a supervisor would call one of the
22 nurses?

23 A. Yes.

24 Q. Either Nurse Maestas or Nurse Repshire?

25 A. Yes.

1 Q. And in order to take an inmate to the
2 hospital for medical care, was it required that either
3 Nurse Maestas or Nurse Repshire first approved that?

4 A. Yes.

5 Q. In order to call an outside provider such as
6 a doctor or a paramedic or an EMT to the jail to
7 address a need that an inmate might be having, was it
8 also policy that the approval of Nurse Repshire and
9 Nurse Maestas would first be required?

10 A. I'm not sure on that one. That is a little
11 above my pay grade there.

12 Q. All right. But the jail staff, even
13 including the supervisors, couldn't just take an inmate
14 to the hospital without prior approval by either
15 Nurse Maestas or Nurse Repshire, right?

16 A. That's the way I understand it, yeah.

17 Q. That was the policy of the jail?

18 A. Yeah.

19 Q. So looking back again at your time sheets, it
20 appears that you worked 8 hours on Thursday, April 3rd,
21 correct?

22 A. Yeah.

23 Q. And then 8 hours on Friday, the 4th;
24 Saturday, the 5th; Sunday, the 6th; and then 9 hours on
25 Monday, the 7th, correct?

Page 22

1 A. Yeah.

2 Q. And then you had the 8th and 9th of
3 April off?

4 A. Yeah.

5 Q. And then you worked 8 hours on the 10th of
6 April?

7 A. Oh, yeah.

8 Q. And then 9 hours on the 11th of April?

9 A. Yeah.

10 Q. And then 8 hours on the 12th of April?

11 A. Yeah.

12 Q. And then 8 hours on the 13th of April?

13 A. Yeah.

14 Q. And then it appears that you had the next
15 three days, the 14th, 15th and 16th, off, correct?

16 A. Yes.

17 Q. And then it also appears from these time
18 sheets that you worked four consecutive days of 8 hours
19 each on April 17, 18, 19 and 20; is that correct?

20 A. Yeah.

21 Q. Okay. When you worked in the booking area,
22 did you typically sit at a desk within the booking
23 area?

24 A. Yeah.

25 Q. And from that desk, did you have a clear view

1 of whichever inmate was in Holding Cell 2?

2 A. Yeah, as long as they were sitting up. If
3 they were lying on the -- down on the floor, you
4 couldn't see down onto the floor.

5 Q. All right. But because there was glass on
6 the door of Holding Cell 2 and because there was glass
7 on the window of the booking area, you could quite
8 clearly see everything, let's say, above the waist from
9 the booking area into Holding Cell 2, correct?

10 A. Yeah.

11 Q. And at any time could you get up and go into
12 the area right outside Holding Cell 2 and look into
13 Holding Cell 2 and have a clear view of whichever
14 inmate was in there?

15 A. Yes.

16 Q. I'm sorry if I asked you this, but in
17 April of 2014, do you recall that you were working in
18 the booking area?

19 A. Yeah. For the most part. You know, there
20 could have been days that I had to go work in housing
21 if we were short staffed or something. I just don't
22 remember.

23 Q. Is it fair to say that back in April 2014
24 that your primary responsibilities were in booking?

25 A. Yeah.

Page 24

1 Q. And were there any video monitoring screens
2 in booking?

3 A. Yeah. I think master control had a camera
4 that was on the booking floor at the time.

5 Q. So there was a -- there were video screens in
6 master control. Was that a separate room from booking?

7 A. Yes.

8 Q. Were there any video screens in booking?

9 A. No.

10 Q. From the area in between the booking window
11 and the Holding Cells 2 and 3 there's a hallway, for
12 lack of a better term, that's got tables and a couple
13 of chairs around them; is that right?

14 A. In between booking and holding?

15 Q. Yeah.

16 A. Yeah.

17 Q. And from that area, in addition to being able
18 to look into Holding Cell 2, could you look into
19 Holding Cell 3 with no problem?

20 A. Holding Cell 3 had a smaller window on it, so
21 unless they were standing up at the window, you
22 couldn't really see inside the cell.

23 Q. But like Holding Cell 2, if you walked up to
24 Holding Cell 3 and looked inside, would you have a
25 clear view of what was going on in there?

1 A. Yes.

2 Q. Now, your deputy number is 331; is that
3 right?

4 A. It was then, yeah.

5 Q. And so when we see reports and log entries
6 that contain the Call No. or Deputy No. 331, that's
7 yours?

8 A. Yes.

9 Q. All right. Let's go ahead and turn our
10 attention to Exhibit 4. I'm actually skipping
11 Exhibit 3.

12 Handing you what's been marked Exhibit 4 to
13 your deposition, is this a document that you've seen
14 recently?

15 A. Yeah, I recognize it.

16 Q. Have you looked at it in the past couple of
17 weeks or so?

18 A. Yeah.

19 Q. And if I could just draw your attention to
20 the information contained in the top part of the
21 document, is there anything about the end of Note 331
22 that were entries that were made by you?

23 A. Yes.

24 Q. And as I understand it, the purpose of the
25 Inmate Notes is to make a true and accurate record

Page 26

1 about the significant events concerning an inmate,
2 correct?

3 A. Yes.

4 Q. And as part of your training as a detention
5 deputy before April of 2014, did you -- you were
6 trained on the importance of full and accurate
7 documentation, right?

8 A. Yes.

9 Q. So these Inmate Notes that we see in the
10 Exhibit 4 at the top part, when would you have made
11 these Inmate Notes?

12 A. After the incident.

13 Q. So they would have been made at some point
14 after the accident on April 13, 2014?

15 A. Yes.

16 Q. Once there are Inmate Notes that are made on
17 the computer system there at the jail, are those Inmate
18 Notes there in the computer system for any other
19 detention deputies to see?

20 A. Yes.

21 Q. Are they also there for any members of the
22 medical staff such as the nurses to see?

23 A. I don't know what access they have to ITI or
24 not.

25 Q. But if any corrections officer wanted to look

1 up anything about an inmate that had occurred, he or
2 she could access the computer system and pull up the
3 Inmate Notes up to that date?

4 A. Yes.

5 MR. LOY: Object to form.

6 Q. (BY MR. BUDGE) Was part of your duty as a
7 corrections officer -- or detention deputy, I should
8 say, to make Inmate Notes about anything that you
9 observed or became aware of that might be of
10 significance regarding inmates' mental, physical or
11 emotional condition?

12 A. Yes.

13 Q. So if you ever became aware that an inmate
14 was showing signs of mental confusion or disorientation
15 or delusions or a general deterioration in mental or
16 physical health status, would you document that in
17 Inmate Notes?

18 A. Yes.

19 MR. LOY: Object to form.

20 Q. (BY MR. BUDGE) And if you became aware that
21 an inmate was displaying signs or symptoms of physical
22 injury or illness, would you also document that?

23 A. Yes.

24 Q. If an inmate was displaying signs or symptoms
25 of aggressive behavior, would you document that?

Page 28

1 A. Yes.

2 Q. And it appears to me from our records that
3 Mr. Walter was brought into the jail on April 3, 2014.
4 Is that consistent with your understanding as well?

5 A. If that's what his booking date was, yeah.

6 Q. So is it also your understanding that at
7 least for the first 10 days or so from the time he was
8 brought in until some later point where he was
9 transferred over to the holding cells, that Mr. Walter
10 was in T pod?

11 A. Yes.

12 Q. And did your duties and responsibilities in
13 booking in April of 2014 include duties and
14 responsibilities with regards to the inmates in T pod?

15 A. Yes.

16 Q. Such as med line and meal serving and so on?

17 A. Yeah.

18 Q. Now, going back to your -- going back to your
19 schedule, it appears that you worked on April 3rd, 4th,
20 5th, 6th, 7th, 10th, 11th and 12th, and that you worked
21 at least 8 hours on each day that you worked; is that
22 right?

23 A. Yes.

24 Q. And so during that entire course of time, it
25 appears that the Inmate Notes that we see which are

1 marked as Exhibit 4 are the first Inmate Notes that you
2 make regarding Mr. Walter; is that right?

3 A. Yes.

4 Q. Is it fair to say that if you had noticed
5 anything out of the ordinary with Mr. Walter between
6 the time he first came to the jail and the date of your
7 Inmate Notes on April 13th, you would have documented
8 that?

9 A. Yeah.

10 Q. So as far as you observed and became aware of
11 in your duties as a detention deputy in booking from
12 April 3rd through 12th, you didn't notice or hear
13 anything unusual about Mr. Walter, correct?

14 A. No. Yes, correct.

15 Q. So it is correct that at least between
16 April 3rd and April 12th you did not become aware of
17 anything at all unusual about Mr. Walter correct?

18 A. Not that I remember.

19 MR. LOY: Object to form.

20 Q. (BY MR. BUDGE) And had you become aware of
21 anything, you would have documented that?

22 A. Yes.

23 MR. LOY: Object to form.

24 Q. (BY MR. BUDGE) So let's focus now on the
25 period between April 3rd and April 12th. There was, to

Page 30

1 your knowledge, no -- no bizarre or unusual behavior
2 from Mr. Walter?

3 A. I don't remember specifically, no.

4 Q. Do you remember even generally any bizarre or
5 unusual behavior?

6 A. Not really.

7 Q. Nothing to indicate that he was violent or
8 aggressive?

9 A. Not that I remember.

10 Q. No complaints by other inmates about his
11 behavior during that time?

12 A. Well, I know on the 13th, Vercillo -- you
13 mean before that?

14 Q. Correct.

15 A. Not that I recall.

16 Q. So before the 13th, no complaints from any
17 other inmates about his behavior that you can recall?

18 A. Not that I remember.

19 Q. And no complaints from any other corrections
20 officers about Mr. Walter from at least the 3rd to the
21 12th?

22 A. Yeah, not that I remember.

23 Q. I'm just going to go through a list here.

24 A. Okay.

25 Q. Nothing to suggest he was not eating?

1 A. I don't remember.

2 Q. Nothing to suggest he was not sleeping?

3 A. I don't remember.

4 Q. You don't remember anything about Mr. Walter
5 shaking between at least the 3rd and the 12th?

6 A. Yeah, I don't remember. I would say -- the
7 only thing I specifically remember was noted. That
8 reminded me about it.

9 Q. Okay. I just want to make sure that there's
10 nothing that you remember between the 3rd and the 12th
11 that might have been out of the ordinary. We'll get to
12 the 13th in a minute.

13 A. Yeah, I don't remember.

14 Q. You don't remember him having twitchy eyes?

15 A. I don't remember, huh-uh.

16 Q. And you don't remember him making strange
17 comments or utterances that didn't make sense?

18 A. I don't remember.

19 Q. And you don't remember him indicating that --
20 any behavior that might indicate that he was
21 hallucinating or delusional?

22 A. Yeah, I don't remember.

23 Q. And nothing to suggest that he was
24 emotionally unstable?

25 A. I don't remember.

Page 32

1 Q. And nothing to suggest that he was unclothed
2 in an inappropriate way?

3 A. I don't remember.

4 Q. And nothing to suggest that he was weak
5 appearing or sickly looking?

6 A. I don't remember.

7 Q. And nothing to suggest that he was physically
8 injured and that he had bruises or contusions or broken
9 bones or anything like that?

10 A. No.

11 Q. And if you had seen anything like that on the
12 long list of items we went through between the 3rd and
13 the 12th, it would have been your normal practice to
14 document it, correct?

15 A. Yeah.

16 Q. So do you have any reason to believe, as you
17 sit here today, that at least for the first 10 days of
18 Mr. Walter's confinement up to the 13th he was
19 basically a normal inmate?

20 A. I really don't remember. As far as I can
21 guess, yeah.

22 Q. You don't have any reason to think that he
23 was anything other than a normal inmate in the first 10
24 days or so of his confinement?

25 MR. LOY: Asked and answered.

1 You can go ahead and answer.

2 A. I don't recall anything, but . . .

3 Q. (BY MR. BUDGE) Okay. And did you ever learn
4 at any time before or after Mr. Walter died that any
5 other inmate might have assaulted him or hurt him while
6 he was in the jail?

7 A. Not that I'm aware of.

8 Q. Now we are up to April 13th.

9 A. Okay.

10 Q. Let's talk about what you became aware of on
11 April 13th as documented in your Inmate Notes of that
12 date. And please feel free to reference Exhibit 4 if
13 you want to as we go along.

