

Transcript of the Testimony of

ROBERT MILLER
September 26, 2016

The Estate of John Patrick Walter
vs.
Correctional Healthcare Companies, Inc, et al.

Annette Norris, RPR

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IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF COLORADO

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

DEPOSITION OF: ROBERT MILLER - September 26, 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 ROBERT MILLER was taken on behalf of the
Plaintiff, at 615 Macon Avenue, Room 207, Canon City,
Colorado, on September 26, 2016, at 2:22 p.m., before
Annette Norris, Registered Professional Reporter and
Notary Public within Colorado.

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11 (Attached to original transcript.)

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15

16 INFORMATION REQUESTED:
(None)

17 QUESTIONS INSTRUCTED NOT TO ANSWER:
(None)

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1 P R O C E E D I N G S

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

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

8 EXAMINATION

9 BY MR. BUDGE:

10 Q. Would you state your name, please.

11 A. Robert Ranger Miller.

12 Q. Mr. Miller, during your deposition today, I'm
13 going to be asking you questions, and my questions and
14 your answers are going to be transcribed by the court
15 reporter, who's sitting for your left. There's going
16 to be a permanent record of these proceedings in the
17 form of a written transcript, continuous questions and
18 answers. You understand that, correct?

19 A. Yes, sir.

20 Q. You also understand that you are under oath
21 just as you would be if you were in a court of law,
22 correct?

23 A. Yes.

24 Q. If at any time you don't understand a
25 question I ask you, please ask me to clarify it or

1 rephrase it for you, and I will do that. Okay?

2 A. Yes, sir.

3 Q. Is there any reason you can think of, such as
4 any medications that you might be on or anything else,
5 that might impact your ability to give true and
6 complete testimony today?

7 A. None.

8 Q. As I understand it, you went to Canon City
9 High School; is that right?

10 A. Yes, sir.

11 Q. And what year did you graduate from high
12 school?

13 A. 2002.

14 Q. Did you have any education after high school?

15 A. No, sir.

16 Q. Okay. And for a period of approximately two
17 years after high school, you worked construction; is
18 that right?

19 A. Yes, sir.

20 Q. And then after that, you worked for about six
21 months at Taco Bell in Canon City; is that correct?

22 A. Give or take.

23 Q. And then after that, you worked for Subway
24 Sandwiches in Canon City; is that right?

25 A. Uh-huh.

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1 Q. Yes?

2 A. Yes. Sorry.

3 Q. That's all right.

4 And then less than a year after that, you
5 worked at Howard Disposal in Canon City; is that
6 correct?

7 A. Yes, sir.

8 Q. And then is it true that in late 2010, you
9 applied for and obtained a job working as a detention
10 deputy for the Fremont County Sheriff's Office in Canon
11 City?

12 A. Yes, sir.

13 Q. Did you have any previous experience in law
14 enforcement or corrections?

15 A. Minor corrections. I worked for a company
16 called Stepping Stone, which is youth corrections.

17 Q. What did you do for them?

18 A. I supervised and monitored up to 18 boys in a
19 group home as well as oversaw roughly about 10 girls in
20 a girls home.

21 Q. I didn't notice that you put down that
22 previous experience in your employment application to
23 Fremont County. Is there any particular reason why?

24 A. The company no longer existed, so there's
25 nobody to put down as a reference.

1 Q. How long did you work for Stepping Stone?

2 A. Four or five months.

3 Q. Was that a jail?

4 A. No.

5 Q. Was the work that you did for Stepping Stone
6 quite a bit different than what you ended up doing to
7 Fremont County?

8 A. In some areas, yes.

9 Q. In particular, with regard to the detention
10 of inmates in a jail setting.

11 A. This was more of an open housing, kind of a
12 last stop home for them. So, yes, it's different.

13 Q. So sometimes during this deposition, I will
14 refer to the Fremont County Detention Center as the
15 Fremont County jail or the jail. If you are ever
16 confused about what I mean, just ask me. Okay?

17 A. Yes, sir.

18 Q. Our records show that you started working at
19 the Fremont County Jail in November 2010. Does that
20 sound correct to you?

21 A. Yes, sir, November 10th.

22 Q. What was your starting wage?

23 A. Guesstimating, if I remember right, it was
24 13.45.

25 Q. Was that about the wage that you were still

Page 10

1 **earning when you left?**

2 A. No.

3 **Q. What was your final wage?**

4 A. I don't remember exactly.

5 **Q. Roughly.**

6 A. I want to say roughly about 16-something an
7 hour.

8 **Q. And is it the case for the first year of your**
9 **employment with Fremont County as a detention deputy,**
10 **that you were a probationary employee?**

11 A. Correct.

12 **Q. At some point you were promoted to the rank**
13 **of sergeant within the jail; is that right?**

14 A. Yes, sir.

15 **Q. When did that occur?**

16 A. Shortly after being promoted to corporal the
17 year prior. I want to say it was May of 2012, around
18 there.

19 **Q. Okay. So hired at the end of 2010?**

20 A. Uh-huh.

21 **Q. And then when would you have been made**
22 **corporal, roughly?**

23 A. I want to say 2011.

24 **Q. Were you still a probationary employee?**

25 A. I did go through a year probation as a

1 corporal as well as a year probation as a sergeant.

2 Q. But would you say that more or less a year
3 elapsed from the time you were first hired as a
4 detention deputy until the time you were made corporal?

5 A. Yes.

6 Q. More or less than a year? In other words,
7 was it within the first year?

8 A. I'm trying to remember. I want to say yes.
9 I want to say it was past a year. A year and three
10 months or so. Around there.

11 Q. And how long were you a corporal before you
12 became a sergeant?

13 A. About a year.

14 Q. So when did you become a sergeant?

15 A. I don't remember the exact date.

16 Q. What's your best estimate?

17 A. I want to say it was in May of 2012, or at
18 least at that point I was an acting sergeant and going
19 into that promotion.

20 Q. All right. What were your duties and
21 responsibilities as a detention officer?

22 A. When I first started out, my duties included
23 the monitoring and supervising of inmates, maintaining
24 facility safety, security. Depending on what day of
25 the week it was, there were different tasks that had to

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1 be completed per post, so . . .

2 **Q. Did you have primary responsibility as a**
3 **booking officer?**

4 A. No, sir.

5 **Q. Did you ever work as a booking officer?**

6 A. I tried.

7 **Q. All right. What about as a transport deputy;**
8 **did you ever work transport?**

9 A. Not transports department, but I did assist
10 in taking inmates in and out of facility to different
11 locations.

12 **Q. Did you serve meals?**

13 A. Yes, sir.

14 **Q. Did you participate in med line?**

15 A. Yes, sir.

16 **Q. How did your duties and responsibilities as a**
17 **sergeant differ from your duties as responsibilities as**
18 **a detention officer?**

19 A. I went from being just a housing area,
20 depending on the day, to where I was supervising not
21 just inmates, I was also supervising staff and overall
22 security of the facility.

23 **Q. All right. As of 2014, specifically April of**
24 **2014, was there a certain segment or group of detention**
25 **deputies that you were supervising, or were you**

1 **supervising all detention deputies who might be working**
2 **on your particular shift?**

3 A. I know at that time we had certain shifts
4 that were assigned to us; I just don't remember the
5 group that I had at the time because so much time has
6 elapsed.

7 **Q. As of April of 2014, who did you report to?**

8 A. My direct supervisor was Captain Rankin.

9 **Q. And was Captain Rankin a commander of the**
10 **jail?**

11 A. Yes, sir.

12 **Q. And to your understanding, he reported to**
13 **Sheriff Beicker; is that right?**

14 A. I believe he first reported to Undersheriff
15 Martin and then Sheriff Beicker.

16 **Q. All right. At some point earlier this year,**
17 **did you quit your job with Fremont County?**

18 A. Yes, sir.

19 **Q. Do you work in any aspect of corrections or**
20 **law enforcement now?**

21 A. No, sir.

22 **Q. The job that you had with Fremont County,**
23 **outside of the several months that you worked at**
24 **Stepping Stone, is that the only corrections-related**
25 **job you've ever had?**

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1 A. Yes, sir.

2 Q. Why did you quit?

3 A. Health.

4 Q. Are you working now?

5 A. Yes, sir.

6 Q. Where do you work?

7 A. I work for Dornhecker Construction.

8 Q. Without getting into too much personal
9 information, was the health condition mental or
10 physical?

11 A. Just illness. I ended up just getting pretty
12 sick.

13 Q. And were you able to give notice to the
14 County that you were quitting your job as a sergeant?

15 A. I did make phone calls and took doctors'
16 notes, things of that nature.

17 Q. Did you seek any type of accommodation for
18 your illness --

19 A. No.

20 Q. -- or medical leave or anything like that?

21 A. No.

22 Q. In your exit interview, I believe you said
23 there was some issues with communication at Fremont
24 County. What did you mean by that?

25 A. Just conveying the direction that we were all

1 trying to move. Rather than having multiple pictures,
2 bringing it down to one.

3 **Q. I'm not sure I understand your answer.**

4 A. Just, you know, the beginning of shifts,
5 daily tasks, what we needed to the complete. Just
6 those kinds of things. Understanding what's expected
7 of you at that time.

8 **Q. Did you feel as if your role in the things**
9 **that were expected of you were not being clearly**
10 **communicated to you?**

11 A. No. What I mean is by other shifts. If this
12 shift was taking care of this task and you are coming
13 on and you are going to finish that task, there was no
14 real clear direction. It's just between us, shift
15 communication.

16 **Q. Are you referring to pass down?**

17 A. Right.

18 **Q. So you had issues with regard to the lack of**
19 **good communication between outgoing shift and incoming**
20 **shift?**

21 A. Right. Basic entry line deputies.

22 **Q. I'm going to be handing you some documents**
23 **during your deposition, and they will be referred to as**
24 **exhibits as we go, and over time you will sort of get**
25 **the hang of it.**

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1 This is Exhibit 1 to your deposition. And
2 I'm also providing a extra copy to your counsel there,
3 so if you don't mind passing that over.

4 Handing you what's been marked Deposition 1
5 to your deposition, does this appear to be a complete
6 copy of your training record?

7 A. Looks correct.

8 Q. All right. Does it appear to accurately
9 reflect all the training from the date of your hire
10 toward the end of -- excuse me -- all the training from
11 the date of your hire toward the end of 2010 all the
12 way up until the day that you quit?

13 A. The ones that did have certificates, yes.

14 Q. When did you leave your job at Fremont
15 County, by the way?

16 A. March.

17 Q. 2016?

18 A. Correct.

19 Q. So does this record accurately reflect all of
20 the training that was provided to you by Fremont County
21 as a detention deputy?

22 A. It's a mixture of what the County provided as
23 well as outside agencies, yes.

24 Q. Through the County?

25 A. Some of it wasn't through the County, no.

1 **Q. But I mean the training that you got from**
2 **outside agencies was training that the County directed**
3 **you to receive?**

4 A. Portions of it were, and other portions were
5 to better myself in positions that I held.

6 **Q. Does it reflect all the training that you**
7 **received through April of 2014?**

8 A. I honestly don't know.

9 **Q. Are you aware of anything, in looking at this**
10 **and probing your own memory, that stands out to you as**
11 **training that you received that is not recorded in the**
12 **document as training you received through April of**
13 **2014?**

14 A. Portions of it are, but it's not directly
15 related to anything that helped my position as a
16 sergeant. More towards fire team.

17 **Q. What training did you receive before April of**
18 **2014 that is not recorded in here?**

19 A. I'm not sure I'm understanding what you are
20 asking for.

21 **Q. Are you aware of some training that you**
22 **received that is not documented in this exhibit?**

23 A. I'm not sure, honestly.

24 **Q. The document says that you got 8 hours of CPR**
25 **training March of 2011. Do you see that?**

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1 A. Correct.

2 **Q. Who put on that training?**

3 A. I want to say the instructors of our course
4 were Deputy Monallo and Deputy Barrows through the
5 Fremont County Sheriff's Office.

6 **Q. Did you have any other medical-related**
7 **training?**

8 A. No, sir.

9 **Q. Have you ever received any training from**
10 **Correctional Healthcare Companies?**

11 A. No, sir.

12 **Q. Have you ever received any training from any**
13 **other corporate medical provider like Correct Care**
14 **Solutions, Correctional Healthcare Physicians, CHC**
15 **Companies or any other provider of jail health**
16 **services?**

17 A. No, sir.

18 **Q. At the beginning of your employment with**
19 **Fremont County or at any time after that, did you**
20 **receive any training on any of the following topics:**
21 **No. 1, recognizing acute manifestations of certain**
22 **chronic illnesses, e.g., asthma, seizures,**
23 **intoxication, withdrawal and/or adverse reactions to**
24 **medications?**

25 A. No, sir.

1 Q. No. 2, recognizing signs and symptoms of
2 mental illness and violent behavior?

3 A. No, sir.

4 Q. No. 3, recognizing signs and symptoms of
5 acute chemical intoxication and withdrawal?

6 A. No, sir.

7 Q. No. 4, procedures for appropriate referral of
8 patients with health complaints to healthcare staff
9 and/or to appropriate medical facilities?

10 A. No, sir.

11 Q. Are you aware of any health and mental health
12 education and training for the County deputies and
13 jailers provided by Correctional Healthcare Companies
14 or any designee of Correctional Healthcare Companies?

15 A. Not to my knowledge.

16 Q. Are you aware of any training program
17 established by Correctional Healthcare Companies or any
18 designee of Correctional Healthcare Companies to guide
19 health-related training for security staff who work
20 with inmates who might have medical needs?

21 A. No, sir.

22 Q. Have you received any training from anybody
23 related in any way to the risks, signs and symptoms of
24 withdrawal from benzodiazepine?

25 A. No, sir.

Page 20

1 Q. When you worked at the Fremont County jail,
2 did you know anything about the signs and symptoms of
3 benzodiazepine withdrawal?

4 A. No, sir.

5 Q. Did you know that benzodiazepine withdrawal
6 could be dangerous?

7 A. No, sir.

8 Q. Did you know anything about what might happen
9 to a person who came into the jail dependent on
10 benzodiazepine medication but whose benzodiazepine was
11 suddenly discontinued?

12 A. No, sir.

13 Q. Did you know anything about monitoring a
14 person who might be at risk for benzodiazepine
15 withdrawal?

16 A. I'm not sure I understand the question
17 entirely. Do you mean through the facility?

18 Q. Have you received any training that would
19 allow you to have specific knowledge about how to go
20 about monitoring a person specifically who might be at
21 risk for benzodiazepine withdrawal?

22 A. No, sir.

23 Q. Did you know what benzodiazepine was?

24 A. No.

25 Q. Are you aware of any uniform written

1 procedure that existed at the jail established by
2 Correctional Healthcare Companies or any designee of
3 Correctional Healthcare Companies to recognize when to
4 refer a patient to a qualified healthcare professional?

5 A. That was a mouthful. Could you ask that one
6 more time, please?

7 Q. Sure.

8 Are you aware, whether you received it or
9 not, that there was any uniform written procedure
10 established by Correctional Healthcare Companies or any
11 designee of Correctional Healthcare Companies for how
12 to recognize when the need to refer a patient to a
13 qualified healthcare professional occurs?

14 MR. LOY: Object to form.

15 Go ahead. You can answer, I'm just . . .

16 A. No.

17 Q. (BY MR. BUDGE) All right. So now let's move
18 on to Exhibit No. 2, which I'm going hand to you now,
19 which I believe are copies of your time sheets. And I
20 would ask you whether Exhibit 2 are time sheets that
21 you completed and signed that document the days and
22 hours that you worked at least between April 3, 2014
23 and April 20, 2014.

24 A. Looks correct.

25 Q. Did you have a specific shift that you worked

Page 22

1 **back in April of 2014?**

2 A. I believe I was assigned to swing shift at
3 that time, which was 2:00 to 10:00.

4 Q. And so going through your time sheets --
5 correct me if I'm wrong, but it appears that on
6 April 3rd you worked for 6 hours. Is that right?

7 A. Yes, sir.

8 Q. And, to the best of your knowledge, would
9 that have been at least some portion of swing shift?

10 A. Honestly, during this time period I was doing
11 fire training as well, so I can't remember if it was
12 all jail or if I was in between.

13 Q. And when you say "fire training," what do you
14 mean by that?

15 A. The Fremont County fire team.

16 Q. Was that part of your work at the jail, or
17 was that something that you were separately training
18 for?

19 A. It was part of the jail.

20 Q. And then on Friday, April 4th, you worked 6
21 hours; is that right?

22 A. Yes, sir.

23 Q. Saturday, the 5th, you worked 4 hours?

24 A. Yes, sir.

25 Q. Sunday, the 6th, you were off?

1 A. Uh-huh.

2 Q. Yes?

3 A. Yes, sir.

4 Q. Monday, the 7th, you worked 9-1/2 hours?

5 A. Yes, sir.

6 Q. Tuesday, the 8th, 8 hours?

7 A. Yes.

8 Q. Wednesday, the 9th, 8.5 hours?

9 A. Yes, sir.

10 Q. Thursday, the 10th, 9 hours?

11 A. Yes, sir.

12 Q. Friday, the 11th, 8 hours?

13 A. Yes, sir.

14 Q. Saturday, the 12th, and Sunday, the 13th, you
15 were off?

16 A. Yes, sir.

17 Q. And then you worked 6 hours on both Monday,
18 April 14th, and Tuesday, April 15th?

19 A. Yes, sir.

20 Q. And then eight consecutive -- excuse me --
21 three consecutive days of 8-hour shifts on April 16, 17
22 and 18?

23 A. Yes, sir.

24 Q. And then no work on Saturday, April 19?

25 A. Yes, sir.

Page 24

1 Q. And then 4 hours on Sunday April 20, correct?

2 A. Yes, sir.

3 MR. BUDGE: Can we go off the record for a
4 second.

5 (Discussion off the record.)

6 Q. (BY MR. BUDGE) So in the last deposition,
7 sir, I asked the deponent to draw a picture -- a
8 diagram, that is -- of some of the areas within the
9 jail. It's Wheaton Deposition Exhibit 12. I'm just
10 going to hand that to you and ask you to take a look at
11 it and ask you whether, in taking a look at that, you
12 believe that that diagram, understanding that it's not
13 to scale, would accurately show the general location of
14 master control, booking, T pod, Medical and any holding
15 cells that are located in the general vicinity of the
16 booking area.

17 MR. LOY: I'll object to form.

18 A. It's all pretty close. I think there was one
19 room in between the shower and Medical that isn't
20 depicted at this time.

21 Q. (BY MR. BUDGE) All right. Do you know what
22 that room was?

23 A. I want to say it was the CC TV room.

24 Q. And other than that CC TV room, does the
25 diagram that we have marked as Exhibit 12 to the

1 **Wheaton deposition generally show the location of the**
2 **booking area, master control and the holding cells in**
3 **the vicinity of those locations?**

4 A. Yes, sir.

5 **Q. Was there a certain place within the jail**
6 **that you were stationed when you worked in April of**
7 **2014?**

8 A. I wasn't assigned a specific location. I
9 mainly stayed in housing during that time frame.

10 **Q. And where was housing located in relation to**
11 **the booking area?**

12 A. It was quite a ways away. There's at least
13 two sets of double doors, depending on what housing
14 unit I was assisting that night, which greatly
15 increased the distance.

