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In the Matter of:

THE ESTATE OF GORDON ("CASEY") POWELL

VS

GARY BARNES

JEREMY SEELEY

November 29, 2016

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

THE ESTATE OF GORDON
("CASEY") POWELL, by and
through its personal
representative, STEPHANIE
POWELL LEISURE; and GORDON
CLAY POWELL, SR., an
individual,

Plaintiffs,

v.

GARY BARNES, an individual,
BREEANN CARAWAY, an individual,
KERI WALTERS, an individual,
JEREMY SEELEY, an individual, TOM
TALBOT, an individual, KEVIN
BROWNE, an individual, CAMERON
JOHNSON, an individual, KELSEY
MEYER, an individual, and JOHN
DOES 1-10, individuals, and JANE
DOES 1-01, individuals,

Defendants.

No. 2:16-CV-00352 JLR

Deposition Upon Oral Examination

of

JEREMY RYAN SEELEY

Taken at 16550 117th Avenue Southeast

Monroe, Washington

DATE: Tuesday, November 29, 2016
REPORTED BY: Sarah A. Fitzgibbon, CCR 3385

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MONROE, WASHINGTON; TUESDAY, NOVEMBER 29, 2016

2:24 P.M.

--o0o--

(Deposition Exhibits 1 through 15 and
17 were marked for identification.)

JEREMY RYAN SEELEY, deponent herein, being
first duly sworn on oath,
was examined and testified
as follows:

E X A M I N A T I O N

BY MR. BUDGE:

Q. Would you state your name for the record,
please.

A. Jeremy Ryan Seeley.

Q. Mr. Seeley, today I'm going to be asking you
questions, and the questions that I ask and the answers
that you give will be transcribed by the court reporter so
that we have a permanent record of these proceedings. Do
you understand that?

A. Yes.

Q. Do you also understand that you're under oath
today?

1 A. Yes.

2 Q. If you're ever confused or unclear about what
3 I'm asking, just go ahead and ask me to clarify it or
4 rephrase it for you, and I will; okay?

5 A. Okay.

6 Q. Benjamin Price assaulted Casey Powell on
7 May 9th, 2015, at approximately 4:35 p.m.; is that
8 correct?

9 A. Yes.

10 Q. And the assault occurred just as Casey Powell
11 was returning from the meal area as he had passed through
12 the sally port and was entering the E-Unit dayroom; is
13 that correct?

14 A. That's correct, the Pod 2 dayroom.

15 Q. Price attacked Casey Powell as he was entering
16 the E-Unit Pod 2 dayroom, forcing him back into the sally
17 port; is that correct?

18 A. Yes.

19 Q. And when Price forced Casey Powell back into the
20 sally port, it was in the sally port that Price stomped
21 repeatedly on Casey Powell's head; correct?

22 A. Stomped and kicked, yes.

23 Q. I'm going to be handing you now what's been
24 marked as Exhibit No. 1 to your deposition.

25 A. Mm-hmm.

1 Q. And ask you if you've seen this photograph
2 before?

3 A. Yes, I have.

4 Q. And your handwriting is on this; is that
5 correct?

6 A. It does look like my handwriting. I think I
7 actually remember writing it, yeah.

8 Q. Do you know this to be a photo, which is a
9 screenshot from surveillance footage, taken from inside
10 the sally port?

11 A. Yes.

12 Q. And in this photograph, we see Price, Casey
13 Powell lying on the ground, and you; is that correct?

14 A. Yes.

15 Q. And you've labeled each person; is that correct?

16 A. Yes, except for myself, but I'm in uniform.

17 Q. And it does say "me;" is that correct?

18 A. Oh, yeah, it does. It's kind of a darkened
19 photo.

20 Q. Do you see that there's a timestamp in the lower
21 right-hand corner?

22 A. Mm-hmm.

23 Q. Yes?

24 A. Yes.

25 Q. And that timestamp is off by one hour; correct?

1 A. That is correct.

2 Q. So the assault took place at 4:35 p.m., but the
3 timestamp says 3:35 p.m.; is that correct?

4 A. That's correct.

5 Q. And so although the timestamp is off by one
6 hour, we agree that the assault occurred at 4:35 p.m.;
7 right?

8 A. Yes.

9 Q. Now, shortly after the assault, a officer from
10 the Monroe Police Department named Officer James Hand
11 came to the prison; is that correct?

12 A. Yes.

13 Q. Officer Hand entered the prison and came to the
14 E-Unit Pod 2 to document the area in and around where the
15 assault took place; is that right?

16 A. Yes.

17 Q. I'm now going to be handing you a series of
18 photographs that have been premarked as Exhibits 2
19 through 6. And I'll represent to you that these
20 photographs, which we have marked as Exhibits 2 through 6,
21 were also marked at the deposition of Monroe Police
22 Department Officer James Hand, and that these are
23 photographs that Officer Hand testified to taking when he
24 was deposed in this matter.

25 A. Okay.

1 Q. Exhibit 2 to your deposition, the one that we
2 have right in front of you now, does this appear to be a
3 photo of the JPay post and adjacent areas?

4 A. Yes.

5 Q. And then the next photograph, Exhibit 3, does
6 this appear to be a photo of the interior space known as
7 the dayroom?

8 A. Yes, that's half of it.

9 Q. And then Exhibit 4, does this appear to be a
10 photo of the same interior space?

11 A. Yes.

12 Q. And in this photograph, Exhibit 4, can we see
13 the doors that lead to the passageway, or sally port,
14 where the assault by Price occurred?

15 A. Yes.

16 Q. Now, turning to Exhibit 5, does this appear to
17 be another photo of the doors leading to the passageway
18 where the assault by Price occurred?

19 A. Yes.

20 Q. And then Exhibit 6, does this appear to be a
21 photo of the location of the place in the passageway, or
22 sally port, where the assault by Price occurred? That is,
23 where Price stomped and kicked Casey Powell's head.

24 A. Yes.

25 Q. Do you have any reason to dispute or doubt that

1 these photographs were taken by Officer Hand on May 9th,
2 2015, when he came to the prison following the report of
3 the assault?

4 A. They appear to be taken by Officer Hand at that
5 time.

6 Q. If I could redirect your attention to Exhibit 2,
7 which is the very first photograph. Do you see that there
8 is a clock?

9 A. Yes.

10 Q. And do you see that the clock says 5:22 p.m.?

11 A. Yes.

12 Q. Would it appear to you, then, that if the
13 assault occurred at 4:35 p.m., this photograph was taken
14 by Officer Hand less than one hour after the assault?

15 A. Yes.

16 Q. And that same clock can also be seen on
17 Exhibit 3 and Exhibit 6; correct?

18 A. Yes, 3 and 6.

19 Q. Do you have any reason to dispute, then, that
20 Officer Hand was on the scene taking photographs of the
21 scene and the surrounding areas less than one hour after
22 the assault?

23 A. No, I can't dispute that.

24 Q. If I could direct your attention again to
25 Exhibit 2. Do you see to the right of the clock, there's

1 a curved mirror?

2 A. Yes.

3 Q. And do you see that reflected in the mirror is
4 the officer's post?

5 A. Yes.

6 Q. Is that the only officer's post located within
7 Pod 2 of the E-Unit?

8 A. Yes. That's the control panel.

9 Q. All right. Control panel.

10 And is that where the Pod 2 E-Unit officer is
11 stationed during the course of his or her duties,
12 overseeing the inmates, in Pod 2 of the E-Unit?

13 A. In general, yes, but we could also be doing tier
14 checks or up around the unit doing different things, but
15 generally that's where we remain for most of the shift.

16 Q. Okay. And is that generally referred to as the
17 control panel or officer's post?

18 A. Officer's desk or control panel is usually what
19 it's referred to.

20 Q. And that officer desk reflected in the mirror is
21 the officer desk that is situated right outside the sally
22 port or passageway where the sally port emerges into the
23 Pod 2 E-Unit dayroom; right?

24 A. Yes.

25 Q. And you see as reflected in the mirror of

1 Exhibit 2, that there appears to be at least two officers
2 standing next to the officer's desk when this photo has
3 been taken by Officer Hand. Do you see that?

4 A. There's -- there's two individuals standing in
5 front of the desk, and they appear to be wearing dark
6 uniforms. Now, they could be either corrections officers
7 or maybe -- I can't remember if another officer came with
8 Officer Hand that day. If so, that might be -- might be
9 that officer. I know that there was two Monroe PD
10 officers there at some point in the days following.

11 Q. All right. Or it could be Officer Hand himself
12 taking the photograph being reflected in the mirror?

13 A. Actually, you're probably right about that,
14 yeah.

15 Q. And if you could now look at Exhibit 4. Do you
16 see that this photograph shows the officer's desk situated
17 at about the place where the sally port emerges into the
18 Pod 2 E-Unit dayroom?

19 A. Yeah, it's right in there.

20 Q. And now if you could look at Exhibit 5. Do you
21 see that this photograph depicts two officers standing at
22 the officer's desk that we've just been talking about?

23 A. Yes.

24 Q. Who are those officers?

25 A. The officer close- --

1 Q. In Exhibit 5.

2 A. The officer closest to the camera operator is
3 Officer Talbot, and I believe the officer standing next to
4 him is myself. Although -- yeah, I'm pretty sure that's
5 me.

6 Q. And just for clarification for purpose of the
7 record, we've been speaking about the two officers
8 standing at the officer's desk in Exhibit 5. Talbot being
9 closest to the entrance of the sally port and then you to
10 the right of Officer Talbot; correct?

11 A. Correct.

12 Q. Is it the case, then, that when Officer Hand was
13 taking these photographs less than one hour after the
14 assault that you and Officer Talbot were standing at the
15 officer's desk?

16 A. Yes.

17 Q. And in fact, you and Officer Talbot are depicted
18 in the actual photograph taken by Officer Hand at the time
19 he was there, Exhibit 5; right?

20 A. Yes.

21 Q. What I'm handing you now is a second series of
22 photographs which have been marked as Exhibits 7
23 through 10 to your deposition. Do you recognize Exhibits
24 7, 8, 9, and 10 as being screenshots taken from the
25 prison's camera surveillance system?

1 A. Yes.

2 Q. And do you see that the date in the lower
3 right-hand corner is May 9th, 2015?

4 A. Yes.

5 Q. And do you see that the information across the
6 top of the photo, that we have marked as Exhibits 7, 8, 9,
7 and 10, describe the camera view as being of the E-Unit
8 Pod 2 dayroom?

9 A. Yes.

10 Q. This is the same dayroom from which Price
11 launched the fatal assault against Casey Powell; correct?

12 A. That is correct.

13 Q. We see in this photo again, marked as Exhibit 7,
14 where the sally port or passageway merges into the
15 dayroom; correct?

16 A. Yes.

17 Q. And in Exhibit 7, do we see the same officer
18 post that we saw in Exhibit 5 at which you and Officer
19 Talbot were standing?

20 A. That's correct.

21 Q. In the series of photos marked as Exhibit 7
22 through 10, do you see that there is an officer standing
23 in the dayroom not too far from the officer's post taking
24 photographs?

25 A. Yes.

1 Q. And do you believe that to be Officer Hand from
2 the Monroe Police Department?

3 A. Yeah, I do.

4 Q. And do you see in Exhibit 7 that he appears to
5 be taking a photo towards the sally port looking in the
6 direction of the officer post not too far from the officer
7 post itself?

8 A. Yes.

9 Q. And do you see in Exhibit 8 that he is also in
10 the dayroom not too far from the officer post?

11 A. Yes.

12 Q. And do you see in Exhibit 9 that he has moved
13 somewhat closer to the officer post?

14 A. Yes.

15 Q. And do you see in Exhibit 10 that he is also
16 just a few feet from the officer post?

17 A. Yes.

18 Q. In Exhibit 10, how far do you estimate that
19 Officer Hand is to the officer post?

20 A. Less than six feet.

21 Q. Can we agree that, like the camera screenshot
22 that is Exhibit 1 to your deposition, that the timestamp
23 in the lower right-hand corner on these video surveillance
24 screenshots, Exhibits 7 through 10, is off by one hour?

25 A. Could you please say that again?

1 Q. Sure.

2 You recall that when we were looking at
3 Exhibit 1 we agreed that the --

4 A. Oh, I'm sorry, yes.

5 Q. -- the time stamp was off?

6 A. They -- they are off. Instead of staying 1619,
7 it should say around 1719.

8 Q. Correct.

9 In other words, instead of saying the equivalent
10 of 4:19 p.m., it should say 5:19 p.m.; right?

11 A. Correct.

12 Q. Which should closely match the clock on
13 Exhibits 2, 3, and 6 which are the actual photos taken by
14 Officer Hand?

