

Transcript of the Testimony of

**JOHN RANKIN**  
**November 8, 2016**

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

**Annette Norris, RPR**

*Annette Norris, RPR*  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF COLORADO

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

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DEPOSITION OF: JOHN RANKIN - November 8, 2016

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

PLAINTIFF,

V.

CORRECTIONAL HEALTHCARE COMPANIES, INC., ET AL.,

DEFENDANTS.

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PURSUANT TO NOTICE AND AGREEMENT, THE  
DEPOSITION OF JOHN RANKIN was taken on behalf of the  
Plaintiff, at 615 Macon Avenue, Room 207, Canon City,  
Colorado, on November 8, 2016, at 9:09 a.m., before  
Annette Norris, Registered Professional Reporter and  
Notary Public within Colorado.

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PREVIOUSLY MARKED DEPOSITION EXHIBITS:	INITIAL REFERENCE
(None)	
INFORMATION REQUESTED:	
(None)	
QUESTIONS INSTRUCTED NOT TO ANSWER:	
(None)	

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

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

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

8                                    EXAMINATION

9 BY MR. BUDGE:

10            Q.    Mr. Rankin, my name is Ed Budge, and I  
11 represent the estate of John Patrick Walter in the case  
12 against Correctional Healthcare Companies, Inc.,  
13 et al., arising from Mr. Walter's confinement and death  
14 at the Fremont County Detention Center in April of  
15 2014.

16                    Would you please state your name and a  
17 business address for the record.

18            A.    John Rankin, 100 Justice Center Road,  
19 Canon City, Colorado 81212.

20            Q.    Sir, do you understand that you under oath  
21 today as you would be if you were in a court of law?

22            A.    Yes, sir.

23            Q.    Are you the commander of the Fremont County  
24 Detention Center in Canon City, Colorado?

25            A.    Yes.

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1 Q. Were you the commander of the Fremont County  
2 Detention Center in April of 2014?

3 A. Yes.

4 Q. Are your duties and responsibilities and  
5 command authority the same now as they were in April of  
6 2014?

7 A. Yes.

8 Q. During this deposition, I'm going to often  
9 refer to the Fremont County Detention Center as the  
10 Fremont County jail or simply the jail.

11 A. Okay.

12 Q. Do you sometimes refer to the Fremont County  
13 Detention Center as the jail?

14 A. Yes.

15 Q. If you are ever confused about what I mean,  
16 please let me know. Okay?

17 A. Okay.

18 Q. How long have you been commander of the  
19 Fremont County jail?

20 A. Actually, I'm not sure how long I have been  
21 in that position. Six, eight years.

22 Q. Are you the top level commander of the entire  
23 jail?

24 A. Yes.

25 Q. Do you have the title of captain?



1 A. Yes.

2 Q. Do you have policy-making authority at the  
3 jail?

4 A. Yes.

5 Q. As of April of 2014, approximately how many  
6 detention deputies worked at the jail?

7 A. Approximately 60.

8 Q. And approximately how many corporals?

9 A. Three.

10 Q. How many sergeants?

11 A. Six.

12 Q. Does every detention deputy, corporal and  
13 sergeant at the jail ultimately report to you?

14 A. In the chain of command, yes.

15 Q. Do you have command authority over every  
16 person working at the jail?

17 A. If they are employed through the sheriff's  
18 office as a deputy, yes.

19 Q. Corporals?

20 A. Yes.

21 Q. Sergeants?

22 A. Yes.

23 Q. Do you also direct, at least to some degree,  
24 the medical personnel at the jail?

25 MR. O'CONNELL: Objection to form.

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1                   **Answer.**

2           A.     To some degree.

3           **Q.     (BY MR. BUDGE)   And what did you -- what**  
4 **degree do you direct the medical personnel at the jail?**

5           A.     The gray area between our staff and their  
6 staff with working together, our work with CHC.  If we  
7 have a miscommunication or anything while working  
8 together as far as scheduling times, that's the area  
9 where I would -- I'd intervene in that area.