16 **Q. Generally speaking, did you spend much time**
17 **in master control?**

18 A. Not much time. Most of my time was in
19 housing, supervising, training of staff and overall
20 behaviors and actions of inmates.

21 **Q. Inmates who were celled in locations outside**
22 **of the holding cell in the booking area?**

23 A. Yes, sir. In areas that we call housing.

24 **Q. Did you spend much time in the booking area?**

25 A. Not much. I would be called if I was ever

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1 needed, or when I would come through, I would be spoken
2 to about things that were needed.

3 Q. Was there video monitoring that existed at
4 the jail that permitted corrections officers to view
5 locations within the jail via video monitor?

6 A. The question is, is there recorded?

7 Q. No. Was there video monitoring, live feed?

8 A. There was live feed, yes.

9 Q. Was there live feed that was available for
10 folks who were stationed in master control to see?

11 A. Indicating where?

12 Q. Were there monitors in master control?

13 A. There were monitors, yes.

14 Q. And the monitors in master control allowed
15 folks working in master control to see which areas of
16 the jail?

17 A. Generalized, they had overview of everything,
18 as did each housing area. Master control's main
19 responsibility was to monitor up front.

20 Q. Did the video screens within master control
21 allow a person stationed within master control to see
22 what was happening inside Holding Cell 2?

23 A. No. No, due to the angle of the camera at
24 that time.

25 Q. Was there any video monitoring of the inside

1 **of Holding Cell 2?**

2 A. Was there audio?

3 **Q. No, not audio. Video.**

4 A. Video, no.

5 **Q. Was there video monitoring of the inside of**

6 **Holding Cell 3?**

7 A. Yes, I believe it had its own independent

8 camera.

9 **Q. Showing the interior of that cell?**

10 A. Right.

11 **Q. How about Holding Cell 1?**

12 A. No, not that I remember.

13 **Q. How about T pod?**

14 A. In the commons area.

15 **Q. How about in the individual cells?**

16 A. Not in the individual cells.

17 **Q. Was there any recording going on, any video**
18 **recording, as opposed to just live video monitoring?**

19 A. No, not to my knowledge.

20 **Q. From the booking area, could a person see**
21 **clearly into Holding Cell 2?**

22 A. Depending on their location and which
23 computer they are at.

24 **Q. Sorry?**

25 A. Depending on which computer or which location

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1 they were at, yeah.

2 Q. Could a person in the booking area see
3 clearly into Holding Cell 3?

4 A. No. It was a little more difficult.

5 Q. Were you assigned a certain deputy or
6 sergeant number?

7 A. I've had four of them. So, yes. They just
8 changed.

9 Q. As of April of 2014, was it No. 214?

10 A. I want to say yes.

11 Q. In the course of your employment at the
12 Fremont County jail, were you trained about the
13 importance of making a full and accurate written
14 documentation about noteworthy events and circumstances
15 occurring at the jail?

16 A. Yes, sir.

17 Q. And did that include noteworthy events or
18 circumstances regarding particular inmates and the
19 behaviors that they might be displaying?

20 A. Yes, sir.

21 Q. In the course of your employment, were you
22 trained that if you observed something out of the
23 ordinary or unusual with regard to an inmate or his or
24 her behavior, that you should prepare an incident
25 report or inmate notes to document what you observed?

1 A. Yes, sir.

2 Q. And the purpose of inmate notes, for example,
3 is to make a true and accurate record of significant
4 events concerning an inmate?

5 A. Yes, sir.

6 Q. And how were those inmate notes made; were
7 they handwritten or were they on a computer?

8 A. The majority of the ones that I personally
9 did were on the computer.

10 Q. Even before John Walter entered the jail in
11 April of 2014, did you sometimes make inmate notes on
12 the computer to document concerns or
13 out-of-the-ordinary behavior regarding particular
14 inmates?

15 A. Yes, sir.

16 Q. And where is the computer located where you
17 would make the entries into inmate notes?

18 A. Mine would just depend where I was at when I
19 seen the behavior.

20 Q. Where were the computers located that were
21 available to you to make those notes?

22 A. Anywhere I needed. Anywhere from Housing 3,
23 Housing 2, booking, to and including the sergeant's
24 office.

25 Q. So there were different stations throughout

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1 the jail that had computers available to the detention
2 deputies and the sergeants and the other employees?

3 A. Yes.

4 Q. Was it part of your responsibility as a
5 corrections officer to make inmate notes about anything
6 that you observed or that was reported to you
7 concerning things that might be of significance
8 regarding an inmate's mental, physical or emotional
9 condition?

10 MR. LOY: Object to form.

11 A. Can you ask that one more time?

12 Q. (BY MR. BUDGE) If you noticed something out
13 of the ordinary with regard to an inmate's mental,
14 physical or emotional condition, was it part of your
15 job to document that?

16 A. Yes.

17 Q. And if you became aware that an inmate was
18 displaying signs or symptoms of physical injury or
19 illness, would you ordinarily document that in inmate
20 notes?

21 A. Depending on the situation that it was
22 involved.

23 Q. If it was something of concern, would you
24 document it?

25 A. I would document it two places. I would

1 document it in inmate notes and I would also do an
2 incident report.

3 Q. All right. And, similarly, if you observed
4 something out of the ordinary of concern with regard to
5 an inmate showing signs of mental confusion,
6 disorientation, bizarre behavior, or a deterioration in
7 his or her mental or emotional status, would you
8 document that either in an incident report or inmate
9 notes?

10 MR. LOY: Object to form.

11 A. I would have to say probably both.

12 Q. (BY MR. BUDGE) If an inmate was displaying
13 signs or symptoms of violent or aggressive behavior,
14 would you document that in inmate notes or an incident
15 report or both?

16 A. Violent behavior would be both, and -- yeah.
17 Sorry.

18 Q. Aggressive behavior, you would document in
19 both?

20 A. Depending on the behavior. If it's
21 aggressive, meaning if he came to the cell door and
22 started yelling and screaming at us, no, but if he was
23 aggressive in the manner he tried to physically harm
24 somebody, yes.

25 Q. But, in either case, you would either use

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1 inmate notes or an incident report to document the
2 inmate's behavior?

3 A. Yes, sir.

4 Q. Now, you understand that Mr. Walter was
5 admitted to the jail on or about April 3rd?

6 A. Roughly.

7 Q. And do you also understand that for
8 approximately the first 10 days, from at least
9 April 3rd until at least April 13th, that he was held
10 in T pod?

11 A. I do remember portions of it him being in
12 T pod, as what was reported to me from the prior shift
13 sergeant when I came on.

14 Q. And during the first 10 days of Mr. Walter's
15 confinement, the records -- the time sheet records that
16 we have indicate that you worked April 3, 4, 5, 7, 8,
17 9, 10 and 11. Do you see that?

18 A. Yes, sir.

19 Q. What responsibility did you have with regard
20 to inmates in T pod between the 3rd and the 11th?

21 A. My responsibility was to monitor and make
22 sure their safety was there. During that time frame,
23 as I stated previously, I was doing a lot of training
24 preparing for the upcoming fire season.

25 Q. If you had become aware, as a sergeant, of

1 anything out of the ordinary with regard to Mr. Walter
2 between April 3 and 11 when you worked, would you have
3 documented that in inmate notes or an incident report
4 or in some written form?

5 A. If I was the one who observed it, yes. If it
6 was reported to me, it would be the duty of the person
7 observing the behavior.

8 Q. And would you direct the person observing the
9 behavior to document it?

10 A. Yes, sir.

11 Q. During the period that you worked between
12 April 3rd and 11th, are you aware of anything about
13 Mr. Walter that was unusual or out of the ordinary in
14 that time frame?

15 A. From the 3rd to the 11th?

16 Q. Yes.

17 A. I do remember hearing from a few staff
18 members that he just seemed odd.

19 Q. "He just seemed odd."

20 Anything that was worthy of documentation in
21 the inmate notes or incident report?

22 A. That, I don't remember.

23 Q. Are you aware of any incident report or
24 documentation of any kind to document any
25 out-of-the-ordinary behavior of Mr. Walter between the

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1 **3rd and the 11th?**

2 A. I can't remember on that one.

3 **Q. Other than hearing from somebody that he may**
4 **have been odd, are you aware of him engaging in any**
5 **type of violent or aggressive behavior between the 3rd**
6 **and the 11th?**

7 A. None that I remember.

8 **Q. Any bizarre or delusional behavior during**
9 **that time frame?**

10 A. No.

11 **Q. Any complaint by other inmates about his**
12 **behavior during that time frame?**

13 A. None that had been brought to my attention.

14 **Q. Any complaints by other corrections officers**
15 **about his behavior during that time frame, from the 3rd**
16 **to the 11th?**

17 A. I remember some concerns that were being
18 said -- that were being brought up at the time.

19 **Q. What? From whom?**

20 A. I honestly couldn't remember who said what.
21 I just remember hearing there were some concerns.

22 **Q. But you can't tell me what those concerns**
23 **were or who voiced them?**

24 A. It's been almost four years ago. I barely
25 remember. Sorry.

1 Q. And there's nothing documented. So my
2 question to you today, as you sit here now, are you
3 aware of anything that any corrections officers said,
4 and, if so, whom, about any odd or unusual behavior
5 from Mr. Walter during the period from the 3rd to the
6 11th?

7 MR. LOY: Object to form.

8 A. I honestly couldn't tell you. I'm sorry.

9 Q. (BY MR. BUDGE) Did you become aware of
10 anything to suggest that Mr. Walter was shaking between
11 the 3rd and the 11th?

12 A. I don't remember anything directly being told
13 to me.

14 Q. Anything to indicate that he had twitchy
15 eyes?

16 A. No.

17 Q. Anything to indicate that he was
18 hallucinating?

19 A. No.

20 Q. Anything to indicate that he was making
21 strange verbal comments or odd utterances that didn't
22 make sense?

23 A. I do remember hearing something. I just
24 can't remember what was specifically said during the
25 time. I can't remember who told me, but I do remember

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1 something being raised about a concern.

2 **Q. What did you do?**

3 A. Asked the staff member to write it down, put
4 it in the notes as well as in an incident report, and
5 then I went and spoke to my captain.

6 **Q. Are you sure this was between the 3rd and the
7 11th?**

8 A. I can't exactly remember if it was between
9 the 3rd and the 11th. That is the hard part. It's
10 been so long ago.

11 **Q. So it could have been after the 11th?**

12 A. Very well could have been.

13 **Q. Anything between the 3rd and the 11th that
14 you can remember to suggest that Mr. Walter was not
15 eating?**

16 A. Not that I can remember.

17 **Q. Anything to suggest during that period that
18 he was not sleeping?**

19 A. Not that I remember.

20 **Q. Anything that you can specifically say
21 occurred between the 3rd and the 11th to suggest that
22 he was emotionally unstable?**

23 A. Not that I remember.

24 **Q. Anything to -- between the 3rd and the 11th
25 to suggest that he was dehydrated or weak appearing?**

1 A. I don't remember.

2 Q. Anything between the 3rd and the 11th to
3 suggest that he was physically injured?

4 A. Not that I recall.

5 Q. Anything between the 3rd and the 11th to
6 suggest that he was bruised or had contusions,
7 abrasions, broken bones?

8 A. Not that I remember.

9 Q. Anything between the 3rd and the 11th to
10 suggest that he was suffering from any type of internal
11 injury?

12 A. Not that I remember.

13 Q. Do you recall seeing Mr. Walter between the
14 3rd and the 11th?

15 A. In passing going down to housing.

16 Q. Did he seem relatively normal, as -- you
17 know, normal as any inmate?

18 A. Compared to what was there at that time, from
19 what I could tell, yes.

20 Q. So relative to your experience with all
21 inmates in the jail between the 3rd and the 11th, when
22 you saw Mr. Walter, he appeared relatively to look a
23 normal inmate?

24 A. Right.

25 Q. Do you have any reason to believe that any

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1 inmate may have assaulted or injured Mr. Walter at any
2 time when he was in your jail?

3 MR. LOY: Object to foundation.

4 A. I don't remember anything at this time.
5 During a lot of that I was kind of back and forth, so
6 it's kind of hard to say.

7 Q. (BY MR. BUDGE) Sometimes you were there and
8 sometimes you weren't there?

9 A. Right.

10 Q. But as you sit here now, are you aware of
11 anything to suggest that any other inmate assaulted
12 Mr. Walter at any time?

13 MR. LOY: Same objection.

14 A. Not that I can remember.

15 Q. (BY MR. BUDGE) All right. I'm going to be
16 handing you now what's been marked Exhibit 4.

17 A. Okay.

18 Q. These are answers to written discovery that
19 your attorneys provided us with. And I'm sure you have
20 seen these before. Am I right?

21 A. Yes, sir.

22 Q. Actually what I've handed you is an excerpt,
23 and I would like to direct your attention, please, if
24 you would, to Page 22. In particular, I want to direct
25 your attention to the last paragraph of that page where

1 your name is indicated in bold print, Robert Miller.

2 Do you see that?

3 A. Yes, sir.

4 Q. These are excerpts of the interrogatories
5 that we propounded to your counsel under court rule.
6 And in response to the question, I would like to direct
7 your attention to the first sentence of your response
8 that begins, "During." Quote, During the time in
9 question, I spoke with Medical regarding concerns about
10 Mr. Walter's behaviors.

11 And for the next part of this deposition, I'm
12 going to follow up with you and ask you for information
13 so that we can obtain full and complete details about
14 this answer.

15 First of all, what were your concerns? Tell
16 me everything that you became aware of, whether from
17 what you observed or what you were told, directly or
18 indirectly, that caused you any concern about
19 Mr. Walter's condition.

20 A. If I'm understanding this document correctly,
21 the question is in Interrogatory No. 6, correct?

22 Q. Yes.

23 A. That's what I'm trying to clarify there. I
24 can't remember specific situations that occurred. I do
25 remember my corporal coming to me, voicing concerns,

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1 trying to communicate and felt like he was beating his
2 head against a brick wall, so we made an attempt to
3 communicate with my captain, who then took that and
4 began to express those concerns to the appropriate
5 channels where they needed to be.

6 **Q. So your corporal came to you at some point**
7 **that Mr. Walter was beating his head against a brick**
8 **wall?**

9 A. I don't remember if that was an incident he
10 came to me about or not.

11 **Q. I guess maybe I misunderstood your answer.**

12 MR. LOY: Can I help?

13 MR. BUDGE: Sure.

14 MR. LOY: I think he was speaking
15 metaphorically about the person communicating to him
16 metaphorically beating his head against the brick wall.

17 MR. BUDGE: I'm so sorry. My bad.

18 MR. TIEMEIER: That's how I took it.

19 MR. BUDGE: I take full responsibility for
20 that.

21 **Q. (BY MR. BUDGE) Your corporal came to you**
22 **with concerns that he, the corporal, felt as if he had**
23 **been beating his head against a wall trying to get some**
24 **response?**

25 A. Correct. My corporal felt like he was, for

1 better terminology, hitting a dead end.

2 Q. I see. Who was the corporal?

3 A. Corporal Owen.

4 Q. And he was a corporal that you supervised?

5 A. Correct.

6 Q. Okay. What did Corporal Owen report to you?

7 A. I can't recall exact wordings and things.

8 Q. That's all right. I'm just looking for
9 substance. And by the way, throughout this deposition,
10 I'm never looking for exact words. So I'll try to make
11 that clear, if it's unclear to you, but, in substance,
12 what did he communicate?

13 A. Concerns of what he felt was going on in
14 situations and things like that. Trying to -- just
15 basically I was just who he vented to to try and get
16 help.

17 Q. Sure.

18 A. And I then took those concerns and questions
19 and things he was trying to work on and get it figured
20 out and went to my captain and tried to pursue other
21 avenues.

22 Q. What was it Corporal Owen reported to you
23 that he became aware of regarding Mr. Walter, in
24 substance?

25 A. Odd behaviors. I would say odd behaviors and

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1 general appearance, to the best of my knowledge, that I
2 can remember.

3 Q. Was Corporal Owen concerned about Mr. Walter
4 when he relayed these concerns to you?

5 A. Concerned how?

6 Q. About Mr. Walter's condition.

7 A. In general speaking, I think he was concerned
8 that the things that were being said and done weren't
9 actually being taken serious.

10 Q. Okay. Just tell me everything you can
11 remember about this. I need to -- I know it's been a
12 long time. I just need to fully explore all of that.

13 A. Right. And that's what I'm trying to
14 remember; it was so long ago. But it was just general
15 concerns of he, again, felt like communication was not
16 being conveyed between medical staff and jail staff on
17 what was going on.

18 Q. Okay. So tell me if I have this right.
19 Corporal Owen had concerns about Mr. Walter, right?

20 A. Correct.

21 Q. And the concerns had to do with Mr. Walter's
22 mental or emotional state?

23 A. Odd behavior.

24 Q. Odd behavior, as well as Mr. Walter's
25 physical condition, correct?

1 A. Things that had been communicated to him. I
2 remember him saying that he didn't seem right. He
3 started communicating -- I guess I can't remember an
4 exact situation or exactly what took place in this
5 situation, but physical things they were seeing,
6 different kind actions, pacing, things like that.

7 **Q. And Corporal Owen was trying to get some type**
8 **of response from Medical to address Mr. Walter's**
9 **problems?**

10 A. Raising a concern and feeling that it was
11 just -- I can't really speak for him, honestly.

12 **Q. But what he told you is that he felt that his**
13 **concerns he brought to Medical were being ignored or**
14 **swept under the rug?**

15 MR. LOY: Object to form.

16 A. Honestly, I can't really communicate very
17 well on that one. It's just -- I remember him coming
18 to me saying he felt it wasn't being looked at like it
19 should be.

20 **Q. (BY MR. BUDGE) That Medical wasn't taking**
21 **care of it like it should be?**

22 A. That statements weren't coming the way they
23 should be.

24 **Q. I'm sorry?**

25 A. He wasn't getting answers that he was looking

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1 for.

2 Q. From Medical?

3 A. Right.

4 Q. From Kathy Maestas or Stephanie Repshire?

5 A. I can't remember exactly if that is who he
6 was speaking to at that point.

7 Q. But Corporal Owen made it clear to you
8 that -- tell me if I've got this right -- he felt as if
9 his complaints to Medical about addressing Mr. Walter's
10 needs were not being dealt with by Medical?

11 A. Correct.

12 Q. And you took Corporal Owen's concerns and
13 then you, yourself, went to Medical?

14 A. Correct.

15 Q. Okay.

16 A. With Captain Rankin at the same time.

17 Q. With Captain Rankin at the same time?

18 A. Correct.

19 Q. Okay. So after Corporal Owen told you that
20 he felt that Medical was not addressing Mr. Walter's
21 needs, you then went to Captain Rankin first?