15 A. Correct.

16 Q. And it would appear to you, would it not, that
17 the officers that are standing at the officer's post in
18 Exhibits 7 through 10 are the same officers, that is, you
19 and Officer Talbot, who are standing in Exhibit 5?

20 A. It appears that way, yes.

21 Q. In total, then, would you agree that while
22 Officer Hand was there at the prison in the Pod 2 E-Unit
23 dayroom close by the officer's post taking photos less
24 than one hour after the assault by Price that it was you
25 and Officer Talbot standing at the officer post?

1 A. Yes.

2 Q. From where Officer Hand is standing in
3 Exhibits 9 and 10, would you be close enough to hear if
4 Officer Hand spoke in a normal tone of voice?

5 A. Yes.

6 Q. And conversely, from where Officer Hand is
7 standing in Exhibits 9 and 10, would he be close enough to
8 hear normal conversation among the officers standing at
9 the officer post who consisted of you and Officer Talbot?

10 A. Yes.

11 Q. Right.

12 Are you a corrections officer for the Washington
13 Department of Corrections?

14 A. I am.

15 Q. How long have you been a corrections officer for
16 the DOC?

17 A. Since June 27th of 2008.

18 Q. As of May 2015, were you working at the
19 Washington Department of Corrections at the Monroe
20 Correctional Complex?

21 A. Yes.

22 Q. Were you working as a corrections officer at the
23 Special Offenders Unit?

24 A. Yes.

25 Q. What is the Special Offenders Unit, or SOU?

1 A. It's an institution which primarily houses
2 various offenders, many who have mental health issues, but
3 that is not always the case.

4 Q. All right. But the majority of the offenders
5 that are at the SOU are offenders who suffer from mental
6 illness?

7 A. Yes.

8 Q. Approximately how many mentally ill offenders
9 are confined at the SOU, if you know?

10 A. My guess would be around 5- to 600, but I'm not
11 entirely sure on that number.

12 Q. All right. Does the SOU also include a unit of
13 offenders known as the E-Unit?

14 A. Yes.

15 Q. And is the E-Unit one of the units of the SOU
16 where the mentally ill offenders are housed?

17 A. Yes.

18 Q. What is your best estimate of how many offenders
19 are housed in the E-Unit as of May of 2015?

20 A. It would have been around 85 to -- well, our
21 current capacity would be 96. It would have been
22 somewhere in there.

23 Q. So somewhere around 85 to 96 total offenders in
24 the E-Unit of the SOU?

25 A. Yeah, and that's Pod 1 and Pod 2 combined.

1 Q. Right.

2 Are there approximately an equal number of
3 housing units in Pod 1 and Pod 2?

4 A. Yes, there is. There's 48 cells in each pod.

5 Q. Was an offender named Benjamin Price housed in
6 the E-Unit Pod 2 in May of 2015?

7 A. Yes.

8 Q. And was an offender named Gordon Casey Powell
9 also housed in Pod 2 of the E-Unit in May of 2015?

10 A. Yes.

11 Q. Do the mentally ill offenders at the SOU's
12 E-Unit Pod 2 include offenders who are being confined for
13 violent crimes and also those who are being confined for
14 nonviolent crimes?

15 A. Yes.

16 Q. Do the mentally ill offenders at the SOU's
17 E-Unit Pod 2 include offenders with a history of violent
18 acts towards others and also offenders without a history
19 of violent acts towards others?

20 A. Yes.

21 Q. Are mentally ill offenders at the SOU's E-Unit
22 Pod 2 who have a history of violent acts against others
23 confined in the same general housing units as offenders
24 who do not have a history of violent acts towards others?

25 A. They are.

1 Q. As of May of 2015, could you sort of describe to
2 me what the change of command was at the SOU E-Unit Pod 2
3 with regard to your duties and responsibilities?

4 A. Chain of command would have been the unit
5 sergeant, that can change based off of, you know, relief
6 status, then the lieutenant, then the captain -- do you
7 want further up?

8 Q. I'll take a couple more up.

9 A. Okay. Then it would be the associate
10 superintendent, Superintendent B, and then of course
11 the -- the superintendent of the -- of MCC.

12 There's also another chain of command which
13 would start with the classification counselor and then the
14 CUS and then CPM.

15 Q. COS and CPM --

16 A. CUS. And the -- custom unit supervisor, and
17 then the correctional program manager. And it depends on
18 what issues we're dealing with, we'll go up a different
19 chain of command.

20 Q. Who are the unit sergeants in May of 2015?

21 A. Sergeant Granger, can't remember if he was there
22 that day. It was a Saturday; so it would have been his
23 day off. So that day, it actually should have been the
24 F-Unit sergeant, who should have been Sergeant Clayton,
25 but I -- I don't recall if he was there that day.

1 Q. And who would have been the lieutenant?

2 A. Asin.

3 Q. A-s-i-n?

4 A. Yes.

5 Q. And who would have been the captain that time?

6 A. I believe it was Captain Briones.

7 Q. Did anybody report to you?

8 A. No. I'm the bottom of the rung.

9 Q. As of May of 2015, did your duties as a
10 corrections officer include overseeing the confinement of
11 the offenders in the E-Unit Pod 2?

12 A. Yes.

13 Q. On that particular day -- May 9th, 2015 -- were
14 you assigned specifically to Pod 2, or were you floating
15 between Pod 2 and Pod 1?

16 A. Atlas, which is a program in our roster, doesn't
17 delegate which pod, but we -- amongst ourselves. I only
18 work Pod 2 normally unless something is happening,
19 something strange, but usually I work Pod 2.

20 Q. And on May 9th, 2015, were you working to
21 oversee the inmates confined in Pod 2 of the E-Unit?

22 A. Yes.

23 Q. Was Tom Talbot also working as a corrections
24 officer in Pod 2 of the E-Unit?

25 A. Yes.

1 Q. Were the two of you partners on that day?

2 A. Yes.

3 Q. Were you working the same shift?

4 A. Yes.

5 Q. What --

6 A. Watch 3. 1400 to 2200.

7 Q. 1400 to 2200?

8 A. That's correct.

9 Q. So 2 p.m. to 10 p.m.?

10 A. Yes.

11 Q. And that's called Watch 3, is that also known as
12 day shift?

13 A. No, that's known as swing shift.

14 Q. Excuse me. Swing.

15 Was that your ordinary shift as of --

16 A. Yes.

17 Q. -- as of May of 2015?

18 A. Yes, it is.

19 MS. SEVERSON: You have to let him finish his
20 questions --

21 THE WITNESS: Sorry.

22 MS. SEVERSON: -- before you answer.

23 MR. BUDGE: You're doing a great job, and I have
24 to also wait to let you finish your answers; so...

25 A. Okay.

1 Q. BY MR. BUDGE: So just for clarifying the record
2 since there was a little bit of interruption, your normal
3 shift as of May of 2015 was Watch 3, also known as the
4 swing shift, from 2 p.m. to 10 p.m.?

5 A. Yes.

6 Q. And was that also the normal shift of
7 Officer Talbot?

8 A. Yes.

9 Q. Were the two of you normally partnered as the
10 two corrections officers on duty for Pod 2 E-Unit between
11 the hours of 2 p.m. and 10 p.m.?

12 A. Yes.

13 Q. Has there been any material change in your
14 duties and responsibilities as a corrections officer
15 between May of 2015 and the present time?

16 A. I've taken over overseeing the offenders' jobs
17 on the units.

18 Q. Other than that?

19 A. No.

20 Q. Was it the case as of May of 2015 that there
21 were two E-Unit Pod 2 officers overseeing the confinement
22 of all of the offenders in Pod 2 of the E-Unit?

23 A. Could you restate that?

24 Q. I'm just basically looking for the ratio of
25 officers to offenders.

1 In Pod 2, if there were roughly 45 offenders,
2 was there two E-Unit corrections officers for Pod 2?

3 A. Yes, on Watch 3, there's two officers for
4 roughly 45 offenders.

5 Q. As of May 9th, 2015, can you give me kind of an
6 overview of what your daily duties and responsibilities
7 were as a corrections officer?

8 A. Conduct two counts, tier checks at least once an
9 hour, observe the offenders' movements and actions in the
10 dayroom, giving them access to areas where they can get
11 cleaning supplies, linens, stuff like that, hand out
12 different supplies to them that they require, like
13 paperwork, stuff, like that, keep an eye, make sure that
14 the other staff on the unit are safe, conduct a med line,
15 which requires us to go in the hallway, and they -- all
16 the offenders go and take their pills. There's a lot of
17 stuff too. There's a lot of stuff I'm missing, I'm sure,
18 but that's in general what it is.

19 Q. As of May 9th, 2015, did you and the other
20 corrections officers with whom you worked have authority
21 over all of the offenders in Pod 2 of the E-Unit?

22 A. Yes.

23 Q. As part of the regular operation of Pod 2 of the
24 E-Unit, did offenders regularly intermingle and come into
25 close physical proximity with other offenders?

1 A. Yes.

2 Q. Other than occasions where offenders were
3 confined to their individual cells or had been removed
4 from the E-Unit for whatever reason, was it ordinary that
5 offenders on the E-Unit would regularly intermingle with
6 and come into close physical proximity with other
7 offenders?

8 A. Yes.

9 Q. In fact, unless there were special
10 circumstances, such as lockdown, was it the case that
11 offenders on the E-Unit Pod 2 would come into close
12 proximity with other offenders during meal periods?

13 A. Yes.

14 Q. Before and after meal periods?

15 A. Yes.

16 Q. And regularly throughout the course of the given
17 day except when they were confined within their cells or
18 had otherwise been removed from the E-Unit?

19 A. Sorry. Restate that.

20 Q. Sure.

21 Was it the case that throughout the course of
22 any given day except when the offenders were actually in
23 their cells or had been removed from the E-Unit for
24 whatever reason that they would regularly interact
25 physically with each other in close proximity?

1 A. Without -- they're not permitted to touch each
2 other.

3 Q. Right.

4 A. Yes, but they would be in close proximity to
5 each other.

6 Q. And was it the case in Pod 2 of the E-Unit that
7 offenders were generally permitted to be outside of their
8 cells, sharing common areas with one another throughout
9 the course of a given day?

10 A. Yes.

11 Q. Did you recognize that one of your duties and
12 responsibilities as a corrections officers was to keep a
13 close and careful watch over all of the offenders in the
14 E-Unit Pod 2?

15 A. As much as possible, yes.

16 Q. And was that also the same duties and
17 responsibilities, as you understood it, with regard to
18 Officer Talbot with whom you were partnered?

19 A. Yes.

20 Q. Did you recognize that one of your duties and
21 responsibilities was to keep close and careful watch over
22 offenders who might be prone to committing acts of
23 violence against other offenders?

24 A. Yes.

25 Q. Did you recognize it as part of your duties and

1 responsibilities as a corrections officer that if you ever
2 became aware of an offender who was exhibiting behavior
3 that indicated the potential for that offender to commit
4 an act of violence against another offender that you had
5 an obligation to take reasonable measures to prevent that
6 act of violence?

7 A. Yes.

8 Q. Did Officer Talbot and the other corrections
9 officers with whom you worked have the same general duties
10 and responsibilities as you?

11 A. Yes.

12 Q. What does it mean to "yard in" an offender?

13 A. It means to send that offender back to his cell
14 so he remains confined until his behavior becomes
15 appropriate, and then we'll allow him out after such
16 period, sometimes with the review of a supervisor.

17 Q. So when you yard in an offender, in a nutshell,
18 it means you instruct the offender to go to his cell where
19 he can be isolated or segregated away from the other
20 offenders?

21 A. Yes.

22 Q. If you or any corrections officer yards in an
23 offender, is the offender required to go to his cell and
24 follow your directive?

25 A. Yes.

1 Q. If you or another corrections officer yards in
2 an offender and instructs him to go to his cell and the
3 offender does not do so, what action do you take?

4 A. I would notify the institutional main control
5 and then the response team would be deployed to that area,
6 and then, of course, all the other offenders in the area
7 would be isolated. Since it's a loading unit, they'd be
8 sent back to their cells.

9 Q. So if an offender disregards your instruction to
10 yard in to a cell, then there are corrections officers who
11 will actually physically restrain and remove that offender
12 to his cell?

13 A. It would not -- most likely would not be to his
14 cell. The response team would -- would arrive on the
15 unit, and the shift sergeant would take control of the
16 situation, and based off of his determination, that
17 offender may be placed into segregation, off unit.

18 Q. I see.

19 Taken out of the E-Unit altogether?

20 A. That is possible, yes.

21 Q. All right. So there are steps that can be taken
22 to isolate an offender by force, if necessary, from other
23 offenders if he refuses a directive to be yarded in?