10          **Q.     You oversee the nurses working at the jail?**

11                   **MR. O'CONNELL:  Objection; form.**

12          A.     To a limited degree.

13          **Q.     (BY MR. BUDGE)  Do you oversee and ultimately**  
14 **command all aspects of daily jail operations?**

15          A.     Repeat that again.

16          **Q.     Do you oversee and command all aspects of**  
17 **daily jail operations?**

18          A.     Yes.

19          **Q.     Do you oversee and ultimately command all**  
20 **aspects of confinement of the detainees and inmates at**  
21 **your jail?**

22          A.     Yes.

23          **Q.     Is it ultimately your job and role as**  
24 **commander of the jail to ensure that all inmates and**  
25 **detainees in your jail are properly processed and**

1     **booked for confinement?**

2             A.     Yes.

3             **Q.     Is it ultimately your job and role to ensure**  
4     **that all inmates and detainees in your jail are**  
5     **securely confined until they are released?**

6             A.     Yes.

7             **Q.     Is it ultimately your job and role to ensure**  
8     **that all inmates and detainees confined in your**  
9     **jail are confined in a humane manner?**

10            A.     Yes.

11            **Q.     Does every single person in your jail have**  
12     **the right to humane conditions of confinement?**

13            A.     Yes.

14            **Q.     Does the right to humane conditions of**  
15     **confinement include the right to adequate nutrition,**  
16     **housing, and adequate medical care and treatment?**

17            A.     Yes.

18            **Q.     Does the right to humane conditions of**  
19     **confinement include the right to be free from excessive**  
20     **force?**

21            A.     Yes.

22            **Q.     Does the right to humane conditions of**  
23     **confinement include the right to be free from being**  
24     **housed in conditions that pose a serious threat to the**  
25     **person's safety or well-being?**

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1           A.    I got lost halfway through.  Could you repeat  
2   that?

3           Q.    Does the right to humane conditions of  
4   confinement include the right to be free from being  
5   housed in conditions that pose a serious threat to the  
6   person's safety or well-being?

7           A.    Yes.

8           Q.    Is the right to humane conditions of  
9   confinement, including the right to adequate medical  
10   care and treatment, a fundamental constitutional right  
11   of every single person confined in your jail?

12          A.    Yes.

13          Q.    Is it your job and role as commander of the  
14   jail to ensure that every single person confined in  
15   your jail is afforded his or her fundamental  
16   constitutional right to adequate medical care?

17          A.    What was the first part of that?

18          Q.    Is it your job and role as commander of the  
19   jail to ensure that every single person confined in  
20   your jail is afforded his or her fundamental  
21   constitutional right to adequate medical care?

22          A.    Yes.

23          Q.    Is it your solemn duty as commander of the  
24   jail to ensure that every single person confined in  
25   your jail is afforded his or her fundamental

1 constitutional right to adequate medical care?

2 A. Did you say "sole"?

3 Q. "Solemn."

4 A. Solemn. Yes.

5 Q. It is your solemn duty?

6 A. I'm a little unclear as to actually how that  
7 would be defined or what it means right now.

8 Q. Do you regard your duty to provide every  
9 person confined in your jail with adequate medical care  
10 as a solemn duty?

11 A. Yes.

12 Q. Is a person's right to adequate medical care  
13 in your jail dependent on the nature of the charges or  
14 the conviction that caused the person to be confined?

15 A. No.

16 Q. So whether a person is arrested for a heinous  
17 felony or a minor misdemeanor or anything in between,  
18 does he or she have the same fundamental constitutional  
19 right to adequate medical care?

20 A. Yes.

21 Q. Does the person's right to adequate medical  
22 care depend on whether the person is a man or woman?

23 A. No.

24 Q. Black, white or brown?

25 A. No.

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1 Q. Gay or straight?

2 A. No.

3 Q. Socioeconomic class?

4 A. No.

5 Q. You have all types of people confined in your  
6 jail of every conceivable background; is that fair?

7 A. Yes.

8 Q. Every race, age, ethnicity, socioeconomic  
9 class, and criminal past and state of health, correct?

10 A. Eighteen years of age and older, yes. No  
11 juveniles.

12 Q. With that limitation, you have people from  
13 every conceivable background confined in your jail,  
14 correct?

15 A. Yes.

16 Q. Does every person confined in your jail have  
17 the same right to medical care, no matter what the  
18 person is accused of doing that caused the person to be  
19 confined?