14 On April 13th you noted that Mr. Walter
15 appeared to be mentally confused, correct?

16 A. Yes.

17 Q. And you also noticed as of April 13th that he
18 appeared to be shaky. Correct?

19 A. Yes.

20 Q. And you also noticed as of April 13th that
21 his eyes were twitching, correct?

22 A. Yes.

23 Q. And if I could just ask you, could you
24 describe for me what it was about his eyes that you
25 thought were unusual that would cause you to write that

Page 34

1 his eyes were twitchy?

2 A. They were doing this, just twitching.

3 Q. Sort of pulsating?

4 A. Yeah, if you want to call it that.

5 Q. Sort of involuntary pulsating or twitching?

6 A. Yeah.

7 Q. And you spoke with him twice on the 13th, and
8 both times you spoke with him his eyes were
9 involuntarily pulsating or twitching as you just
10 described?

11 A. Yes.

12 Q. And it was apparent to you from your
13 interaction with Mr. Walter that he appeared to be
14 mentally confused about what was happening around him,
15 correct?

16 A. Yes.

17 MR. LOY: Object to foundation now.

18 Q. (BY MR. BUDGE) Drawing your attention to
19 near the top of your entry where it says, Corporal Owen
20 and I took Inmate Walter to Holding 3 to put him on a
21 medical watch, what was it about Mr. Walter's behavior
22 or symptoms as you observed them on the 13th that
23 caused you to decide to put him on medical watch?

24 A. It wasn't really his behavior in and of
25 itself, but it was Inmate Vercillo saying that he

1 thought he was close to becoming violent as well.
2 And it was Corporal Owen's decision to take him to
3 Holding 3 to put him on a medical watch. But we talked
4 to him, and he said he was fine and nothing was wrong.
5 And he wasn't acting violent around us, so Corporal
6 Owen decided to put him back in the T pod for the time
7 being.

8 Q. So at first you decided you would put him on
9 medical watch, and then you decided you would keep him
10 back in T pod?

11 A. Corporal Owen did, yeah.

12 Q. So it was reported to you by Inmate Vercillo
13 that Mr. Walter, when he was in T pod, seemed to be
14 close to becoming violent; is that right?

15 A. Yeah.

16 Q. But when you pulled Mr. Walter out of T pod
17 and actually talked to him, did he display signs of
18 aggressive or violent behavior?

19 A. No.

20 Q. So your observations of him when you pulled
21 him out seemed to be quite a bit different from what
22 was reported by Inmate Vercillo?

23 A. Yeah.

24 Q. Going back to the question about medical
25 watch, why would you put an inmate on medical watch as

Page 36

1 **opposed to any other kind of watch?**

2 A. Well, with the shakiness and the way his eyes
3 was twitching, you know, that would constitute
4 medical -- possible medical watch.

5 **Q. Okay. Did it seem to you that maybe there**
6 **was something wrong with Mr. Walter?**

7 A. Well, yeah, there was something going on with
8 him.

9 **Q. You could tell that just by seeing him?**

10 A. Yeah.

11 **Q. So near the bottom of your entry where it**
12 **says, "Both times I spoke with Inmate Walter he was**
13 **shaky and his eyes were twitching, most likely due to**
14 **being weaned off of methadone" --**

15 A. Uh-huh.

16 **Q. -- my question for you is, why did you feel**
17 **that maybe it was because he was being weaned off of**
18 **methadone?**

19 A. Because -- I believe it was Nurse Monica told
20 me that he was being weaned off of methadone.

21 **Q. Anything else that led you to the conclusion**
22 **that maybe his behavior was because he was being weaned**
23 **off of methadone?**

24 A. Not specifically, no.

25 **Q. Now, you understand that Nurse Monica did not**

1 know he actually came into the jail with a prescription
2 for benzodiazepine, right?

3 A. I don't know what Medical did or didn't know.

4 Q. I see.

5 So was he actually on the 13th put in medical
6 watch, or did you just decide let's put him in medical
7 watch but then, because it appeared he was actually not
8 violent or aggressive, you put him back in T pod?

9 A. I don't know what Corporal Owen's decision on
10 that was based on.

11 Q. Do you know whether or not anybody would have
12 reported the medical watch status to either Nurse
13 Maestas or Nurse Repshire?

14 A. I don't know what Corporal Owen did with
15 that.

16 Q. At some point, was Mr. Walter actually
17 transferred out of T pod and put in the holding cells?

18 A. At some point, yeah, because he ended up in
19 holding. I don't know exactly when or who -- who did
20 that.

21 Q. But you understand that at some point after
22 the 13th, Mr. Walter was actually removed from --
23 removed from the T pod and placed in the holding cells
24 where he spent the remainder of his life, correct?

25 A. Yes.

Page 38

1 Q. So when the inmate was -- excuse me. I'll
2 strike that.

3 When Mr. Walter was eventually placed in the
4 holding cells, those were Holding Cells 2 and 3 and
5 maybe for a brief period of time Holding Cell 1; is
6 that correct?

7 A. I would have to refer to the documentation,
8 but . . .

9 Q. Do you recall Mr. Walter being in the holding
10 cells?

11 A. I recall him being in Holding 2, and I
12 believe in here it was documented he was moved to
13 Holding 1 so his cell could be cleaned, but that's all
14 I recall.

15 Q. And when Mr. Walter was in Holding Cell 2,
16 were the deputies who were in the booking area able to
17 see him at all times?

18 A. As long as he was standing or sitting. If he
19 was lying down on the floor, you couldn't see unless
20 you went out to the booking area to look in his cell.

21 Q. Right. But if you went out of the booking
22 area --

23 A. Yes.

24 Q. -- to look into the cell, you could see him
25 at all times?

1 A. Yes.

2 Q. And, similarly, any nurse that decided to
3 look into Mr. Walter's cell could see him at all times
4 when he was in Holding Cell 2, correct?

5 A. Yes.

6 Q. All right. So I'm going to be handing you
7 Exhibit 5 to your deposition. Exhibit 5 is a document
8 that's called Inmate Welfare Check List. Have you seen
9 this in the last couple weeks, at least?

10 A. Yes.

11 Q. Is this a document that was completed by you
12 and the other corrections officers to document your
13 observations of Mr. Walter during the time when he was
14 in the holding cells for the entire period from
15 10:00 p.m. on April 15th through his death
16 approximately five days later on April 20th?

17 A. Yes.

18 Q. And did you make all the entries
19 corresponding to Deputy 331?

20 A. Yes.

21 Q. And all the entries that are following the
22 Call No. 331 are entries that were made in your
23 handwriting; is that right?

24 A. Yes.

25 Q. Was the -- were the entries that are not made

Page 40

1 by you in this logbook -- or Inmate Welfare Check List
2 made by you contemporaneously with your observation of
3 Mr. Walter; that is, either right at the time or
4 immediately after observing him?

5 A. Yes.

6 Q. In order to observe Mr. Walter during this
7 period of time, did you actually go up to the cell and
8 look inside the window so you could get a clear view of
9 him?

10 A. Yes.

11 Q. Did you document everything of significance
12 you saw him doing when you looked into the cell?

13 A. Um. As far as I know, yes.

14 Q. Where was the logbook kept?

15 A. It was taped on his door.

16 Q. It was right there on his door?

17 A. (Deponent nodded head.)

18 Q. Was it on a clipboard?

19 A. No. It was just taped to his door, I
20 believe.

21 Q. And then when you were filling it out, then
22 if you had wanted to pause and look up to see what
23 entries had come before you, you could do that?

24 A. You could, yeah.

25 Q. All right. So let's go ahead and go through

1 these entries that you made in the logbook. First of
2 all, I believe the first entries that you made are on
3 the page that, in the lower than right-hand corner,
4 ends with 31.

5 A. Uh-huh.

6 Q. And these -- this entry that I'm referring
7 to, which I believe is your first entry, is for
8 April 17th, 2014, beginning at 2:00 p.m.; is that
9 correct?

10 A. Yes.

11 Q. So at 2:00 p.m. on April 17th, you see
12 Mr. Walter standing up and yelling. Do you recall
13 that?

14 A. I don't recall it, but if I documented it,
15 then that's what I saw.

16 Q. And then the next entry half an hour later is
17 that he's lying down?

18 A. Yes.

19 Q. And then the next entry after that is that he
20 he's sitting, talking/yelling?

21 A. Yes.

22 Q. And then the next entry after that at 1530 is
23 he's sitting, talking/yelling?

24 A. Yes.

25 Q. Let's pause there for a second. And it looks

Page 42

1 like there are quite a number of entries that you wrote
2 where Mr. Walter is described as either talking or
3 yelling or both.

4 A. Yeah.

5 Q. So my question for you is, even if you don't
6 remember specific times, or dates for that matter, when
7 you saw Mr. Walter talking or yelling in his cell,
8 could you do your best to describe for me exactly what
9 you saw him doing.

10 A. I really don't remember what -- you know,
11 just -- I can look at this and see what I logged down,
12 but visual recollection, I don't.

13 Q. Do you recall that Mr. Walter in fact was
14 just talking in his cell?

15 MR. LOY: Object to form.

16 A. Not specifically. I just don't remember.

17 Q. (BY MR. BUDGE) Was there anybody else in his
18 cell that he was talking to?

19 MR. LOY: Object to the form.

20 A. No.

21 Q. (BY MR. BUDGE) Did he appear to be having
22 conversations with people that weren't there?

23 A. Like I say, I don't remember specifics
24 about . . .

25 Q. Do you remember him ever, like, yelling at

1 you, or did it appear that he was yelling in general?

2 A. I don't remember.

3 Q. Do you have any recollection at all -- this
4 is very important because this is a federal court
5 case -- of Mr. Walter yelling or talking in his cell?

6 MR. LOY: Object to form.

7 A. I don't remember specifics, no. I don't.

8 Q. (BY MR. BUDGE) Tell me what you remember in
9 general, even if you don't remember specifics.

10 A. I'd just refer to my logs here. You know,
11 I -- I know if I logged down that he was sitting and
12 talking and yelling, then that's what he was doing, but
13 I don't specifically remember exactly what he was doing
14 or saying or yelling.

15 Q. So you have no specific recollection of him
16 talking or yelling?

17 A. Not specifics, I mean, I do know that he was
18 yelling, you know, but specifically I can't remember
19 exactly what it was he was yelling or, you know,
20 anything specific.

21 Q. Or generally?

22 A. Yeah.

23 Q. You just have no memory of it?

24 A. I know he was yelling, but I don't know what
25 he was yelling or any -- like I say, anything specific

Page 44

1 he was yelling about or talking about.

2 Q. So then you saw him at 4:00 p.m. lying down?

3 A. Yeah.

4 Q. Half an hour later, yelling, lying down?

5 A. Yeah.

6 Q. Half an hour later, given dinner?

7 A. Yeah.

8 Q. Did you see him eat?

9 A. I do not remember whether he ate or not.

10 Q. Half an hour later, med line. He took his
11 meds/returned dinner tray?

12 A. Yeah.

13 Q. Do you know if the dinner tray was empty or
14 if it still had the food on it?

15 A. I don't remember.

16 Q. And then there's another entry by an officer
17 with the number 369. When he was in at
18 6:30 p.m., He's standing, talking and yelling?

19 A. Yes.

20 Q. And then at 7:00 p.m., he's standing at the
21 door?

22 A. Yes.

23 Q. And then at 7:30, he's standing at the door?

24 A. Yes.

25 Q. And then at 10:00 (sic), he's standing at the

1 door, talking?

2 A. At 8:00, yes.

3 Q. And then at 8:30, he's sitting, talking and
4 yelling?

5 A. Yes.

6 Q. And then at 9:00, he's standing and talking?

7 A. Yes.

8 Q. And then at 9:30, he's sitting and talking?

9 A. Yes.

10 Q. And then it looks like the next entry that
11 you make is all the way on 20th, on the last page. Is
12 that right?

13 A. Yes.

14 Q. Now, on the 20th, at 2:30 p.m., you observed
15 Mr. Walter lying down and shaking, correct?

16 A. Yes.

17 Q. And, in fact, at that time, Mr. Walter didn't
18 have any clothes on, correct?

19 A. Yes.

20 Q. And you saw him on the floor of his cell on
21 the -- actually on the floor? Not on the mat but on
22 the floor, correct?