24 A. Yes.

25 Q. Do you and the other corrections officers have

1 discretion to yard in an offender at any time?

2 A. Depending on the behavior, yes.

3 Q. If, in your judgment, the behavior of an
4 offender through his words or actions justifies him being
5 yarded in to isolate him from the other offenders, do you
6 have discretion to yard in the offender at any time?

7 A. Yes.

8 Q. When an offender is yarded in, is it the case
9 that the cell is remotely locked?

10 A. Yes.

11 Q. And then when an offender is yarded in, he
12 therefore becomes unable to leave his cell until that cell
13 is unlocked remotely by a corrections officer; is that
14 right?

15 A. That's correct.

16 Q. Can you yard in an offender from any part of the
17 E-Unit?

18 A. Yes.

19 Q. Can you yard in an offender from any common area
20 including the dayroom?

21 A. Yes.

22 Q. Can you yard in an offender from the dining
23 hall?

24 A. Yes.

25 Q. Can you yard in an offender from the sally port

1 or any other common area within the E-Unit?

2 A. Yes.

3 Q. So if you observe at any time an offender
4 engaging in concerning behavior or become aware of the
5 offender engaging in concerning behavior, no matter where
6 he is, you can immediately yard in that offender?

7 A. It depends on what the behavior is, but, yes, if
8 it's appropriate.

9 Q. If you or another corrections officer becomes
10 aware that an offender is exhibiting behavior physically
11 or verbally that indicates that that offender might be
12 prone to act violently towards another offender whether
13 specifically toward a certain other offender or to a group
14 of offenders generally, are there certain people that you
15 are obligated to inform?

16 A. Yes.

17 Q. Who would those be?

18 A. We would make an entry in the logbook and that
19 would be reviewed by the unit sergeant when -- you know,
20 after he came by, mental health staff, possibly the CUS.
21 If it was urgent enough, I would notify the shift
22 sergeant.

23 Q. So if you become aware that an offender is
24 exhibiting behavior verbally or physically that indicates
25 that he might be prone to committing an act of violence

1 towards another offender, you would inform, among others,
2 the unit sergeant?

3 A. Yes.

4 Q. The mental health staff?

5 A. Mm-hmm.

6 Q. Yes?

7 A. Yes.

8 Q. Consisting of who?

9 A. At that time?

10 Q. Well, I don't need specific names, but --

11 A. Okay.

12 Q. -- are we talking about the mental health
13 counselors?

14 A. Yes, mental health counselors.

15 Q. And are we talking about a specific mental
16 health counselor for that offender?

17 A. That generally does not happen, because a lot of
18 the times, offenders will not have their counselor --
19 specific counselor on board at the time. It could be
20 another the person. So it's really whoever's available.

21 Q. I see.

22 Is there always at least one mental health
23 counselor at the E-Unit at all times who would be
24 available to inform if an offender was exhibiting behavior
25 or words that indicated that he might be committing an act

1 of violence?

2 A. Not always.

3 Q. During the day shift, excuse me. Strike that.

4 During the swing shift, is it the case that
5 there is generally a member of mental health staff
6 available to inform if an offender is exhibiting behavior
7 that might indicate that he's prone to committing an act
8 of violence?

9 A. Generally, there is somebody there to inform.

10 Q. And then the other person or category of persons
11 that you mentioned is CUS; is that right?

12 A. Yes, custody unit supervisor.

13 Q. And who is that person, and what is his or her
14 job?

15 A. They're essentially the civilian equivalent of a
16 lieutenant, of a custody lieutenant. They supervise the
17 unit for -- there's all sorts of decisions they make, but
18 they're the highest rank on unit.

19 Q. What would be the purpose of informing mental
20 health staff if there was an offender who was exhibiting
21 behavior physically or verbally that might indicate that
22 he was prone to committing an act of violence towards
23 another offender or offenders?

24 A. They can make a mental health assessment on that
25 individual.

1 Q. And what would be the purpose of informing the
2 unit sergeant?

3 A. It's his unit; he needs to know what's going on
4 as far as -- maybe in general. And an offender committing
5 any sort of act that might be concerning, he might be able
6 to make a determination as to how to proceed with that
7 offender.

8 Q. And what would be the purpose of informing the
9 custody unit supervisor?

10 A. Same -- along the same lines.

11 Q. If you or another corrections officer became
12 aware that an offender's mental health status as indicated
13 by his words or actions had deteriorated such that he
14 might be prone to committing an act of violence on the
15 unit toward another person, you're not permitted to simply
16 ignore that; right?

17 A. No, I'm not.

18 Q. And if you or other corrections officers become
19 aware that an offender's mental health status has
20 deteriorated such as indicated by his words or actions
21 that he might be prone to commit an act of violence toward
22 another person on the unit, do you have a obligation to
23 take responsive measures?

24 A. Yes, I do.

25 Q. Did those responsive measures include, among

1 other things, promptly yarding the offender in his cell?

2 A. It could.

3 Q. Informing the other corrections officers on the
4 unit?

5 A. Yes.

6 Q. Notifying a mental health counselor?

7 A. Yes.

8 Q. Notifying a supervisor in the form of the unit
9 sergeant or custody unit supervisor?

10 A. Yes.

11 Q. And would those steps that I've just listed, all
12 of them, be undertaken for the purpose of maintaining
13 order on the unit and protecting other offenders from an
14 offender whose words or actions might indicate that he
15 might be prone to committing an act of violence?

16 A. Yes.

17 Q. As of May 9th, 2015, did you understand that
18 corrections officers have a duty to promptly yard in an
19 offender to isolate him from other offenders if he
20 exhibited behavior or words indicating the potential for
21 him to commit an act of violence against other offenders?

22 A. Yes.

23 Q. And as of May 9th, 2015, did you understand that
24 corrections officers also had a duty to inform, among
25 others, mental health and supervisors on the unit if you

1 ever became aware that an offender was engaging in
2 behavior or words indicating the potential for him to
3 commit an act of violence towards someone else on the
4 unit?

5 A. Yes.

6 Q. Same questions with regards to informing other
7 corrections officers on the unit. Did you have an
8 obligation as of May 2015 to inform other corrections
9 officers on the unit if you ever became aware of an
10 offender engaging in behavior or words indicating the
11 potential for him to commit an act of violence towards
12 another on the unit?

13 A. Yes, given that there's enough time.

14 Q. One of the primary duties of corrections
15 officers at the E-Unit Pod 2 is to take steps to prevent
16 acts of violence by one offender against another offender
17 where the risk of such violence becomes apparent; is that
18 correct?

19 A. Yes.

20 Q. For example, if you ever heard that an offender
21 planned to kill another offender, what was required of
22 you?

23 A. I would immediately separate that offender and
24 then notify mental health and of course my chain of
25 custody -- chain of command, sorry.

1 Q. And when you say "immediately separate that
2 offender," do you mean immediately yard him in?

3 A. It could mean that, but depending on what the
4 circumstances were.

5 Q. What other steps could you take to separate an
6 offender from another --

7 A. It depends on --

8 Q. -- offender or group of offenders?

9 A. It depends on what his proximity to the other
10 offenders are, what area he was in. It could mean just
11 placing him inside the holding cell in the hallway. It
12 might just mean sending him to another -- another room or
13 another section of the facility just so there's no
14 contact.

15 Q. All right. So if you ever became aware that an
16 offender planned to kill another offender, it was required
17 that you immediately physically segregate that offender
18 from other offenders; correct?

19 A. If there was immediate threat, yes.

20 Q. Well, if you ever became aware that an offender
21 planned to kill another offender, would you not
22 immediately separate that offender, isolate him
23 physically, pending your next steps?

24 A. Yes.

25 Q. Similarly, if you ever heard that an offender

1 planned to hurt another offender by assaulting him, you
2 would immediately be required to separate that offender
3 from the other offenders by isolating him either in his
4 cell or another part of the prison where he did not have
5 the ability to hurt anybody else; correct?

6 A. Yes.

7 Q. If an offender was psychotic and having an
8 episode that indicated that he might be prone to act
9 violently towards other offenders, were all those same
10 actions of physically segregating that offender from
11 others required?

12 A. I can't determine if an offender is psychotic.

13 Q. If an offender was exhibiting words or behavior
14 that made you believe that he was having a mental
15 breakdown or break from reality such that you believed
16 that it was reasonably likely that he might commit an act
17 of violence towards another offender, were you required to
18 physically segregate him from other offenders?

19 A. Yes.

20 Can I clarify a statement though? An offender
21 has to show that they have the means to do so also. I
22 can't just -- if somebody -- if an offender says, "I'm
23 going to shoot somebody," and he is not possession of a
24 weapon and has no ability to get a hold of a firearm, then
25 I can't do anything with that. I can make -- I can make a

1 notification, but he said he's going to shoot somebody.
2 It's not -- it doesn't make any sense. He can't
3 physically do that; so what am I going to do about that?
4 So there's -- there's a difference. He needs to show he
5 has means.

6 Q. Certainly offenders at the E-Unit Pod 2, as
7 demonstrated by what occurred in this case, do have the
8 ability to hurt --

9 A. Yes.

10 Q. -- or even kill other offenders without being in
11 possession of any weapon at all; correct?

12 A. That is correct, and I was just saying that as
13 an example, you have to show means and capability.

14 Q. In the course of your career, could you estimate
15 for me the number of times that you yarded in an offender
16 due to concerns about his behavior?

17 A. No, I -- it's a lot.

18 Q. Would you say it's been at least a hundred
19 times?

20 A. Yeah, at least.

21 Q. In the course of a given month, will you yard in
22 an offender due to concerns about his behavior on multiple
23 occasions?

24 A. It varies, but yes.

25 Q. Can you give me examples of situations in the

1 past where you've yarded in offenders?

2 A. Offenders acting aggressive toward staff,
3 aggressive towards other offenders. That's generally
4 what -- what it -- what it is is some sort of aggression
5 towards someone.

6 Q. So it's normal and ordinary that if an offender
7 is aggressive either in words or in actions towards staff
8 or towards another offender or group of offenders or
9 offenders generally that you will yard in that offender;
10 correct?

11 A. Yes.

12 Q. So during the course of your career leading up
13 to May 9th of 2015, did the following sometimes occur:
14 You would become aware of a mentally ill offender engaging
15 in some type of behavior that suggested that the offender
16 might not be appropriate to share common areas with other
17 offenders?

18 A. Yes.

19 Q. And you would respond by promptly yarding in
20 that offender to isolate him away from other offenders?

21 A. Yes.

22 Q. Or remove him entirely to a separate area of the
23 prison where he could not have the ability to physically
24 contact another offender?

25 A. Yes.

1 Q. And you would notify a supervisor?

2 A. Yes.

3 Q. And you would notify mental health counselors?

4 A. Yes.

5 Q. And then would mental health counselors come and
6 evaluate the offender?

7 A. As soon as they were able to, yes.

8 Q. And would the offender remain isolated away from
9 other offenders pending such evaluation?

10 A. Generally, yes.

11 Q. And if the mental health professional believed
12 that the offender did pose a risk to others by remaining
13 on the unit and sharing common areas, would the mental
14 health counselor direct that the offender sometimes be
15 removed from the unit entirely?

16 A. It generally would not be their call to make.
17 It would most likely be the shift lieutenant or the mental
18 health duty officer.

19 Q. All right. So if the mental health professional
20 believed that the offender did pose a risk to others by
21 remaining on the unit and sharing common areas, then there
22 were other people up the chain of command who would
23 sometimes direct that the offender be removed entirely
24 from the unit; correct?

25 A. Yes.

1 Q. Those people being again?

2 A. Could be the mental health duty officer, could
3 be the shift lieutenant, possibly the CUS, if they were on
4 duty at the time.

5 Q. And was it sometimes the case as well that the
6 offender might be removed or isolated to the close
7 observation area or another part of the prison where he
8 was segregated from other offenders entirely?

9 A. Yes, that could happen.

10 Q. And then the offender would not be returned to
11 the E-Unit unless and until he was cleared by a mental
12 health professional or someone higher up in the prison to
13 do so; correct?

14 A. In general, that's my understanding; although, I
15 don't have a full knowledge on that end of things.

16 Q. However, sometimes the offender was removed
17 entirely from the E-Unit for a period of time; correct?

18 A. Yes.

19 Q. Sometimes they would be removed for a period of
20 days?

21 A. Yes.

22 Q. And then not returned to the E-Unit until
23 something happened higher up in order to determine that
24 there was no longer a further risk; correct?

25 A. Correct.

1 Q. And those protective measures that I just
2 described were in place in order to protect others on the
3 unit from mentally ill offenders who might pose a risk of
4 violence towards others; correct?