22 A. Correct. I followed my chain of command.

23 Q. And you told Captain Rankin that Corporal
24 Owen reported to you that he was concerned about
25 Mr. Walter's condition?

1 A. Yes, sir.

2 Q. And that Corporal Owen was concerned that
3 Medical was not addressing it and, What should we do,
4 or something like that?

5 MR. LOY: Object to form.

6 A. In a sense, yes. Basically I take it to my
7 captain to make it known so that way we could start
8 working towards getting something.

9 Q. (BY MR. BUDGE) Some type of solution?

10 A. Correct.

11 Q. Some type of response from Medical?

12 A. Anything at that point.

13 Q. How concerned was Corporal Owen when he came
14 to you?

15 MR. LOY: Object to foundation.

16 MR. TIEMEIER: Object to form.

17 Q. (BY MR. BUDGE) From what you observed. What
18 did he express was his level of concern?

19 A. Trying to remember. There was so many times
20 shortly after -- there was one that he came to me,
21 but -- I think it was more of a vent session, but it
22 was a concern that what he was saying wasn't being
23 heard and it wasn't being taken care of appropriately
24 through the avenues before we went through our chain of
25 command. So from the amount of times he came to me, he

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1 was pretty concerned.

2 Q. Best estimate of the number of times that
3 Corporal Owen came to you with concerns that he felt
4 Medical was not addressing Mr. Walter's needs?

5 A. The best guess is probably about four, five.

6 Q. All right. And is it fair to say that he was
7 expressing frustration to you about Medical's response
8 to Mr. Walter's needs? Or lack thereof, I should say.

9 A. In a sense, yes.

10 Q. And at this time, had you, yourself, become
11 aware of anything out of the ordinary with regard to
12 Mr. Walter that the corrections officers were feeling
13 would prompt medical attention?

14 A. About medical attention, or Mr. Walter's
15 medical attention?

16 Q. I guess what I'm wondering is, throughout
17 this course of time Corporal Owen is coming to you,
18 what had you, yourself, become aware of either through
19 Corporal Owen himself, through other corrections
20 officers or from your own personal observations about
21 what it was about Mr. Walter that people were required
22 addressing?

23 A. A general change in mood, different actions,
24 meaning where he started to pace, things of that
25 nature. I think somewhere in there I think I was even

1 told or had heard in passing that he hadn't slept yet,
2 things of that nature.

3 MR. TIEMEIER: That he had what?

4 THE DEPONENT: Hadn't slept yet.

5 MR. TIEMEIER: Thank you.

6 Q. (BY MR. BUDGE) At about the time that you
7 are getting these complaints from Corporal Owen, is
8 Mr. Walter in the holding cells?

9 A. I want to say yes. To my best knowledge I
10 can remember, yes.

11 Q. So when you went to Commander Rankin, going
12 up the chain of command, taking those frustrations that
13 Corporal Owen was reporting to you, what is it, in
14 substance, that you told Commander Rankin?

15 A. I was informing Captain Rankin that there was
16 several concerns from the staff members and questions
17 of how do we handle the situation, what do we do.

18 Q. How do we handle the situation, what do we do
19 in that Medical doesn't seem to be handling it?

20 A. As in it was definitely above my pay grade,
21 and I'm just trying to get help of any kind.

22 Q. For Mr. Walter?

23 A. Correct. I was trying to be the voice for
24 others so that their concerns and things were being
25 heard and seen.

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1 **Q. Okay. So is it fair to say that in going to**
2 **Commander Rankin, you were trying to be a voice for**
3 **Corporal Owen and Mr. Walter together?**

4 A. In a roundabout sense, but it also included
5 many other staff members, people that had mentioned
6 concerns.

7 **Q. What were the other types of concerns that**
8 **were being mentioned during this time frame when**
9 **Mr. Walter was in the holding cells?**

10 A. I think there was some concerns about not
11 eating, things like that that I think were being
12 mentioned. And, again, just the odd behaviors, the
13 difference of pacing and walking back and forth.

14 **Q. Talking to people who weren't there?**

15 A. I don't recall if that was ever brought to
16 me.

17 **Q. Shaking?**

18 A. I do remember hearing something -- I just
19 don't remember an exact date or when.

20 **Q. But you remember hearing he was shaking?**

21 A. Uh-huh.

22 **Q. Yes?**

23 A. Yes, sir.

24 **Q. And this is all going on several days before**
25 **he died, right?**

1 A. Correct.

2 Q. And did the issues that were brought to your
3 attention include Mr. Walter taking his clothes off?

4 A. I do remember hearing that. And, actually, I
5 do remember bringing that one up. That was a concern
6 we took to Captain Rick.

7 Q. Did the concerns that Corporal Owen and the
8 other corrections officers were bringing to you include
9 concerns that Mr. Walter was withdrawing from
10 something?

11 A. Do I remember a complaint of it?

12 Q. No. When people were talking about
13 Mr. Walter's condition during this time several days
14 before he died, did you hear people saying that it
15 seemed like he was withdrawing?

16 A. I can't recall hearing any statement as, He
17 is withdrawing. I do remember statements such as, It's
18 just different, he's odd. Things like that.

19 Q. So we represent Mr. Walter's estate, and the
20 beneficiaries of his estate are his children.

21 A. Uh-huh.

22 Q. And we are trying to understand, during the
23 course of this lawsuit, what happened --

24 A. Right.

25 Q. -- to Mr. Walter when he was in the jail. We

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1 are trying to get answers --

2 A. I understand.

3 Q. -- as advocates for Mr. Walter's estate.

4 I'm trying to get a full and complete picture
5 of the types of concerns that were being expressed to
6 you about John by staff.

7 A. Right.

8 Q. And I guess what I would like to ask that you
9 do is search your memory and tell me if there's
10 anything else that you can add that might help us
11 understand the types of concerns that were being
12 brought to your attention.

13 A. I just remember concerns, like I said, were
14 odd behaviors, just not sleeping, not eating. It's so
15 long ago it's hard to remember everything that was
16 being said during the time frame.

17 Things that were brought to me were those. I
18 mean, I did hear other things in passing from
19 supervisors, information that was given to me regarding
20 behaviors, actions and protocols, that we would start
21 using two deputies to escort Mr. Walter back and forth
22 to showers, things like that. Safety concerns.

23 Q. Any other complaints or reports that you
24 brought -- that were made to you during this course of
25 time, a few days before Mr. Walter passed away in the

1 **jail, about his physical condition?**

2 A. I do believe there was a concern of he
3 appeared to have lost weight. I want to say, from what
4 I've seen and when I was going -- in passing, he did
5 seem kind of -- I remember hearing about him just being
6 shaky, things like that, but --

7 **Q. And everything we've talked about in terms of**
8 **the things that you were hearing, shaky, not eating,**
9 **not sleeping, odd behaviors, were things that you were**
10 **learning in the days leading up to his death?**

11 A. In passing, right, if I'm understanding your
12 question correct. Yes, there were things that were
13 kind of being communicated. Yeah. I want to say it
14 was just in passing, getting passed down and talking to
15 the supervisors because of concerns that were being
16 brought to me to take to the next step up.

17 **Q. What is your best estimate of the total**
18 **number of people who you heard from, in one way or the**
19 **other, that had concerns about Mr. Walter in the days**
20 **leading up to his death besides Corporal Owen? I'm not**
21 **going to ask for names. I'm just asking for best**
22 **estimate of the number of people who brought these**
23 **concerns to your attention.**

24 A. I want to say roughly -- probably right
25 around -- probably about 18. Just depended on what day

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1 it was. Shift change, booking officers would tell us
2 things that were going on and concerns that they had.
3 I want to roughly say 18.

4 Q. 18. Thank you.

5 And so did there come a point in time a few
6 days before Mr. Walter passed away, as I understand it,
7 that you and Commander Rankin together went and
8 reported the concerns that you were hearing to Medical?

9 A. Yes.

10 Q. Okay. And who was it at Medical that you
11 went to?

12 A. I don't remember that day. I know there was
13 a couple times that I had gone with Captain Rankin when
14 we were discussing with Medical what was going on, the
15 concerns the staff had, things of that nature.

16 Q. So you went to Medical with Commander Rankin
17 more than once about Mr. Walter?

18 A. Yes, sir.

19 Q. Okay. Best estimate of the number of times
20 that you and Commander Rankin went to Medical to try to
21 address the issues that Mr. Walter was having and get a
22 response from Medical for him?

23 A. I want to guesstimate roughly about five.
24 And I want to say two of those were in one day.

25 Q. All right. Were those times that you went to

1 **Medical with Commander Rankin again several days before**
2 **Mr. Walter passed away?**

3 A. To the best of my knowledge, yes.

4 Q. All right. And did you -- did the medical
5 **personnel that you went to include Nurse Kathy Maestas?**

6 A. At one point, yes.

7 Q. And did it also include Nurse Stephanie
8 **Repshire?**

9 A. Yes, sir.

10 Q. And did the complaints that you went to
11 **Medical with also include PA Havens, by any chance?**

12 MR. LOY: Object to form.

13 A. I don't remember speaking or being present
14 when he was being spoken to, so I would say no.

15 Q. (BY MR. BUDGE) Okay. Do you think that
16 **somebody went and talked to PA Havens?**

17 MR. LOY: Object to foundation.

18 A. That I don't know.

19 Q. (BY MR. BUDGE) All right. Can you think of
20 **anybody else from Medical that you and Commander Rankin**
21 **went to, either together or individually, besides**
22 **Miss Maestas and Miss Repshire?**

23 A. Not during that time frame.

24 Q. Not in the days leading up to Mr. Walter's
25 **death?**

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1 A. I didn't speak to anybody other than
2 Stephanie and Maestas prior to, and that's with
3 Captain Rankin.

4 **Q. So when you and Commander Rankin went to --**
5 **let's talk about Kathy Maestas and then we'll talk**
6 **about Stephanie Repshire.**

7 When you and Commander Rankin went to
8 Kathy Maestas, did you actually go to the medical
9 office to see her?

10 A. Yes, sir.

11 **Q. And did you tell her you wanted to talk to**
12 **her about John Walter?**

13 A. When we went, Captain Rankin did the talking.

14 **Q. Okay. What was it that Commander Rankin said**
15 **to Kathy Maestas in substance, to the best of your**
16 **recollection?**

17 A. That there were concerns about the odd
18 behaviors, the physical appearances and generalized
19 frustration of nothing being done by staff.

20 **Q. By medical staff?**

21 A. Right. Just staff in general because we -- I
22 can't say "we." Sorry. It just didn't feel like we
23 were getting answers, and it felt like we were out in
24 the ocean there by ourselves.

25 **Q. In not getting answers from Medical?**

1 A. Correct.

2 **Q. So is it fair to say that when**
3 **Commander Rankin went to Miss Maestas in your presence**
4 **that he was expressing concern that the jail staff was**
5 **being left at sea, so to speak, with regard to**
6 **addressing the issues that Mr. Walter was facing?**

7 MR. TIEMEIER: Object to form.

8 A. I don't believe -- since I know he did it a
9 little more politically than I can, so -- I don't
10 really recall, to be honest. I want to say something
11 around there did get mentioned that staff were upset
12 that things weren't being done, but . . .

13 **Q. (BY MR. BUDGE) Why don't you tell me in your**
14 **own words to the best of your recollection the**
15 **substance of what Commander Rankin expressed to**
16 **Kathy Maestas.**

17 A. Concerns. Again, the general appearance, the
18 odd behaviors. I mean, staff felt like they were
19 trying to say something and stuff wasn't being answered
20 or we were getting blanket statements, such as,
21 Protocol is in place, We are doing what we have to,
22 things of that nature. So that's the best of my
23 knowledge that I remember.

24 **Q. Let's talk about when the two of you went to**
25 **Stephanie Repshire.**

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1 A. Okay.

2 Q. Did that occur on multiple occasions, when
3 you and Commander Rankin went to see Stephanie Repshire
4 about Mr. Walter? More than once?

5 A. I think our talk with -- at least when I was
6 present was one time.

7 Q. All right. So tell me everything you can
8 remember about the interaction between Commander Rankin
9 and Miss Repshire.

10 A. It was along the same lines, communicating
11 that we had concerns. I think -- if I can remember
12 right, there was questions if there was anything being
13 done, would there be something done. And then it was
14 again the same statements of, There's protocol we are
15 following. That's to the best of my knowledge that I
16 can remember. I don't really remember much of a
17 differing answer.

18 Q. When you went to Miss Repshire with
19 Commander Rankin, tell me everything you can remember
20 about her response to him.

21 A. I just remember it was just like a
22 generalized "Hey, we are doing what we can" kind of a
23 feel. I can't really remember context of the
24 communication, but it was just -- it was kind of the
25 same thing, really. Hey, we are concerned this is

1 going on, what are we doing, how are we fixing this,
2 and then the answer would be that there's things in
3 place, We are following protocols, We have to do these
4 as laid out for us, that kind of a situation, but
5 nothing really outside of that.

6 **Q. And what about when you went to see**
7 **Kathy Maestas with Commander Rankin, what was her**
8 **response?**

9 A. I want to say it was the same. It was just
10 the answer that we got was, Here's -- There's protocol
11 we are following, This is all we can do, We are doing
12 what's given to us.

13 **Q. Did Commander Rankin ever say anything like,**
14 **you know, Should this guy be in the hospital?**

15 A. Not while I was there. If that conversation
16 took place, I wasn't present.

17 **Q. Did he ever say anything like, Are you sure**
18 **we are doing everything that can be done for this guy?**

19 A. I remember the form of a question similar to
20 that, and it was basically along the lines of, What
21 else can we do? What can we help him with? I remember
22 that.

23 **Q. Did Commander Rankin ever say something like,**
24 **you know, Don't you think a doctor needs to come in?**

25 A. Not that I can remember.

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1 **Q. Did Commander Rankin ever say anything like,**
2 **Are you sure this guy is fit to be in this jail?**

3 A. I remember him speaking of concerns of
4 whether or not he was. And, again, it was just we were
5 told, This is protocol, This is what we are doing, This
6 is how we do it, so . . .

7 **Q. Did anything ever get specifically relayed to**
8 **you in your presence or to your Commander Rankin in**
9 **your presence about what it was that they were doing,**
10 **what the protocol was?**

11 A. I don't remember hearing anything exactly
12 what the protocol was as far as what they were doing.
13 I do remember being told that he was placed on
14 observation, kept on observation logs. Somewhere
15 toward the end with the behaviors becoming a little
16 more and more he was placed onto two officers, that
17 kind of thing, but nothing outside of that.

18 **Q. Earlier you talked about your best estimate**
19 **being maybe 18 people who came to you with concerns**
20 **about Mr. Walter and his condition.**

21 A. Uh-huh.

22 **Q. Do you recall that?**

23 A. Yes, sir.

24 **Q. Who else besides Corporal Owen indicated to**
25 **you that they were feeling frustration as a result of**

1 **the Medical response or lack thereof?**

2 A. To the best of my knowledge, I remember it
3 was people that would do med line. They would make
4 mention, Hey, concern, this is what we feel. And just
5 it was kind of like "This is what we are doing and this
6 is how it will be" kind of statement.

7 I remember supervisors communicating amongst
8 ourselves, saying, We are really concerned, We have
9 talked to this avenue, this avenue, this is kind of
10 what we have. And between 18 -- that's in between, you
11 know, rotating in between shifts, because that covered
12 days. So I would be relieving days, and graveyards
13 would be coming in so, I mean, that's a whole lot of
14 general conversations.

15 **Q. Right.**

16 A. And that's a lot of concerns there. Just I'm
17 trying to communicate so we could go forward and say,
18 Hey, this is what we were told, This is what we
19 observed, and those kinds of things.

20 **Q. In the days leading up to Mr. Walter's death,**
21 **were you personally feeling frustrated about the**
22 **situation with regard to his care?**

23 A. I -- I was very aggravated. I'm not going to
24 lie on that one. My level of concern really peaked
25 when it kept coming back to me, people were saying this

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1 is going on, this is going on, this is going on. And
2 you would start to hearing these things and start
3 reading these things, you know, What's going on here
4 and why is it going on -- what are we going to do to
5 fix it was my concern, because I was concerned for his
6 safety as well staff.

7 **Q. Right. Did you feel aggravated that whatever**
8 **Medical was saying, that they weren't doing what needed**
9 **to be done?**

10 A. In a roundabout way, yeah. I think I was
11 more aggravated because I was getting a more blanket
12 statement every time.

13 **Q. From Medical?**

14 A. Right.

15 **Q. From Kathy Maestas?**

16 A. From Medical in general.

17 **Q. Kathy Maestas and Stephanie Repshire because**
18 **those are the only medical you went to?**

19 A. Right, that I went through, but I know
20 through conversations with Captain Rankin that
21 statements had been made that he was -- he was -- I'm
22 trying to remember.

23 **Q. Deteriorating?**

24 A. I want to say it was a word that had been
25 used, yes, through conversations with the captain

1 trying to get something going.

2 Q. Okay. Is it fair to say that over the course
3 of the days leading up to Mr. Walter's death that
4 everything that you saw and everything you observed
5 indicated that he was going downhill?

6 A. Everything that I saw being my personal
7 observation of Mr. Walter? Honestly, I -- I don't
8 really remember ever having that feeling that he was
9 going to go downhill to the point where he went. I do
10 remember having extreme concerns because I felt that
11 due to actions and things that I had been hearing and
12 stuff of that nature that I was really concerned that
13 he would hurt himself or hurt somebody. And that was
14 my concern.

15 Q. Did other people tell you that they thought
16 over the course of time in the days leading up to his
17 death that Mr. Walter was getting worse, that he was
18 deteriorating or going downhill?

19 A. I remember concern being mentioned of it. I
20 think it was more along the lines of the mental aspect,
21 just that he just didn't seem like himself.

22 Q. Did Rankin tell either Kathy or Stephanie or
23 both that Mr. Walter seemed to be getting worse and not
24 better?

25 A. I do remember that was a -- a concern that he

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1 expressed, that it seemed like he was not getting any
2 better, that he was getting worse. And if I can
3 remember correctly, I think he did raise a concern
4 about whatever protocol it was that they were on that
5 maybe it should be altered or fixed, maybe if they
6 could do that, that kind of stuff.

7 **Q. Again, concerns expressed to Kathy and**
8 **Stephanie?**

9 A. Correct.

10 **Q. Maestas and Repshire?**

11 A. Right. Sorry.

12 **Q. Is there anything else that you can remember**
13 **about your -- this time period that sort of played into**
14 **the frustration that you were feeling, or the**
15 **aggravation?**

16 A. Not anything that I haven't already
17 expressed. I mean -- honestly, I didn't know much
18 about what the -- what the protocol was, what was going
19 on, why it was going on. I just had the concerns of
20 what was brought to me by staff.