23 A. Yes.

24 Q. With his naked body on the floor, correct?

25 A. Yes.

Page 46

1 Q. And you saw his body involuntary shuddering,
2 correct?

3 A. Yeah. He was shaking.

4 Q. His entire body?

5 A. Yes.

6 Q. His entire body, from head to foot, was
7 shaking as if involuntarily?

8 A. Correct. Yes.

9 Q. And then at 3:00 p.m. on the 20th, you looked
10 into the cell and you again saw Mr. Walter lying down
11 and shaking, correct?

12 A. Yes.

13 Q. At that time, 3:00 on the 20th of April,
14 again Mr. Walter was lying naked on the cold floor of
15 the cell apparently involuntarily shuddering, correct?

16 A. Yes.

17 Q. And so his whole body was shaking; is that
18 right?

19 A. Yes.

20 Q. Was it as if -- almost like he was having a
21 seizure?

22 A. Um.

23 MR. TIEMEIER: Object to foundation.

24 MR. LOY: Object for foundation.

25 A. It wasn't that extreme, you know. It was

1 more like a shiver type of shake.

2 Q. (BY MR. BUDGE) A constant shake or shiver or
3 quiver.

4 A. Yeah.

5 Q. But it wasn't just his arms, was it?

6 A. No.

7 Q. Was his head quivering or shuddering as well?

8 A. I don't remember for sure on his head, but I
9 know his arms and legs -- you know, his body was.

10 Q. Did it look like somebody who was -- as if it
11 was very cold, like it was freezing almost?

12 A. Yes.

13 Q. And that was an observation that you made at
14 3:00. And then at 3:30 it says put --

15 A. Inmate.

16 Q. -- inmate on mattress and blanket.

17 A. With blanket, yeah.

18 Q. Does that refer to an occasion where you and
19 officer -- or Corporal Owen went into the cell?

20 A. Yes.

21 Q. And I'm going to ask you about that in a
22 little bit, but just to ask you a few questions now,
23 at -- at 3:30 p.m. when you and Corporal Owen went into
24 the cell, tell me what you observed about Mr. Walter.

25 A. Um. He was still lying down, shaking. He

Page 48

1 wasn't -- he was on the floor. I believe his head had
2 moved over to be over by the toilet. And we wanted to
3 at least get him back on his mattress and covered with
4 a blanket.

5 Q. Was he naked from head to toe?

6 A. Yes, he was.

7 Q. Did it appear again as if his whole body was
8 shuddering?

9 A. He was shivering, yes.

10 Q. And did it appear again that that shuddering
11 or shaking that you observed was involuntary?

12 A. Yes.

13 Q. You looked at him at 4:00 p.m. again, and
14 again you saw him lying down, shaking?

15 A. Yes.

16 Q. Again naked on the cold floor, lying down and
17 shaking?

18 A. I don't recall if he had moved off his
19 mattress at that time yet or not.

20 Q. But he was still lying down and shaking --

21 A. Yes.

22 Q. -- or shuddering in the way you described?

23 A. Yes.

24 Q. Again his whole body?

25 A. Yes.

1 Q. Again at 4:30 p.m., what happened that caused
2 you to write, "Would not respond when offered dinner"?

3 A. Well, I offered him his dinner, but he was
4 just lying down, shaking. He -- he wasn't capable of
5 responding in his condition.

6 Q. Was it as if he almost didn't know you were
7 there?

8 A. Yes.

9 Q. And that was at 4:30 p.m., approximately one
10 hour before he was found unresponsive?

11 A. Yes.

12 Q. So from at least the time you began observing
13 him at 2:30 p.m. for a period of -- well, for your
14 entire observation from 2:30 p.m. until 4:30 p.m. on
15 the night that he died or the afternoon preceding his
16 death, you observed him at least 2-1/2 hours pretty
17 much lying on the cold ground, shaking, except for that
18 one period you tried to get him back up on the mat?

19 A. Yes.

20 Q. And then the entries just above you at 1:30
21 and 2:00 p.m. and also just below your last entry at
22 5:00 p.m. also indicate that he's lying down on the
23 ground, shaking, correct?

24 A. Yes.

25 Q. Let me just ask you, generally speaking,

Page 50

1 during the course of your observations of Mr. Walter
2 when he was in the holding cells, would you agree that
3 his general behavior was pretty bizarre, pretty out
4 there?

5 A. Yes.

6 Q. Would you agree that when you saw him in the
7 holding cell he was unclothed, naked, even though it
8 was -- would have been obvious to somebody who was
9 aware of their surroundings that he was in full view of
10 anybody who looked in?

11 A. Yes.

12 Q. And would you agree that at least on the last
13 day when you saw Mr. Walter that he was shaking pretty
14 significantly as if he was unable to control it?

15 A. Yes.

16 Q. And would you also agree that he was mentally
17 confused and possibly even unaware of his surroundings?

18 MR. LOY: Object to foundation.

19 A. Yes.

20 Q. (BY MR. BUDGE) From what you observed.

21 A. Yes.

22 Q. Did it appear to you when you observed him
23 that he may have been hallucinating?

24 MR. LOY: Object to foundation.

25 MR. TIEMEIER: Join.

1 A. Yeah.

2 Q. (BY MR. BUDGE) And did you ever see
3 Mr. Walter actually sleeping?

4 A. I don't remember if I did or not.

5 Q. Well, if you had seen him sleeping, I take it
6 you would have written that in the log?

7 A. Yeah.

8 Q. Do you recall actually seeing him sleeping?

9 MR. LOY: Object to form.

10 MR. TIEMEIER: See him what?

11 A. I don't remember.

12 MR. LOY: Sleeping.

13 Q. (BY MR. BUDGE) You didn't document that he
14 was sleeping at any time, correct?

15 A. Not that it shows, no.

16 Q. Did you ever see him drink any water, that
17 you can remember?

18 A. I remember seeing Nurse Kathy sitting him up
19 to give him a drink of water. I don't remember when it
20 was, but it was when he was not doing that well and was
21 in Holding 2, I believe.

22 Q. Was he -- could he hold the cup?

23 A. She was holding it for him.

24 Q. Putting it to his lips?

25 A. Yeah.

Page 52

1 Q. Because he could not hold it?

2 MR. LOY: Object to foundation.

3 A. Probably.

4 Q. (BY MR. BUDGE) As far as you observed --

5 A. Yeah.

6 Q. -- that was what was happening?

7 A. Yeah.

8 Q. She was putting the cup up to his lips
9 because he couldn't hold it?

10 A. Yeah.

11 MR. LOY: Same objection.

12 MR. TIEMEIER: Join.

13 Q. (BY MR. BUDGE) Did you actually see him eat
14 anything?

15 A. Not that I remember.

16 Q. And then did you -- do you think you probably
17 looked at some of the other logbook entries that the
18 other officers made of their observations as well?

19 A. As far as?

20 Q. As far as what Mr. Walter had been doing when
21 you weren't actually the one who was documenting it.

22 A. I pretty much looked at the notes in the
23 pass-down. Once these are filled out the day before,
24 they get placed in his file. They are not left up
25 there as a history.

1 Q. Okay. So they are taken off and put in his
2 file as each --

3 A. And then a new one goes up.

4 Q. As each one gets filled up?

5 A. Yeah.

6 Q. Where is that file cabinet?

7 A. It's his file that is in the file drawer.

8 Q. So now I'm just going to hand you the next
9 exhibit to your deposition, Exhibit 6. This is a
10 report from Deputy Lightcap. Do you remember
11 Deputy Lightcap?

12 A. Yeah.

13 Q. And she describes in this report an encounter
14 that occurred when she was helping you and Corporal
15 Owen move Mr. Walter from Holding Cell 3 to Holding
16 Cell 2, and because you're described by Deputy Lightcap
17 as having been present when she made these
18 observations, I would like to go through this with you
19 and ask you if you believe that Deputy Lightcap's
20 account is correct.

21 So if we could go through this together,
22 beginning with the first sentence, On 4-19-2014, I,
23 Deputy Lightcap, was a third hand in helping Corporal
24 Owen and Deputy Combs move Inmate Walter back to
25 Holding 2.

Page 54

1 Do you recall both her and Corporal Owen
2 being present with you when Mr. Walter was moved back
3 to Holding 2?

4 A. Not specifically, but if -- if she says she
5 was there, I'm sure she was.

6 Q. And where was he being moved from?

7 A. I thought that was when we moved him from
8 Holding 2 to Holding 1 to have his cell cleaned and
9 then moved him back.

10 Q. Right. So then she goes on, "Some of the
11 things I noticed were the excessive bruises
12 Inmate Walter had all over his body."

13 Do you remember that, too?

14 A. Yeah, I noticed bruises.

15 Q. Did you notice excessive bruises all over his
16 body as Deputy Lightcap documented?

17 A. Um. I don't specifically remember his
18 bruises and stuff. I know he had bruises, but I don't
19 know what you would call excessive and . . .

20 Q. Do you have any reason to doubt what she
21 writes there?

22 A. No.

23 Q. Okay. And then she goes on to describe four
24 bruises that stand out the most. She describes one
25 near his left clavicle/shoulder area, she goes on to

1 describe a second on his right clavicle/shoulder area,
2 she describes another on his right hip area, and then
3 she goes on to describe another one on his right big
4 toe.

5 Do you have any reason to doubt her
6 descriptions --

7 A. No.

8 Q. -- of bruising that she saw when she was with
9 you and Corporal Owen on the 19th?

10 A. No.

11 Q. And then she goes on to say, "It looks as if
12 his toe is actually broken." Did you yourself observe
13 that?

14 A. I don't recall looking at his toe
15 specifically and determining that it was broken.

16 Q. Any reason to doubt what she says?

17 A. No.

18 Q. It goes on to say, "The bruise wraps around
19 the inside of his foot and is very purple in color.
20 There seem to be more bruises showing up each day."

21 Any reason to doubt that information?

22 A. No.

23 Q. Then she goes on to say, "Another thing I
24 have noticed is his diminishing size."

25 Did you also notice Mr. Walter's diminishing

Page 56

1 **size?**

2 A. Yeah.

3 **Q. So tell me as of the 19th what you were**
4 **seeing with regard to Mr. Walter's diminishing size.**

5 A. He just looked a lot skinnier than when he
6 came in.

7 **Q. Like he was losing a lot of weight real fast?**

8 A. Yes.

9 **Q. What did his -- what -- how else did he**
10 **appear? Did he appear to be pale?**

11 A. I don't remember.

12 **Q. What leads you to say that he just seemed**
13 **like he was losing a lot of weight?**

14 A. Because I remember when he came in what he
15 looked like, and he just looked weak.

16 **Q. Weak and like he lost a lot of weight since**
17 **he came in?**

18 A. Like he lost weight. I don't know how much,
19 but . . .

20 **Q. Could you estimate for me at all whether it**
21 **might have been 20 pound or 25 or 15 or . . .**

22 A. I really don't know.

23 **Q. But enough that you could just tell by**
24 **looking at him?**

25 A. You could tell, yeah.

1 Q. And then it goes on to talk about how
2 Mr. Walter had his trays on the 14th, do you see
3 that -- excuse me, on the 18th?

4 A. Yeah.

5 Q. Any reason to doubt that?

6 A. No.

7 Q. And then it says, "He has been shaking and it
8 seems to be getting worse as well."

9 Did you also notice that his shaking was
10 getting progressively worse as time went on?

11 A. Right today I don't remember, but I'm sure at
12 the time if it was and she documented that, then yeah.

13 Q. So you would agree that, as far as you know,
14 his shaking seemed to be getting worse over time?

15 MR. LOY: Object to form; misstates the
16 testimony.

17 Q. (BY MR. BUDGE) Let me ask it a better way.
18 You don't have any reason to doubt that over time his
19 shaking was getting worse?

20 A. I don't have any reason to doubt that.

21 Q. It says, "On 4-19-2014, Deputy Combs stated
22 that when she went to replace his mat, there was an
23 odor that smelled like urine."

24 Do you recall that?

25 A. I don't remember it, but I'm sure that, you

Page 58

1 know, if that's what it says, then yeah.

2 Q. So you would agree with Deputy Combs (sic) in
3 her report that what she says here probably did occur,
4 that you went in to replace Mr. Walter's mat and it
5 smelled like urine?