5 A. Correct, but also in many cases, to protect
6 themselves.

7 Q. All right. So those protective measures were in
8 place to protect, A, others?

9 A. Mm-hmm.

10 Q. Yes?

11 A. Yes.

12 Q. And, B, offenders themselves?

13 A. Yes.

14 Q. And also staff, I take it?

15 A. Yes.

16 Q. Are offenders sometimes yarded in right away by
17 corrections officers pending a report and subsequent
18 evaluation by a higher-up within the prison in order to
19 determine whether an offender poses a substantial threat
20 to the physical safety of other offenders on unit?

21 A. Could you restate that please?

22 Q. Sure.

23 If there are words or actions by an offender to
24 demonstrate that he or she may pose a risk, is it the case
25 that that offender is sometimes yarded in right away by

1 the corrections officer pending a subsequent evaluation by
2 somebody higher up?

3 A. Yes.

4 Q. And you have discretion to do that; correct?

5 A. It depends on the circumstances, but yes.

6 Q. Is it the case that sometimes after being yarded
7 in, the offender will be evaluated by a mental health
8 professional and then segregated from the other offenders
9 for a period of days in the close observation area?

10 A. On occasion, yes.

11 Q. And is the close observation area designed so
12 that that offender does not have the opportunity to
13 intermingle with and come into close proximity with other
14 offenders?

15 A. In part. I should clarify though. They also
16 can be removed to segregation. The close observation area
17 is generally for those who commit self-harm.

18 Q. So there are multiple places that an offender
19 might be removed in order to protect other offenders on
20 the unit including segregation and the close observation
21 area?

22 A. That's correct.

23 Q. And the things that we have gone over so far, in
24 terms of the procedures for dealing with offenders who
25 might indicate through their words or actions that they're

1 prone to committing an act of violence on the unit, are
2 procedures that are standard and procedures in which you
3 and the other corrections officers are trained?

4 A. Yes.

5 Q. Many of the offenders who are confined in the
6 E-Unit Pod 2 have been confined there for a number of
7 years; is that correct?

8 A. That's correct.

9 Q. And as a corrections officer working in the
10 E-Unit Pod 2, do you become familiar with those offenders
11 over the course of time working around them on a daily
12 basis?

13 A. Yes.

14 Q. And you and the other officers regularly observe
15 those offenders day after day in the course of your
16 duties?

17 A. Yes.

18 Q. And you speak with them?

19 A. Yes.

20 Q. And you recognize their names and faces;
21 correct?

22 A. Yes.

23 Q. And you talk about them with your fellow
24 corrections officers?

25 A. On occasion, yes.

1 Q. And you also talk about them with your
2 supervising officers?

3 A. Yes.

4 Q. And you become familiar with their habits and
5 their mannerisms and their behaviors?

6 A. Yes.

7 Q. And you become generally familiar with their
8 infraction history and behavioral history?

9 A. Not usually. It really depends on who we're
10 talking about.

11 Q. Can you look up information about their
12 infraction history or behavioral history on the OMNI
13 system?

14 A. I have the ability, yes.

15 Q. And do you have the ability to do that in the
16 normal course and scope of your duties as a corrections
17 officer?

18 A. Yes, given I have the time for it.

19 Q. Are there computer terminals or stations located
20 within the E-Unit that will allow you to look up
21 information about an offender?

22 A. Yes, but our -- again, with the time issue, it's
23 been limited.

24 Q. I'm not sure I understand that answer.

25 A. We have access to the terminals, but our other

1 duties a lot of the time are more important and more time
2 sensitive.

3 Q. I hear you. But if you ever have the time and
4 the desire, you're able to access the offender's OMNI file
5 via one or multiple computer terminals that are located in
6 the E-Unit?

7 A. Correct.

8 Q. And by accessing the offender's OMNI file via
9 the computers located on the E-Unit, can you see their
10 infraction history?

11 A. Yes.

12 Q. Can you see information about what they did on
13 the outside to cause them to become incarcerated in
14 prison?

15 A. Some of the information, yes.

16 Q. What other information can you access on the
17 OMNI system about offenders?

18 A. Observation reports, just their name, DOC
19 number, age, height, weight -- anything that would be on a
20 control card. Yeah, there's some other information.

21 Q. What do you mean by "observation reports"?

22 A. They're similar to an incident report, but
23 they're not usually tied to the chain of command.
24 Usually, they would be -- it would be just an observation
25 that an officer or another staff member made at any given

1 point. It may be a good observation, or it may be a
2 negative observation, or it could even be neutral.

3 Q. What about the offender's mental health
4 counselor's records?

5 A. We don't have access to -- I don't believe we
6 have access to really any of that.

7 Q. In the course of working at the DOC, do you also
8 speak with offender's mental health counselors about
9 offenders?

10 A. On a limited basis. There's not -- we -- we
11 can't know everything because a lot of it's privileged
12 information, but we are allowed to know certain things.

13 Q. What certain things are you allowed to know?

14 A. If he's -- if an offender is an imminent threat,
15 maybe certain details surrounding that, but it really is a
16 case-by-case basis.

17 Q. Do you sometimes speak with mental health
18 counselors about certain offenders who give you reason to
19 be concerned?

20 A. Yes.

21 Q. And do mental health counselors sometimes speak
22 to you about offenders that may give them reason to be
23 concerned?

24 A. Yes.

25 Q. And is there some exchange of information there

1 between the corrections officers and mental health
2 counselors about offenders on the unit as necessary in
3 order to maintain the security of the unit?

4 A. Yes.

5 Q. Do you become familiar in the course and scope
6 of your job with offenders' baselines?

7 A. Yes.

8 Q. What does the word "baseline" mean in the
9 context of the inmate behavior on the E-Unit Pod 2?

10 A. To -- I know this has been a point in contention
11 with the term "baseline" because many of -- many people
12 believe that it's only a mental health term. But to me,
13 it means their normal display of behavior from what I have
14 observed.

15 Q. So an offender who is displaying behavior that
16 is out of the norm from that offender's typical behavior
17 is considered to be off baseline or off his baseline?

18 A. Correct.

19 Q. Is it the case that taking prompt measures to
20 prevent offender-against-offender violence is one of the
21 primary responsibilities of a corrections officer?

22 A. Yeah, one of many.

23 Q. And part of the duties of the corrections
24 officers, in order to maintain the safety of offenders and
25 others, is to be aware of offender behavior that might

1 indicate that the offender is off baseline?

2 A. Yes.

3 Q. So when corrections officers become aware that
4 an offender is exhibiting behavior through words or
5 actions that might indicate that he's off baseline, the
6 corrections officers have a duty not to ignore that;
7 correct?

8 A. Yes, we -- we must do something about it.

9 Q. And when a corrections officer becomes aware
10 that an offender is exhibiting behavior through words or
11 actions that indicate that the offender is off baseline,
12 does the corrections officer have a duty to address that
13 offender's behavior or words?

14 A. Yes.

15 Q. Do those duties in response to an offender
16 exhibiting off-baseline behavior include, among other
17 things, informing other corrections officers about the
18 offender's off-baseline behavior?

19 A. Yes.

20 Q. Does it include yarding in the offender as
21 appropriate if, in your judgment, it's necessary to
22 isolate that offender from other offenders?

23 A. Yes, if appropriate.

24 Q. And does it include informing supervisors?

25 A. Yes.

1 Q. And does it include informing mental health?

2 A. Yes.

3 Q. Is it the case that one purpose of addressing
4 offender's off-baseline behavior is to protect other
5 people on the unit by isolating the offender as necessary?

6 A. Yes.

7 Q. If a corrections officer including yourself ever
8 had knowledge that an offender was threatening to kill
9 somebody, were you obligated to take that seriously each
10 and every time?

11 A. Yes.

12 Q. And if a corrections officer including yourself
13 ever had knowledge that an offender was stating that he
14 wanted to talk to a law enforcement officer and would kill
15 someone if necessary to make that happen, is that a threat
16 that you are obligated to take seriously each and every
17 time?

18 A. Yes.

19 Q. If a corrections officers including yourself
20 ever had knowledge that an offender was stating that he
21 wanted to talk with a law enforcement officer and would
22 kill someone if necessary to make that happen, did you and
23 the other corrections officers have a duty to, among other
24 things, promptly isolate that offender from others?

25 A. Yes.

1 Q. By either yarding him in to his cell or yarding
2 him in to some area of the prison where he could not come
3 into contact with others?

4 A. Yes.

5 Q. And then did you also have a duty to report that
6 threat to supervisors?

7 A. Yes.

8 Q. Did you have a duty to report that threat to
9 mental health?

10 A. Not really sure on that one. Generally, we
11 would.

12 Q. Did you have a duty to ensure that the offender
13 remains securely isolated from other offenders unless and
14 until he was cleared by somebody higher up within the
15 prison to resume physical interaction with other
16 offenders?

17 A. Yes.

18 Q. One of the offenders on the E-Unit Pod 2 was
19 Benjamin Price; correct?

20 A. Yes.

21 Q. I'm going to hand you what's been marked as
22 Exhibit 11 to your deposition and ask you if you recognize
23 this to be the offender profile for Benjamin Price?

24 A. Yes.

25 Q. Did you and the other corrections officers have

1 access to this offender profile?

2 A. I am not sure about exactly this profile, but it
3 seems a lot of this information would be in OMNI.

4 Q. Why don't you just take a look at Exhibit No. 11
5 and tell me if there's anything that you can see in
6 Exhibit 11 that you think would not be available to the
7 corrections officers through the OMNI system that you've
8 testified about before.

9 A. I don't recognize this -- the part where it says
10 "Score" and has a series of letters and then, below it, a
11 series of numbers. I don't recognize that. It doesn't
12 mean that we don't have access to it.

13 Q. All right. So that's what we call the pulley
14 system and pulley score, which is about one third down the
15 page on the first page on the left.

16 A. In general, his criminal history would have been
17 there, but I'm not sure if it precisely matches up.

18 Q. Is there anything else that you can think of
19 other than the pulley score on the first page about one
20 third of the way down, that would not have been available
21 through the OMNI system, or do you think that this
22 information was generally available through the OMNI
23 system?

24 A. I think it should have been, in general. But I
25 didn't see this at the time; so...

1 Q. My next series of questions relates to the years
2 and the months leading up to May 2015. If you're ever
3 confused about what time period I'm talking about, let me
4 know.

5 A. Okay.

6 Q. In the years and months leading up to 2015, were
7 you aware that Price was in prison for killing someone?

8 A. No.

9 Q. Did you know what he was in prison for?

10 A. At that time?

11 Q. Yes.

12 A. No.

13 Q. Did you know anything about what Price had done
14 on the outside to cause him to be placed in prison?

15 A. No.

16 Q. Did you know that Price had previously attempted
17 to kill another offender in the DOC?

18 A. No.

19 Q. Did you know that Price was seriously mentally
20 ill?

21 A. Based off of the behavior that I had seen, I
22 figured that he was mentally ill.

23 Q. What did you know about Price's mental illness
24 from what you had personally had observed?

25 A. Do you want me to describe his behaviors?

1 Q. Sure.

2 A. He would walk around the outer edges of the
3 dayroom in a rowing, motion continuous. His back would be
4 straight, his arms straight to the sides, fists clenched,
5 a lot of times he would have his head tilted upwards while
6 speaking to himself in a low voice, and then at random
7 times, he would yell, and he would do several laps around
8 the dayroom. When he would yell, it was a very harsh,
9 gravelly, low but loud voice. Seemed like he spoke about
10 angels and demons a lot. He would also yell from inside
11 of his cell when he was up there. He was responsive to
12 staff most of the time when we addressed him. If we would
13 address him and ask him to quiet down, he would for a
14 while, but then he would go back to yelling loudly and
15 doing his normal stuff after that, you know, sometimes 20
16 minutes, sometimes 5 minutes later. It was pretty much
17 random, but this was consistent throughout the time that I
18 was there. Yeah, that's pretty much what I remember right
19 now.

20 Q. Did you know or have information to suggest that
21 Price was paranoid schizophrenic?

22 A. I -- I really don't know.

23 Q. Did you know or have information to suggest that
24 he had antisocial personality disorder?

25 A. I really don't know.

1 Q. Did you believe that he suffered from mental
2 delusions?

3 A. Yes.

4 Q. From what you, yourself, had observed?

5 A. Yes.

6 Q. Did you have information to suggest that Price
7 believed that he had been or was being commanded by
8 others?

9 A. Yes, he -- based off of things that he said
10 while he was inside the cell.

11 Q. What types of things would you hear Price say
12 that made you feel that he believed he was being commanded
13 by others?

14 A. Just -- it seemed like he was talking to
15 somebody else that wasn't there a lot of the times or
16 yelling at somebody else that wasn't there.