20 A. Yes.

21 Q. Has anybody ever taught you what the  
22 constitution requires in terms of adequate medical care  
23 to people confined in your jail?

24 A. No.

25 Q. Have you ever read anything or taken any

1 course or class or instruction that you can point me to  
2 that has taught you what the constitution requires of  
3 you with regard to adequate medical care to people  
4 confined in your jail?

5 A. The constitution?

6 Q. Can you point me to anything that you've read  
7 or any course, class or instruction that you have  
8 received that has taught you what the constitution  
9 requires in terms of adequate medical care to the  
10 people confined in your jail?

11 A. No.

12 Q. As commander of the jail, how do you decide  
13 when a person's right to constitutional adequate  
14 medical care is not being met?

15 A. I don't know. Chain of command reviewing  
16 with our HSA, who is the -- our head medical staff  
17 there, as well as would review with the undersheriff  
18 and sheriff.

19 Q. How do you decide, sir, when a person's right  
20 to constitutionally adequate medical care is not being  
21 met?

22 A. Um. It would be through reports or  
23 observations of my employees or reports or observations  
24 from myself.

25 Q. If you become aware that a person's right to

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1 humane conditions of confinement is being placed in  
2 jeopardy, is it your fundamental duty and role as  
3 commander of the jail to take charge and ensure that  
4 the situation is promptly corrected?

5 A. Yes.

6 Q. And if you become aware that a person's right  
7 to adequate medical care is being placed in jeopardy,  
8 is it also your fundamental duty and role to take  
9 charge and ensure the situation is corrected?

10 A. Yes.

11 Q. If you become aware in any way, shape or form  
12 that the nurses in your jail may be providing  
13 inadequate medical care to a detainee in need, is it  
14 your fundamental duty and role as commander of the jail  
15 to take charge over that nurse and ensure the situation  
16 is promptly corrected?

17 MR. O'CONNELL: Objection; form.

18 A. Well, I'm not Medical, so I would discuss and  
19 I would report to my undersheriff and sheriff.

20 Q. (BY MR. BUDGE) Is it your fundamental duty  
21 and role if you become aware that a nurse at your jail  
22 is not providing adequate medical care or may not be  
23 providing adequate medical care to a detainee confined  
24 in your jail, to take charge of the situation and  
25 ensure that it is promptly corrected?



1 MR. O'CONNELL: Objection form.

2 Q. (BY MR. BUDGE) Through whatever means you do  
3 so.

4 A. One more time.

5 Q. If you become aware that a nurse in your jail  
6 may not be providing adequate medical care to a  
7 detainee confined in your jail, is it your fundamental  
8 duty and role as commander of the jail to take charge  
9 over the situation, through whatever means you do so,  
10 to ensure that the situation is promptly corrected?

11 A. Yes.

12 Q. Including directing the nurses as necessary?

13 A. To the extent that I could.

14 Q. Would you ever under any circumstances shirk  
15 away from or disregard your duty and role as commander  
16 of the jail to ensure that every single person confined  
17 in your jail is provided with adequate medical care at  
18 all times?

19 A. Would I disregard?

20 Q. Would you ever shirk away from or disregard  
21 your fundamental duty and role to ensure that every  
22 person confined in your jail is provided with adequate  
23 medical care at all times?

24 A. No.

25 Q. Would you ever under any circumstances hide

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1 from, ignore or shirk your responsibility for promptly  
2 dealing with and correcting any situation that came to  
3 your attention where you suspected that a person in  
4 your jail might be suffering from inadequate medical  
5 care?

6 MR. TIEMEIER: Object to form.

7 A. No.

8 Q. (BY MR. BUDGE) If you ever became aware or  
9 suspected that the head nurse of your jail might not be  
10 providing adequate medical care to a person in need of  
11 it, would you immediately seek to address that  
12 situation with the head nurse?

13 A. Yes.

14 Q. And would you do so promptly and firmly and  
15 without hesitation?

16 A. Yes.

17 Q. And would you do so promptly, firmly and  
18 without hesitation even if that head nurse was also  
19 your sexual lover or romantic partner?

20 A. Yes.

21 MR. O'CONNELL: Objection to form.

22 Q. (BY MR. BUDGE) Would you ever, under any  
23 circumstances, allow a sexual love affair between you  
24 and the head nurse to interfere with your obligation to  
25 ensure that the head nurse provided adequate medical

1 care to someone confined in your jail?