21 **Q. Had anything like this happened at the jail**
22 **before --**

23 A. Such as?

24 **Q. -- with regard to any other inmate?**

25 **Where there was such a level of concern**

1 **regarding a particular inmate's condition and a**
2 **perceived lack of appropriate response by Medical.**

3 A. I do remember a situation that did occur -- I
4 can't remember the inmate's name because I've had so
5 many, but I want to say Medical had deemed him as
6 alcohol withdrawal and they were doing a procedure on
7 him. I do remember seeing odd behaviors, real flighty,
8 real out there, didn't know where he was at, talking to
9 himself. I don't remember who it was that finally made
10 the call, but they did get him out and got him medical
11 help outside the facility.

12 **Q. Got him to a hospital?**

13 A. Correct.

14 **Q. Was that a situation sort of like**
15 **John Walter's situation where it was going on --**

16 A. Prolonged.

17 **Q. -- prolonged, for a period of days, and it**
18 **was evident to staff members that this is somebody who**
19 **needed medical attention, it wasn't being provided and**
20 **eventually they just sort of decided to -- what's the**
21 **word for it? -- cut bait and get him to a hospital?**

22 MR. TIEMEIER: Object to foundation.

23 MR. LOY: Object to form.

24 A. That one -- I don't remember exactly what all
25 led to it and how it happened. I just remember getting

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1 reports that they were taking an inmate out -- from the
2 jail to the hospital due to concerns. I couldn't tell
3 you who made the call, who did what on that situation
4 because that's above me.

5 Q. (BY MR. BUDGE) So other than that situation
6 involving alcohol withdrawal, any other situation that
7 approximates the situation that you were facing with
8 John Walter?

9 A. I want to say there's one more, but I just
10 can't remember the details.

11 Q. How about since Mr. Walter died and before
12 you left the sheriff's office; was there any other
13 situation that occurred since that approximates this
14 one?

15 A. I can't remember at this time. It's hard not
16 having my notes.

17 Q. That's okay.

18 Did you ever hear anything about any person
19 going to Undersheriff Martin or Sheriff Beicker about
20 concerns with Mr. Walter and/or Medical's response?

21 A. I want to say I remember hearing that
22 Corporal Owen had gone and expressed concern. And I
23 want to say there was one time the sheriff was actually
24 on the booking floor and made his concerns known
25 directly with Medical standing there.

1 **Q. All right. Tell me what you remember about**
2 **that.**

3 A. I just remembering hearing it in passing. I
4 wasn't there for it.

5 **Q. Okay. Did you hear that he made his concerns**
6 **known very vociferously?**

7 MR. LOY: Object to foundation. Go ahead.

8 A. Yes.

9 **Q. (BY MR. BUDGE) Who -- do you have any -- can**
10 **you provide me with any information about who might**
11 **have told you that the sheriff actually got involved in**
12 **making vociferous complaints to medical staff?**

13 A. I want to say it was in passing. It was from
14 the day shift supervisor, which I believe at that time
15 was Sergeant Ulrich. He was the one that, if I
16 remember correctly, communicated to me that the
17 conversation had taken place. As far as the substance,
18 I don't know. I just remember getting told that, yeah,
19 the sheriff has talked with Medical today.

20 **Q. Did the concerns that were being raised with**
21 **regard to Mr. Walter and Medical's response or lack**
22 **thereof, did they ever cease? Did they ever stop**
23 **before he died? In other words, did there come a point**
24 **in time that --**

25 A. He just fell off the wagon?

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1 Q. Yes.

2 A. No. It was continuous.

3 Q. Continuous?

4 A. From staff operating from just an entry level
5 all the way up through the chain of command.

6 Q. From at least several days prior to his death
7 up through -- to his death?

8 A. That I remember, yes.

9 Q. Was there medical care that was available to
10 Mr. Walter 24/7 at the jail?

11 A. On a 24/7 basis, no.

12 Q. Is it the case that medical staff at the jail
13 worked from 7:00 a.m. to 7:00 p.m. and that from
14 7:00 p.m. to 7:00 a.m. the next morning there was no
15 medical people on staff?

16 A. From my observation, from what I remember,
17 because I worked swing shift and then I went to
18 grave's -- so from 2:00 on, I can say yes, they were
19 there till 7:00. I don't know what time they showed up
20 in the morning, but from 7:00 on, no medical; just
21 staff.

22 Q. So who was providing Mr. Walter with medical
23 care after 7:00 p.m.?

24 A. There was no medical person there.

25 Q. So the answer is nobody?

1 A. Pretty much.

2 Q. All right. Did you ever think about just
3 calling 911 and getting a medical person from the
4 outside coming into evaluate Mr. Walter?

5 A. Did I personally ever think about it?

6 Q. Yeah.

7 A. I took it all to my commander and said, This
8 is what I have, these are my concerns, this is what I
9 would like, can we at least do something. From that
10 point, we were always told that protocol is in place,
11 what it is is what we are doing, so . . .

12 Q. If you or other staff at the jail, including
13 the command staff, had wanted to call 911 or call an
14 outside medical provider to come and evaluate
15 Mr. Walter at the jail, would you have had to have
16 approval from the medical staff at the jail to do that?

17 A. Yes.

18 Q. So it was policy that either Maestas or
19 Repshire or both would have had to approve that?

20 A. From the time -- from 7:00 on, yes, our
21 policy and operations that we did was if there was any
22 kind of medical questions or concerns, anything of that
23 nature, we would call either Maestas or Repshire and
24 indicate what we were concerned with; they would then
25 direct us on what to do next. And that's generally

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1 what we followed.

2 Q. So the policy was if there was an issue
3 concerning an inmate and the inmate's medical needs,
4 you don't call 911 without approval from either
5 Nurse Maestas or Miss Repshire?

6 A. Depending on the situation. If it was --

7 Q. A heart attack?

8 A. Right, something of that nature, then we
9 would automatically call and then call our immediate
10 supervisor and inform them of the situation.

11 Q. But if it was a prolonged issue, a prolonged
12 deteriorating situation, the policy was that either --

13 A. Follow medical procedures.

14 Q. Meaning don't call 911 unless they give the
15 go-ahead?

16 A. Right. It was basically -- Medical had its
17 protocol laid out, and we would follow it to whatever
18 they indicated this is what we are doing. We never
19 operated outside of that realm. It was basically
20 written and put in stone by them.

21 Q. Okay. Similarly, if the staff had wanted to
22 transport Mr. Walter to a hospital, I take it that, you
23 know, there were procedures in place where that could
24 be done, right?

25 A. Correct.

1 Q. He would get put in a van and a detention
2 deputy accompanies him to the local hospital right?

3 A. Right.

4 Q. But was it the case that in order to get
5 Mr. Walter to a hospital, you would have had to have
6 had the approval of either Maestas or Repshire?

7 A. Correct. And we would have to communicate to
8 our supervisor right away that this is what's going on
9 and Medical has ordered it.

10 Q. Okay. So unless medical staff, consisting of
11 Maestas or Repshire, approves a transport outside to
12 the hospital, it's not going to happen under policy?

13 A. Correct.

14 Q. Let me ask you a question. If Mr. Walter had
15 been your loved one, a family member, would you have
16 insisted that anything be done differently than was
17 actually done in this case?

18 MR. LOY: Object to form.

19 A. I guess it would depend on everything I found
20 out would took place. I would have to know the entire
21 situation first.

22 Q. (BY MR. BUDGE) But based on what you were
23 seeing in the days leading up to Mr. Walter's death,
24 would you have taken any different course of action?

25 A. Would I personally have taken a different

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1 course of action?

2 **Q. Yes.**

3 A. I would have followed basically the same
4 thing I did to this point as what was given to me by
5 policy and procedure.

6 **Q. Why was Mr. Walter in the holding cells from**
7 **April 15th on until his death as opposed to T pod or**
8 **any other area of the jail?**

9 A. When I first learned of him moving into the
10 holding cells, it was due to -- I guess an altercation
11 had taken place on graves. I don't quite remember all
12 the details of the situation that took place, but I
13 know it sparked enough concern to bring him out, and
14 the continued behavior kind of kept him there.

15 And then I want to say, too -- I can't
16 remember if that morning or that afternoon there was
17 concern brought to Medical regarding everything that
18 led to that point and the concerns of, Hey, what's
19 going on?

20 **Q. When Mr. Walter was confined in the holding**
21 **cells from April 15th on, could any member of the jail**
22 **staff who was in the general booking vicinity look into**
23 **the holding cell and see Mr. Walter?**

24 A. If he was in a sitting-down position, yes.
25 There was a portion of the door that kind of blocked

1 between a partition just so the person would have the
2 ability to use the restroom and decency.

3 Q. But anybody could see him through the window
4 at least --

5 A. Correct.

6 Q. -- from, let's say, the waist up?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes. I would say depending -- mid rib up,
10 yes.

11 Q. And if you had actually gone up to the cell
12 and looked inside, could you see his entire body?

13 A. Correct. Yes.

14 Q. And that was the case throughout the time
15 that he was confined in the holding cells? Because I
16 understand sometimes he was in Holding 2 and sometimes
17 he was in Holding 3.

18 A. To the best of my knowledge, that I can
19 remember, yes, that he was in 2. And then 2, 3, you
20 are right, using a video camera for observation
21 purposes, and then the other time was in 2.

22 Q. So throughout the duration of his confinement
23 in the holding cells, whether he was in 2 or 3, could
24 any member of the staff regularly see Mr. Walter?

25 A. Yes.

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1 Q. And, similarly, could any member of medical
2 staff, including Nurse Repshire or Nurse Maestas see
3 Mr. Walter at all times while he was in the holding
4 area?

5 A. No.

6 Q. No?

7 A. No. If they were in the medical offices or
8 down the way doing that kind of thing, no.

9 Q. I phrased that inartfully.

10 If medical staff had come to the general
11 vicinity of the booking area, would they have had a
12 clear view of Mr. Walter in the holding cells, either 2
13 or 3, depending on where he was?

14 A. 2, for sure. If they made their way into
15 master control, they would have seen the monitor inside
16 3.

17 Q. Within the holding cells, as I understand it,
18 there was a concrete bench; is that correct?

19 A. Yes.

20 Q. And then there was a toilet and a sink; is
21 that correct?

22 A. Uh-huh.

23 Q. Yes?

24 A. Yes. Sorry.

25 Q. That's okay.

1 **Was there any other thing in the holding**
2 **cells other than the toilet, sink and concrete bench?**

3 A. A partition that separated just enough
4 between the toilet, sink, so that the inmate could
5 utilize the facilities.

6 **Q. A small concrete partition?**

7 A. Correct.

8 **Q. All right. In order for an inmate to drink**
9 **water in the holding cells, was there a separate**
10 **fountain, or does he or she use the faucet that's there**
11 **in the sink?**

12 A. That one, I want to say it was set up as to
13 be like a water fountain in the holding cells, but they
14 were also provided a cup.

15 MR. BUDGE: We have been going for about an
16 hour and a half. Should we take a short bathroom break
17 and then we can reconvene?

18 (A recess was taken from 3:48 p.m. to
19 3:59 p.m.)

20 **Q. (BY MR. BUDGE) Mr. Miller, during the period**
21 **that Mr. Walter was held in the holding cells from**
22 **April 15th to his death on Easter Sunday, the 20th of**
23 **April, you personally observed him at various points in**
24 **time in the holding cells, correct?**

25 A. In passing, yes.

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1 Q. In passing?

2 A. Yes.

3 Q. And when you personally observed him at
4 points in time, did you see him unclothed, naked in the
5 cell?

6 A. I want to say yes.

7 Q. And it was no -- I mean, it was -- anybody
8 within the cell would know that anybody could look into
9 the cell, right?

10 A. Yes.

11 Q. And at points in time when you observed
12 Mr. Walter in the holding cells, did you see him acting
13 in an unusual or bizarre way?

14 A. No.

15 Q. Did you ever see him yelling and screaming,
16 talking to people who weren't there?

17 A. Not during passing, no.

18 Q. Did you ever see him shaking?

19 A. I don't remember if I did or not. Honestly,
20 it's kind of hard to say.

21 Q. Did your duties as a sergeant include looking
22 at the Inmate Welfare Checklist from time to time that
23 was being maintained on Mr. Walter?

24 A. I don't know if it included it. I know I did
25 look at it to make sure it was being filled out.

1 **Q. Did you look at the actual content of the**
2 **entries, or did you just look at the form to see that**
3 **it was being completed?**

4 A. It depends on what time I looked at it.
5 There was times I would look to read the content, and
6 there was times in passing, I was just walking by and
7 made sure they were staying on their checks.

8 **Q. Can you say for certain Mr. Walter was ever**
9 **sleeping while he was in the holding cells?**

10 A. I personally had observed him sleep a couple
11 times.

12 **Q. How do you know he was sleeping?**

13 A. I was able to see his chest rise and fall.

14 **Q. As opposed to just lying there with his eyes**
15 **closed, for example?**

16 A. In that case, I wouldn't really know; but
17 physically lying down covered, eyes closed, yes.

18 **Q. Would you have documented any occasion where**
19 **you saw him sleeping if it had been your duty to**
20 **indicate that, indicate any observations on the Inmate**
21 **Welfare Checklist?**

22 A. In passing coming up, yes, if I saw him
23 sleeping, I would indicate that.

24 **Q. Did you ever see him -- well, is it the case**
25 **that most of what you became aware of concerning**

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1 **Mr. Walter were things that were brought to your**
2 **attention by other people?**

3 A. Yes.

4 **Q. It was not generally your duty to observe**
5 **him, correct?**

6 A. The way we had it set was the people in
7 booking were the ones observing, they would do the
8 15-minute checks, they would physically get up, look in
9 the cell.

10 **Q. So that wasn't part of your duties?**

11 A. During that time frame, I was working in
12 housing and doing trainings. So it is generally a part
13 of my duty, but during this time frame, I didn't do
14 much.

15 **Q. All right. So just -- so we have a clear**
16 **record, in April of 2014, it was not generally your**
17 **duty to monitor Mr. Walter in the holding cell?**

18 MR. LOY: Object to the form.

19 A. Yeah. Maybe I'm not understanding.

20 **Q. (BY MR. BUDGE) Sure. There were people that**
21 **were filling out an Inmate Welfare Checklist to**
22 **document periodic checks on Mr. Walter?**

23 A. Yes.

24 **Q. I just want to clarify for the record that in**
25 **April of 2014 during the time that he was confined in**

1 the jail, it was not generally part of your daily
2 responsibilities to be watching Mr. Walter and
3 documenting your observations; is that correct?

4 A. No. I still did observe coming back and
5 forth. So if I complete something down in housing,
6 when I come up during the time, I would stop in, look
7 in, go on the checklist and write down what I observed.

8 Q. All right. So would it surprise you to know
9 that of the 237 or so entries in the Inmate Welfare
10 Checklist spanning the course of over 113 hours that it
11 appears that you made only six entries?

12 A. No, that wouldn't surprise me.

13 Q. All right. I'm going to hand you a series of
14 exhibits; firstly, Exhibit 5; secondly, Exhibit 6; and,
15 thirdly, Exhibit 7; and, fourthly, Exhibit 8; and,
16 lastly, Exhibit 9. Before I start asking you about
17 these exhibits, let me first ask you, were you involved
18 in any occasions where physical force was used on
19 Mr. Walter?

20 A. Yes.

21 Q. And how many occasions?

22 A. One, to my knowledge. I don't believe there
23 was any other.

24 Q. So let's start first with the document that
25 we have marked as Exhibit 8, which is a report from

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1 Detention Deputy Wheaton that describes an incident
2 that occurred on April 15, 2014 at approximately
3 8:20 p.m. Could you please take a minute and read that
4 and let me know when you are done?

5 A. Okay.

6 Q. So far as you can recall from your
7 participation in this use of force event that occurred
8 on the evening of April 15th, does the information
9 contained in the report from Officer Wheaton that
10 you've just viewed appear to be true and accurate?

11 A. From his point of view.

12 Q. Or from your point of view?

13 A. I would say it is accurate with respect to
14 not indicating me pulling my taser during the incident.

15 Q. I'm sorry?

16 A. I would say it's accurate with respect to him
17 not mentioning me drawing out my taser during the
18 incident.

19 Q. So other than that, he doesn't mention that
20 you drew your taser?

21 A. Right.

22 Q. Everything else in the report from Wheaton
23 appears to be accurate, from your point of view?

24 A. Correct, from my knowledge of the situation.

25 Q. So if you could just sort of tell me in your

1 **own words what you recall about this use of force**
2 **incident.**

3 A. I remember being down in housing. I was
4 trying to take care of another situation that was going
5 on. There was another inmate that wasn't happy
6 about -- I want to say it was a dinner tray that night,
7 but I can't remember. During that time frame when I
8 was talking to CC2 I heard a call from the radio
9 indicating that there was an officer who needed
10 assistance and now.

11 So I took off to booking to find out what was
12 going on, and when I arrived, I seen Deputy Wheaton and
13 Corporal Owen currently trying to restrain Inmate
14 Walter. From the angle I came in on, it looked like
15 Inmate Walter had Wheaton underneath him, pinned, from
16 what I could see, like his arm.

17 At that point, I draw my taser and placed it
18 in his back and gave him two loud verbal orders to
19 cease and desist and comply with cuffing up, which he
20 did. That's generally the majority of my knowledge
21 that I remember from the incident itself. I wasn't
22 there for the whole beginning, just the tail end of it.

23 **Q. Was that pretty much the end?**

24 A. Of the use of force, yes.

25 **Q. Did you actually use your taser?**

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1 A. No. Didn't have to.

2 Q. Okay. Did you ever give Mr. Walter any
3 command of any kind or nature that he did not comply
4 with?

5 A. During the situation, no, he complied with
6 everything that I requested of him.

7 Q. Did you see Mr. Walter actually engage in any
8 type of physical assault of any officer?

9 A. During this situation or in general?

10 Q. Well, during this situation.

11 A. From what I observed when I came on the
12 booking floor, it appeared that he had Wheaton
13 underneath him and tried to fight him with his arm.

14 Q. Do you acknowledge that that might have been
15 a misperception?

16 MR. TIEMEIER: Object to form.

17 MR. LOY: Object to form.

18 A. It's -- yes, I'll acknowledge it could have
19 been.

20 Q. (BY MR. BUDGE) Okay. Did Mr. Walter make
21 any kind of verbal or verbal threat or anything like
22 that?

23 A. Not that I can remember.

24 Q. Was Mr. Walter physically resisting?

25 A. With the left wrist, he didn't want to give

1 it to us at first. I want to say it was the left
2 wrist. Yeah. I want to say it was the left wrist.

3 **Q. All right. Other than not giving you his**
4 **left wrist at first, did Mr. Walter resist?**

5 A. He resisted all the way to the point until I
6 drew out my taser and placed it in his back and advised
7 him to stop resisting and to give us his wrist on two
8 commands.