17 Q. Did you have information to suggest that Price
18 believed that he was being commanded or had been commanded
19 to hurt or kill others by voices or messages or
20 information he was getting from somebody who wasn't there?

21 A. I'm not sure what he thought he was being
22 commanded to do because I never heard anything. It
23 usually was garbled, or it would be off in the distance;
24 so I couldn't make out what he was saying most of the
25 times. I would catch little clips, and that was pretty

1 much it.

2 Q. Did you know or have information to suggest that
3 Price believed himself to be an assassin?

4 A. No.

5 Q. Did you have information to suggest that Price
6 believed that he was being trained as a killer?

7 A. No.

8 Q. Did you know that Price had a problem separating
9 reality from fiction?

10 A. I figured that was the case.

11 Q. Did you know or believe that Price was a
12 sociopath?

13 A. I don't know that.

14 Q. Did others within the prison, other corrections
15 officers or people higher up than corrections officers,
16 talk about Price?

17 A. As far as higher up, I don't -- I don't know
18 anything about that, but the officers on the unit, you
19 know, when he would yell, we would talk about addressing
20 it. It's pretty much as far as it went.

21 Q. Among the corrections staff, was Price generally
22 considered to be a dangerous person?

23 A. I don't know. I don't know. As far as -- as
24 far as I'm concerned, they're all dangerous. Everybody
25 has their own motives, and at any given time, you know,

1 anybody can do something violent.

2 Q. Did corrections staff talk about Price being
3 dangerous?

4 A. Not that I'm aware of. Well, at least, not that
5 I was aware of at the time. I know now because I've
6 talked to them since.

7 Q. All right. What did you learn?

8 A. They've told me that they believed he was
9 dangerous.

10 Q. Who told you that?

11 A. My fellow officers on the unit.

12 Q. Who?

13 A. Officer Talbot.

14 Q. Did Officer Talbot tell you that even before the
15 assault, that he felt that Price was dangerous?

16 A. Yes.

17 Q. Some jail staff members, whether corrections
18 officers, counselors, or mental health professionals, did
19 not feel comfortable with Price because they felt that he
20 was scary or unpredictable or frightened them. Did you
21 know that?

22 A. That's the sense I got, but you should really
23 talk to them more about that.

24 Q. From whom did you get that sense?

25 A. Officer Talbot, I got the sense of that, but he

1 would be able to provide a lot more detail on that issue.

2 Q. Did Price tell -- excuse me. Strike that.

3 Did Officer Talbot tell you that even before
4 this assault that he felt that other corrections officers
5 or counselors or mental health professionals were afraid
6 of Price?

7 A. Before the assault?

8 Q. Yes.

9 A. I don't believe -- I don't recall us ever having
10 that conversation before the assault.

11 Q. After the assault, did he tell you that he knew
12 that others were afraid of Price?

13 A. He told me that others had concerns. I'm not
14 sure that "afraid" was the correct terminology.

15 Q. Did he tell you that others at the prison prior
16 to the assault had indicated that they were uncomfortable
17 with Price because they felt that Price was dangerous?

18 A. Yes.

19 Q. Did he tell you that those people included
20 Gazelle Williams?

21 A. Yes.

22 Q. Who else did he tell you that those people
23 included?

24 A. I believe there was other officers working there
25 before me, but I do not know who they are.

1 Q. Before the assault on Casey Powell by Price, had
2 you ever been warned by anybody about Price?

3 A. "Warned," what do you mean?

4 Q. Warned to watch your back, warned that he might
5 fly off the handle, warned that he was a loose cannon,
6 anything of that nature?

7 A. Nothing specific, but, in general, if he
8 would -- I guess, if he would increase his behavior of
9 yelling or pacing around the dayroom, we would have been
10 given a pass-down about it, but that's really a
11 generality.

12 Q. Prior to the assault, against Casey Powell by
13 Price, did you know that Price was dangerous when he was
14 off baseline?

15 A. There -- he's always dangerous. Everybody's
16 dangerous. I don't -- and his -- his baseline was very
17 extreme. So when I would see him off baseline, that would
18 mean that he would be very calm and quiet, and that's when
19 he concerned me.

20 Q. So Price's normal behavior was very extreme?

21 A. Yes.

22 Q. Relative even to the other offenders?

23 A. Yes.

24 Q. So if you had, let's say, 45 offenders in Pod 2
25 of the E-Unit, would you say that Price's general behavior

1 was among the most extreme?

2 A. At the time, yes.

3 Q. Would you say that it was probably the most
4 extreme on the unit?

5 A. Yeah. I'm trying to remember who else we had at
6 the time, but it probably was.

7 Q. Were there times where Price made you
8 uncomfortable to be around, uncomfortable for your own
9 safety?

10 A. I'm -- I'm always uncomfortable. I'm sorry. I
11 don't know. He was another character. That's pretty much
12 it.

13 Q. Would you say that it was generally known that
14 Price's baseline behavior, even when he was on baseline,
15 was among the most extreme or the most extreme of all the
16 offenders on the E-Unit?

17 A. I believe at the time, if I'm remembering
18 correctly who was there during that time period. He
19 probably was, yeah.

20 Q. Did you sometimes see Price engaging in behavior
21 that was even more extreme than usual?

22 A. Yeah. You -- you -- basically just increase his
23 yelling, maybe walk a little faster than normal in the
24 dayroom.

25 Q. Did you sometimes observe Price when you felt

1 that he was off baseline?

2 A. Yeah, I observed him all the time.

3 Q. And did you sometimes make a mental note of the
4 fact that he doesn't seem to be on baseline, he seems to
5 be off baseline?

6 A. Oh, yeah.

7 Q. When Price was off baseline, would you become
8 more concerned?

9 A. Yes.

10 Q. Would you become concerned when Price was off
11 baseline, that he might be prone to committing some type
12 of act of violence?

13 A. Act of violence or self-harm.

14 Q. When Price exhibited behavior that was off
15 baseline, was it sometimes necessary to yard him in his
16 cell?

17 A. I don't recall ever needing to yard him in. As
18 I recall, every time I addressed him, he followed
19 directives. There was no -- it wasn't necessary to
20 proceed to that point.

21 Q. Did you know before May 9th of 2015, that Price
22 had been yarded in by other corrections officers for
23 off-baseline behavior?

24 A. I didn't know specifically about it, but I'm --
25 I guess I'm not surprised.

1 Q. Did you know that there were times before
2 May 9th, 2015, where Price had to be segregated from other
3 offenders because his behavior and words concerned
4 corrections officers?

5 A. Do you mean -- when you say "segregated," do you
6 mean placed in segregation or just placed into a cell?

7 Q. I mean placed into a cell or otherwise isolated
8 from the offenders either through yarding him in or
9 otherwise.

10 A. I -- I don't recall specifically, but it's
11 probably what happened.

12 Q. Did you have a general understanding that that
13 was the case?

14 A. I really don't know how to answer that. I mean,
15 it could have happened, yes. I don't know specifically
16 though.

17 Q. Did Price sometimes exhibit behavior that was
18 menacing or aggressive?

19 A. As I said before, he would walk around the
20 dayroom at a very quick pace, sometimes yelling at random
21 times, and clenching his fists, but not approaching
22 anybody with clenched fists. If he approached somebody,
23 then I would take that as being aggressive, but he was
24 just walking around in a pattern and was consistent with
25 that. I wouldn't consider that aggressive.

1 Q. Did you know him to have to engaged in verbal
2 altercations with others?

3 A. I had heard from other offenders that they had
4 quiet conversations that -- which did not go well, but I'm
5 not really sure of the entirety of the details on that.

6 Q. So other offenders had told you that Price had
7 said things to them that frightened them or --

8 A. Or at least made them uncomfortable. But this
9 was after the incident, referring to what happened before
10 the incident.

11 Q. Did you know before the incident that Price
12 would sometimes pound on the walls of his cell?

13 A. Yes.

14 Q. Did you know that Price would sometimes engage
15 in menacing facial expressions?

16 A. I don't know what that means. "Menacing facial
17 expressions"?

18 Q. Furrowed brow.

19 A. Okay, yeah.

20 Q. Staring. That type of thing towards others.

21 A. Yes, yes.

22 Q. Did you know that Price would open and close his
23 eyes rapidly or in an unusual way?

24 A. Every once in a while he would do that, yeah.

25 Q. Did you know that he would open and close his

1 fists rapidly?

2 A. Yes.

3 Q. Did you know that there was several occasions
4 before May of 2015 where Price's behavior resulted in him
5 being removed from the E-Unit altogether and isolated away
6 from other offenders in the close observation area for a
7 period of several days at a time?

8 A. I don't recall any of those instances, but I may
9 have actually been there for one of them. I just don't
10 recall. It's been so long.

11 Q. Was there any other offender -- well, strike
12 that.

13 Did you know that Price was prone to be
14 volatile, unpredictable?

15 A. They're all unpredictable. Everybody's
16 unpredictable.

17 Q. Did you know that Price in particular was prone
18 to be volatile or unpredictable in his behavior?

19 A. I mean, no more than anybody else.

20 Q. Whenever you became aware that Price was
21 exhibiting off-baseline behavior, did you have a duty to
22 report that?

23 A. It depends on how off baseline it was. It
24 depends on what -- I mean, when you say it's -- a duty to
25 report, it depends on what the behavior is.

1 Q. Off-baseline behavior where he was, for example,
2 acting in a very agitated manner?

3 A. That would be his baseline behavior.

4 Q. So if he was acting in a very agitated manner in
5 such a way that was off baseline --

6 A. Oh, okay. Yes, then I would have to report that
7 because that would be so elevated that he would be an
8 imminent threat to somebody.

9 Q. And would you have a duty to yard him in?

10 A. Yes.

11 Q. When Price was in close physical proximity to
12 other offenders, did you know that Price was capable of
13 physically launching an unprovoked attack against another
14 offender?

15 A. Yes, him and everybody else.

16 Q. Did you know that Price was larger and stronger
17 than many of the other offenders on the unit?

18 A. He was tall, but he was skinny. I don't know
19 what his strength was.

20 Q. Did you know that even if not armed with a
21 weapon that Price was capable of a serious assault on
22 another offender with his fists or feet?

23 A. Yes.

24 MS. SEVERSON: Excuse me, Mr. Budge. It's a
25 quarter to four. Can we take a break?

1 MR. BUDGE: Yes, we can. Let me just ask a
2 couple more questions.

3 MS. SEVERSON: Certainly.

4 Q. BY MR. BUDGE: When Price was observed to be off
5 baseline or when it was reported that Price was off
6 baseline, would you agree that corrections officers should
7 not try to diagnose the reasons for his off-baseline
8 behavior or assume that he was not a threat or make their
9 own judgment about the reasons for his off-baseline
10 behavior but leave that to the mental health
11 professionals?

12 A. That was very complicated. Yes, diagnosis is up
13 to mental health, but all of us have -- we are a filter.
14 We have to determine based off of our own experiences and
15 our training what is a threat, what is not.

16 Q. Before May 9th of 2015, did you ever hear any of
17 the corrections officers, or anybody for that matter,
18 refer to Price by any word or phrase like the following:
19 "crazy," "scary," "psycho," "frightening"?

20 A. Just "crazy." That was it.

21 Q. Who referred to Price as being crazy?

22 A. I think everyone, but that is pretty much
23 everybody that has ever been at SOU.

24 Q. You heard other corrections officers refer to
25 Price before May 9th, 2015, as crazy; correct?

1 A. Or at least acting crazy.

2 MR. BUDGE: All right. Let's go ahead and take
3 that break.

4 (Short recess.)

5 Q. BY MR. BUDGE: Mr. Seeley, as of May 9th, 2015,
6 what was your daily routine like from the moment that you
7 arrived to work?

8 A. On that specific day or just in general?

9 Q. In general, but I'm assuming that that day
10 started off like most other days, and if I'm wrong, you
11 can let me know. I'm just sort of looking for a general
12 description how you would go about your duties from the
13 moment that you arrived and began working on the clock?

14 A. The -- my recollection is that it was pretty
15 much average all the way up until the event. I would come
16 in and either get my gear from main control or get it from
17 an officer that I would relieve. Then at that time, the
18 officer who was from dayshift would give me a pass-down
19 about anything important that happened that day. Then we
20 would conduct -- well, we would make a logbook entry
21 stating what shift and what day, who was on post. Do a
22 tier check, log that, do security checks, and inventories
23 of all the equipment on the unit. Then most likely would
24 have conversed or passed out supplies to offenders such
25 as, like, paperwork, stuff like that -- they come and ask

1 for it just randomly -- and then the -- the officers would
2 talk for a little while.