6 A. Yes.

7 MR. LOY: Object to form.

8 Q. (BY MR. BUDGE) Didn't Mr. Walter have a
9 toilet in his cell?

10 A. Yes.

11 Q. Not just the holes they have in some holding
12 cells but an actual toilet?

13 A. No. He had a toilet.

14 Q. And then it says, "Another thing I noticed
15 was that his big toe on the left foot had fresh blood
16 showing."

17 Do you recall that?

18 A. I don't recall it.

19 Q. No reason to doubt it, though?

20 A. No.

21 Q. And then it says, "There also appeared to be
22 dry blood around his toes."

23 Any recollection of that?

24 A. I don't recall it, but, you know, if that's
25 what she said, then I'm sure . . .

1 Q. So now I'm going to hand you Deposition 7 to
2 your deposition. This is a report from Corporal Owen.
3 And if you could -- just directing your attention to
4 the information about five lines down where it says,
5 "At approximately 1530."

6 A. Uh-huh.

7 Q. "At approximately 1530, Deputy Combs
8 approached me and stated that while doing her check on
9 Inmate Walter she noticed that he had moved himself off
10 his mat again and was naked."

11 Do you recall that?

12 A. I don't recall it, but I'm sure that's what I
13 observed.

14 Q. "Inmate Walter was in a suicide smock for
15 safety reasons and he would constantly take the smock
16 off."

17 Do you recall that?

18 A. Yeah.

19 Q. "Deputy Combs, Buffington and I made our way
20 to holding two. While looking through the window in
21 the door I could visibly see Inmate Walter laying under
22 the sink in holding two. He was laying on his right
23 side with his hands shaking above his chest."

24 Do you recall that?

25 A. I don't specifically recall it, but . . .

Page 60

1 Q. But do you recall that when you went in there
2 with -- with Corporal Owen, that Mr. Walter was lying
3 on his right side with his hands shaking?

4 A. I don't recall it, but I don't -- if that's
5 what this says, I'm sure that's what I observed at the
6 time.

7 Q. "For the past week Inmate Walter had began to
8 shake due to him Detoxing." And then it says,
9 "Deputy Combs called on the radio for holding two to be
10 opened. When the door was opened we went into the
11 cell. I took a hold of Inmate Walter's left arm and
12 informed him that we were going to move him back onto
13 his mat and cover him up so he would be more
14 comfortable," and then it goes on.

15 Do you have any independent recollection of
16 that?

17 A. I don't remember it specifically, no.

18 Q. Okay. And then moving on to the next
19 paragraph, it says, "At approximately 1630, Deputy
20 Combs began serving trays in Booking. After she
21 finished serving trays, she informed me that Inmate
22 Walter would not get up to get his tray."

23 Do you recall that?

24 A. Yeah.

25 Q. Okay. Tell me everything you remember about

1 **that.**

2 A. I just remember he was lying down, shaking
3 and wouldn't respond when I told him, you know, It's
4 dinnertime, come get his tray.

5 **Q. Did he look pretty bad to you?**

6 A. Yeah.

7 **Q. Were you pretty worried?**

8 A. I think we all were concerned, but I didn't
9 know what extent -- how bad off he was.

10 **Q. Okay. We'll talk about that a little bit**
11 **more.**

12 **"She also stated that he had moved back off**
13 **the mattress and was laying down shaking again."**

14 **Any independent recollection about that?**

15 A. I don't remember, no.

16 **Q. And then later, at about 5:30 p.m., or just a**
17 **couple minutes before, Mr. Walter was found**
18 **unresponsive in his cell and it was later confirmed**
19 **that he had died. Did you actually see Mr. Walter in**
20 **his cell after he died?**

21 A. Yes.

22 **Q. You saw his body?**

23 A. Yes.

24 **Q. So, Miss Combs, given everything that you saw**
25 **of Mr. Walter and everything that you documented in the**

Page 62

1 log and given your personal observations of him in the
2 days leading up to his death, is it fair to say that
3 you were pretty concerned about Mr. Walter's medical
4 situation?

5 A. Yeah.

6 Q. And is it fair to say that, as a nonmedically
7 trained person, it was pretty clear to you that
8 Mr. Walter was in some type of medical crisis?

9 MR. LOY: Object to foundation.

10 A. I'm not medical. I don't know, but -- you
11 know, if he's in crisis or not. He didn't look good --

12 Q. (BY MR. BUDGE) Right.

13 A. -- you know.

14 Q. To your untrained eye, not medically trained,
15 he did not look good, did he?

16 A. No.

17 Q. In fact, he looked pretty awful, didn't he?

18 A. Well, yeah. Seeing him lying there, shaking,
19 didn't look good.

20 Q. Would you agree that his behavior, his
21 appearance and his general state in the last five days
22 of his confinement in the holding cells was very
23 different from his appearance and behavior in the first
24 10 days of his confinement?

25 A. Yeah.

1 Q. Okay. Would you also agree that it was clear
2 to you that Mr. Walter had -- in the last five days and
3 then the days leading up to his death had deteriorated,
4 really gone downhill?

5 A. Yes.

6 Q. Was it pretty obvious to you in the days
7 leading up to Mr. Walter's death that he had
8 deteriorated quite rapidly?

9 A. Yeah.

10 Q. Was it also obvious to you -- let's just kind
11 of go through a list. In the days leading up to his
12 death, Mr. Walter appeared to be disoriented?

13 A. Yes.

14 Q. Confused?

15 A. Yes.

16 Q. Was behaving bizarrely?

17 A. Yes.

18 Q. He was losing a lot of weight?

19 A. Yes.

20 Q. He was shaking uncontrollably?

21 A. Yes.

22 Q. He was not sleeping?

23 A. Yes.

24 Q. He was refusing meals?

25 A. Yes.

Page 64

1 Q. He was -- his eyes were twitching?

2 A. Yes.

3 Q. He was naked for hours at a time in full view
4 of anybody who looked in?

5 A. Yes.

6 Q. He was lying on the cold floor, naked?

7 A. Yes.

8 Q. And shaking?

9 A. Yes.

10 Q. He had bruises all over his body?

11 A. Yes.

12 Q. He had possible broken bones?

13 MR. LOY: Object to foundation.

14 A. I don't know about that.

15 Q. (BY MR. BUDGE) He had -- there was blood
16 apparently on his body, fresh blood?

17 A. I don't know about that, either.

18 Q. He had either urinated on himself or in his
19 living area or on the mat?

20 A. Yes.

21 Q. He was not making any sense?

22 A. Yes.

23 Q. He was not being responsive?

24 A. Yes.

25 Q. And you observed all of that and were aware

1 of all of that in the days leading up to his death,
2 correct?

3 A. Yes.

4 Q. Given all of that -- all of that information
5 that you had, what did you do to alert any nurse or
6 physician's assistant at the jail about what you were
7 seeing and what you were aware of in the days leading
8 up to his death?

9 A. Medical was aware of his condition. They saw
10 him twice a day.

11 Q. Was Medical fully aware of everything that
12 you were aware of?

13 A. I would say yes.

14 Q. Okay. How do you know that?

15 A. I would refer to the reports.

16 Q. Were you actually there with Medical when
17 they looked in and saw Mr. Walter's condition on a
18 regular basis?

19 A. Well, I know -- there's just one specific
20 time I remember when he was in Holding 2, and I just
21 remember Nurse Stephanie walking across the booking
22 floor, saying, We are following protocol, that's all we
23 can do for him. Just shut you down.

24 Q. How did you feel about that?

25 A. I --

Page 66

1 Q. Did you know, inside, that it was wrong?

2 MR. LOY: Object to form.

3 A. I thought that she should have at least
4 stopped and looked in on him instead of just walking
5 across the floor making that statement; but, like I
6 say, I'm not medical. I don't know.

7 Q. (BY MR. BUDGE) I know that. That's okay.
8 But did it -- was it -- did it appear to you that
9 Nurse Repshire was fully aware of Mr. Walter's
10 condition just as you were?

11 A. Yes.

12 Q. And did it appear to you that she was, you
13 know, dismissive of Mr. Walter?

14 A. With that statement, it seemed like it, yes.
15 It was more, you know -- she would say she was -- We
16 are following protocol, that's all we can do.

17 Q. She seemed to just dismiss it?

18 A. Yes.

19 MR. LOY: Object to form.

20 Q. (BY MR. BUDGE) Did you personally do
21 anything to go to a nurse or a PA or any medical person
22 and say, This person needs help, This isn't enough,
23 Whatever you are doing isn't enough, or anything like
24 that?

25 A. Personally, I don't remember doing that.

1 Q. Okay.

2 A. I would leave that up to my supervisor.

3 Q. Did you ever in the days leading up to
4 Mr. Walter's death -- given everything you were seeing,
5 did you go to a supervisor and say anything like,
6 Something needs to be done, or, What's being done for
7 him, or make any type of complaint or report or
8 anything?

9 A. I'm sure I talked with my supervisor about
10 his condition, but I don't know where he took it from
11 there.

12 Q. Who would that have been?

13 A. Corporal Owen.

14 Q. So you are sure you would have talked to
15 Corporal Owen. And would you have expressed your
16 concern about Mr. Walter to Corporal Owen?

17 A. Yeah.

18 Q. What about the other detention deputies,
19 corrections officers and other people that you were
20 working with -- that is, your coworkers -- did you talk
21 with them about what you were seeing with regard to
22 Mr. Walter in these days leading up to his death?

23 A. I don't remember specifically talking with --
24 you know, we would have our pass-down from shift to
25 shift that would let you know what was going on during

Page 68

1 that shift, and I'm sure concerns were expressed during
2 that time about what was or wasn't being done for him,
3 but it's out of our hands. It was Medical's
4 decision what needed to be done with him.

5 **Q. Did you ever -- do you believe that**
6 **Nurse Maestas was aware of what was happening with**
7 **Mr. Walter?**

8 A. Yes.

9 **Q. Why do you believe that?**

10 A. I would refer to the reports that shows she
11 was very aware.

12 **Q. Did you ever get -- was Mr. Walter and his**
13 **condition and what was going on in the holding cell at**
14 **that time -- was it a -- for lack of a better term, was**
15 **it a big deal within the jail at that time, an unusual**
16 **thing, lots of people talking about, What is happening**
17 **with this guy?**

18 A. I think -- I -- yeah, I think it was a big
19 deal because, you know, there were concerns about
20 how -- you know, his medical condition and what was
21 being done about it.

22 **Q. And who were you hearing that from?**

23 A. Um. Seeing that the captain was over to
24 speak with the nurse about it, hearing that, hearing
25 the sheriff had been informed about his condition would

1 tell me that that was a big deal.

2 Q. So you were aware from your coworkers that
3 Mr. Walter's deteriorating condition was a big enough
4 deal that it had gone all the way to the sheriff?

5 A. Yes.

6 Q. And it had gone to Commander Rankin?

7 A. Yes.

8 Q. And you were under the impression that pretty
9 much the entire jail staff was aware Mr. Walter's
10 deteriorating condition?

11 A. Yes.

12 MR. LOY: Object to form.

13 Q. (BY MR. BUDGE) And you were under the
14 impression that both Nurse Repshire and Maestas were
15 well aware of Mr. Walter's deteriorating condition?

16 A. Yes.

17 Q. As you sit here today, do you feel that more
18 should have been done by Medical for Mr. Walter?

19 MR. TIEMEIER: Object to foundation.

20 MR. LOY: Join.

21 A. Seeing that he died, yeah.

22 Q. (BY MR. BUDGE) Do you think that others at
23 the Fremont County jail share your point of view?

24 MR. TIEMEIER: Object to foundation.

25 MR. LOY: Object to foundation.

Page 70

1 A. I can't say what their point of view was, but
2 I would think so.

3 **Q. (BY MR. BUDGE) But I mean in the --**

4 A. As far as Medical should have done more?

5 **Q. Yeah.**

6 A. I'd say yeah.

7 **Q. I mean, I take it that after Mr. Walter died**
8 **there was plenty of talk about what had gone down,**
9 **right?**

10 A. Yeah.

11 **Q. And was it the general consensus among staff**
12 **that Medical screwed up?**

13 MR. LOY: Object to foundation.

14 MR. TIEMEIER: Join.

15 A. That Medical didn't do enough, obviously.

16 **Q. (BY MR. BUDGE) Did you personally think that**
17 **Mr. Walter belonged in a hospital?**

18 A. Well, seeing that he died, yeah.

19 MR. TIEMEIER: Object to foundation.

20 MR. LOY: Object to foundation.

21 **Q. (BY MR. BUDGE) At the point in time you saw**
22 **him going downhill up until just --**

23 A. I didn't know. I was like everybody else,
24 depending on Medical to take care of him.

25 **Q. So just to summarize, if -- if anything was**

1 to be done for Mr. Walter in the days or hours -- even
2 the half hour leading up to his death, it was Medical
3 that was the one that was supposed to do it?