2 A. No.

3 Q. Do you understand that all the questions I've  
4 asked so far and the questions that I'm asking you  
5 today are put to you under oath?

6 A. Yes.

7 Q. And that the court reporter who is seated to  
8 your right is transcribing every question and answer so  
9 that we have a permanent record of these proceedings?

10 A. Yes.

11 Q. And do you also understand that if any  
12 question I ask of you is ever unclear, that you should  
13 ask me to rephrase it or clarify it for you?

14 A. Yes.

15 Q. Is there any reason, such as medication that  
16 you might be taking or illness that you might be  
17 suffering from or anything else that I should be aware  
18 of, that might interfere with your ability to give  
19 full, accurate and truthful testimony today?

20 A. No.

21 Q. I've handed you what's been marked as Exhibit  
22 No. 1 to your deposition. Please take a moment to  
23 review this photograph.

24 Have you done so?

25 A. Yes.

Page 18

1           Q.    Is this a photograph of John Patrick Walter  
2 following his death in your jail on Easter Sunday,  
3 April 20, 2014?

4           A.    Yes.

5           Q.    And I've handed you now what's been marked as  
6 Exhibit 2 to your deposition. Please take a moment and  
7 review this photograph.

8                    Have you done so?

9           A.    Yes.

10          Q.    Is this a photograph of John Patrick Walter  
11 when he was booked into the jail on April 2, 2014,  
12 18 days before his death?

13          A.    I don't know if that's the date, but that is  
14 our booking form and it is John Walter.

15          Q.    Do you know when Mr. Walter was booked into  
16 your jail?

17          A.    April 3, 2014.

18          Q.    Is this a photograph of Mr. Walter when he  
19 was booked in your jail on April 3, 2014?

20          A.    I can't confirm the date of when the picture  
21 was taken.

22          Q.    From the time that Mr. Walter was brought  
23 into your jail on or about April 3, 2014, until his  
24 death on Easter Sunday, April 20th, was he at all times  
25 continuously confined in your jail under your ultimate

1 authority and command as jail commander?

2 A. Yes.

3 Q. Was he at all times continuously in the  
4 exclusive custody and control of your jail?

5 A. Yes.

6 Q. From the time that he was booked into the  
7 jail until his death on Easter Sunday, April 20th, did  
8 he ever leave the jail?

9 A. He may have gone to court, but other than  
10 that, yes.

11 Q. And if he had gone to court, he would have  
12 been under the custody and control of your officers; is  
13 that correct?

14 A. Yes.

15 Q. Other than going to court, if that occurred,  
16 was Mr. Walter at all times continuously confined in  
17 your jail?

18 A. Yes.

19 Q. And were you the person ultimately  
20 responsible for making sure he was humanely confined at  
21 all times?

22 A. Yes.

23 Q. Were you the person ultimately in charge of  
24 ensuring that he received adequate medical care?

25 A. Yes.

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1 Q. Can you tell us how it is, by looking at  
2 these two photographs in front of you, that Mr. Walter  
3 came into your jail on or about April 3, 2014, as  
4 depicted in Exhibit 2, and left the jail dead on  
5 April 20, 2014, as depicted in Exhibit 1?

6 A. What was the question?

7 Q. Can you tell me how it is that Mr. Walter  
8 came into your jail on or about April 3rd and left the  
9 jail dead on April 20, 2014, as depicted in Exhibit 1?

10 MR. TIEMEIER: Object to foundation -- lack  
11 of foundation.

12 A. I'm not medical staff. I wouldn't have any  
13 idea as reference to why he died.

14 Q. (BY MR. BUDGE) So as the person ultimately  
15 responsible for ensuring that Mr. Walter received  
16 adequate medical care, sitting here today, do you have  
17 any explanation for how it was that Mr. Walter came  
18 into your jail on April 3, 2014, and left the jail dead  
19 on April 20, 2014?

20 A. Do I know?

21 Q. Yes.

22 A. (No audible response.)

23 Q. The answer is no?

24 A. Do I know how?

25 Q. Do you know how it is that Mr. Walter came

1 into your jail on April 3rd and left the jail dead on  
2 April 20th?