3 And then about 1530, 3:30 p.m., there would have
4 been recall, which -- all the offenders would come back
5 from the various places around the institution and go
6 inside their cells. And then at 1550, there would be
7 count, and then count would clear between 4:15 p.m. and
8 4:30. And then shortly after, depending on the order of
9 the units for mainline, the offenders would go to mainline
10 when they were called, and then I would have stood out in
11 the hallway and observed movement from -- you know, to and
12 from the unit to the dayroom and back from it -- I mean,
13 to the dining hall and back from the dining hall, and then
14 it was during that time when the assault took place.

15 Q. Okay. So when you got passed down, that would
16 have been about 2 p.m.?

17 A. Yeah, about there.

18 Q. Who would have been the dayshift officers who
19 were going off duty?

20 A. I believe at that time, it was Officer Hallett.

21 Q. When Officer Hallett gave pass-down when you
22 came on shift on May 9th, 2015, at 2 p.m., did he tell you
23 anything about Price?

24 A. I don't recall.

25 Q. As of May 9th, 2015, there were logbooks that

1 were kept; correct?

2 A. One logbook per pod.

3 Q. And the logbook was kept at the officer post; is
4 that correct?

5 A. Yes, right there at the control panel.

6 Q. And what was the purpose of the logbook?

7 A. To log the officers who are on post, on that
8 shift, also the shift, the date, tier checks, when they
9 were completed, any -- any major event, also served as a
10 behavioral log at the time as we didn't have a dedicated
11 behavioral log.

12 Q. So on May 9th, 2015, would you and Officer
13 Talbot have been coming on shift at the same time?

14 A. Roughly, yes.

15 Q. And would the two of you had received pass-down
16 from Officer Hallett?

17 A. Yes, one or both of us.

18 Q. What were the duties of the incoming officers,
19 that is you and Talbot, in terms of reviewing the
20 information contained in the logbook when you came on
21 shift?

22 A. We would review the previous shifts, actually
23 the previous two shifts, log to see if there was anything
24 out of place, anything, you know, abnormal, and that would
25 be pretty much it.

1 Q. Was it the duty and the responsibility of both
2 you and Officer Talbot to become familiar with the
3 information contained on the logbooks from the previous
4 two shifts?

5 A. It was normal practice. I'm not sure about
6 duty.

7 Q. All right. Was it normal practice for the
8 incoming officers on May 9th, that is you and Officer
9 Talbot, to review and become familiar with the information
10 contained in the logbook from the previous two shifts?

11 A. Yes.

12 Q. As of May 9th, 2015, why did it happen that you
13 and Officer Talbot divided your duties such that, at the
14 time of the assault, you were in the hallway, and Officer
15 Talbot was stationed at the officer post?

16 A. I don't -- I don't remember why that day we
17 worked it out that day. We've switched it up over the
18 years. And each time, it's been different, the reason
19 why.

20 Q. Was it up to you and Officer Talbot to figure
21 out who specifically did what?

22 A. Yeah, it was -- it was at our discretion, yes.

23 Q. And on this particular day, it was decided that
24 you would observe the offender movement to and from
25 mainline, that is, to and from the dining hall, and Talbot

1 would remain at the officer post?

2 A. Correct.

3 Q. Okay. Handing you what's been marked as
4 Exhibit 12. You'll see this is a blank piece of paper.
5 If I could just ask you to use your attorney's pen or your
6 own, understanding that what you will be drawing is not to
7 scale, could you draw to the best of your ability a
8 diagram that shows the location of the officer post, the
9 sally port or passageway, and the path that the E-Unit
10 offenders from Pod 2 would take to dining hall where they
11 received their meal.

12 A. Okay. So you want me to show the path from the
13 dining hall to the pod?

14 Q. Dining hall to the pod, yes, and if you could
15 label the dayroom.

16 All right. So you labeled the control panel,
17 the dayroom, Pod 2, the dining hall, and Pod 1. So maybe
18 you could just put sort of a dashed line that would
19 indicate the path that the offenders would take from the
20 dining hall to the dayroom and back again.

21 Okay. Great. Thank you.

22 Did you have any responsibility for actually
23 observing the inmates at the dining hall?

24 A. Not in the dining hall, no.

25 Q. Okay. So when you were observing the inmates

1 going to and from the dining hall, where would you have
2 been stationed? Maybe you could put an "X" there.

3 A. It would have been in the hallway essentially
4 between two sally ports.

5 Q. And on the opposite side of the sally port that
6 leads from the dayroom and Pod 2 to the dining hall, is
7 there another sally port that leads to Pod 1?

8 A. There is.

9 Q. All right.

10 A. It's identical.

11 Q. And did the offenders from Pod 1 and Pod 2 share
12 the same dining room, not at the same time, mind you, but
13 but that's where both pods take their meals?

14 A. Correct.

15 Q. I'm handing you now what's been marked as
16 Exhibit 13 to your deposition.

17 MS. SEVERSON: I don't need another copy.

18 MR. BUDGE: Okay.

19 Q. BY MR. BUDGE: I would ask you whether you
20 recognize this to be the E-Unit Pod 2 logbook entries for
21 the period of January 1, 2015, through May 11, 2015?

22 A. Why are there two separate books here?

23 Q. I don't know the answer to that, but that's the
24 way they were produced to us, and it appears that one
25 logbook runs from January 1, 2015, to April 8, 2015, and

1 the second one runs from April 8, 2015, to May 11, 2015?

2 A. Yes, that's correct. I just don't know why.
3 Okay. Yeah.

4 Q. Are these the logbooks or logbook that was kept
5 at the officer post?

6 A. Yes.

7 Q. If I could just direct your attention to the
8 entry of May 9th, 2015.

9 A. So Page 50?

10 Q. Actually Page 49.

11 A. 49, okay.

12 Q. Do you see about a third of the way down on
13 Page 49 where it says "New Date 5/9/15"?

14 A. For Watch 2?

15 Q. Actually, I believe it's Watch 1 ^ -- well, yes,
16 it transitions to Watch 2 at 6:10 a.m..

17 A. Yes.

18 Q. So Page 49 is the logbook entry that covers at
19 least the first half of the day or so on May 9th, 2015?

20 A. Okay.

21 Q. Do you see that?

22 A. Yes.

23 Q. And do you see a little bit more than halfway
24 down the page, there's an entry at 6:41 a.m.?

25 A. Yes.

1 Q. Do you see where it says, "CO Walters called
2 from the IK" -- which I believe stands for inmate
3 kitchen -- "to say that I/M Price" -- and then his DOC
4 number -- "is off his baseline"?

5 A. Yes, I see that.

6 Q. And then are those the initials of Officer
7 Hallett?

8 A. I believe so.

9 Q. Would that have been one of the logbook entries
10 that you and Officer Talbot would have reviewed as part of
11 your normal duties in coming on the shift?

12 A. Yes. If we had reviewed it, yes, that would
13 have been it.

14 Q. And you would have, in the normal course of your
15 duties, reviewed that; correct?

16 A. Normally, but I remember that day as being very
17 busy even before the assault; so I am not entirely sure if
18 I actually did review that. I cannot be sure if I did
19 because I don't recall it.

20 Q. Have you ever seen this before?

21 A. After the assault, yes. I don't know about
22 before the assault.

23 Q. Would it have been the duty of Talbot to have
24 been familiar with this logbook entry at 6:41 a.m.?

25 A. I don't think "duty" is the right terminology

1 for that. It would have been normal practice for him
2 given the time of the beginning of the shift.

3 Q. Did you or Talbot, to your knowledge, take any
4 action in response to this logbook entry?

5 A. I did not.

6 Q. Do you know if Talbot did?

7 A. I do not know.

8 Q. Did you have any observations or interaction or
9 information from any source about Price's behavior on this
10 particular day from the time that you came on shift and
11 the dinner period later in the afternoon on May 9th about
12 Price?

13 A. I don't recall getting any other information or
14 any information about him, for that matter, for that day.

15 Q. If I could direct your attention to the entry on
16 February 13th, 2015.

17 A. You said February 15th?

18 Q. No. February 13th.

19 A. 13, okay.

20 Q. I believe it's on --

21 A. 37?

22 Q. Page -- yes, 37.

23 A. Who is writing this? This makes no sense
24 because it says "12 February 15" at the top of Page 36.
25 It doesn't make any sense. Oh, sorry, that's -- I don't

1 know why they would do a month format like that.

2 Okay. I see it.

3 Q. So about a third of the way down on Page 37, do
4 you see where it says at 1610 "Price been put on 30 min
5 psych watch" by -- it looks like CM?

6 A. It looks like it would say CMHC3.

7 Q. And do you know what that means?

8 A. Correctional Mental Health Counselor 3, if I
9 remember correctly.

10 Q. Okay. And then directing your attention now to
11 the entry on February 19th.

12 A. Okay.

13 Q. About two thirds of the way down Page 45.

14 A. Mm-hmm.

15 Q. Do you see where it says "Inmate Price yarded in
16 for yelling and cursing at RN Rightmeyer ^ and Sergeant
17 Granger in Rightmeyer's office per Sergeant Granger.
18 Inmate Price's cell is to be locked down until further
19 advised by him"?

20 A. Yeah, I see that.

21 Q. Do you know what that means?

22 A. Yeah, it appears that Price exhibited negative
23 behavior by yelling at the sergeant and the nurse, and
24 they ordered that he be placed in his cell.

25 Q. And now directing your attention to the entry on

1 March 6th.

2 A. Okay.

3 Q. On Page 69, do you see near the top of the page
4 it says at 1156, "Inmate Price yelling and screaming
5 again. CMHC3 was contacted and required his cell to be
6 locked down."

7 A. I don't -- I think it says "Rotta" -- sort of
8 looks likes to me -- "was contacted and regulated to his
9 cell" -- or -- and "his cell be locked down," yeah.

10 Q. Did both of those entries refer to times where
11 Price was confined in this cell due to concerning
12 behavior?

13 A. It -- it appears so; although, I wasn't there
14 that day or at least at the time, but that's -- that's
15 what it's saying.

16 Q. And there's a lot of other entries as well,
17 which I will skip over for the time being.

18 On May 9th, 2015, did you take any action before
19 the assault in order to isolate Price from anybody else?

20 A. No. I had no indication that he was going to do
21 what he did.

22 Q. Did you take any action at all with regard to
23 Price at all on that day prior to the assault?

24 A. I can't remember if I addressed his behavior or
25 not. I don't -- I don't remember anything specific.

1 Q. I'd like to go back now to something that we
2 talked about earlier in the deposition about what happened
3 within one hour of the assault against Casey Powell by
4 Price.

5 We spoke at the beginning of the deposition
6 about how Officer Hand was at the prison taking photos of
7 the scene in adjacent areas within an hour of the assault;
8 do you recall that?

9 A. Yes.

10 Q. And we also talked about how the photos that
11 Officer Hand took showed that you and Officer Talbot were
12 standing at the officer post when Officer Hand was there
13 taking those photos; do you recall that?

14 A. Yes.

15 Q. And you believe that the officers, you and
16 Talbot, who were standing at the officer's post were close
17 enough to hear Officer Hand and that he was close enough
18 to hear you; do you recall that?

19 A. Yes.

20 Q. Do you know that Officer Hand has had his
21 deposition taken in this case?

22 A. I figured he would have, yeah.

23 Q. Did you know prior to today that he had in fact
24 been deposed in this case?

25 A. No.

1 Q. I'll represent to you that Officer Hand has
2 given sworn testimony just as you are doing today. I take
3 it that you have not reviewed the transcript of
4 Officer Hand's deposition; is that right?

5 A. No.

6 Q. You have not?

7 A. No, I have not.

8 Q. I'm going to be handing you now what's been
9 marked as Exhibit 15, and for the record, there is no
10 Exhibit 14. And I'll represent to you that this is a
11 transcript of the deposition of Officer Hand, and I would
12 like to direct your attention to some questions that
13 Officer Hand was asked and the answers that he gave to
14 those questions.

15 In particular, I would direct your attention to
16 Page 13 of the deposition. The pages are in the upper
17 right-hand corner. I'm going to read the following
18 testimony and then follow up with some questions to you.

19 At Page 13, Line 1.

20 "QUESTION: Okay. In fact, did you hear the
21 corrections officers standing by the officer's post say
22 that Price had been requesting to talk to a police officer
23 for several days and that after some days past, Price said
24 that if he had to kill someone to get police attention, he
25 would do so?"

1 "ANSWER: That's what I heard, correct."

2 "QUESTION: And you documented what you observed
3 in this statement; correct?"

4 "ANSWER: Correct."

5 "QUESTION: And the statement that you
6 overheard, as documented in this incident report, was
7 overheard by you in the course of your taking the
8 photographs that we've just gone through; is that
9 correct?"

10 "ANSWER: Correct."