9 **Q. Would you describe Mr. Walter's behavior**
10 **during this encounter as violent?**

11 A. I would say it was aggressive.

12 **Q. Do you acknowledge that Mr. Walter, as of**
13 **this point in time, the evening of the 15th, was**
14 **displaying indications that he was not thinking**
15 **straight or not in his right mind?**

16 MR. LOY: Object to form and foundation.

17 MR. TIEMEIER: Join.

18 A. His actions, yeah, I would say at that point,
19 from I have been told and heard, yes.

20 **Q. (BY MR. BUDGE) So prior to the use of force**
21 **incident on the evening of the 15th, you were aware**
22 **that Mr. Walter was potentially not acting in his right**
23 **mind?**

24 A. Yes.

25 **Q. Possibly delusional?**

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1 MR. LOY: Object to foundation.

2 A. No, I don't remember possible delusional at
3 all.

4 Q. (BY MR. BUDGE) But he may not have
5 understood what was going on around him?

6 MR. LOY: Object to foundation.

7 A. Yes, it's possible. He probably didn't know.

8 Q. (BY MR. BUDGE) And at the conclusion of this
9 encounter and going forward, did you also observe
10 Mr. Walter talking to people who weren't there?

11 A. I personally didn't, no.

12 Q. At the conclusion of this encounter, did
13 Mr. Walter get taken to a shower?

14 A. Yes.

15 Q. Were you present for that?

16 A. Yes.

17 Q. And did you see Mr. Walter take a shower?

18 A. Yes, sir.

19 Q. Did you see him in the nude?

20 A. Kind of 90 percent of my job.

21 Q. You did, right?

22 A. Yes.

23 Q. Did you see any apparent physical injuries on
24 Mr. Walter's body?

25 A. No.

1 **Q. During the course of this use of force**
2 **encounter, how long would you say it lasted from**
3 **beginning to end, from the time that you first arrived**
4 **at the booking area until it was over and he was being**
5 **taken to the shower?**

6 A. So for the whole time -- from the time of him
7 being placed in restraints?

8 **Q. From the time you first arrived on the scene,**
9 **so to speak --**

10 A. Okay.

11 **Q. -- until he was being escorted to the shower.**

12 A. I can't really recall. I don't really
13 remember. I don't think it was too terribly long.

14 **Q. Would you say it was a matter of minutes?**

15 A. Before he was taken to the shower? No.
16 Because he was placed in the restraint chair first.

17 **Q. I'll rephrase the question.**

18 **From the point in time when you first arrived**
19 **on the scene until he was placed in restraint chair --**

20 A. Right.

21 **Q. -- would you say it was a matter of just a**
22 **couple of minutes?**

23 A. Roughly, yes. I would say maybe three or
24 four.

25 **Q. Do you see in Officer Wheaton's report about**

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1 maybe eight lines in or so where a sentence begins,
2 "Inmate Walter quit resisting after he was taken to the
3 ground"?

4 A. Okay.

5 Q. Do you see that?

6 A. Yes, sir.

7 Q. Were you there for that?

8 A. When he initially went to the ground, no.

9 Q. So you only showed up after he was on the
10 ground?

11 A. Correct.

12 Q. Do you see at the conclusion of the first
13 full paragraph where it says, "Inmate Walter did not
14 resist while being placed in the chair"?

15 A. Yes.

16 Q. Is that consistent with your recollection as
17 well?

18 A. Yes.

19 Q. And then do you see at the beginning of the
20 second paragraph, the second sentence where it says,
21 "Inmate Walter was cooperative during every check
22 conducted by staff"?

23 A. Yes.

24 Q. Is that consistent with your recollection as
25 well?

1 A. Yes.

2 Q. And do you see at the conclusion of the
3 second paragraph where it says, "Inmate Walter complied
4 with all orders"?

5 A. Yes.

6 Q. Is that consistent with your recollection as
7 well?

8 A. Yes.

9 Q. And then do you see at the top of the next
10 page where it says, "While Inmate Walter was in the
11 emergency restraint chair and during his shower, he
12 constantly talked to people who he knew but who were
13 not present"?

14 A. Yes.

15 Q. Is that also consistent with your
16 recollection?

17 A. I didn't hear him or observe him talking to
18 people that weren't there. After the incident, I went
19 and did my report.

20 Q. So you didn't stay and observe him --

21 A. Correct. As soon as the situation was safe
22 and in control and was good, I automatically went on to
23 the next phase.

24 Q. What is the total sum of all the force you
25 actually used during this encounter?

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1 A. Withdraw the taser put it in his back and
2 gave him loud orders and assisted in putting him in the
3 restraint chair.

4 **Q. So you arrived, you put the taser in his**
5 **back?**

6 A. Right.

7 **Q. You tell him if he doesn't comply, the taser**
8 **will be used?**

9 A. Right, on the second order.

10 **Q. And he does comply?**

11 A. Correct.

12 **Q. So you had no reason to use your taser?**

13 A. None whatsoever.

14 **Q. And you don't use any type of physical force?**

15 A. None.

16 **Q. Then he's put in the restraint chair, and**
17 **he's cooperative during that process?**

18 A. First he was handcuffed and then moved.

19 **Q. And he was cooperative at all times, from**
20 **your observation?**

21 A. The hard part was getting his left wrist and
22 it was getting it around, but he did eventually comply.

23 **Q. What force did you observe the other officers**
24 **using?**

25 A. Just wrist control, trying to get restraints

1 placed on him.

2 **Q. Anything else?**

3 A. Not that I can remember. When I got there,
4 it was all on the ground, and I didn't know what was
5 going on.

6 **Q. Anything else that you can remember about the**
7 **use of force that we just talked about?**

8 A. No.

9 **Q. Why was Mr. Walter put in the restraint**
10 **chair?**

11 A. It's procedure. After we have an altercation
12 such as that, we give the inmate the ability to have
13 the time to calm down and be safe. That's the general
14 purpose.

15 **Q. Is it done every time that an inmate doesn't**
16 **comply and he or she has a forceful encounter such as**
17 **this, that after it's done, that the inmate is put into**
18 **a restraint chair?**

19 MR. LOY: Object to form.

20 A. I'm not sure I'm following the fullness of
21 your question.

22 **Q. (BY MR. BUDGE) Is it standard procedure that**
23 **after an event like this, an inmate is put into a**
24 **restraint chair?**

25 A. If it's a point where a deputy had to use a

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1 lot of use of force, yes, for multiple reasons. One,
2 we get observations going, gives the person the
3 opportunity to calm down, and we are able to control
4 the scene again and everybody is safe.

5 **Q. My question is, why not put him back in the**
6 **cell? What's the purpose of the restraint chair?**

7 A. To give the inmate a chance to calm down and
8 be safe.

9 **Q. But why not just put him back into the cell**
10 **for that same purpose?**

11 A. You just had a inmate that wanted to fight
12 you; he's not going back in quietly. You will have the
13 same situation.

14 **Q. Do you think Mr. Walter was wanting to fight?**

15 A. In this situation, I wasn't there; I don't
16 know.

17 **Q. So you have no independent reason to believe**
18 **that Mr. Walter was fighting or wanted to fight?**

19 A. When I arrived on scene, when I saw
20 Mr. Wheaton's arm pinned underneath Mr. Walter, it
21 appeared to be a physical altercation at that time.

22 **Q. Did you assume that's what had occurred**
23 **previously? In other words, from the point -- here's**
24 **my question.**

25 A. I didn't assume. I just reacted.

1 **Q. So from the point that you arrived until you**
2 **left, did you actually see Mr. Walter fight -- what you**
3 **would describe as fight?**

4 A. Resisting with Wheaton underneath and wasn't
5 giving up his left wrist, it looked like a physical
6 altercation, yes. I'm not sure if you are asking do I
7 believe it was a fight. I wasn't there. I'm not sure.

8 **Q. Are you still friends with any of the people**
9 **that you worked with at the jail?**

10 A. A few.

11 **Q. Are you friends with Commander Rankin?**

12 A. I wouldn't say we were friends. We are
13 professional.

14 **Q. Do you socialize with any of your former**
15 **coworkers at the jail?**

16 A. As far as social settings, probably not; but
17 do I see them in a day-to-day setting, probably yes.

18 **Q. Small town?**

19 A. Very.

20 **Q. Did Commander Rankin and Kathy Maestas have a**
21 **romantic relationship?**

22 MR. LOY: Object to foundation.

23 A. Um. I had suspicions.

24 **Q. (BY MR. BUDGE) Okay. What were those based**
25 **on?**

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1 A. Just actions. Smiling, laughing, joking.
2 General flirtation.

3 **Q. Did you ever hear anybody make any jokes**
4 **about Mr. Walter?**

5 A. About Mr. Walter?

6 **Q. Yeah.**

7 A. Not about Mr. Walter ever, no.

8 **Q. Do you ever hear anybody make any jokes about**
9 **his condition?**

10 A. No.

11 **Q. Did you ever hear anybody refer to him by a**
12 **term like "meth head" or "junkie" or anything like**
13 **that?**

14 A. No.

15 **Q. Are you aware personally of any other uses of**
16 **force against Mr. Walter that occurred at the jail**
17 **other than the one at approximately 8:30 p.m. on the**
18 **15th of April, whether or not you were involved in it?**

19 A. I heard that he had another situation; but as
20 far as the details, I don't know.

21 **Q. I'm curious why you removed the cartridge of**
22 **your taser?**

23 A. Sure you have the right report?

24 **Q. I thought I had that from --**

25 A. Oh, are you referring to Corporal Owen's

1 report?

2 Q. Yes.

3 A. So the reason for that was, rather than to
4 try to use a whole dart from a taser, I could use a --

5 Q. Stun glove?

6 A. Correct.

7 Q. So you wanted to use the stun glove rather
8 than --

9 A. Down there, there's no sense of causing any
10 more harm than . . .

11 Q. Okay.

12 A. That, and with -- with them moving back and
13 forth on the floor, if I pulled the trigger, I would
14 probably hit him and both my guys or something.

15 Q. Okay. Could you take a look at Exhibit 7,
16 Corporal Owen's report.

17 A. Okay.

18 Q. In particular, I want to focus your attention
19 to the second sentence of the last paragraph on the
20 second page. It says, "Inmate Walter's mental state
21 has deteriorated rapidly over the past couple of days."
22 Do you see that?

23 A. Yes, sir.

24 Q. And given that this report refers to the
25 events that occurred on the evening of the 15th, I'm

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1 assuming that he's talking about the past couple of
2 days before the 15th. But let me just ask you, is it
3 consistent with your recollection, based on the reports
4 that you received, that Mr. Walter's mental state had
5 in fact deteriorated rapidly in at least the day or two
6 before this use of force incident?

7 MR. LOY: Object to foundation.

8 A. It's what I can kind of remember, yeah, of
9 that time frame.

10 Q. (BY MR. BUDGE) And now if you could look at
11 Exhibit 9, which I believe is your own report.

12 A. Okay.

13 Q. Does that report fully and accurately
14 document what you observed and did, from your point of
15 view, with regard to the use of force on the 15th at
16 approximately 8:25 p.m. on?

17 A. Yes.

18 Q. During this encounter on the 15th, what would
19 you estimate to be Mr. Walter's height and weight?

20 A. 6, 2. Approximately, maybe, about 160, 170.
21 Somewhere around there.

22 Q. And what would you estimate to have been his
23 age?

24 A. 53.

25 Q. That is a good guess.

1 A. Is that right?

2 Q. Did you personally use any type of force
3 against Mr. Walter that would have been sufficient to
4 cause any type of -- in your view, any type of internal
5 injuries like internal bleeding or anything like that?

6 A. No.

7 Q. Did you use any type of force that would be
8 sufficient to cause broken ribs?

9 A. No.

10 Q. Any type of broken bones, broken fingers or
11 toes?

12 A. No.

13 Q. Did you observe any other deputy use any type
14 of force against Mr. Walter that you think would be
15 sufficient to cause broken bones?

16 A. No.

17 Q. Did you see any other deputies use any other
18 type of force that you think would be sufficient to
19 cause internal bleeding of any kind?

20 A. No.

21 Q. Broken ribs?

22 A. No.

23 Q. Broken fingers or toes?

24 A. No.

25 Q. When was the last time that you saw

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1 **Mr. Walter before he died?**

2 A. I want to say it was in passing before that
3 weekend. Before Easter.

4 **Q. So the Friday before the Sunday?**

5 A. Correct.

6 **Q. But just briefly and in passing?**

7 A. Right.

8 **Q. I need to show you some autopsy photographs.**

9 A. All right.

10 **Q. Handing what's been marked Exhibits 11**
11 **through 40 to your deposition. And if you could just**
12 **bear with me as we go through these.**

13 **Did you see or observe any person use force**
14 **against Mr. Walter that you think could account for the**
15 **injuries that are documented on Exhibit 11?**

16 A. No.

17 **Q. Were any of these injuries visible on**
18 **Mr. Walter when you saw him showering on the 14th?**

19 A. No.

20 **Q. Going on to the next exhibit, 12, are there**
21 **any injuries in this photo that you saw that -- when**
22 **Mr. Walter was showering on the evening of the 15th?**

23 A. No.

24 **Q. Did you see or observe or are you aware of**
25 **any person at the jail who used force that would**

1 account for any of these injuries?

2 A. No.

3 Q. Same questions for Exhibit 13; did you see
4 any injuries of this nature when Mr. Walter was
5 showering on the evening of the 15th the April?

6 A. No.

7 Q. And did you see or observe or are you aware
8 of any person that used force against Mr. Walter that
9 could account for any of the injuries depicted in this
10 photo?

11 A. No.

12 Q. Next, Exhibit 14. Did you see or observe or
13 are you aware of any person who used force against
14 Mr. Walter that would account for the injuries depicted
15 in Exhibit 14?

16 A. No.

17 Q. And did you observe any injuries documented
18 in this photograph when Mr. Walter was showering on the
19 evening of the 15th?

20 A. No.

21 Q. Next, questions for Exhibit 15. These are
22 all going to be basically the same questions. Did you
23 see, observe or become aware of any person using any
24 force sufficient to account for the injuries in
25 Exhibit 15?

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1 A. No.

2 Q. And did you see any of these injuries when
3 you saw Mr. Walter showering on the evening of the
4 15th?

5 A. No.

6 Q. Exhibit 16. Did you see or observe any
7 person using any force or did you become aware of any
8 force used by any person that would account for these
9 injuries?

10 A. No.

11 Q. Did you observe these injuries when
12 Mr. Walter was showering on the evening of the 15th?

13 A. No.

14 Q. Exhibit 17. Are you aware of any person who
15 used any force against Mr. Walter that might account
16 for any injury depicted in Exhibit 17?

17 A. No.

18 Q. And did you see any injury of this nature
19 when Mr. Walter was showering on the evening of the
20 15th?

21 A. No.

22 Q. Exhibit 18, same question. Did you see or
23 observe or become aware of any person that used force
24 that might account for the injuries depicted on
25 Exhibit 18?

1 A. No.

2 Q. And did you see any injury of this nature on
3 Mr. Walter when he was showering on the evening of the
4 15th?

5 A. No.

6 Q. Exhibit 19. Did you see, observe or become
7 aware of any person using sufficient force to account
8 for any of these injuries?

9 A. No.

10 Q. Did you see any of these injuries when
11 Mr. Walter was showering on the evening of the 15th?

12 A. No.

13 Q. Exhibit 20. Did you see any person or become
14 aware of any person who used force sufficient to
15 account for these injuries?

16 A. No.

17 Q. And did you see these injuries when
18 Mr. Walter was showering on the evening of the 15th?

19 A. No.

20 Q. Exhibit 21. Did you see or become aware of
21 any person using enough force to account for any injury
22 depicted in Exhibit 21?

23 A. No.

24 Q. And did you see any injury of this nature
25 when Mr. Walter was showering on the evening of the

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1 15th?

2 A. No.

3 Q. Exhibit 22. Did you use or see anybody use
4 or become aware of anybody that used any force
5 sufficient to account for the injuries depicted on
6 Exhibit 22?

7 A. No.

8 Q. Did you see any injury of this nature when
9 Mr. Walter was showering on the evening of the 15th?

10 A. No.

11 Q. Exhibit 23, same questions. Did you use, see
12 anybody use or become aware of anybody using any force
13 to account for the injuries depicted on Exhibit 23?

14 A. No.

15 Q. And did you see any injuries of this nature
16 when Mr. Walter was showering on the evening of the
17 15th?

18 A. No.

19 Q. Exhibit 24. Did you see any person use, did
20 you use or did you become aware of any person that used
21 any force sufficient to account for any injuries
22 depicted in this photo?

23 A. No.

24 Q. And did you see any injuries of this nature
25 when Mr. Walter was showering on the evening of the

1 15th?

2 A. No.

3 Q. Exhibit 25. Did you see any of these
4 injuries when Mr. Walter was showering on the evening
5 of the 15th?

6 A. No.

7 Q. Did you see anybody use or did you use or did
8 you become aware of anybody using any force sufficient
9 to account for these injuries?

10 A. No.

11 Q. Exhibit 26. Did you see this injury when
12 Mr. Walter was showering on the evening of the 15th?

13 A. No.

14 Q. And did you, yourself, use or did you see
15 anybody use or did you become aware of anybody using
16 any force sufficient to account for any injury depicted
17 in this photo?

18 A. No.

19 Q. Exhibit 27. Did you see anybody use or did
20 you use or did you become aware of anybody using any
21 force sufficient to account for any injuries depicted
22 in this photo?

23 A. No.

24 Q. And did you see any of these injuries when
25 Mr. Walter was showering on the evening of the 15th?

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1 A. No.

2 Q. Exhibit 28, same questions. Did you use, see
3 anybody using or become aware of anybody who used force
4 sufficient to account for any of these injuries?

5 A. No.

6 Q. Did you observe any of these injuries when
7 Mr. Walter was showering on the evening of the 15th?

8 A. No.

9 Q. Exhibit 29, same questions. Did you see
10 anybody using any force or did you, yourself, use any
11 force or become aware of anybody using any force
12 sufficient to account for any of these injuries?

13 A. No.

14 Q. Did you see any of these injuries when
15 Mr. Walter was showering on the evening of the 15th?

16 A. No.

17 Q. Same questions for Exhibit 30. Did you see
18 anybody using any force or did you, yourself, use any
19 force or become aware of anybody using force sufficient
20 to account for any of these injuries?

21 A. No.

22 Q. Did you see any of these injuries when
23 Mr. Walter was showering on the evening of the 15th?

24 A. No.

25 Q. Exhibit 31, same questions. Did you see

1 anybody use any force or did you use any force or
2 become aware of anybody using any force sufficient to
3 account for any of these injuries?

4 A. No.

5 Q. And were these injuries visible when
6 Mr. Walter was showering on the evening of the 15th?

7 A. No.

8 Q. Same questions for 32. Did you use any force
9 or see anybody use any force or become aware of anybody
10 using any force sufficient to account for the injuries
11 depicted on Exhibit 32?

12 A. No.

13 Q. And did you -- were any of these injuries
14 evident on Mr. Walter when showering on the evening of
15 the 15th?

16 A. No.

17 Q. 33. Did you use any force or see anybody use
18 any force or become aware of anybody using any force
19 sufficient to account for the injuries depicted on
20 Exhibit 33?