4 A. Yes.

5 Q. Meaning either Nurse Repshire or
6 Nurse Maestas?

7 A. Yes.

8 Q. And it was your understanding that the policy
9 of the jail was that nobody at the jail among the jail
10 staff, among the detention staff would take or could
11 take Mr. Walter to the hospital without approval from
12 Repshire and Maestas?

13 A. Yeah.

14 Q. And it was the policy of the jail that nobody
15 could call an outside provider to come and evaluate him
16 unless approval was given by Maestas or Repshire?

17 MR. LOY: Object to foundation.

18 A. Earlier I was saying that's above my pay
19 grade. I don't know on that.

20 Q. (BY MR. BUDGE) If Mr. Walter -- well, are
21 you aware of any other inmates who have withdrawn from
22 any other types of substances -- whether it be alcohol
23 or any other types of substances, that reached really
24 bad conditions in the jail?

25 A. Nothing like him.

Page 72

1 Q. He was far and away the worst?

2 A. Yes.

3 Q. Did you ever hear Kathy Maestas say anything
4 derogatory about Mr. Walter?

5 A. Not that I recall.

6 Q. Did you ever hear her say or do anything that
7 you felt indicated a dismissive attitude towards his
8 condition?

9 A. Not that I recall.

10 Q. So how about Nurse Repshire; what did you see
11 or hear Miss Repshire-

12 A. The only dismissive thing is what I already
13 told you when she walked across the booking floor
14 saying, We following protocol and that's all we can do
15 for him. That's like shutting us down, you know.

16 Q. So did you feel that -- when Nurse Repshire
17 walked across the booking floor and basically said,
18 That's all we can do for him, was Mr. Walter in a
19 really bad state, as far as you observed it?

20 A. I'm believing that was during the last week
21 some point in time. I know it was when he was in
22 Holding 2 when she -- so he wasn't doing good at the
23 time. I don't know what state he was in when -- I
24 don't remember specifically, but . . .

25 Q. At some point in time you described

1 **Kathy Maestas being in the cell with Mr. Walter and**
2 **actually holding a cup up to his lips. Could you tell**
3 **me everything you recall about that event and the**
4 **surroundings and the circumstances of that?**

5 A. I really don't recall a lot about it. All I
6 can picture is her in the cell with the cup of water,
7 trying to get him to drink some water. That's all I
8 remember. I don't remember if he was shaking at that
9 time. I don't remember what his state of mind was. I
10 just -- that's just the picture I have in my head.

11 I do remember her giving him some water, but
12 I don't remember when it was or what state he was in at
13 the time.

14 **Q. Do you remember him being on the floor of the**
15 **cell?**

16 A. Yes.

17 **Q. Being naked?**

18 A. Yes.

19 **Q. And lying down or sitting up?**

20 A. Lying down.

21 **Q. On his back?**

22 A. Yes.

23 **Q. With his head on the floor?**

24 A. Yes.

25 **Q. And this was at some point in time before his**

Page 74

1 death but when he was in really bad shape?

2 A. Yes.

3 MR. LOY: Object to form.

4 Q. (BY MR. BUDGE) Did you ever see any violent
5 or aggressive behavior by Mr. Walter?

6 A. Personally, no.

7 Q. Did you ever see Mr. Walter displaying any
8 kind of behavior -- any type of behavior that would
9 have, in your view, made it unsafe for a nurse to go
10 into the cell and evaluate Mr. Walter?

11 A. Personally, I don't recall seeing him being
12 violent. I know from pass-down and what happened when
13 I wasn't there that he had some sort of violent
14 episode.

15 Q. Right.

16 A. But personally I didn't see him being
17 violent.

18 Q. So let me see if I can direct your attention
19 back to the days that you worked. If you could take a
20 look at Exhibit 2 to your deposition, and go to the
21 second page where we see that you worked 8 hours on
22 Thursday, the 17th; 8 hours, Friday the 18th; 8 hours
23 Saturday, the 19th; and 8 hours Sunday, the 20th.

24 A. Yeah.

25 Q. Throughout that entire -- those entire 48

1 hours that you worked from Thursday the 17th to
2 Mr. Walter's death on Sunday the 20th, did you ever see
3 Mr. Walter engaging in any kind of behavior that you
4 thought would make it unsafe for a nurse to go in and
5 medically evaluate Mr. Walter?

6 A. I don't really remember. Yeah. I just --
7 I'm drawing a blank.

8 Q. If you had seen Mr. Walter engaging in any
9 kind of violent or aggressive behavior during those 48
10 hours, I take it you would have documented it, right?

11 MR. LOY: Object to form.

12 A. Yeah. Yeah. Notify the supervisor, too.

13 Q. (BY MR. BUDGE) And you never did document or
14 notify a supervisor that Mr. Walter was engaging in any
15 kind of violent, aggressive or volatile behavior
16 between the 17th and the 20th during the 8 hours that
17 you worked?

18 A. No.

19 Q. And you have no independent recollection of
20 Mr. Walter engaging in any type of volatile, aggressive
21 or violent behavior during that time, correct?

22 A. I don't know.

23 Q. Did you ever see Nurse Maestas medically
24 evaluate Mr. Walter in any way?

25 MR. LOY: Object to form and foundation.

Page 76

1 A. During med line. You know, when she'd do med
2 line I'm sure -- I don't know specifically.

3 **Q. (BY MR. BUDGE) Well, did you ever see her**
4 **take his blood pressure?**

5 A. I don't remember seeing it.

6 **Q. Check his pulse?**

7 A. I don't remember seeing that.

8 **Q. Did you ever remember Nurse Maestas talking**
9 **to Mr. Walter?**

10 A. Not specifically.

11 **Q. Do you remember Nurse Repshire ever taking**
12 **Mr. Walter's blood pressure?**

13 A. I don't recall that, no.

14 **Q. Do you ever recall Nurse Repshire taking**
15 **Mr. Walter's pulse?**

16 A. Not that I recall.

17 **Q. Do you recall Nurse Repshire talking to**
18 **Mr. Walter?**

19 A. Not that I remember.

20 **Q. Do you recall any medical person at any time**
21 **taking any vital signs?**

22 A. No.

23 **Q. Did you ever -- when you went into the cell**
24 **with Mr. Walter at any time during the period that you**
25 **worked, did you ever fear for your own safety?**

1 A. No.

2 Q. And during the -- any period of time that you
3 were either at the cell door or in Mr. Walter's cell,
4 did he ever display any kind of violent, aggressive or
5 threatening behavior towards you?

6 A. Not towards me.

7 Q. Did you ever see him exhibit any kind of
8 violent, aggressive or volatile behavior toward anybody
9 else?

10 A. I don't remember seeing it.

11 Q. Could you tell me what you remember about the
12 point in time that it became apparent that Mr. Walter
13 was not breathing and he was unresponsive.

14 A. Um. I was down in CC-3, helping them with
15 trays. I heard the call over the radio they needed
16 assistance up in booking. So as soon as I could get
17 the deputy out of the pod where she was doing trays so
18 she could relieve me, I ran back up there. And when I
19 ran back up there, Kathy was doing CPR on him.

20 Q. What do you mean by "CPR"?

21 A. She was doing the --

22 Q. Chest compressions?

23 A. -- chest compressions and breathing.

24 MR. LOY: I was going to ask if this is a
25 good time to take a short break.

Page 78

1 MR. BUDGE: Absolutely. Let me ask one more
2 question.

3 Q. (BY MR. BUDGE) Because Mr. Walter was on
4 medical watch when he was in the holding cells, I take
5 it every time you checked on him you checked on him
6 carefully, right?

7 A. Yes.

8 Q. And you made a -- you carefully looked at his
9 body, carefully looked at what he was doing?

10 A. Yeah. I logged what he was doing.

11 Q. And you spent enough time at the cell window
12 that you could assure yourself that you had gotten a
13 clear view of --

14 A. Yes.

15 Q. -- him and what he was doing?

16 A. Yes.

17 MR. BUDGE: All right. Yes, let's take that
18 break.

19 (A recess was taken from 2:58 p.m. to
20 3:14 p.m.)

21 Q. (BY MR. BUDGE) All right. Miss Combs, now
22 I'm going to hand you what's been marked Exhibit 8 to
23 your deposition. This is a Jail Incident report that I
24 believe was prepared by you. Is that correct --

25 A. Yeah.

1 Q. -- that this was prepared by you?

2 A. Yeah.

3 Q. If I could just draw your attention to the
4 information contained toward the bottom of the page
5 where it says, "AMR asked when the last time anyone saw
6 him breathing. We informed them he was on a mental
7 health watch and was being checked at 15 minute
8 intervals."

9 Do you see that?

10 A. Yeah.

11 Q. Was he being checked at 15-minute --

12 A. 30 minutes. It was a typo on my part.

13 Q. All right. When you saw Mr. Walter after he
14 died, in the cell, did you get a pretty good view of
15 his body?

16 A. Um. I was standing outside of the cell
17 because Kathy was in there doing CPR and Owen was at
18 the cell door. So I don't remember if he was in the
19 cell -- I think he was actually in the cell with her.

20 Q. Owen?

21 A. Yeah. So they were kind of blocking some of
22 his body.

23 Q. So you got a pretty good view or didn't get a
24 pretty good view or it was mixed?

25 A. I got an okay view.

Page 80

1 **Q. And of course you had a very good view when**
2 **you had been in there in the hour or two immediately**
3 **preceding his death, right?**

4 A. Yeah.

5 **Q. And when you went in there in the hour or two**
6 **immediately preceding his death when he wouldn't**
7 **respond to you when you came in there with a dinner**
8 **tray, you were the only other person in the cell?**

9 A. Yes.

10 **Q. I take it you had no hesitation about going**
11 **into the cell on your own?**

12 A. I don't even remember whether I went into the
13 cell or if I opened his tray slot at the time, because
14 I -- I think they put him on a two-deputy status. I'm
15 not sure on that. I don't remember for sure, but I
16 think because of him exhibiting some violent behavior
17 that he was on a two-deputy status, so I would probably
18 tray slot him.

19 **Q. When you would see him through the window of**
20 **the cell, what would you estimate to be the distance**
21 **from where you were standing and where he was lying?**

22 A. Probably about -- well, he was just on the
23 other side of the door, you know, so it wasn't --

24 **Q. Just a couple feet?**

25 A. Yeah.

1 Q. Was he on his back?

2 A. Yeah.

3 Q. So you had a pretty good view of the full
4 front side of his body?

5 A. Yeah.

6 Q. From head to toe?

7 A. Yeah.

8 Q. He was obviously unclothed?

9 A. Yeah.

10 Q. Nothing covering him?

11 A. Yeah.

12 Q. Did you have -- did you hear Mr. Walter
13 asking for his Klonopin?

14 A. No.

15 Q. Did you hear any other inmates, such as any
16 of the inmates in T pod, mention Klonopin?

17 A. Not that I recall.

18 Q. Have you ever heard that word before today,
19 "Klonopin"?

20 A. I've heard it, but not during the time he was
21 there. What I was understanding he was withdrawing
22 from was methadone.

23 Q. I need to show you some autopsy photographs.

24 A. Okay.

25 Q. These are marked as Exhibits 10 through 39.

Page 82

1 **Does Exhibit 10 show the condition of Mr. Walter's body**
2 **as you observed it in the hour or two before his death?**

3 MR. LOY: Object to form.

4 A. Well, it would have to be, you know.

5 **Q. (BY MR. BUDGE) Exhibit 11; does this**
6 **closer-up image show the condition of Mr. Walter's body**
7 **in the hour or two as you observed it before his death?**

8 A. Yeah. I don't remember that -- on the left
9 side, that sticking out like that, but it could be the
10 way he's seated there, too.

11 **Q. Other than that, does this depict the**
12 **condition of Mr. Walter's body in the hour or two**
13 **before his death?**

14 A. Yeah.

15 **Q. Yes?**

16 A. Yeah.

17 MR. LOY: Object to form.

18 I don't want to be disruptive. That
19 particular question, are you going to ask about each
20 photo?

21 MR. BUDGE: Actually, no.

22 MR. LOY: Okay. I was going to say I will
23 object to the form of it and then let you continue so I
24 don't have to keep saying it, but --

25 MR. BUDGE: I'm changing it up on you.

1 MR. LOY: Sorry.

2 Q. (BY MR. BUDGE) Exhibit 16. Is the injury
3 that we see in the photograph marked as Exhibit 16
4 something that you saw before Mr. Walter died when you
5 saw him in the holding cell?