11 "QUESTION: And the officers who made the
12 statement that you record in your report were in uniform
13 when you heard them say that Price had been requesting to
14 talk to a police officer for several days and that after
15 some days past, Price said that if he had to kill someone
16 to get police attention, he would do so; is that correct?"

17 "ANSWER: Correct."

18 Do you see what I've just read?

19 A. Yes.

20 Q. And then drawing your attention to Page 14 at
21 Lines 11 to 13.

22 "QUESTION: Do you recall whether they were male
23 or female officers who made the statement?"

24 "ANSWER: Male."

25 And then drawing your attention to Line 19 to

1 23.

2 "QUESTION: Do you recall where in the -- where
3 you would've been at the time that you overheard it; that
4 is, would you have been in the breezeway, for example, or
5 would you have been in the dayroom?"

6 "ANSWER: To the best of my knowledge, I was in
7 the dayroom."

8 And then drawing your attention to Page 16 of
9 Officers Hand's sworn testimony at Line 4.

10 "QUESTION: All right. Did you ask -- as
11 indicated in your incident report, did you ask the
12 corrections officers to document these statements in their
13 witness statements?"

14 "ANSWER: As documented in my report, yes."

15 And then drawing your attention to Line 21.

16 "QUESTION: Why did you think that they should
17 document it?"

18 "ANSWER: To have an accurate account of what
19 happened."

20 "QUESTION: From what you overheard, did you
21 understand the officers to be saying that they had heard
22 Price express that he wanted to talk to law enforcement
23 and that if he had to kill someone to get police
24 attention, he would, before the assault occurred?"

25 "ANSWER: What was the question?"

1 "QUESTION: Were the officers saying, to your
2 understanding, that they heard Price make this expression
3 before the assault occurred?"

4 "ANSWER: That's my understanding."

5 And then finally drawing your attention to Page
6 19, Line 5.

7 "QUESTION: So I'm asking you whether, when he
8 answers as follows, is it true and correct, quote, while
9 Officer Hand was at the scene, he overheard uniformed DOC
10 employees speaking to each other and saying that Price had
11 allegedly been demanding to speak with police for the past
12 few weeks, even if it meant he had to kill someone to make
13 it happen. The employees were directly next to
14 Officer Hand and he was clearly able to understand their
15 conversation.

16 Is that sworn statement by Officer Henderson
17 correct?"

18 "ANSWER: Yes."

19 Do you see what I have read?

20 A. Yes.

21 Q. So having looked at that, let me ask you
22 directly. Do you dispute what Officer Hand says in his
23 deposition as I have read it to you?

24 MS. SEVERSON: I object to the form of the
25 question. It's compound. You've read multiple items into

1 the record, but you can answer.

2 Q. BY MR. BUDGE: Do you understand the question
3 that I'm asking you?

4 A. Yes, but it's a complex answer because, yes, I
5 was there and I was talking to him, and the previous two
6 days, I was off. That first two hours there -- that first
7 two or three hours was the first time I had been there in
8 well over 48 hours. So what happened the previous two
9 days I was not privy to. Officer Talbot was telling me
10 after the fact what happened. So at the time of the
11 incident, I didn't know any of this, and he was filling me
12 in on the details.

13 Q. So what did Officer Talbot tell you?

14 A. Just what -- some brief overview of what
15 happened in the last couple days.

16 Q. What did Officer Talbot tell you?

17 A. I don't recall.

18 Q. Did Officer Talbot --

19 A. I -- this lines up with this memory, yes.

20 Q. Okay. So what I just read from Officer Hand's
21 deposition is consistent with your memory of what Officer
22 Talbot was telling you at the officer's post; correct?

23 A. Yes.

24 Q. Officer Talbot told you, in substance, at the
25 officer's post, that in the days prior to the fatal

1 assault, that Price had been requesting to speak with law
2 enforcement and stating that he would kill somebody to get
3 police attention if necessary or words to that effect;
4 correct?

5 A. Yes.

6 Q. It's not quite clear to me. So let me just ask
7 the question again. It's going to be that what I intended
8 to be the exact same question, so we have a clear record.

9 After the assault, when Officer Hand was there
10 taking photographs, did Officer Talbot tell you that in
11 the days prior to the assault that he had heard Price
12 stating that he wanted to speak with a law enforcement
13 officer and that he would kill someone to get police
14 attention if necessary or words to that effect?

15 A. I don't remember if he was saying that he had
16 witnessed that. He was, at the very least, relaying to me
17 that he had stated that to somebody, and I can't remember
18 if it was Talbot or if it was somebody else.

19 Q. All right. Was it your understanding from what
20 Talbot was telling you that prior to the assault, that he
21 had information either from Price or from somebody else
22 that Price had been demanding to speak with a law
23 enforcement officer, and that he was stating that he would
24 kill somebody to get police attention if necessary or
25 words to that effect?

1 A. I'm not sure when he got that information.

2 Q. Did Talbot tell you, in substance, following the
3 assault that prior to the assault, that Price had stated
4 that he wanted to speak with a law enforcement officer and
5 that he would kill somebody to make that happen if
6 necessary or words to that effect?

7 A. Yes.

8 Q. Do you therefore believe that what Officer Hand
9 has stated in his deposition as I've just read it to you
10 is consistent to your recollection?

11 MS. SEVERSON: Object to the form of the
12 question, but you may answer.

13 THE WITNESS: Sorry. What page was that on
14 again?

15 Q. BY MR. BUDGE: Begins at Page 13.

16 A. And ends on 19?

17 Q. Yes.

18 A. To my recollection, yeah, it seems accurate.

19 Q. All right. So what documents or materials did
20 you review in preparation for your deposition today? And
21 if it's a letter or some type of memo or something from an
22 attorney or an attorney's office, you don't have to tell
23 me about that. I'm looking for source material that you
24 might have reviewed -- notes, logbook entries, anything
25 like that.

1 A. The only incident report I have is mine of
2 the -- of -- it was a chain of custody for evidence for
3 the video for the police department, and then I have
4 the -- the record of the interview with the Monroe Police
5 Department with detectives. I don't recall anything else.
6 I might have looked at other stuff. I just don't remember
7 right now.

8 Q. After the assault, what else did Talbot tell you
9 about what he knew about Price's behavior, either his
10 physical behavior or the things that he was saying in the
11 days or weeks leading up to the assault?

12 MS. SEVERSON: I'm going to object on
13 common-interest privilege to the extent it involves
14 conversations between Talbot and Seeley after the lawsuit
15 was served. I have no objection with respect to prior to
16 service of the lawsuit.

17 Q. BY MR. BUDGE: Okay. Well, the lawsuit wasn't
18 filed -- I can't remember when exactly it was filed. It
19 wasn't filed for some months. So in the days following
20 this event, what did Talbot tell you?

21 A. There was something about what happened in the
22 days before that, which we already discussed, and just the
23 event itself.

24 Q. Tell me everything you remember about what
25 Talbot told you about what Price was saying in the days

1 leading up to the assault.

2 A. Just something about there was some incident
3 with him, some -- where he was behaving a little more
4 elevated than normal, and something about him wanting to
5 talk to police.

6 Q. And?

7 A. Sorry. I'm not recalling right now.

8 Q. Did Price basically make -- excuse me. Strike
9 that.

10 Did Talbot basically make it clear to you that
11 Price had been threatening to kill somebody to gain the
12 attention of law enforcement?

13 A. He had made threats, yes.

14 Q. What did he tell you about the threats that
15 Price had made?

16 A. That he would -- he would either hurt somebody
17 or -- I can't remember if -- if it was an actual death
18 threat or what it was. I don't recall exactly how he
19 phrased it. All this is getting jumbled in my mind
20 because of what I know after the fact; so I can't really
21 remember what we were talking about.

22 Q. Did Price tell you, in substance, that -- sorry.
23 Strike that.

24 If we take a pause, the record will be more
25 clear.

1 Did Talbot tell you, in substance, that Price
2 had been making threats prior to the assault?

3 A. Yes.

4 Q. Did Talbot tell you, in substance, that Price
5 had been threatening to kill somebody after the assault?

6 A. That, I don't recall if that came -- the
7 conversation came before or after the event -- during that
8 time period. Like, I can't remember if that was more
9 recent or if that was before.

10 Q. Right. It was months before the lawsuit was
11 filed?

12 A. Yeah, yeah.

13 Q. So in the days, weeks, months, after this
14 event -- and I don't agree with the objection that Counsel
15 has made --

16 A. No, no, I'm not talking about for that -- for
17 that basis. I mean, I can't remember what he was saying
18 around that time period. That's -- that's the issue I
19 have. I'm not saying the -- distinguish between then and
20 now. I'm talking about during that time period. I cannot
21 remember what we were specifically -- what we were talking
22 about because I think most of what we were talking about
23 was basically a debrief on the incident itself, which we
24 do all the time anyway.

25 Q. Did it come up in the course of that debrief

1 from what you overheard from Talbot or from what Talbot
2 told you directly that Talbot knew that Price had been
3 making threats to hurt or kill somebody before this
4 assault occurred?

5 A. In general, yes, yeah.

6 Q. Do you remember any further details about what
7 Talbot told you?

8 A. No.

9 Q. What else did Talbot tell you about whether
10 Price was a threat before this assault? In other words,
11 even after the fact.

12 A. Yeah.

13 Q. What else did Talbot tell you about whether
14 Price posed a danger?

15 A. Something about making contact with mental
16 health, and, you know, nothing being done and just the
17 general decisions by those higher than us in DOC to put
18 people on a unit that really shouldn't be there, in our
19 view. I mean, that's -- that's just our opinion; so...

20 Q. Did Talbot tell you that he didn't think Price
21 should have been on the unit?

22 A. Yes, but we also think that there's many others
23 back then and currently that shouldn't be on the unit.

24 Q. Did Talbot tell you that he thought Price was
25 dangerous, that he should never have been on that unit?

1 A. Yeah.

2 Q. Do you know why Talbot didn't remove Price from
3 the unit or take steps to do so?

4 A. He can't. We don't have authority to do that.

5 Q. Did Talbot tell you that he tried?

6 A. He probably tried to make contact with somebody.

7 Q. Did Talbot tell you that?

8 A. I don't -- I don't remember.

9 Q. Do you recall what we just read from
10 Officer Hand about how Officer Hand told the officers
11 standing at the officer's post, who we know to be you and
12 Talbot, to document in your reports what he overheard
13 being said about Price threatening to kill somebody if he
14 was not afforded the opportunity to speak with law
15 enforcement?

16 A. In reference to -- what are you talking about?

17 Q. Well, go ahead and look at Hand's deposition
18 testimony.

19 A. Are you referring to Officer Hand telling us to
20 report something?

21 Q. Yes. Do you see on Page 16 --

22 A. Okay.

23 Q. Where it says:

24 "QUESTION: All right. Did you ask -- as
25 indicated in your incident report, did you ask the

1 corrections officers to document these statements in their
2 witness statements?"

3 "ANSWER: As documented in my report, yes."

4 And then down below, it says:

5 "QUESTION: Why did you think it they should
6 document it?"

7 "ANSWER: To have an accurate account of what
8 happened."

9 Do you see that?

10 A. Yeah, and I don't recall if we ever did or
11 didn't. I don't -- I don't know.

12 Q. Well, I'll represent to you that there's none of
13 that information that's contained within either your
14 report or Talbot's report.

15 A. And what report are you talking about?

16 Q. I'm talking about the postincident report within
17 the DOC.

18 A. Are you talking about the CRR?

19 Q. I'm not talk about the critical incident review
20 report itself. I'm talking about basically your witness
21 statement and Talbot's witness statement.

22 A. Is that the -- the interview with the
23 detectives?

24 Q. No.

25 A. I'm sorry. I really don't know what we're

1 talking about here. What -- what report -- do you have
2 that report?

3 Q. I don't have it with me, no.

4 Do you recall that you provided a witness
5 statement on May 9th, 2015?

6 A. Was it an oral one?

7 Q. No. It was a written report.

8 MS. SEVERSON: May I?

9 MR. BUDGE: Yeah.

10 MS. SEVERSON: I think he's talking about your
11 incident report that you prepared for DOC on the DOC form
12 after the event.

13 THE WITNESS: So the only incident report I
14 ever -- that I remember making is the one that was for
15 chain of custody for the evidence -- the video evidence.
16 The problem is that in -- in my view, he should have
17 been -- Offender Price should have been infracted for
18 murder. Now, we were never ordered -- we were actually,
19 in fact, ordered not to infract him for murder. That's
20 usually where we would -- in an infraction, major
21 infraction, we would have the narrative of what -- what
22 happened, my recollection of events, everything it shows
23 associated with that including chain of custody for the
24 evidence, including incident reports from witnesses like
25 Officer Talbot, any other officers who had seen what

1 happened. That was never done. So I don't remember if I
2 ever made another incident report, and the only reason why
3 the chain of custody for the evidence was done was because
4 the Monroe PD needed that right away. So if you find it,
5 please let me know because I don't remember it.