21 A. No.

22 Q. And did you see any evidence of such injuries
23 when Mr. Walter was showering on the evening of the
24 15th?

25 A. No.

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1 Q. 34. Did you use, see anybody use or become
2 aware of anybody using force sufficient to account for
3 the injuries depicted on Exhibit 34?

4 A. No.

5 Q. And did you see any of these injuries when
6 Mr. Walter was showering on the evening of the 15th?

7 A. No.

8 Q. Exhibit 35. Did you use any force or see
9 anybody using force or become aware of anybody using
10 force sufficient to account for any of these injuries?

11 A. No.

12 Q. Were any of these injuries apparent when
13 Mr. Walter was showering on the evening of the 15th?

14 A. No?

15 Q. Exhibit 36. Did you use any force or see
16 anybody using force or become aware of anybody that
17 used force sufficient to account for the injuries
18 depicted on Exhibit 36?

19 A. No.

20 Q. Were any of these injuries evident when
21 Mr. Walter was showering on the evening of the 15th?

22 A. No.

23 Q. Exhibit 37. Did you see anybody use any
24 force or become aware of anybody that used any force or
25 did you use any force sufficient to account for the

1 injuries depicted on Exhibit 37?

2 A. No.

3 Q. And were these injuries evident when
4 Mr. Walter was showering on the evening of the 15th?

5 A. No.

6 Q. Exhibit 38. Did you use any force or see any
7 force or become aware of any force sufficient to
8 account for any of these injuries?

9 A. No.

10 Q. And were any of these injuries evident when
11 Mr. Walter was showering on the evening of the 15th?

12 A. No.

13 Q. Exhibit 39, same question. Did you use any
14 force or see anybody using any force or become aware of
15 anybody that used any force sufficient to account for
16 the injuries depicted on Exhibit 39?

17 A. No.

18 Q. And were these injuries evident when
19 Mr. Walter was showering on the evening of the 15th?

20 A. No.

21 Q. And, lastly, Exhibit 40. Did you use or see
22 anybody use or become aware of anybody that used any
23 force sufficient to account for the injuries depicted
24 on Exhibit 40?

25 A. No.

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1 Q. And were these injuries apparent when
2 Mr. Walter was showering on the evening of the 15th?

3 A. No.

4 Q. Did you see Mr. Walter in his cell after he
5 was found unresponsive on the evening of Easter Sunday,
6 April 20th?

7 A. Not directly. I was able to see that he was
8 in there. I just wasn't able to see too well.

9 Q. All right. Were you able to see the
10 condition of his body?

11 A. Not from my stance. I could just see that he
12 was there.

13 Q. But you couldn't see anything to discern what
14 the state of his body was?

15 A. No.

16 Q. Handing you now Exhibit 41 to your
17 deposition. This is a report from Corporal Owen. And
18 if I could just ask you to look at the last paragraph
19 on the second page where it says, "Once I hung up with
20 him," that is Captain Rankin, "I called my sergeant,
21 which is Sgt. Miller."

22 A. Uh-huh.

23 Q. "I explained to him what was happening and he
24 informed me that he was on his way in and also
25 instructed me to start calling people that are off and

1 **have them come in."**

2 A. Uh-huh.

3 **Q. Do you recall getting a call from**
4 **Corporal Owen after Mr. Walter was found unresponsive**
5 **just right around 5:30 p.m. on Easter Sunday,**
6 **April 20th?**

7 A. Yes.

8 **Q. What was reported to you?**

9 A. He told me that Inmate Walter had gone
10 unresponsive, Kathy was trying to do CPR and they were
11 calling AMR.

12 **Q. And then what did you do in response?**

13 A. I directed him to contact -- well, I had
14 master control contact off-shift staff so they could
15 come in, because we were going to have to send out with
16 Inmate Walter to the hospital.

17 **Q. I see. So you did not know at that point**
18 **that Inmate Walter was deceased?**

19 A. No. I was just planning ahead.

20 **Q. Did you come into the jail?**

21 A. Yes.

22 **Q. What did you do at that point forward with**
23 **regard to Mr. Walter?**

24 A. At that point, with regard to Mr. Walter, I
25 had staff begin writing reports of what took place of

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1 the entire incident so that way it would be fresh in
2 their minds and in the report.

3 **Q. Anything else?**

4 A. In regards to Mr. Walter, no.

5 **Q. Or in regards to the situation surrounding**
6 **his confinement and death.**

7 A. The situation, I pulled the corporal off to
8 the side. He was pretty shaken by what had happened,
9 so . . .

10 **Q. Tell me what happened after that with regard**
11 **to you and Corporal Owen.**

12 A. Sat there and talked to him. We waited there
13 for the sheriff and undersheriff per the orders of the
14 captain.

15 **Q. Did Corporal Owen or any person following**
16 **Mr. Walter's death express any type of anger,**
17 **frustration, aggravation about what led up to**
18 **Mr. Walter's death?**

19 MR. LOY: Object to foundation.

20 A. Yes.

21 **Q. (BY MR. BUDGE) Please tell me about that.**

22 A. There were statements that people just felt
23 that the situation could have been avoided.

24 **Q. Okay. Who said what?**

25 A. I can't remember everybody who said it. I

1 mean, at that time, I was just kind of a bouncing pad
2 for everybody to vent.

3 **Q. Were people mad about Medical's lack of**
4 **response?**

5 A. Yes.

6 **Q. Was Captain Rankin mad about Medical's lack**
7 **of response?**

8 MR. LOY: Object to foundation.

9 A. That one, I didn't know. I didn't have an
10 opportunity to talk to the captain.

11 **Q. (BY MR. BUDGE) Did any other sergeant at the**
12 **jail express anger, frustration, aggravation about**
13 **Medical's lack of response leading up to Mr. Walter's**
14 **death?**

15 A. Leading up to, so pre?

16 **Q. No. After it happened, that it could have**
17 **been avoided. Did anybody at the jail in a supervisory**
18 **position --**

19 A. Over the course of the next few days, yes.

20 **Q. Okay. What do you recall people saying?**

21 A. General statements such as, This could have
22 all been avoided if he had been drugged -- if he hadn't
23 been drugged, taken forever. Generalized frustration
24 with the care. Felt like it was kind of ignored.

25 **Q. Were those concerns expressed to you by any**

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1 **other sergeant?**

2 A. Yes. I just can't remember which one.

3 **Q. Okay. How about any other supervisory person**
4 **such as a corporal?**

5 A. Yes.

6 **Q. Who?**

7 A. All of them. I mean, we all had the same
8 opinion. We were angry and upset.

9 **Q. Okay. Including Corporal Owen?**

10 A. Yes. He was emotional, but I can't say it
11 was all anger. I think it was -- from my observation,
12 it was more shock that he couldn't believe it even
13 happened.

14 **Q. Can you remember any person who expressed to**
15 **you that they were angry, upset, frustrated, aggravated**
16 **by the feet being drug, the lack of Medical response**
17 **that happened leading up to Mr. Walter's death? And**
18 **I'm talking about after the fact, it was all over and**
19 **you guys were talking.**

20 MR. LOY: Object to form.

21 A. Could you clarify a little more? Do you mean
22 like -- like the supervisor or staff-wise now?

23 **Q. (BY MR. BUDGE) Well, anybody.**

24 A. I would say the general consensus of the
25 entire building was frustration, that everyone felt it

1 wasn't handled the way it could have been.

2 **Q. By Medical?**

3 A. Correct.

4 **Q. And did you hear that from the sheriff?**

5 A. No. I didn't talk to the sheriff.

6 **Q. Did you hear that from the undersheriff?**

7 A. No.

8 **Q. Did you hear that from Rankin?**

9 A. I want to say something similar, yes.

10 **Q. Did you hear that from Wheaton?**

11 A. Yes.

12 **Q. Did you hear that from Ulrich?**

13 A. In a roundabout sense, yes, in his way of
14 venting.

15 **Q. Which was what?**

16 A. You kind of have to pick up what he's saying.
17 It's kind of hard to track sometimes, but the general
18 deal of what he was saying is that he was upset, it
19 could have been avoided as well.

20 **Q. Did you hear that from any of the other**
21 **sergeants at the jail, such as --**

22 A. I can't recall.

23 **Q. How about Girtten?**

24 A. No.

25 **Q. Green?**

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1 A. I remember him being frustrated. I don't
2 remember if he ever said it, though.

3 **Q. What makes you think he was frustrated?**

4 A. When you work with a guy for four years, you
5 kind of pick up on their tics.

6 **Q. Fair enough.**

7 **How about Salano?**

8 A. I can't remember if he did or not.

9 **Q. Sara Lightcap?**

10 A. I don't remember having a conversation with
11 her after.

12 **Q. Do you feel as you sit here today that**
13 **John Walter's death could have been avoided if Medical**
14 **had acted differently than they did?**

15 MR. TIEMEIER: Object to lack of foundation.

16 MR. LOY: Same.

17 A. Yes.

18 **Q. (BY MR. BUDGE) Did any person from**
19 **Correctional Healthcare Companies, CHC, ever try to sit**
20 **down with you and figure out from your point of view**
21 **what happened leading up to his death?**

22 A. No.

23 **Q. Nobody from the healthcare provider that**
24 **employed Kathy Maestas and Stephanie Repshire ever**
25 **sought you out, sought to interview you?**

1 A. Honestly, I hardly ever saw anybody from
2 Medical other than Kathy and Stephanie just because of
3 the shift I worked.

4 **Q. Did anybody from the sheriff's office ever**
5 **sit down with you and seek to interview you or gain**
6 **information from you about what happened leading up to**
7 **his death?**

8 A. Not sat down with me. I pursued somebody to,
9 though. Captain Rankin is who I spoke to.

10 **Q. What did you tell Captain Rankin?**

11 A. The concerns and generalized feelings in the
12 building, that we were worried about what's going on
13 and everything that's been observed.

14 **Q. But when it was all over, said and done after**
15 **John died, did anybody from the sheriff's department**
16 **try to get -- get with you in order to ask you, you**
17 **know, the types of questions I'm asking you here today**
18 **about what led up to --**

19 A. No.

20 **Q. -- John's death?**

21 A. Nobody did.

22 MR. LOY: Object to form.

23 **Q. (BY MR. BUDGE) Did any investigator, police**
24 **officer, sheriff's deputy, patrol, including**
25 **Detective Miller of the Fremont County Sheriff's**

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1 Office, sit down with you and seek to interview you or
2 gain any information from you about what had happened?

3 A. Not that I can remember, no.

4 Q. If anybody had sought to do a debriefing, so
5 to speak, try to figure out what happened, how this
6 thing can be avoided in the future, what happened,
7 would you have freely provided them with whatever
8 information you had?

9 A. Yes.

10 Q. Did you ever hear anything about what Kathy
11 Maestas's reaction to all of this was?

12 A. No.

13 Q. How about Stephanie Repshire?

14 A. No.

15 Q. Do you -- at any point before Mr. Walter
16 died, did you hear anybody mention the word "Klonopin"?

17 A. Before?

18 Q. Yeah.

19 A. No.

20 Q. Okay. How about after?

21 A. Yes.

22 Q. Okay. Tell me about that.

23 A. It was like three weeks ago I learned about
24 Klonopin. Prior to that, I never had any information
25 on it.

1 **Q. So it was in the course of this lawsuit?**

2 A. Correct.

3 **Q. All right.**

4 MR. LOY: If he asks you anything about
5 people you have spoken to -- I know that he intends to
6 exclude anything you have talked to attorneys about,
7 and I would tell you not to answer with respect to
8 anything that an attorney has told you or that you have
9 told an attorney.

10 THE DEPONENT: Got you.

11 MR. LOY: Nobody is trying to get you to do
12 that. You mentioned three weeks ago, and we met about
13 three weeks ago, so I wanted to be sure.

14 **Q. (BY MR. BUDGE) Have you had conversations**
15 **with anybody about this lawsuit, other than an**
16 **attorney?**

17 A. No.

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

19 A. Name sounds vaguely familiar.

20 **Q. Did you ever see a doctor at the Fremont**
21 **County jail?**

22 A. Me personally?

23 **Q. Yeah.**

24 A. Did I go to one?

25 **Q. No, no, no.**

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1 A. I was like "no."

2 Q. I could see why that could be confusing.

3 Did you ever see a doctor physically present
4 at the Fremont County jail?

5 A. Didn't know different people's titles and
6 things.

7 Q. Did you ever see somebody named Herr or
8 Raymond Herr at the jail or even know he was affiliated
9 with the Correctional Healthcare Companies?

10 A. Not that I can recall.

11 Q. Have you heard -- outside of the case of
12 John Walter, have you ever heard anybody else express
13 any concerns about the type of care, level of care
14 that's provided at the jail by Kathy Maestas, whether
15 that came from another inmate or another corrections
16 officer that --

17 A. The concerns were generalized medical care --

18 Q. Yeah.

19 A. -- treatment?

20 Yeah.

21 Q. Okay. Tell me about that.

22 A. It's kind of a generalized attitude towards
23 inmates, things of that nature. Real snappy, quick,
24 didn't want to listen, see what the problem was. Just
25 "This is how it is," "This is how we do it" kind of

1 mind-set.

2 **Q. Did you hear that from any supervisor or**
3 **supervisory staff?**

4 A. The complaints?

5 **Q. Yeah, about Kathy.**

6 A. No. I observed them.

7 **Q. Oh, okay. Good. In that case, tell me about**
8 **that, if you would. What was her attitude and**
9 **demeanor, like so far as you observed it with regard to**
10 **inmates?**

11 A. It was hit or miss. Just depended. It was
12 never -- it was not consistent. Some days you would
13 have it really good, some days you would have it out
14 there. Didn't know. Kind of playing Russian roulette
15 with a really, really large, angry population.

16 **Q. Did you see Kathy be snappy towards inmates?**

17 A. Short with them, yes. Very short with them
18 at times. Sometimes even come off as verbally
19 aggressive, I would say.

20 **Q. You saw Kathy Maestas being verbally**
21 **aggressive towards inmates?**

22 A. Yes.

23 **Q. Inmates that are expressing medical needs?**

24 A. Trying to explain their situation, explaining
25 this is what they needed, how they needed it, this is

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1 where they got all their stuff from, such as their own,
2 personal medical stuff. Sometimes she'd tell them,
3 This is not how we do it there. This is how we are
4 doing it. It was boom, boom, boom.

5 **Q. Was that an attitude that you saw her**
6 **display, you know, not every day but on a regular basis**
7 **at the jail?**

8 A. I wouldn't say regular basis, but I did
9 observe it from time to time, yes.

10 **Q. Did you ever come away from seeing that**
11 **thinking, for lack of a better term, What's her**
12 **problem, or something like that?**

13 A. There was a couple of situations, yes.

14 **Q. Anything that stands out in your mind?**

15 A. I can't remember the inmate's name, but he
16 was trying to -- he was trying to refer to something
17 with a question regarding medical treatment that he was
18 trying to have brought in for him. And it escalated so
19 quickly that I had to lock the inmate down because he
20 became aggressive.

21 So, literally, I had to secure the entire
22 medical area, put myself right in front of that inmate
23 to keep that altercation from taking place and had to
24 escort the inmate to a cell.

25 **Q. Putting aside the inmate for a moment, what**

1 **was it that Kathy said that --**

2 A. It was along the lines -- it had been going
3 on for weeks. I mean, you get a boiling point. But
4 there was a reference to having a family member bring
5 in a prescription that was already written, they had
6 it, it was in a closed box, they could bring it in,
7 Medical could look at it, say yes or no.

8 At that time, she wouldn't listen to what he
9 had to say. He got frustrated; six days of asking.

10 **Q. So this was one of those occasions where you**
11 **saw Kathy Maestas be short --**

12 A. Extremely.

13 **Q. -- with an inmate that was expressing what**
14 **appeared to you to be --**

15 A. General frustration with the whole situation.

16 **Q. Did you ever feel like Kathy was mean to the**
17 **inmates?**

18 A. There was a couple situations.

19 **Q. Tell me about those.**

20 A. Again, it was just real quick, real short,
21 where a simple, At this point I can't do that with you.
22 It's, I don't really give a damn what you have to say.
23 That kind of attitude would come out. It's enough that
24 it could get rub you real quick.

25 **Q. Did you see that more than once?**

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1 A. I think I seen it personally a handful of
2 times, and then I've heard of other situations that it
3 occurred that were brought to my attention.

4 **Q. By other inmates or by other COs?**

5 A. Other deputies.

6 **Q. Was it sort of known within the -- among the**
7 **jail staff that Kathy Maestas was --**

8 A. Abrasive?

9 **Q. Yes.**

10 A. Yes.

11 **Q. -- with the inmates who were requesting**
12 **medical attention?**

13 A. Yes.

14 **Q. Did you ever get the sense that Kathy was**
15 **trying to punish anybody or teach anybody a lesson?**

16 A. That I don't know. Personally, I couldn't
17 explain her personal motives.

18 **Q. Did she ever behave in such a way that you**
19 **came away with it thinking that there was no -- that**
20 **there was no apparent justification for her attitude?**

21 A. Yes, several times. And I voiced those
22 concerns to Commander Rankin.

23 **Q. Was this all before Mr. Walter died?**

24 A. Some of it was and some of it was after.

25 **Q. So on occasion before Mr. Walter died you**

1 went to Commander Rankin and personally expressed the
2 opinion that Kathy Maestas was unjustifiably short and
3 abrasive with inmates who appeared to be making
4 reasonable requests for medical care?

5 MR. LOY: Object to form.

6 A. Yes. Yes.

7 Q. (BY MR. BUDGE) Go ahead.

8 A. Yes.

9 MR. TIEMEIER: I didn't hear the answer.

10 THE DEPONENT: Yes.

11 Q. (BY MR. BUDGE) Did you ever get the sense
12 that she just didn't like inmates?

13 A. I'm not sure she liked her job.

14 MR. TIEMEIER: Foundation.

15 I didn't hear your answer.

16 THE DEPONENT: I said, I'm not sure she just
17 didn't like her job, pretty much.

18 Q. (BY MR. BUDGE) Did she -- what did Rankin
19 say when you went to him and told him about --

20 A. He --

21 Q. -- Kathy's attitude?

22 A. He requested for us to put it down in an
23 incident report for him and submit it so it could be
24 handled at their level. It's one of those I honestly
25 have no call. I can't say what they can and can't do,

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1 so.

2 **Q. Did you ever do that?**

3 A. Yes.

4 **Q. You documented your concerns concerning Kathy**
5 **Maestas?**

6 A. The incidents that occurred, yes.

7 **Q. And would you have done that in a jail**
8 **incident report form, or a --**

9 A. I believe it just depended on the situation
10 that occurred. There's -- I want to say there was one
11 or two where I had to place an inmate in lockdown,
12 physically help them to lockdown because they were so
13 upset with a situation. So it was in a Jail Incident
14 because I had to include the actions of the inmate plus
15 the justification of why they were there. There was
16 that.