6 A. Where is that?

7 Q. On his right hip.

8 A. On his right hip.

9 MR. TIEMEIER: 16?

10 MR. BUDGE: Yes.

11 A. I don't specifically remember that, but it's
12 there.

13 Q. (BY MR. BUDGE) So no reason to doubt that
14 this existed when you saw Mr. Walter in the holding
15 cell?

16 MR. LOY: Object to form.

17 A. No, there's no reason to doubt it.

18 Q. (BY MR. BUDGE) Exhibit 18. Does this
19 photograph, which shows Mr. Walter's legs from about
20 the lower thigh down, generally depict the condition of
21 his body as you saw it when he was in the holding cell
22 prior to his death?

23 MR. LOY: Object to form.

24 A. Yeah, it would have to.

25 Q. (BY MR. BUDGE) Did you ever see that back

Page 84

1 side of Mr. Walter's body in the holding cell before
2 his death?

3 A. Um. I don't remember specifically seeing all
4 that red.

5 Q. No. My question is, did you see Mr. Walter's
6 back side of his body when he was in the holding
7 cell --

8 A. Yeah. Pretty much I was seeing the front
9 side of his body because he was lying on his back.

10 Q. Exhibits 35 and 36 show Mr. Walter's left
11 foot, in 35, and then his right foot in 36. Do these
12 accurately depict the condition of Mr. Walter's feet
13 when you saw him in the holding cell before his death?

14 MR. LOY: Object to form.

15 A. Yeah.

16 Q. (BY MR. BUDGE) Exhibit 37 is a picture of
17 Mr. Walter's toes. Does this generally show the
18 condition of Mr. Walter's toes when you saw him in the
19 holding cell before his death?

20 MR. LOY: Same objection.

21 A. Yeah.

22 Q. (BY MR. BUDGE) Exhibit 39. Mr. Walter's
23 forehead -- does this show the condition of
24 Mr. Walter's forehead as it existed when you saw it in
25 the holding cell before his death?

1 MR. LOY: Object to form.

2 A. Yeah.

3 Q. (BY MR. BUDGE) And then going back to
4 Exhibit 10, the photograph showing full frontal view of
5 Mr. Walter from the head down to approximately the mid
6 thigh, does this photograph accurately show the
7 condition of Mr. Walter's body in the holding as you
8 saw it before his death?

9 MR. LOY: Object to form; asked and answered.

10 A. Yeah.

11 Q. (BY MR. BUDGE) Is there any conversation
12 that you've had with any person at the jail about
13 Mr. Walter, whether it was medical staff or supervisory
14 staff or one of your co-detention deputies, that you
15 remember occurring but that you haven't told me about?

16 A. Like I say, I don't remember a whole lot of
17 any conversations I had or what was said and who -- who
18 I did or didn't talk to or did talk to me or didn't
19 talk to me. It's quite a ways back. I got
20 old-timer's. It's quite a ways back to try to
21 remember --

22 Q. Did you say you have Alzheimer's?

23 A. I have old-timer's.

24 Q. Old-timer's. Okay.

25 A. But, yeah, I -- like I say, there was

Page 86

1 pass-down, there were conversations that happened, but
2 I do not remember who or what was said exactly.

3 Q. Did you ever actually see Nurse Maestas go up
4 to the window and look in and see Mr. Walter in the
5 days or hours leading up to his death?

6 A. I can't remember.

7 Q. Same question for Nurse Repshire.

8 A. I don't remember with her either. I'm
9 assuming they would have had to for at least med line,
10 but specifically going just to check on him, I don't
11 remember.

12 Q. Have you ever had a conversation or interview
13 or discussion with anybody, other than an attorney,
14 about Mr. Walter since he died, that you can remember?

15 A. As far as -- I don't know what you're --

16 Q. Well, for example, did anybody from
17 Correctional Healthcare Companies ever seek you out,
18 try to interview you or collect any information from
19 you to learn more about what led up to Mr. Walter's
20 death?

21 A. No.

22 Q. Did any person from the sheriff's department
23 ever seek you out or try to interview you or collect
24 information from you about the facts or circumstances
25 leading up to Mr. Walter's death?

1 A. No.

2 Q. Did anybody from the Fremont County Sheriff's
3 Office, has a detective or patrol deputy or anybody
4 like that ever seek you out, try to interview you or
5 collect information from you about what you knew about
6 the facts and circumstances leading up to Mr. Walter's
7 death?

8 A. No.

9 Q. Are you aware of any force that was used by
10 anybody that can account for any of the injuries that
11 we have -- that we see depicted in the photographs that
12 you have before you?

13 MR. LOY: Object to foundation.

14 MR. TIEMEIER: Join.

15 A. I don't know how or where his injuries came
16 from. I personally didn't see how he got them.

17 Q. (BY MR. BUDGE) Did the injuries that we see
18 in the photographs depicted on Exhibits 10 through 39
19 -- did any of those injuries, to your knowledge, exist
20 on Mr. Walter before he came to the jail?

21 MR. LOY: Object to foundation.

22 MR. TIEMEIER: Join.

23 A. I don't know.

24 Q. (BY MR. BUDGE) When you saw Mr. Walter on
25 the 13th of April, did you see any indication that he

Page 88

1 **was in pain?**

2 A. Let me think when the 13th was. Was he still
3 in T pod then?

4 **Q. Yes.**

5 A. Then I don't believe so.

6 **Q. Okay. Did you see any indication that he had**
7 **any injuries on him when he was brought out of T pod on**
8 **April 13th?**

9 A. I don't remember.

10 **Q. If anybody from Correctional Healthcare**
11 **Companies or any investigator from the Fremont County**
12 **Sheriff's Office or any supervisor from the Fremont**
13 **County Sheriff's Office or the jail had wanted to**
14 **interview you about what you knew concerning**
15 **Mr. Walter, would you have agreed to talk with them and**
16 **provide them with whatever information that you had?**

17 A. Yeah.

18 **Q. Do you know who Raymond Herr is?**

19 A. No.

20 **Q. Have you ever seen or heard of Raymond Herr?**

21 A. Not to my knowledge.

22 **Q. Do you know who Sharon Allen is, Dr. Allen?**

23 A. Yeah.

24 **Q. Who's Dr. Allen?**

25 A. She does the mental health evaluations and

1 stuff.

2 **Q. How often?**

3 A. She's a psychologist, I think.

4 **Q. How often does she come to the jail?**

5 A. Um. It used to be, I believe, once a week.

6 I'm on graveyard shift now so I don't know how often

7 she comes now. It could be once every two weeks or

8 once a week. I don't know.

9 **Q. Could it have been as much as once every two**
10 **weeks or once a month?**

11 MR. LOY: Object to foundation.

12 A. Yeah. I don't know.

13 **Q. (BY MR. BUDGE) Do you have a personal**
14 **opinion about Kathy Maestas's attentiveness or**
15 **responsiveness to inmate medical needs based on what**
16 **you have observed?**

17 MR. LOY: Object to foundation.

18 A. Well, it seems like they are always in a
19 hurry to get med line done, you know, and, um, don't
20 have the best bedside manner.

21 **Q. (BY MR. BUDGE) What have you personally seen**
22 **about Miss Maestas that leads you to conclude that she**
23 **didn't have the best bedside manner?**

24 A. Um. Well, like I say, if they are late for
25 med line, then they don't get med line.

Page 90

1 **Q. Meaning they don't get their meds?**

2 A. Yeah.

3 **Q. Okay.**

4 A. And just -- just the way she can be
5 condescending, the way she talks to 'em sometimes and
6 dismissive.

7 **Q. And what about Nurse Repshire?**

8 A. She kind of follows the same mold.

9 **Q. So do you find, from your observations,**
10 **Nurse Repshire to have a similar -- what was the word**
11 **that you used? -- dismissive tone toward inmates who**
12 **have medical needs?**

13 A. For the most part. Like I say, they are both
14 in a hurry to get med line done and don't really want
15 to sit and talk to each inmate and listen to what's
16 going on with them. I've seen other times, too, where
17 an inmate will have a issue and they will listen, but
18 for the most part, they are just in a hurry to get med
19 line done.

20 **Q. Have you observed both Miss Repshire and**
21 **Miss Maestas be particularly dismissive towards inmates**
22 **that have medical needs?**

23 A. Well, I'm not --

24 MR. LOY: Object to foundation.

25 A. I'm not sure how they interpret their medical

1 needs and if they are -- their line of thinking is, you
2 know, this isn't really necessary, if they are trying
3 to game them or something else and that's why they are
4 dismissive or if it's just being in a hurry. I don't
5 know what they are thinking.

6 **Q. (BY MR. BUDGE) But from your own personal**
7 **observations, what is your opinion?**

8 MR. LOY: Same objection.

9 A. I think they have been dismissive.

10 **Q. (BY MR. BUDGE) Towards the inmates?**

11 A. Yeah.

12 **Q. Is Miss Maestas still working at the jail?**

13 A. Yeah.

14 **Q. Is Miss Repshire still working at the jail?**

15 A. Yeah.

16 **Q. Are there any other nurses working at the**
17 **jail now?**

18 A. Yeah, we've gotten some newer ones. There's
19 a George and Adam and Rose that are there now, too.

20 **Q. So now there are four nurses?**

21 A. Um. Well, including Kathy, that would be
22 five, I believe. Kathy, Repshire, George, Adam and
23 Rose, yeah, but I think they all are like on part-time
24 schedule.

25 **Q. Did you ever know about a physician's**

Page 92

1 **assistant named Roy Havens?**

2 A. Yeah.

3 **Q. And before Roy Havens passed away, how often**
4 **would you see him at the jail?**

5 A. I'm trying to remember. Being on swing
6 shift, I -- I would guess once -- maybe once a month.

7 **Q. Did you ever see Roy Havens evaluating any**
8 **inmate or conducting any type of medical check or**
9 **evaluation?**

10 A. I know when he was in, they would be
11 escorting inmates to and from Medical if they needed to
12 see him; but I never personally saw him, you know,
13 doing any tests or anything.

14 **Q. How far was it from the medical office where**
15 **Kathy Maestas and Stephanie Repshire worked to the**
16 **Holding Cell 2?**

17 A. Let's see. If I was going to measure in
18 steps, it probably would be -- probably about 30 steps.

19 **Q. How far from Commander Rankin's office to**
20 **Holding Cell 2?**

21 A. I don't -- I think he had already moved over
22 to admin side at that time. I'm not sure if he did.
23 It would be probably be about -- probably about a
24 hundred. I'm guessing.

25 **Q. Did you often see Sheriff Beicker at the**

1 jail?

2 A. On occasion.

3 Q. Did you often see Ty Martin at the jail?

4 A. On occasion. I wouldn't say often, you know,
5 because they are over on the other side.

6 Q. Would you say it was once a week that you
7 would see Sheriff Beicker at the jail, once a day, once
8 a month? Can you put any type of estimate on it?

9 A. Well, me personally, I would say probably
10 once every two weeks.

11 Q. And how about Ty Martin?

12 A. Probably -- I would say maybe once every
13 three weeks with him.

14 Q. Do you have any information from anybody,
15 other than an attorney, about how Mr. Walter might have
16 sustained any injuries that were apparent in the
17 photographs that you looked at today?

18 A. I don't have any personal knowledge of how he
19 got them, no.

20 Q. Do you have any information from anybody,
21 other than an attorney, about why Mr. Walter died?

22 A. Not personally, no.

23 Q. Nobody said anything about that?

24 A. Well, I'm trying to remember what I was told.
25 I thought that I heard that he basically died from his

Page 94

1 withdrawals.

2 Q. Were you there when the Deputy Coroner Brenda
3 Lloyd showed up at the jail?

4 A. Probably.

5 Q. Do you recall anything about her showing up
6 at the jail?

7 A. Not really.

8 Q. Do you know who might have told Brenda Lloyd
9 that Mr. Walter was a meth head?

10 A. I don't.

11 Q. Are you aware of any investigation conducted
12 by any person into the facts and circumstances
13 surrounding Mr. Walter's death, whether or not you
14 yourself were interviewed?

15 A. I don't understand.

16 Q. Are you aware of whether an investigation
17 occurred?

18 A. Oh, a -- like an internal --

19 Q. Yeah.

20 A. I'm not aware. I don't know.

21 Q. You never heard that there was an
22 investigation?

23 A. I personally wasn't aware of what happened
24 after that.

25 Q. Could you take another look at Exhibit 4,

1 please. And if I could just draw your attention to the
2 entry at the very bottom of the page under 4-19-14
3 where it says, "Inmate moved to Holding 1 so his cell
4 could be cleaned. He was given a clean smock, blanket
5 and mattress."