6 Q. All right. Fair enough.

7 Did you have any sort of problem or criticism
8 with the way the investigation was conducted after the
9 assault?

10 A. The investigation was -- well, first off, we
11 were told that we were going to get a copy of the report
12 immediately after, and we never did. When I did finally
13 get a copy of the report, there were some things in there
14 that were not accurate, that I know for sure that aren't
15 accurate, and there are some other things that I'm
16 questionable on.

17 Q. Are you talking about the critical incident
18 review?

19 A. Yes. Are we referring to the same thing?

20 Q. Probably.

21 A. Okay.

22 Q. Exhibit 14 to your deposition?

23 A. Yes, that's the one.

24 Q. Is there something that you want to point out to
25 me in particular that you think is not accurate?

1 A. Let's see if I can find it real quick. I read
2 through it a little while ago. I know there was just
3 something that was just way off.

4 Can I get back to you on that one?

5 Q. Sure.

6 A. Yeah. I'll have to get back to you on that one.

7 Q. Did --

8 A. Oh, going back to your original question about
9 how the investigation was handled, just that there was an
10 issue with the crime scene.

11 Q. Right.

12 A. And we didn't like how that was handled.

13 Q. Right. The cleaning up the blood before the
14 officers got there?

15 A. Right.

16 Q. And that was at the direction of
17 Lieutenant Asin?

18 A. Correct.

19 Q. Was there a debriefing session after this
20 happened?

21 A. I don't recall specifically this incident. We
22 probably -- most likely we probably had a camera
23 debriefing. That would be normal procedure.

24 Q. I'm sorry. Did you say "camera"?

25 A. Yeah. Possibly, but there wasn't a cell entry;

1 so maybe not. Maybe there wasn't one in this one.

2 Q. Was there any type of meeting that occurred
3 after this event where people were allowed to express
4 their feelings about what had occurred and offered
5 counseling or something to that effect?

6 A. Yes. There would be the CISM team meeting which
7 happened quite a while after it.

8 Q. And who attended that meeting?

9 A. Everyone who was involved or should have been
10 there, but there might have been scheduling issues with
11 certain people.

12 Q. Did you attend?

13 A. I believe so.

14 Q. Did Talbot attend?

15 A. I believe so.

16 Q. Did anybody at that meeting say something to the
17 effect of "He's just an offender. Who gives a fuck?" or
18 something like that with?

19 A. I don't know who would say that.

20 Q. Okay. Did Talbot tell you that he knew that
21 Price was a sociopath?

22 A. No.

23 Q. Did he tell you that he knew that Price was
24 prone to do what he did?

25 A. Prone to?

1 Q. Yeah. That, you know, it was going to happen,
2 something to that effect?

3 A. No, I don't think so. That's weird. I mean,
4 we -- we all view these guys as dangerous because they all
5 are. I mean, so I guess you could take the stance of
6 that. I mean, everybody's prone to do violent things all
7 the time, but him specifically, I don't really know.

8 Q. Talbot didn't say anything about that that you
9 can recall?

10 A. No. He probably viewed it as something that
11 should have been taken care of well before that ever came
12 past.

13 Q. Do you know what shift Officer Barnes was
14 working on this day?

15 A. Normally, he'd be working Watch 3.

16 Q. Watch 3 being the same shift as you?

17 A. Yes.

18 Q. To what area of the E-Unit would he have been
19 assigned?

20 A. He wouldn't have been assigned to Echo Unit. He
21 would have been signed to, I believe, recreation at the
22 time, and if he was at the time, he would have been in the
23 dining hall when mainline was occurring.

24 Q. So the two days prior to the assault, you were
25 not working; is that right?

1 A. Yes, those are my days off.

2 Q. Do you know if Talbot was working?

3 A. I believe he was. That's -- that's his normal
4 days to work.

5 Q. Do you know who he would have been working with?

6 A. Possibly Officer Johnson. Can't remember if
7 Officer Hall was there or not.

8 Q. Handing you what's been marked as Exhibit 17.
9 If I could direct your attention to Page 5. These are
10 answers that you gave to certain interrogatories in this
11 case, and you'll see that your signature is there on
12 Page 12.

13 A. Mm-hmm.

14 Q. In Interrogatory No. 3, the question was asked:
15 Identify all persons whom you believe have knowledge
16 relevant to your defenses in this case, and describe the
17 knowledge each such person is believed to have, and you
18 answered by giving the names of Corrections Officers
19 Talbot, Hallett, Patton, Johnson, and Hall.

20 Do you know any of those people to actually have
21 information regarding observations of or interactions with
22 Price prior to the assault?

23 A. I mean, they would -- they would all have
24 interacted with him just like any other offender on the
25 unit.

1 Q. So are you just speculating that they might have
2 information?

3 A. Yeah. I'm just speculating. I'm not sure if
4 anybody has -- other than the logbook entries that have
5 already been made, I don't know anything specific.

6 Q. In order to assault Casey Powell, Price
7 basically walked directly past Talbot; is that correct?

8 A. Yes.

9 Q. And the initial assault did not happen in front
10 of you; correct, the initial assault?

11 A. No.

12 Q. The initial assault happened directly in front
13 of Talbot; correct?

14 A. I don't believe it was in front of Talbot
15 because --

16 Q. Well, it was just to Talbot's left; correct?

17 A. I believe Talbot was walking by the front door
18 and was behind the panel when the assault occurred.

19 Q. Right.

20 Talbot was behind the panel, the exit to the
21 breezeway that opened up into the dayroom was just to
22 Talbot's left; correct?

23 A. If he was -- my recollection was he was walking
24 from the direction of the laundry room.

25 Q. "He" being?

1 A. Talbot.

2 Across, in front of the SALTO door, the entry
3 door to the unit -- or to the -- the entry door to the
4 pod, walked towards the control panel, and I believe at
5 the time of assault, he was actually facing away from the
6 assault.

7 Q. Is that your --

8 A. That's my recollection.

9 Q. Recollection from what Talbot told you, or --

10 A. No from --

11 Q. -- from review of the video?

12 A. -- no from --

13 MS. SEVERSON: Wait until he finishes the
14 question.

15 THE WITNESS: Sorry.

16 MS. SEVERSON: Okay. Now you can answer.

17 THE WITNESS: My recollection from that day
18 because I had walked -- I had walked in front of the door,
19 saw Talbot pass; I walked back and then checked the -- the
20 holding cell door, then I heard somebody hit the ground,
21 and my recollection of that time period was he probably
22 didn't have enough time to turn around and even see Price
23 approach.

24 Q. BY MR. BUDGE: At the time of the assault,
25 weren't you in the hallway?

1 A. That's what I'm talking about, yeah. So I had
2 walked -- saw him pass on the opposite side of the sally
3 port while I was in the hallway, and by the time I got to
4 the door, checked it, realized it was unlocked, opened it
5 up, I heard what ended up being Powell falling on the
6 ground.

7 Q. Well, the video shows where you were and where
8 Talbot was and where Price was and where Casey Powell was.

9 A. Okay.

10 Q. Have you ever heard Corrections Officer Talbot
11 make disparaging remarks about any offender or offenders
12 in general?

13 A. No.

14 Q. What about your other defendants, codefendants,
15 Officers Caraway, Walters, Browne, Hebert, Johnson, Meyer?

16 A. No.

17 Q. Did you and Tom Talbot have a close working
18 relationship?

19 A. Yes.

20 Q. Have the two of you socialized outside of work?

21 A. On occasion.

22 Q. What types of things have you done together?

23 A. I helped him take some stuff to the dump. We --
24 whole bunch of people went to his house for a boxing
25 event, I think it was, and I think one time a poker game,

1 but maybe some other minor things.

2 Q. Have you drank together?

3 A. I think we had a beer together once at Jeno's
4 after a big event -- after a big incident.

5 Q. Do you know each other's families?

6 A. I don't think he's, other than, like, in passing
7 ever seen really my family, and I've talked to his wife
8 before briefly.

9 Q. When you were in the hallway and Talbot was on
10 the opposite side of the sally port at the time of the
11 assault, were the two of you in radio contact?

12 A. "In radio contact"?

13 Q. Did you have a radio?

14 A. I have a radio, and he would have a radio, yes.

15 Q. Would the two of you have been able to
16 communicate by the radio even if you were on opposite
17 sides of the breezeway?

18 A. We would be able to, but there would be no
19 reason for us to.

20 Q. But if you wanted to talk to Talbot from the
21 opposite side of the breezeway via radio, you would be
22 able to do that; correct?

23 A. Yes, but I would most likely use a phone.
24 Radio's usually only for emergency or very vital
25 institutional purposes.

1 Q. Is there a phone on the opposite side of the
2 breezeway that you can pick up in order to call the
3 officer's post?

4 A. Like on the unit?

5 Q. Yes.

6 A. It depends on what you mean by "opposite side of
7 the breezeway." There's a phone inside the gym. There's
8 a phone inside the PAV. There's not one in the courtyard.

9 Q. Okay. Let me just go back to the diagram that
10 you drew.

11 A. Yes.

12 Q. At the time of the assault, the initial
13 assault --

14 A. Yes.

15 Q. You were standing where you put an "X"; correct?

16 A. Yeah.

17 Q. And Talbot was standing where?

18 A. About -- I believe right about here.

19 Q. Okay. Could you put an "X" there?

20 A. Okay. This isn't exactly accurate, now that I
21 think about it, because I was in front of the holding cell
22 actually wherever that is, probably right there --

23 Q. Okay.

24 A. -- at the time of this.

25 Q. So you've just drawn a little arrow to show that

1 you were actually in front of the holding cell?

2 A. Yes.

3 Q. Now, if you had wanted to talk to Talbot or
4 communicate with Talbot from your position in front of the
5 holding cell in the hallway, where he was just off to one
6 side of the control panel on the operator side of the
7 sally port, how would you have been able to do that?

8 A. I just walked over to talk to him.

9 Q. All right. Could you have contacted him by
10 radio or telephone from where you were standing?

11 A. Not by telephone. I could but would never have
12 contacted him by radio in any circumstance because I can
13 go -- it's tying up institutional traffic when I can just
14 talk to him when he's just a few feet away.

15 MR. BUDGE: Okay. Well, I think that's all I
16 have.

17 MS. SEVERSON: And I have no questions.

18 (The deposition concluded at
19 5:01 P.M.)

20 (Signature was reserved.)

21 --o0o--
22
23
24
25

A F F I D A V I T

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, JEREMY RYAN SEELEY, hereby declare under penalty of perjury that I have read the foregoing deposition and that the testimony contained herein is a true and correct transcript of my testimony, noting the corrections attached.

JEREMY RYAN SEELEY

Date: _____

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, the undersigned Washington Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify: That the foregoing deposition of the witness named herein was taken stenographically before me and reduced to a typed format under my direction;

That, according to CR 30(e), the witness was given the opportunity to examine, read, and sign the deposition after same was transcribed, unless indicated in the record that the review was waived;

That I am not a relative or employee of any attorney or counsel or participant and that I am not financially or otherwise interested in the action or the outcome herein;

That the witness coming before me was duly sworn or did affirm to tell the truth;

That the deposition as transcribed is a full, true and correct transcript of the testimony, including questions and answers and all objections, motions, and examinations, and said transcript was prepared pursuant to the Washington Administrative Code 308-14-135 preparation guidelines;

That as a matter of firm policy, the stenographic notes of this transcript will be destroyed three years from the date appearing on this transcript, unless notice is received otherwise from any party or counsel on or before said date.

Sarah A. Fitzgibbon

SARAH A. FITZGIBBON, CCR
State of Washington CCR #3385

To: Deborah A. Severson
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Case Name: The Estate of Gordon ("Casey") Powell, et al.
v. Gary Barnes, et al.

Deposition of: Jeremy Ryan Seeley

Date Taken: November 29, 2016

Cause No.: 2:16-cv-00352 JLR

Court Reporter: Sarah A. Fitzgibbon, CCR

This letter is to advise you of the following:

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

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

(Sent without signature to avoid delay)

Sarah A. Fitzgibbon, CCR.

cc: Edwin S. Budge

C O R R E C T I O N S H E E T

PLEASE NOTE ALL CHANGES OR CORRECTIONS ON THIS SHEET BY
PAGE AND LINE NUMBER AND THE REASON THEREFOR.

PAGE	LINE	CORRECTION AND REASON
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Exhibits		
112916 Seeley Exhibit 1 3:0 6:24 15:22 16:3	11 51:22 52:4,6 72:21 73:1 80:21	29 5:1
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