17 And I want to say I submitted one or two
18 Microsoft Word documents regarding the situation.

19 **Q. Paper documents?**

20 A. More or less.

21 **Q. Not on a computer?**

22 A. No. Written on computer but through
23 Microsoft Office.

24 **Q. Right. Would you have written that on the --**
25 **on the County computer at the detention facility, or**

1 would you have written that on your home computer?

2 A. No, it was done at work. I didn't take work
3 home.

4 Q. So when you printed it out, who did you
5 submit it to?

6 A. Captain Rankin.

7 Q. Did you make general complaints about
8 Kathy Maestas in particular, or were they always with
9 regards to particular inmates and how she handled it?

10 A. With regards to inmates and actions. In
11 general, I have nothing that I could personally
12 complain about. She was always good to me. It was
13 just the treatment of inmates.

14 Q. Did you feel like inmates, at least some of
15 them, were not getting proper medical care, attention,
16 because of Kathy Maestas's attitude towards them?

17 MR. LOY: Object to foundation.

18 A. Not sure if it was attitude or if it was just
19 something else. Honestly, I don't know.

20 Q. (BY MR. BUDGE) Okay. But did you feel as if
21 certain inmates were not getting responses to what
22 appeared to be reasonable medical requests --

23 A. Yes.

24 MR. TIEMEIER: Object to form and foundation.

25 MR. LOY: Same.

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1 Q. (BY MR. BUDGE) -- because of the attitude
2 that Miss Maestas was displaying towards them --

3 MR. TIEMEIER: Object to form and foundation.

4 Q. (BY MR. BUDGE) -- or that she was not being
5 responsive to what appeared to be reasonable inmate
6 requests?

7 MR. TIEMEIER: Same objection.

8 A. Yeah, I would say.

9 Q. (BY MR. BUDGE) Do you have any information,
10 other than what an attorney might have told you, that
11 could shed any light about what caused the injuries
12 that we've seen on the photographs?

13 A. Do I have any information regarding them?
14 No. Has anybody spoken to me about them? No. This is
15 actually the first I've seen them.

16 Q. Do you have any information, other than what
17 a lawyer told you, that might shed light on why
18 Mr. Walter died, the cause of his death?

19 A. Other than what an attorney told me, no.

20 Q. Did you ever see any medical person do any
21 type of medical evaluation of Mr. Walter?

22 A. Other than just passing with med line, no.

23 Q. Offering medications?

24 A. Right.

25 Q. Did you ever see any evidence that a doctor

1 **named Sharon Allen was at the jail?**

2 A. No.

3 **Q. As you sit here today, what's your personal**
4 **opinion about whether Mr. Walter was provided with**
5 **adequate medical care during his confinement?**

6 MR. TIEMEIER: Lack of foundation.

7 MR. LOY: Join.

8 A. Do I feel that he was -- that I don't know.
9 I don't know the entire protocols and what's
10 established and how it's supposed to be ran, but
11 honestly, no.

12 **Q. (BY MR. BUDGE) Honestly, it's a personal**
13 **opinion that he was not?**

14 A. I feel like things could have been better and
15 done a little better.

16 **Q. How did you -- how would you say that**
17 **Stephanie Repshire's attitude, as you observed it**
18 **towards inmates, was relative to Kathy Maestas's?**

19 A. I think I only saw her a couple of times
20 because we work on opposite ends of the week, but from
21 the things that I could see, it was -- she was a little
22 more open. She would listen. She would provide them
23 with the ability to get the things they needed.

24 **Q. Do you feel as if Kathy Maestas did not**
25 **listen to inmates' complaints -- strike that.**

1 Q. The autopsy was completed April 25, 2014, so
2 five days after Mr. Walter's death. Okay?

3 A. Uh-huh.

4 Q. Item No. 1 -- excuse me. It says it was
5 completed by Dr. Barry with her final diagnosis as an
6 undetermined cause of death. Are you aware of
7 information that Dr. Barry did not have in coming to
8 that conclusion?

9 A. No.

10 Q. Dr. Barry commented that, No. 1, Mr. Walter
11 had extensive contusions, abrasions, rib fractures or a
12 right pneumothorax, which is blood in the area
13 surrounding the lung, that he had reported histories of
14 multiple incidents of self injuries and combative
15 behaviors and multiple incidents of use of force by
16 jail staff. You were aware of all those things?

17 A. Of the report itself? No. I've never read
18 the autopsy report ever.

19 Q. Do you know there were multiple uses of force
20 involved with Mr. Walter?

21 A. Multiple uses of force, yes.

22 Q. Okay. Were you aware of any multiple
23 incidents of self-injurious and combative behaviors by
24 Mr. Walter?

25 A. Not to my knowledge.

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1 Q. Were you aware that he -- she had, No. 2,
2 hypertensive cardiovascular disease with marked
3 perivascular interstitial fibrosis and a clinical
4 history of hypertension?

5 A. No.

6 Q. Were you aware that he had -- according to
7 his medical records, he had a clinical history of
8 methadone and benzodiazepine tapers?

9 A. No.

10 Q. Were you aware that he had steatosis? Do you
11 know what steatosis is?

12 A. No.

13 Q. That's a fatty liver.

14 A. No.

15 Q. Have you ever heard of that before?

16 A. No.

17 Q. Do you know what it's from?

18 A. No.

19 Q. Were you aware that he had moderately
20 thickened anterior mitral valve leaflet?

21 A. No.

22 Q. If the coroner who did this examination, the
23 autopsy exam and medical records, was unable to
24 determine what Mr. Walter's cause of death was, would
25 you agree she probably is in the best position to

1 **determine what his cause of death actually was?**

2 MR. BUDGE: Object to the form.

3 A. Could you rephrase the question?

4 Q. (BY MR. TIEMEIER) Sure. The doctor with
5 medical training who personally examined Mr. Walter's
6 body and examined his medical records could not figure
7 out what the cause of death was. What makes you think
8 you do know what the cause of death was?

9 MR. LOY: Excuse me. Could you read that
10 back, please.

11 THE REPORTER: Question: "The doctor with
12 medical training who personally examined Mr. Walter's
13 body and examined his medical records could not figure
14 out what the cause of death was. What makes you think
15 you do know what the cause of death was?"

16 MR. BUDGE: Object to the form.

17 Q. (BY MR. TIEMEIER) You can answer.

18 A. Just the information that I was told, through
19 the investigation and the forms I got.

20 Q. And this is information that came from your
21 attorney?

22 A. Correct. The forms that were coming out in
23 the beginning of this process and the allegations that
24 were made.

25 Q. Okay. So you are talking about the complaint

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1 of the -- in this lawsuit saying that he died of
2 withdrawal from methadone and/or benzodiazepines?

3 A. Correct.

4 MR. BUDGE: Object to the form.

5 Q. (BY MR. TIEMEIER) Are you aware that that's
6 the statements of counsel as to what they think
7 happened in this case as opposed to what a doctor has
8 determined?

9 MR. BUDGE: Object to the form.

10 A. I have no knowledge of that portion.

11 Q. (BY MR. TIEMEIER) Are you aware of any
12 doctor, other than Dr. Barry, who examined Mr. Walter
13 after his death to determine why he died?

14 A. No.

15 Q. You said that you thought Mr. Walter's death
16 could have been prevented. How could that have been
17 done?

18 A. I'm not necessarily a medical doctor, but I
19 think we could have probably stepped it up, brought
20 somebody else in to reevaluate the entire situation.

21 Q. Like a medical doctor to evaluate him and
22 determine what medications he might need?

23 A. Either bring in a doctor or take him to a
24 facility where he could be tested.

25 Q. Were you aware that a doctor did come in and

1 evaluate him, Dr. Allen, on the 17th?

2 A. I'm not aware.

3 Q. Were you there when that happened on the
4 17th?

5 A. Not to my knowledge.

6 Q. Were you aware that after the examination by
7 Dr. Allen on the 17th she diagnosed him with bipolar
8 disorder, and specifically he was having a manic
9 psychotic episode? Were you aware of that?

10 A. No.

11 Q. Were you aware that Dr. Allen elicited from
12 Mr. Walter a history of taking Risperdal, which is a
13 medication that's used to control manic episodes of
14 patients who have bipolar disorder?

15 MR. BUDGE: Object to the form.

16 Q. (BY MR. TIEMEIER) Were you aware of that?

17 A. No.

18 Q. Were you aware that Dr. Allen prescribed
19 Mr. Walter Zyprexa on April 17, which is a mood
20 stabilizer, to control his psychotic episodes?

21 A. No.

22 Q. Were you aware that Mr. Walter refused to
23 take his Zyprexa as prescribed by Dr. Allen?

24 A. I don't remember anything being said that he
25 refused to take meds.

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1 Q. Were you aware -- did you look at the medical
2 records to see if he was taking or refusing
3 medications?

4 A. No. That's HIPAA.

5 Q. Okay. Were you aware that Dr. Allen
6 prescribed Mr. Walter Benadryl for his tremors, his
7 shaking?

8 A. No.

9 Q. Would you agree, after having learned all
10 these things, that perhaps more was being done
11 medically than you were aware of --

12 MR. BUDGE: Object to the form.

13 Q. (BY MR. TIEMEIER) -- for Mr. Walter?

14 A. Would I agree to it?

15 Q. Yes, that there was more that was being done
16 for Mr. Walter medically than you were aware of.

17 MR. BUDGE: Object to the form.

18 A. Yes.

19 Q. (BY MR. TIEMEIER) Do you know whether if
20 Mr. Walter would have taken the medications that
21 Dr. Allen had prescribed, it could have -- that could
22 have prevented his death?

23 MR. BUDGE: Object to the form.

24 A. No.

25 Q. (BY MR. TIEMEIER) So your earlier statement

1 **that more attention by Medical may have prevented his**
2 **death, it was purely speculation, true?**

3 MR. BUDGE: Object to the form.

4 MR. LOY: Object to the form.

5 A. No.

6 **Q. (BY MR. TIEMEIER) It's not purely**
7 **speculation?**

8 A. No.

9 **Q. What's the effect of Zyprexa on a patient**
10 **who's having a psychotic break -- a bipolar patient**
11 **who's having a psychotic break?**

12 A. I wouldn't be able to tell you. I'm not a
13 doctor.

14 **Q. Excuse me.**

15 A. I wouldn't be able to tell you. I'm not a
16 doctor.

17 **Q. Do you know if that might have saved his**
18 **life, then?**

19 A. No.

20 **Q. How can you say that you know his life could**
21 **have been saved --**

22 A. Past situations at the jail where we
23 intervened.

24 **Q. Excuse me.**

25 A. Past situations in the jail where we

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1 intervened?

2 **Q. Intervened in what?**

3 A. In getting medical onboard and getting an
4 inmate that was having withdrawal problems from alcohol
5 the care that he needed.

6 **Q. Was Mr. Walter withdrawing from alcohol?**

7 A. That I don't know.

8 **Q. Do you know if he was withdrawing from
9 benzodiazepines?**

10 A. His current situation, I didn't know what was
11 going on, but I knew he needed something.

12 **Q. Do you know if he was withdrawing from
13 methadone?**

14 A. No.

15 **Q. If you don't know whether he was withdrawing
16 from any medication, what makes you think that
17 intervention in the form of getting treatment for
18 withdrawal would have made any difference?**

19 A. That I couldn't tell you.

20 **Q. Okay. What is a hypoglossal pressure point?**

21 A. It's a -- best way to describe it is it's a
22 pain compliance method in order to gain control of a
23 situation.

24 **Q. And by "pain compliance method," you mean a
25 deputy in this case applies pressure using their body,**

1 hands, fingers, whatever, to the inmate to cause pain
2 to the point that the inmate will be more amenable to
3 comply with what the deputy wants?

4 A. Correct.

5 MR. LOY: Object to form.

6 Q. (BY MR. TIEMEIER) And would you --
7 hypoglossal pressure point is applied at the angle of
8 the jaw, just underneath the jaw, correct?

9 A. It's right -- 1 inch in and 1 inch up.

10 Q. So one inch from the angle of the jaw towards
11 the chin?

12 A. And towards the inner portion of the jaw and
13 up.

14 Q. Yeah. And you push up toward the opposite
15 ear, correct?

16 A. To the top of the head.

17 Q. Top of the head. Okay.

18 Would you look at Exhibit 22, please. Is the
19 bruise that you see on Mr. Walter's jaw at
20 approximately the point where one would apply a
21 hypoglossal pressure point?

22 A. Which bruise?

23 Q. The one on his jaw about 1 inch towards his
24 chin from the angle of the jaw.

25 A. It wouldn't be consistent with a hypoglossal.

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1 **Q. I'm sorry?**

2 A. It wouldn't be consistent with a hypoglossal,
3 no.

4 **Q. Would not be consistent?**

5 A. No. Your bruise starts at the top of your
6 jaw, indicating --

7 **Q. Can you speak just a little slower. I'm**
8 **having trouble hearing you.**

9 A. Sorry. From the bruise that I'm seeing, it
10 starts just above the jaw away from the pressure point.

11 **Q. That's what you see in Exhibit 22, that the**
12 **bruise is above his jawline?**

13 A. Right, from what I can see in the picture
14 itself.

15 **Q. Okay. Why don't you take a pen and show me**
16 **where you think the hypoglossal pressure point would**
17 **cause a bruise.**

18 A. A pen?

19 Hypoglossal bruise -- sorry. I've done
20 multiples of them. I've never seen one or had anybody
21 put a bruise on anybody when doing so.

22 **Q. That wasn't my question. My question was**
23 **where you would apply the hypoglossal point.**

24 A. Right here.

25 **Q. You made a small x there?**

1 A. It's right below and up.

2 Q. Right below what?

3 A. Right below the nook of the jaw, right here.
4 The crook.

5 Q. And up towards the --

6 A. The top of the head.

7 Q. -- top of the head on the other side?

8 A. Correct.

9 Q. Were you aware that -- well, let me ask you
10 this: When you were watching Mr. Walter take a shower
11 on the 15th of April, were you specifically looking for
12 bruises or injuries?

13 A. No. I was just trying to keep his attention
14 focused and talking.

15 Q. Okay. Would you agree that it's possible he
16 may have had some bruises or injuries that you did not
17 see because you weren't particularly looking for them?

18 A. It's a possibility.

19 Q. Were you aware that Mr. Walter had a -- had
20 been in a motorcycle accident approximately two weeks
21 before he was admitted to the jail, booked in, and that
22 Mr. Walter reported to the arresting officer that he
23 had several preexisting injuries on both arms and shins
24 that were sustained two weeks prior from a motorcycle
25 accident? Were you aware of that?

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1 MR. BUDGE: Object to the form.

2 A. No.

3 Q. (BY MR. TIEMEIER) Taking a look at
4 Exhibit 19, the abrasions and bruises on, for example,
5 his left and right shins, do you know whether those
6 were caused by the motorcycle accident or something
7 that occurred while he was in the jail?

8 A. No.

9 Q. Same question with respect to Exhibit 20.

10 A. No, I don't have any information regarding
11 whether or not he obtained them in or outside of jail.

12 Q. And then looking at the photographs of his
13 elbows in Exhibits 24 and 25; do you know whether those
14 might have been caused by his motorcycle accident?

15 A. No, I don't know.

16 Q. You said that Miss Maestas was always
17 pleasant with you, I believe.

18 A. Yes, sir.

19 Q. Would you agree that when you became involved
20 in situations involving Miss Maestas and an inmate,
21 that that was when there was a problem?

22 A. Not sure I'm understanding what you are
23 talking about.

24 Q. Did you ever get called by either
25 Miss Maestas or an inmate to come and assist when

1 everything was going fine and there wasn't a problem
2 between Miss Maestas and the inmate?

3 A. Did I get a call to assist? Yes.

4 Q. When everything was fine between Miss Maestas
5 and an inmate?

6 A. Yes.

7 Q. What circumstances would that occur?

8 A. Staff is needing assistance in housing due to
9 daily tasks needing to be completed.

10 Q. Due to?

11 A. Daily tasks needing to be completed.

12 Q. I think you said that -- about how many times
13 would that happen?

14 A. It's hard to say. I was always down there
15 helping out one way or the other, whether it be med
16 line or feeding.

17 Q. So it was pretty much a daily occurrence?

18 A. Pretty close.

19 Q. And those were incidents in which you had
20 personal observation?

21 A. Correct.

22 Q. Was the word you used a "handful" of
23 incidents with Miss Maestas and other inmates where you
24 felt that she was short or not providing -- excuse
25 me -- was unjustifiably abrasive with the inmates?

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1 A. I'm not understanding your question. Am I
2 agreeing to a handful of times?

3 Q. Yes. I thought you said there were a handful
4 of times when you thought that she was being
5 unjustifiably abrasive or unreasonably abrasive with
6 the inmates. Did I hear that correctly, or did you not
7 say that?

8 A. I would agree to it. There was quite a few
9 incidents. That's all I can really remember. To
10 pinpoint one in particular is very difficult.

11 Q. Would you agree that overall the number of
12 times that you were with her and she was pleasant with
13 the inmates and providing the care they needed far, far
14 outnumbered the times that she was short with the
15 inmates and was cross with them?

16 A. Yes.

17 Q. Have you worked in a correctional facility
18 other than the Fremont County jail?

19 A. Stepping Stone group home.

20 Q. Stepping Stone. Did they have medical care
21 provided there to the people?

22 A. Yes.

23 Q. Did you deal with -- what type of medical
24 care was provided there?

25 A. We were all put through a class to be able to

1 be certified through the State to hand out meds
2 ourselves.

3 **Q. Class to what?**

4 A. I can't remember what it was. They had it on
5 their training records.

6 **Q. Were there R.N.s working there?**

7 A. No R.N.s.

8 **Q. Were there physicians or PAs working there?**

9 A. None.

10 **Q. It was a little different in that you -- what**
11 **would you call yourselves? Guards?**

12 A. Life counselors.

13 **Q. Life counselors.**

14 **So at Stepping Stone, the life counselors**
15 **were the ones that were providing medical care?**

16 A. To a degree. Under prescription of what was
17 given to us by the child's doctor that they were seeing
18 for care.

19 **Q. Okay. Had you ever before the Fremont County**
20 **jail worked in a situation where you were working with**
21 **medical care providers, specifically doctors, PAs**
22 **and/or nurses?**

23 A. When I worked at Starpoint, we would work
24 with R.N.s and physicians and other things of that
25 nature.

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1 **Q. What is Starpoint?**

2 A. It's a group -- well, it's an organization
3 that assists people with mental disabilities to either
4 function within a group setting in the community or
5 place them in a home where they could be helped.