6 Is that an entry that you made?

7 A. Yeah.

8 Q. Why was his cell being cleaned on the 19th of
9 April.

10 A. Well, I'm assuming that him being in there
11 for however many days, it would need cleaned.

12 Q. Do you know if it was being cleaned of blood?

13 A. I don't recall blood.

14 Q. Do you know if it was being cleaned of urine
15 or feces?

16 A. Could have had urine in it.

17 Q. Why do you say that?

18 A. Because when I said that -- I mentioned that
19 it smelled like urine on the mattress or whatever, was
20 that this same day? Then, yeah, it had urine in it.

21 Q. And, finally, if I've asked you this before,
22 I apologize, but was it the practice of Nurse Repshire
23 and Nurse Maestas that if an inmate didn't actually
24 come to get his meds that they would call it a refusal?

25 A. Yeah.

Page 96

1 MR. LOY: Object to foundation.

2 Q. (BY MR. BUDGE) So an inmate didn't have to
3 actually say "No, I'm not taking my meds" to count it
4 as a refusal?

5 A. If they didn't come to med line, that's what
6 my beliefs are, is it's documented as a refusal. I
7 didn't personally see them document it as a refusal,
8 but . . .

9 Q. Sometimes we see entries in the logbook or
10 even in deputies' reports that Mr. Walter refused meds.
11 Was it the practice of the corrections officers to
12 write down "Refusal" if an inmate just didn't come up
13 to get his meds, even if he didn't indicate that he was
14 actually refusing?

15 MR. LOY: Object to form and foundation.

16 MR. TIEMEIER: Join.

17 A. I don't know on that. I don't know -- well,
18 yeah, if he didn't take his meds, then yeah, he'd
19 refuse them.

20 Q. (BY MR. BUDGE) So not showing up to receive
21 his meds when his meds were called would sometimes be
22 documented by corrections officers as a refusal?

23 MR. LOY: Same objection.

24 A. I would assume so.

25 Q. (BY MR. BUDGE) Is that what you did

1 **sometimes?**

2 A. I don't know if I did or not, but . . .

3 **Q. With other inmates, have you done that?**

4 A. I don't recall really having to document
5 inmates refusing their meds. You know, Medical usually
6 documents whether they refused their meds or not,
7 unless there was a -- like if there was an issue with,
8 you know, him refusing his meds or something.

9 **Q. Have you ever received any complaints from**
10 **other inmates about the medical care or treatment or**
11 **lack thereof from Miss Maestas?**

12 A. I've heard general complaints that they are
13 not being taken care of there, you know. Specifics as
14 to what they wanted and what they weren't getting -- I
15 don't know of specifics, but I know there were inmates
16 complaining that they -- they weren't being heard, I
17 guess, would be the way to put it.

18 **Q. Can you remember the name of any particular**
19 **inmate?**

20 A. Not -- I'm drawing a blank right now.

21 **Q. Anything that you can remember that might be**
22 **responsive to any of my questions that I've asked so**
23 **far that you didn't tell me about earlier that you now**
24 **remember?**

25 MR. LOY: Object to form.

Page 98

1 A. I don't think so.

2 MR. BUDGE: That's all I have. Thank you.

3 EXAMINATION

4 BY MR. TIEMEIER:

5 Q. Hi. My name is Greg Tiemeier. I introduced
6 myself to you earlier. I'm the attorney for CHC and
7 the nurses.

8 You said you heard complaints from inmates
9 that they weren't being taken care of by Medical.

10 A. Yeah.

11 Q. Do inmates sometimes complain about things?

12 A. Yeah.

13 Q. Do they complain a lot?

14 A. Depends on the inmate.

15 Q. Do sometimes inmates complain about things
16 that aren't really a problem?

17 A. Yeah.

18 Q. Is that in your experience in working at the
19 jail?

20 A. Well, I've heard it both ways, you know.
21 Some inmates are very docile; others are very loud and
22 complain about everything.

23 Q. Have you ever taken it upon yourself to
24 investigate any of the complaints that you've heard
25 from the prisoners about not being taken care of

1 **properly by Medical?**

2 A. Not personally. If there was any sort of
3 real issue, I will tell my supervisor, put it in his
4 hands.

5 **Q. And you've never done that?**

6 A. I don't recall. I don't remember if I have
7 or haven't.

8 **Q. Okay. There is a procedure that inmates are**
9 **supposed to follow to be heard by Medical, correct?**

10 A. Yeah.

11 **Q. And that is to fill out a kite and give it to**
12 **a nurse, correct?**

13 A. Yeah.

14 **Q. And they do that here, don't they?**

15 A. Yeah.

16 **Q. So if you ever heard an inmate say they**
17 **weren't being heard, did you tell them, Fill out a kite**
18 **and give it to a nurse?**

19 A. Well, they hear that from Medical, but, yeah,
20 I'm sure if you've got a medical need, you've got to
21 get a kite for Medical and fill it out.

22 **Q. Do you have any medical background or**
23 **training yourself?**

24 A. No.

25 **Q. So in terms of whether an inmate's complaint**

Page 100

1 of not being properly attended to by Medical is a
2 legitimate complaint or just bellyaching, you have no
3 way of knowing, do you?

4 A. I don't know.

5 Q. All you know is what you hear from the
6 inmates?

7 A. Yeah.

8 Q. You also mentioned that the Nurse Repshire
9 and Nurse Maestas were sometimes dismissive of inmates'
10 medical needs. Did I hear that correctly?

11 A. I don't know if it's dismissive of their
12 needs but dismissive of them wanting to stand there and
13 talk and tell them about something, you know. They --
14 you know, they tell them, Fill out a kite, I don't want
15 to -- I'm not going to stand here and talk to you about
16 it.

17 Q. And that's the proper procedure for being
18 attended to by Medical in this jail, is they are
19 supposed to fill out a kite if they have a medical
20 complaint and Medical then attends to that?

21 A. Yeah.

22 Q. Do you think that's a problem, for the nurses
23 to ask the inmate to do the -- follow the procedures
24 that they have in the jail?

25 A. No.

1 Q. And that brings me to another point. Do you
2 have what in some jails is known as "keys and counts"
3 where at shift change they lock everyone down to make
4 sure all the prisoners are where they are supposed to
5 be and accounted for?

6 A. Yeah.

7 Q. Do you call that "keys and counts"?

8 A. We just call it "formal count."

9 Q. Formal count. Okay.

10 Are you ever involved in that process?

11 A. Yeah.

12 Q. When you call a formal count, do you expect
13 the inmates to return promptly to their cell for
14 lockdown?

15 A. Yeah.

16 Q. Is it something that if it's -- if the inmate
17 is finishing up a card game you will let them finish
18 the card game before they go back to their cell?

19 A. No.

20 Q. You expect them to respond immediately, don't
21 you?

22 A. Yes.

23 Q. Is Miss Maestas and Miss Repshire expecting
24 inmates to show up promptly when they are supposed to,
25 as they are supposed by the regulations of this jail

Page 102

1 for med line -- how is that any different from you
2 expecting the inmates to return immediately to their
3 cells for formal count?

4 A. It's not really. There's -- there's
5 exceptions, you know. If an inmate's in the shower
6 when you flash the lights to have them lock down for
7 count, of course he's -- he's going to have to get out
8 of the shower and get dressed and go to his cell, so it
9 might take him a minute longer than everybody else, you
10 know. That's -- that's nothing that we would really
11 sweat him over.

12 Q. But if it -- if the inmate is able to and is
13 aware of your orders that they go to lockdown, you
14 expect them to do it right away, correct?

15 A. Yeah.

16 Q. And Miss Maestas expects the same thing with
17 respect to med line, right?

18 MR. BUDGE: Object to the form.

19 A. Well, she expects them to be there when med
20 line is there.

21 Q. (BY MR. TIEMEIER) Do you think that's
22 unreasonable?

23 A. I -- in general, no.

24 Q. Okay. In this particular case, are you aware
25 that Miss Maestas asked Deputy Owen -- excuse me --

1 Corporal Owen to accompany her into Mr. Walter's cell
2 to help her sit him up to she could give him the meds
3 personally?

4 A. I'm not -- I don't remember that specifically
5 unless that is when I saw her giving him water.

6 Q. Could you take a look at your Exhibit No. 7.
7 I think that might be the wrong one. Yeah. This is
8 the correct one.

9 Last paragraph starting, "At approximately
10 1725" -- do you have that in front of you?

11 A. Uh-huh.

12 Q. -- says, "Nurse Kathy arrived in booking for
13 medline. We started doing medline in T-Pod. Once we
14 finished with T-Pod, Kathy informed me we would have to
15 sit Inmate Walter up to give him his medication. She
16 stated this is what they had to do this morning to
17 ensure that he took his meds."

18 Do you see that?

19 A. Yeah.

20 Q. You would agree, certainly, in Mr. Walter's
21 case she wasn't expecting him to come to the door and
22 do this on his own, right?

23 A. Yes.

24 Q. She was willing to make sure -- do what she
25 needed to do to make sure he got his meds, right?

Page 104

1 MR. BUDGE: Object to form.

2 A. That's what it says, yeah.

3 Q. (BY MR. TIEMEIER) Do you have any reason to
4 think that what Corporal Owen wrote there is not
5 correct?

6 A. No.

7 Q. Corporal Owen criticized Miss Maestas's
8 shortness as being most evident when a prisoner was
9 questioning her competence but that when prisoners were
10 just questioning her about their medical condition she
11 was more than happy to listen to them. Was that your
12 experience as well?

13 MR. BUDGE: Object to form.

14 A. At times, she will listen to 'em, but if --
15 like I say, they were in a hurry to get med line done,
16 and there were times where she would tell them, Just
17 fill out a kite, you know, because she wanted to get it
18 done.

19 Q. And that is the procedure that is supposed to
20 be followed in this jail, correct?

21 A. Yes.

22 Q. So what she was asking them to do is follow
23 the procedures that are supposed to be followed in the
24 jail, correct?

25 MR. BUDGE: Object to form.

1 A. Yeah.

2 Q. (BY MR. TIEMEIER) How many inmates do you
3 have in this jail?

4 A. Um. I think right now we are at about 220.

5 Q. 220?

6 A. Uh-huh.

7 Q. Do you know how many of those prisoners need
8 medications?

9 A. No.

10 Q. When Miss Maestas and Miss Repshire are doing
11 med line, are you aware that they have quite a few
12 inmates that they need to give medications to?

13 A. Yeah.

14 Q. And they have other things that they are
15 supposed to do for med line?

16 A. Yeah.

17 Q. Do you understand at times they are in a
18 hurry to get things done because they have a lot of
19 prisoners to see?

20 A. Yeah.

21 Q. Do you fault them for that?

22 A. Not in general, no.

23 Q. Do you feel it is poor bedside manner to
24 expect prisoners to follow protocols that are
25 established at this jail?

Page 106

1 A. It's not poor bedside manner, no.

2 Q. Could you take a look at Exhibit 1. That is
3 your training records. Do you have that in front of
4 you?

5 A. Yes.

6 Q. Okay. Could you turn to Page 2, please.
7 About two-thirds of the way down, you did a course on
8 June 15 of last year in communicable diseases. Who did
9 that training? And when I say, Who did it, I mean who
10 sponsored it, who did the presentation for you?

11 A. Um. I don't recall specifically who taught
12 it. It could have been Lieutenant Parker. I just -- I
13 said it could have been Lieutenant Parker, but I don't
14 recall specifically who trained me on what, here.

15 Q. Do you remember what you learned about
16 communicable diseases?

17 A. Pretty much. Yeah.

18 Q. What was that?

19 A. Glove up, and if -- if there's, like, any
20 liquids that can get on you, you know, you wear eye
21 protection, and just use the universal precautions.

22 Q. You indicated -- moving on to another subject
23 now, you indicated earlier that you felt that Medical
24 should have done more because Mr. Walter died. Do you
25 remember that testimony?

1 A. Yes.

2 Q. What did Mr. Walter die of?

3 A. I -- like I said before, I assumed he died
4 from his withdrawal symptoms.

5 Q. Did you hear that from a medical doctor or
6 perhaps the doctor that conducted the autopsy?

7 A. I never got a formal cause of death
8 personally on him. I don't know exactly what he . . .

9 Q. Are you aware that the autopsy -- the
10 physician who performed the autopsy, Dr. Barry,
11 concluded that her final diagnosis was an undetermined
12 cause of death?