3 A. Is it possible for you to rephrase that?

4 Q. Sir, it's been about a minute since I asked  
5 my last question, right?

6 A. Okay.

7 Q. Correct?

8 A. Okay.

9 Q. Do you agree?

10 A. Yes.

11 Q. Okay. Let me repeat the question. How is it  
12 that Mr. Walter came into your jail on April 3, 2014,  
13 and left the jail dead approximately 17 to 18 days  
14 later in the condition that he did?

15 MR. TIEMEIER: Object to form.

16 Q. (BY MR. BUDGE) Do you know?

17 A. No.

18 Q. When did you first become commander of the  
19 Fremont County jail, to the best of your recollection?

20 A. 2008.

21 Q. And who do you report to?

22 A. Undersheriff Martin and Sheriff Beicker.

23 Q. Could you please take me through your full  
24 employment history with the Fremont County Sheriff's  
25 Office from the inception of your employment to the

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1 **present time, including the positions that you've held.**

2 A. I started as a reserve deputy in 1994. Was  
3 with reserves probably -- almost three years. I  
4 started employment with the sheriff's office full-time  
5 in July of '97 as a detention deputy on graveyards. I  
6 was there for a few months before I moved to day shift  
7 as a detention deputy.

8 I worked as a day shift detention deputy  
9 until I had the ability to work in transport as a  
10 deputy. Then I was -- started back over as a detention  
11 sergeant on graveyards, a detention sergeant on swing  
12 shift, a detention sergeant on day shift, a detention  
13 sergeant in transports.

14 And then I was appointed a position as a  
15 detention lieutenant for about a year and a half before  
16 the sheriff made it official as a captain. I have been  
17 in the captain's position since then.

18 **Q. How long have you known Sheriff Beicker?**

19 A. Eighteen, twenty years, probably.

20 **Q. How did you meet?**

21 A. Through the sheriff's office.

22 **Q. And have you known him continuously in the**  
23 **last 18 to 20 years?**

24 A. There was a time where he left the office and  
25 worked somewhere else for a period of time, but yeah,



1 I've known him since then.

2 Q. Do you consider him a personal friend?

3 A. No.

4 Q. Have you ever socialized with him outside of  
5 work?

6 A. No.

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

8 A. Informally.

9 Q. Have you ever been to his home?

10 A. Yes.

11 Q. Has he been to your home?

12 A. No.

13 Q. Have you ever drank together?

14 A. No.

15 Q. Have you ever traveled together?

16 A. Yes.

17 Q. To where?

18 A. Attorney general's office POST in Denver.

19 That's pretty much it, that I can recall.

20 Q. Have you traveled to Las Vegas with him?

21 A. Um. Not with him. I did go to Vegas at the  
22 same time he was in Vegas, but we didn't travel  
23 together or spend any time together.

24 Q. You didn't drink together in Vegas?

25 A. Not that I recall, no.

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1 Q. What town do you live in?

2 A. Florence, Colorado.

3 Q. About how far is that from Canon City?

4 A. Six miles.

5 Q. And where does Sheriff Beicker live, which  
6 town?

7 A. Canon City.

8 Q. How do you know that?

9 A. I know where his house is.

10 Q. What clubs or organizations do you belong to  
11 that are not related to your work in law enforcement?

12 A. That's not?

13 Q. Yes.

14 A. None.

15 Q. Do you have a family? Married, children?

16 A. Married, children? No.

17 Q. Have you ever been married?

18 A. No.

19 Q. Do you have any children?

20 A. No.

21 Q. Who was in Las Vegas?

22 MR. O'CONNELL: Objection to form.

23 A. Could you narrow it to a specific time?

24 Q. (BY MR. BUDGE) When you were in Las Vegas  
25 and Sheriff Beicker was in Las Vegas, who else was

1     **there?**

2                   **MR. O'CONNELL:  Objection to form.**

3           A.     Kathy Maestas and I went.  Ty Martin went  
4 with Beicker.  Mike Miller and Megan Richards.  That's  
5 all I can recall.