6 **Q. Okay. Was it a jail or a prison?**

7 A. They thought it was.

8 **Q. Sorry?**

9 A. They thought it was.

10 **Q. Was it a jail or a prison?**

11 A. No.

12 **Q. Okay. As far as Correctional Healthcare**
13 **goes, would you agree that Fremont County is the only**
14 **place where you worked with Correctional Healthcare**
15 **providers?**

16 A. Yes.

17 **Q. Have you ever been short with inmates?**

18 A. Have I ever been short with inmates?

19 **Q. Yes, you.**

20 A. No.

21 **Q. Have you ever seen any deputies ever be short**
22 **with inmates?**

23 A. Yes.

24 **Q. Why? Why were they short with the inmates,**
25 **according to what you were able to see?**

1 A. I didn't know. I would usually pull them off
2 to the side and have a discussion, try to figure out
3 what's up. Never do it in front of anybody, though.

4 **Q. Never do it in front of anybody, meaning in**
5 **front of the inmate, right?**

6 A. I wouldn't do it in front of staff or
7 inmates. I would I pull that person aside.

8 **Q. But you, yourself, were never in a situation**
9 **where you were angry or short with an inmate?**

10 A. I could be angry but I could still be
11 professional. I never let my emotions dictate my
12 actions.

13 **Q. I'll jump to another subject, and that has to**
14 **do with April 20th. You said that people were mad**
15 **about Medical's lack of response. Do you recall those**
16 **questions and answers?**

17 A. I do.

18 **Q. I just need to follow up and get some**
19 **clarification on this.**

20 A. Okay.

21 **Q. I have a note here that you did not talk to**
22 **Captain Rankin about your frustration with Medical's**
23 **lack of response. Is that correct, or --**

24 A. On the 20th, no.

25 **Q. Did you talk to him later?**

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1 A. Of course. I vented to him later.

2 Q. About your frustration with Medical's lack of
3 response?

4 A. Yes.

5 Q. And what did he say?

6 A. He just listened. He didn't really respond.
7 He just listened to what I had to say. He was doing
8 for me what I had done for my staff.

9 Q. I apologize. I want to jump back to
10 Miss Maestas. You said you wrote up some reports about
11 concerns you had after Captain Rankin invited you to do
12 that regarding Miss Maestas?

13 A. Invited me to do it?

14 Q. Yes. You had complaints that you voiced to
15 him and he said, if I recall correctly, Put it in a
16 report.

17 A. Based off of the incidents that I observed
18 with her interacting with the inmates, yes.

19 Q. Right. Regarding those reports, do you know
20 whatever became of them?

21 A. No, I don't.

22 Q. And there was -- this is the part that I need
23 clarification on. You said there were comments made
24 about, This could have been avoided, and then something
25 about, if he hadn't been drugged. That's -- that is

1 the thing I don't know if I heard right.

2 A. I'm not sure.

3 Q. What comments do you recall being made on
4 April 20th about frustrations with the medical staff?

5 A. Just the overall -- the appearance of how
6 everything was handled.

7 Q. Okay. What was the appearance of how things
8 were handled?

9 A. That nothing was ever done. Nobody had
10 information, what you provided me.

11 Q. Did anyone talk about the psychiatrist coming
12 to see him and evaluate him and prescribe the
13 medications?

14 A. Not to my knowledge.

15 Q. So no one ever talked about Dr. Allen that
16 day, on April 20th, and what she had done?

17 A. Not to me directly, no.

18 Q. Did you hear anything indirectly about
19 Dr. Allen?

20 A. I didn't even know Dr. Allen existed.

21 Q. That was actually my next question. Until
22 today, did you know that Dr. Allen ever saw the
23 patient?

24 A. No.

25 Q. Until today, did you know that anyone from

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1 Medical had prescribed medications specifically to
2 address his psychotic behavior?

3 A. No.

4 Q. Until today, did you know that Mr. Walter was
5 refusing those medications that were prescribed by
6 Dr. Allen?

7 A. No, I wasn't aware of that.

8 Q. Would you agree that if that was the case,
9 that perhaps Medical was doing something; you guys just
10 weren't aware of it and the other deputies may not have
11 been aware of it?

12 MR. BUDGE: Object to the form.

13 A. I would agree to it.

14 Q. (BY MR. TIEMEIER) Jumping to another
15 subject. Looking at the -- when you arrived on
16 April 15, you said that Deputy Wheaton's arm was under
17 Mr. Walter, right?

18 A. Uh-huh.

19 Q. Was it -- yes or no?

20 A. Yes. Sorry.

21 Q. Do you know whether it was his right arm --
22 the deputy's right arm or his left arm?

23 A. I don't directly remember which arm it was
24 right off. I just remember seeing him try to get out
25 from underneath him with the arm under.

1 **Q. Was it under Mr. Walter's chest or his leg or**
2 **his pelvis, head?**

3 A. From my angle, it appeared it was from
4 underneath his stomach up to about his chest.

5 **Q. And it appeared that Deputy Wheaton was**
6 **attempting to extract his arm from underneath**
7 **Mr. Walter?**

8 A. It looked like Mr. Wheaton was being pulled
9 under Mr. Walter when I got there.

10 **Q. Mr. Walter was pulling on Deputy Wheaton's**
11 **arm?**

12 A. That's what it appeared to.

13 MR. BUDGE: Object to form.

14 **Q. (BY MR. TIEMEIER) And that was the time when**
15 **you put your taser to Mr. Walter's shoulder and said,**
16 **Give us your left wrist?**

17 A. My first order was to, Stop resisting and
18 give me your wrist. And I had to repeat it one more
19 time, and he complied.

20 **Q. I think you also said once the restraint**
21 **chair was brought in, Mr. Walter went into the**
22 **restraint chair without resistance?**

23 A. Correct.

24 **Q. Did you read Deputy Owen -- Corporal Owen's**
25 **report?**

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1 A. I did.

2 Q. Okay. Did he say in the report that he had
3 to place his knee on his -- his right knee on
4 Mr. Walter's hip to push him down into the restraint
5 chair because Walter kept pushing his hips up and out
6 of the chair to resist being placed in the chair?

7 A. I don't remember that.

8 Q. Okay.

9 A. If I could read it.

10 Q. It's in Exhibit 7 right there in front of
11 you. It's actually the very last two lines there.
12 Says, "Deputy Green secured Inmate Walter's ankles into
13 the proper restraints while I maintained pressure on
14 Mr. Walter's hips with my right knee because he was
15 trying to thrust his hips out of the chair."

16 A. Okay. Yeah, I see it there.

17 Q. Okay. So perhaps, although you weren't aware
18 of it, Mr. Walter was still resisting when he was being
19 placed in the restraint chair?

20 A. It's a possibility.

21 Q. Is that what Corporal Owen reported, that he
22 was still resisting while being placed in the restraint
23 chair?

24 A. Yes.

25 Q. Any reason to think Corporal Owen was

1 reporting something that didn't happen?

2 A. I don't know. From my angle, I was behind
3 the chair, I wasn't seeing.

4 Q. You were asked questions about a romantic
5 relationship between Captain Rankin and Miss Maestas.
6 To your knowledge, did that affect the treatment with
7 Mr. Walter?

8 A. Not to my knowledge.

9 Q. Moving on to another subject. And, again,
10 I'm asking for clarification because at times I had
11 trouble hearing you. My ears are not as good as they
12 used to be when I was your age.

13 I thought you said in retrospect, in the days
14 leading up to Walter's death, knowing now what you knew
15 then, you would have still followed the same procedures
16 because those were the procedures you were supposed to
17 follow.

18 A. Correct.

19 Q. Okay. So I did hear it correctly. Good.

20 Could you -- did you have the ability as the
21 sergeant there to call 911 for an inmate's behavior if
22 you felt it was necessary?

23 A. Not for an inmate's behavior, no.

24 Q. If an inmate was having a heart attack and it
25 was after 7:00, for example, and Medical wasn't there,

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1 **what would you do? I should say if you suspected an**
2 **inmate was having a heart attack.**

3 A. I would begin observation, call extra staff.
4 I would contact the nurse, still, because I'm not a
5 trained medical professional. I would not be able to
6 diagnose a heart attack or even suspect one, honestly.
7 So I would call medical, give them symptoms, this is
8 what we've got going on, while I still had another
9 phone ready just in case she says, "Call," and I would
10 be able to call for an ambulance and get that inmate
11 out.

12 **Q. So you would have staff ready to call an**
13 **ambulance while you are calling Medical?**

14 A. At the same time we are sitting there in the
15 situation, because there's times we never know if an
16 inmate is faking an illness in order to escape or
17 something, so there's policies and procedures to
18 prevent that.

19 **Q. Did you ever work with Nurse Doudy?**

20 A. Shortly, yeah.

21 **Q. What do you remember about her?**

22 A. I remember she was short. That's really
23 about it.

24 **Q. So -- never mind.**

25 **Do you recall how she was working with the**

1 **inmates?**

2 A. Cordial. She would listen to what they had
3 to say, and then she would tell them the best course of
4 action how to get it taken care of.

5 **Q. Was Nurse Repshire the same way?**

6 A. From my memory.

7 **Q. It was only, by your memory, Miss Maestas**
8 **that was not always pleasant and professional with the**
9 **inmates?**

10 A. Right.

11 **Q. When -- moving on to another subject now.**

12 **At or around the time of April 15th you said**
13 **you had received complaints from approximately 18**
14 **different people --**

15 A. Uh-huh.

16 **Q. -- about the treatment of Mr. Walter; is that**
17 **correct?**

18 A. Correct.

19 **Q. And you said that -- I believe you said that**
20 **you reported that to Captain Rankin and Rankin made**
21 **those concerns known directly to the sheriff?**

22 A. First to Medical, then to the sheriff when he
23 felt that he wasn't getting the answers that he was
24 looking for.

25 **Q. All right. Then there was a question about**

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1 **someone vociferously addressing the medical staff. Was**
2 **that Rankin or the sheriff?**

3 A. To my knowledge, it was the sheriff. That
4 was shared with me in passing.

5 **Q. How did you know about that?**

6 A. It was told to me in passing.

7 **Q. By whom?**

8 A. Sergeant Ulrich.

9 **Q. Sergeant?**

10 A. Ulrich.

11 **Q. Do you know what was said by the sheriff to**
12 **the medical staff?**

13 A. No. I wasn't present.

14 **Q. Did Ulrich say anything?**

15 A. No. He just told me the conversation had
16 taken place and that it wasn't -- I don't know how to
17 really phrase it.

18 **Q. Did Ulrich say whether the sheriff addressed**
19 **any of the concerns that were being raised directly**
20 **with CHC, the company that had the contract that was**
21 **employing the nurses, Nurse Maestas and Nurse Repshire,**
22 **and their staff?**

23 A. Do I know if he ever made contact with them
24 to express a concern?

25 **Q. Yes, in relation to Mr. Walter.**

1 A. Not to my knowledge.

2 **Q. Kind of going backwards here, in case you**
3 **haven't figured it out yet, but moving on to another**
4 **subject.**

5 You again around April 15 when people were
6 bringing these concerns to you, you said that
7 Captain Rankin and you reported these concerns to
8 Medical more than once, perhaps five times, two
9 incidents of reporting this occurred in one day.

10 A. There was two times that we had gone to
11 Medical to ask what we are doing here. And then at one
12 point in time when we went back across the hall, we
13 were redirected to go back and ask about this other
14 option. I don't recall the exact option. I just
15 remember getting told, Miller, come with me.

16 **Q. Told by whom to address the other option?**

17 A. I believe the order came from the sheriff to
18 Captain Rankin to go back across, at which point he
19 snagged me, brought me along.

20 **Q. Do you know what day this occurred?**

21 A. No, I don't remember.

22 **Q. Do you remember when it was in relation to**
23 **the restraints being used on Mr. Walter on the 15th of**
24 **April?**

25 A. Honestly, I couldn't remember.

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1 **Q. You testified fairly early on in your**
2 **testimony that from April 3rd to April 11 you did hear**
3 **from people that Mr. Walter seemed to be acting odd.**
4 **Do you remember that?**

5 A. Correct.

6 **Q. Okay. Do you remember which people were**
7 **telling you this?**

8 A. During that time frame, it's hard to say who
9 was saying what. It all runs together, to be honest.

10 **Q. You understand that I don't -- I have to ask**
11 **these question because I don't know what you are going**
12 **to remember and what you are not, so . . .**

13 A. Right.

14 **Q. Do you recall, other than the word "odd," any**
15 **specifics about what was being reported with respect to**
16 **Walter's behavior?**

17 A. Not offhand. Mostly I was told that he was
18 just acting odd.

19 **Q. Do you know when between April 3rd when he**
20 **first was booked into the jail until April 11 this**
21 **was -- these odd behaviors were occurring?**

22 A. I don't remember exactly which date. I just
23 remember hearing it.

24 **Q. And it occurred more than once?**

25 A. I want to say probably -- roughly about two

1 or three times.

2 Q. Now, I recall that you said, again early on
3 in your testimony, that you did not receive any
4 training on how to recognize when to refer a patient to
5 health care? First of all --

6 A. When to refer a patient? Correct.

7 Q. Or inmate. I use the terms interchangeably.

8 A. Right.

9 Q. And how did you know, then, when to call
10 Medical?

11 A. How do I know when to call Medical?

12 Q. Did you. You don't do this anymore, do you?

13 A. No.

14 Q. In April of 2014, how did you know when to
15 call Medical?

16 A. I just went to Medical because I felt the
17 things that were being raised were a concern that
18 needed to be expressed and to see if there were any
19 solutions that could be offered.

20 Q. Before Mr. Walter was ever brought into the
21 jail in April of 2014, did you ever call Medical to see
22 an inmate?

23 A. Yes.

24 Q. And how did you know when to call Medical to
25 see an inmate?

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1 A. When he was talking to five people in one
2 cell that weren't there.

3 **Q. I'm talking about other than Mr. Walter.**

4 A. Oh, for Walter. I apologize.

5 **Q. That's all right.**

6 A. For him, I just went based off of staff
7 observations. They were the ones who were on the front
8 line daily, who interacted with him, so their concerns
9 obviously raised a concern with me. So I took those
10 concerns to my captain, and then we went to Medical.

11 **Q. How did deputies know to raise these concerns**
12 **with you if they had no -- if they had not been trained**
13 **in when to call Medical?**

14 A. Day-to-day activity. Interactions with
15 different inmates.

16 **Q. Knowing what's normal and what's not normal?**

17 A. For one person.

18 **Q. The training that you received -- what was**
19 **the place where you said you had a level two -- some**
20 **type of level two certification so you were able to**
21 **administer medications to the people?**

22 A. Stepping Stone.

23 **Q. Stepping Stone. Yes. Thank you.**

24 **Was that before or after Fremont?**

25 A. That was before.

1 **Q. Before. Okay.**

2 A. Had the same -- and I can't specify whether
3 or not it was a level two. I don't know. It was the
4 same at Starpoint as well.

5 **Q. Where did you get the training for that?**

6 A. The facility or company itself provided that.
7 They paid for the training, put us through the
8 training. Can't remember exactly which location it is
9 that we went to for the training, but it was one of
10 those that was a certificate certified.

11 **Q. Okay. What kind of things did you learn in**
12 **the training?**

13 A. How to read the doctor's orders; that way we
14 knew how to correctly dose. How to recognize broken
15 and missed seals, things that just didn't look right.

16 **Q. Was most of the training related specifically**
17 **to ordering and administering medications?**

18 A. Mostly to administering. Each person had
19 their own case worker, so we would contact them and let
20 them know they were out of said medication.

21 **Q. Any other medication-related medical care?**

22 A. Basic CPR and first aid.

23 **Q. Basic CPA and what?**

24 A. First aid.

25 **Q. First aid?**

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1 A. Uh-huh.

2 **Q. Anything other than that?**

3 A. No.

4 **Q. There was reference in one of the reports to**
5 **a shoulder pin. What is a shoulder pin?**

6 A. A shoulder pin?

7 **Q. Yes.**

8 A. It's a control tactic.

9 **Q. And could you demonstrate or describe as you**
10 **are demonstrating how it's applied?**

11 A. The object is to get the aggressive side of
12 the inmate away from you by placing the shoulder on top
13 of your shoulder, so I'm pointing at the armpit of the
14 inmate, wrapping around from the right side so I can
15 maintain control of the upper body and torso, at which
16 point we start giving verbal commands to stop
17 resisting, go down to the ground so we can place you in
18 restraints.

19 It had three levels.

20 Level one is a command with no compression.

21 Two is a compression --

22 **Q. Is two what I would refer to as underhooks?**

23 A. Kind of. You wrap up over right on the side
24 of neck. And I can't remember the exact terminology of
25 it, but it's to be right in this area for the purpose

1 of -- one, it's a stun, gets their mind off of whatever
2 it was, whether fighting four or five guys at a shot
3 and you are just trying to pull them away from the
4 situation, it's just to make the mind forget what was
5 going on.

6 **Q. So you bring your arm under their armpit and**
7 **then on the side of their -- your hand on the side of**
8 **their neck --**

9 A. On the far neck. So it's like I'm giving you
10 a bear hug from your armpit.

11 **Q. Got it. Thank you. That's level one.**

12 **Level two, where is the compression applied?**

13 A. It is down towards the torso from the center.
14 It's a gentle squeeze down and in, still controlling.
15 And the whole point of it is to get the inmate to
16 comply. Eventually it does cause unconsciousness if it
17 is needed.

18 **Q. Okay. So a shoulder pin is applied with both**
19 **hands. You come up and across, crossing your arms in**
20 **front of them, or is it just a single arm?**

21 A. In my case, my right arm would go across your
22 chest like a seat belt up towards your neck. And then
23 the second arm would come around your back of the seat
24 belt, and I would interlock my fingers at about your
25 neck so I could maintain control of your upper body.

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1 **Q. Okay. And what's level three?**

2 A. Compressions with commands and
3 unconsciousness.

4 **Q. Okay. And the unconsciousness comes from**
5 **pressure to the carotids?**

6 A. It's taking -- it's not oxygen -- it's
7 denying blood flow to the brain. I can't specifically
8 remember. It's been a while since I taught it.

9 **Q. Okay. It sounds similar to a rear naked**
10 **choke, except you are coming under the arm with an**
11 **underhook rather than around the neck.**

12 A. Minus the fact that a rear naked choke denies
13 oxygen.

14 MR. TIEMEIER: I believe that's all I have.
15 Thank you.

16 MR. LOY: I don't have anything.

17 MR. BUDGE: I have nothing more, although I
18 would like to say that I would like a copy of whatever
19 Mr. Miller wrote with regard to Kathy Maestas, so I
20 will go back and look at our discovery requests and see
21 if they encompass that information. And, if not, we
22 can either discuss it informally, Brendan, or we'll
23 issue a new request.

24 MR. LOY: Yeah. I'll look into it as well.
25 I don't have a box in my office with a bunch of things

1 that he wrote about Maestas, but we'll figure it out.

2 MR. BUDGE: I know. All right. Thank you
3 very much.

4 WHEREUPON, the within proceedings were
5 concluded at the approximate hour of 5:49 p.m. on
6 September 26, 2016.

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CERTIFICATION OF DEPONENT

I, ROBERT MILLER, 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

ROBERT MILLER

The signature above of ROBERT MILLER, 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.,
09/26/2016 (AN)