13 A. No, I wasn't aware.

14 Q. Do you have any reason to think you would
15 have a better insight into what killed Mr. Walter than
16 Dr. Barry, the doctor that did the autopsy?

17 A. No. I'm not medical. I . . .

18 Q. So you -- when you said you thought that he
19 died from withdrawal, you are just guessing, right?

20 A. Yes.

21 Q. You have no idea what he died from?

22 A. No.

23 Q. And along those lines that you don't know
24 what he died from, do you have any way of knowing if
25 Medical could have prevented his death or have done

Page 108

1 **anything different from what they were doing?**

2 A. Well, obviously, personally, I think they
3 should have done something more or he wouldn't have
4 died, but --

5 **Q. What was it that they should have done that**
6 **would have prevented him from dying?**

7 A. I don't know what they should have done.
8 Maybe he should have gone to the hospital. I don't
9 know.

10 **Q. Did you call Nurse Maestas or Nurse Repshire,**
11 **as is the protocol in this jail after 7:00, and say,**
12 **May we send this prisoner -- or this inmate, rather, to**
13 **the hospital?**

14 MR. LOY: Object to form.

15 A. I personally didn't.

16 **Q. (BY MR. TIEMEIER) Did you ask Corporal Owen**
17 **to do that?**

18 A. I don't recall asking him.

19 **Q. Did you ask Sergeant Miller to do that?**

20 A. I don't recall asking him either.

21 **Q. Did you ask Captain Rankin to do that?**

22 A. No.

23 **Q. Did you ask anyone to do that?**

24 A. Not that I recall.

25 **Q. Did you ever tell Nurse Maestas or**

1 **Nurse Repshire while they were there in booking, Why**
2 **don't you take this man to the hospital?**

3 A. No.

4 **Q. Is that because you are not trained in**
5 **medical matters and you don't know what it is that is**
6 **wrong with him?**

7 A. Well, it's -- it wouldn't be me that would
8 make that call, to even tell them that. It would be
9 somebody above me.

10 **Q. Okay. Well, you could ask Nurse Repshire or**
11 **Nurse Maestas that question, couldn't you, if you were**
12 **there and they were there in booking while they were**
13 **doing med line?**

14 MR. LOY: Object to form.

15 A. I didn't feel like it was for me to do.
16 That, to me, was -- would be somebody higher up than
17 me, to discuss what they need to do with him. You
18 know, like I say, I felt like we got shut down when --
19 like when Stephanie was walking across the booking
20 floor saying, We are following protocol, that's all we
21 can do, to me, that was like, you know, there is --
22 there's no room for questioning it.

23 **Q. (BY MR. TIEMEIER) You said that decision had**
24 **to be made by someone higher up than you, correct?**

25 A. Yeah.

Page 110

1 Q. Did you ever ask someone higher up than you
2 to make that decision?

3 A. No.

4 Q. Did you ever ask them why they weren't making
5 that decision?

6 A. No.

7 Q. Were you aware that Mr. Walter was seen by
8 Dr. Sharon Allen in his cell on the 17th of April?

9 MR. BUDGE: Object to form.

10 A. I don't recall specifically seeing him see
11 her.

12 Q. (BY MR. TIEMEIER) I'm not sure what you mean
13 by that. Did --

14 A. I don't remember. I don't remember.

15 Q. So you are not aware that Dr. Allen did in
16 fact see the inmate on the 17th of April?

17 A. I don't remember.

18 Q. If the records indicate that she did, would
19 you have any reason to disagree with them?

20 A. No.

21 Q. Are you aware that Dr. Allen at that time
22 made a diagnosis and prescribed medications for
23 Mr. Walter?

24 A. No.

25 Q. Is your statement that something should have

1 **been done more for Mr. Walter based primarily on the**
2 **fact that he did die?**

3 A. Yeah.

4 **Q. Are you assuming that a death in a jail does**
5 **not happen unless Medical does something wrong?**

6 A. No, I'm not saying that. I'm just saying I
7 just personally felt that, seeing the condition he was
8 in, that they should have, um, looked at him a little
9 closer, or, you know, paid a little more attention to
10 what was going on with him, but I don't know what that
11 would be.

12 **Q. And in fact they did have a medical doctor,**
13 **Dr. Allen, who's, by the way, a psychiatrist -- that**
14 **means she went to medical school -- not a psychologist.**

15 **Is having a medical doctor evaluate the**
16 **patient in their cell appropriate?**

17 MR. BUDGE: Object to form.

18 **Q. (BY MR. TIEMEIER) Or is there something**
19 **more, as you said, that needed to be done?**

20 A. Well, that's one thing, but I just -- seeing
21 that he died, I just don't see how -- how he got to
22 that point without not having more medical attention
23 than what he had. And I don't know what the attention
24 should have been or could have been, but he obviously
25 died, you know, so, um, to me, it was something medical

Page 112

1 that he died from.

2 Q. And that's pure speculation, right?

3 A. Yeah. I -- I don't have a -- I'm not
4 medically trained.

5 Q. Right. You have absolutely no idea what he
6 died from, correct?

7 A. Right.

8 Q. You have absolutely no idea whether Medical
9 could have prevented his death, correct?

10 A. I don't know.

11 Q. So you are speculating, right?

12 A. Yeah, you could say that.

13 Q. And although you have just expressed your
14 feelings that Medical should have been doing something,
15 you just don't know what it was.

16 Number one, you did not tell that to your
17 superiors, correct? Correct?

18 MR. LOY: Object to form.

19 A. I don't know. Well, like I say, we've talked
20 about it, but I didn't specifically go to my supervisor
21 and tell him, you know, that something more needs to be
22 done. It's not my place to tell him what he needs to
23 do or what Medical needs to do.

24 Q. (BY MR. TIEMEIER) Well, isn't that what you
25 are supposed to do if you have a concern, is report it

1 to your supervisor?

2 A. Yeah.

3 Q. And you didn't do that with respect to your
4 now expressed belief that something more should have
5 been done, true?

6 A. Well, that's hindsight that something more
7 should have been done.

8 Q. Thank you. That's kind of what I was getting
9 at here.

10 When you say "something more should have been
11 done," that's based on you knowing now that he died,
12 right?

13 A. Yeah.

14 Q. And it's based on the assumption that if
15 Medical had done something different, he would be alive
16 today, right?

17 A. Yeah.

18 Q. And you have no way of knowing because you
19 don't know what he died from, right?

20 A. Yeah.

21 Q. You just feel bad that he died?

22 A. Yeah.

23 Q. You were asked about Medical -- whether you
24 ever observed medical personnel taking vital signs of
25 Mr. Walter, and I believe you said you never saw them

Page 114

1 do that.

2 A. Yeah, I don't remember seeing them do it.

3 Q. Okay. If Nurse Doughty wrote in the chart
4 that she had done vitals and wrote down those vital
5 signs, would you have any reason to believe what she
6 was saying was not true?

7 A. No.

8 Q. So something might have happened when you
9 weren't watching?

10 A. Yeah.

11 Q. I think you said at some point that when an
12 inmate didn't show up for -- excuse me -- for med line
13 in time, that Medical would document that as
14 "medications refused," or did I hear that correctly?

15 A. That's what I believe they do, yeah.

16 Q. Do you look at medical charts to see --

17 A. No I don't.

18 Q. -- how they document that?

19 So you are guessing. That's speculation,
20 right?

21 A. Well, yeah.

22 Q. Why did you say that if you have no idea
23 whether they actually do that or not?

24 A. Well, I don't go and look at the inmate's
25 personal medical charts.

1 Q. Right. That's why I'm asking, why did you
2 testify under oath earlier that the nurses write down
3 "medications refused" if you've never seen the charts
4 to see what they write down?

5 MR. LOY: Object to form; misstates.

6 MR. BUDGE: Same.

7 A. I don't understand.

8 Q. (BY MR. TIEMEIER) Why did you testify to
9 something you have absolutely no knowledge of?

10 MR. BUDGE: Object to form.

11 MR. LOY: Form.

12 Q. (BY MR. TIEMEIER) And if you have knowledge
13 of it, tell me how you have it.

14 A. I don't know. I -- I'm sure that somewhere
15 along the line I've been told that it's documented that
16 they refused their meds because Medical would, more
17 than likely, need to keep track of who took their meds
18 and who didn't. Me personally seeing them document it,
19 I don't see that.

20 Q. Okay. I think I may have misunderstood what
21 you said. To you, is there a distinction between
22 "medications refused" and "medications not given"? Are
23 those two different things, or do you consider that the
24 same, just the prisoner didn't get the medications?

25 A. I don't really make a distinction. I -- you

Page 116

1 know, if -- if -- if they refuse their meds, of course
2 they are not given. I don't know what you are asking.

3 Q. Okay. What I was asking is that -- are you
4 aware of a difference between a nurse not giving a
5 patient medications because they don't show up at med
6 line and a patient refusing medications when they are
7 offered to the patient?

8 A. Yeah, there's a distinction there.

9 Q. Do you know whether the nurses note that
10 distinction in their medical records?

11 A. I don't know that.

12 MR. TIEMEIER: That's all I have. Thank you.

13 MR. LOY: Let's take a short break.

14 (A recess was taken from 4:08 p.m. to
15 4:25 p.m.)

16 EXAMINATION

17 BY MR. LOY:

18 Q. I just have a couple quick questions.

19 You were asked earlier if when Mr. Walter's
20 cell was cleaned that included cleaning urine, you said
21 that it could have had urine in it. Do you remember
22 saying that?

23 A. Yeah.

24 Q. And then do you remember being asked why you
25 think it could have had urine in it?

1 A. No.

2 Q. Okay. Fair enough. My understanding of what
3 you said -- I just want you to correct me if I'm
4 wrong -- I think I understood you said that the cell
5 could have had urine in it based on the report that you
6 had read earlier in the deposition that mentioned the
7 urine, right?

8 A. Yeah.

9 Q. That was the basis for your statement that it
10 could have had urine in it?

11 A. Yes.

12 Q. You don't have any independent memory,
13 separate from what you read in the report, that it did
14 or didn't have urine in it?

15 A. Right.

16 Q. Regarding the autopsy photos that you looked
17 at earlier, do you know when those photos were taken?

18 A. No.

19 Q. Do you know where they were taken?

20 A. No.

21 Q. Do you know anything about the handling of
22 the body in between when Mr. Walter died and when the
23 photos were taken?

24 A. No.

25 MR. LOY: That's all I have.

Page 118

1 EXAMINATION (Continued)

2 BY MR. BUDGE:

3 Q. Really briefly, Miss Combs.

4 Speaking in total honesty, based on what you
5 observed in the days and hours leading up to
6 Mr. Walter's death, do you think he was physically and
7 mentally capable of filling out an inmate medical kite?

8 A. No.

9 Q. Did Mr. Walter appear to you to be suffering
10 from the symptoms he was experiencing?

11 MR. LOY: Object to foundation.

12 Q. (BY MR. BUDGE) I'll withdraw the question.
13 That's okay.

14 To your knowledge, did Miss Maestas and
15 Commander Rankin have a romantic relationship?

16 MR. LOY: Object to foundation.

17 A. I heard that they had. I don't know how long
18 it had gone on or . . .

19 Q. (BY MR. BUDGE) Do you know one way or the
20 other whether Miss Maestas and Commander Rankin are
21 still romantically involved?

22 A. I don't believe they are now, no.

23 MR. BUDGE: That's all I had. Thank you.

24 MR. TIEMEIER: One follow-up.

25

EXAMINATION

BY MR. TIEMEIER:

Q. Just a follow-up on the relationship between Miss Maestas and Captain Rankin. Did you ever see any evidence that that was affecting the healthcare that was being delivered in the jail?

A. No.

MR. TIEMEIER: That's all I have. Thank you.

WHEREUPON, the within proceedings were concluded at the approximate hour of 4:29 p.m. on September 27, 2016.

Page 120

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATION OF DEPONENT

I, CHARLENE COMBS, do hereby certify that I have read the above and foregoing deposition and that the same is a true and accurate transcription of my testimony, except for attached amendments, if any.

Amendments attached () Yes () No

CHARLENE COMBS

The signature above of CHARLENE COMBS, was subscribed and sworn to before me in the county of _____, state of Colorado, this _____ day of _____, 2016.

Notary Public
My commission expires

Walter v. Correctional Healthcare Companies, et al.,
09/27/2016 (AN)