6           **Q.     (BY MR. BUDGE)  Did you and Sheriff Beicker**  
7 **and Ty Martin and Kathy Maestas all spend time together**  
8 **in Las Vegas?**

9           A.     No.

10          **Q.     You did not spend any time together in**  
11 **Las Vegas?**

12          A.     We ran across each other, but did we hang out  
13 and do things together, no.

14          **Q.     Stay in the same hotel?**

15          A.     No.

16          **Q.     How long have you known Detective Mike**  
17 **Miller?**

18          A.     Approximately 30 years.

19          **Q.     Is Detective Mike Miller a friend of yours?**

20          A.     Yes.

21          **Q.     What sorts of things have you and**  
22 **Detective Miller done together outside of work?**

23          A.     Outside of work, we don't hang out.

24          **Q.     You never socialized with Detective Mike**  
25 **Miller?**

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1           A.    No.  Maybe in high school, we may have hung  
2 out, but as of late, no, not outside of work.

3           **Q.    You and Detective Miller went to high school**  
4 **together?**

5           A.    Yeah.

6           **Q.    In which town or city?**

7           A.    In Florence.

8           **Q.    Were you in the same class?**

9           A.    No.

10          **Q.    How many years ahead or behind**  
11 **Detective Miller were you in high school?**

12          A.    Three or four.  I was ahead of him.

13          **Q.    Did you grow up in Florence?**

14          A.    Say again.

15          **Q.    Did you grow up in Florence?**

16          A.    Yes, sir.

17          **Q.    Is Detective Miller from Florence?**

18          A.    Yes.

19          **Q.    About how many people live in Florence?**

20          A.    Four or five thousand.

21          **Q.    About how big was your graduating class in**  
22 **high school?**

23          A.    Mine?

24          **Q.    Yeah.**

25          A.    130.

1 Q. Did you play sports together?

2 A. Not together.

3 Q. Did you play sports in high school?

4 A. Yes.

5 Q. What sports?

6 A. Football.

7 Q. Did he play sports?

8 A. Yes.

9 Q. What sports?

10 A. Wrestled.

11 Q. Have you ever drank with Detective Miller,  
12 either before or after he was a detective?

13 A. No.

14 Q. Been to his home?

15 A. Yes.

16 Q. Has he been to your home?

17 A. No.

18 Q. What was your occasion for going to  
19 Detective Miller's home?

20 A. Helped him move a new hot tub over a fence,  
21 and had information on -- well, that was one time. The  
22 second time, had information on a subject that had a  
23 warrant for arrest.

24 Q. Detective Miller works in a different  
25 building than you; is that correct?

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1 A. Yes.

2 Q. Several miles from the Fremont County  
3 Sheriff's Office, is that correct, where you work?

4 A. Yes.

5 Q. Why is it that you consider him a personal  
6 friend?

7 A. Just knowing each other from high school,  
8 knowing the family and training at the sheriff's  
9 office.

10 Q. So you know Detective Miller's family?

11 A. Um. No, not his family.

12 Q. Members of his family? Do you know members  
13 of his family?

14 A. Yeah.

15 Q. Do you know his wife?

16 A. Yes.

17 Q. Do you know his kids, if he has kids?

18 A. I have no idea.

19 Q. Do you know his brothers or sisters, if he  
20 has brothers or sisters?

21 A. He has a sister.

22 Q. Do you know her?

23 A. Vaguely.

24 Q. When did you first meet Kathy Maestas?

25 A. I don't know the date. When she started

1 working at the sheriff's office.

2 Q. Approximately when was that?

3 A. I don't know.

4 Q. Best estimate.

5 A. Eight years.

6 Q. Approximately 2008, 2009, somewhere in there?

7 A. Yeah. I can't tell you a date.

8 Q. Where is Kathy Maestas from?

9 A. I can speak to present. Canon.

10 Q. Canon City?

11 A. Yeah.

12 Q. What does she consider to be her hometown?

13 A. Yeah, Canon City.

14 Q. Do you know where she grew up?

15 A. No.

16 Q. You never discussed that?

17 A. Maybe. I don't remember. I don't remember  
18 where she grew up. Stories from that, I don't remember  
19 that.

20 Q. When you first met Kathy Maestas, did you --  
21 were you the commander of the jail?

22 A. I don't know for sure. Um. I don't recall.

23 Q. For the vast majority of the time that you've  
24 known Kathy Maestas, have you been commander of the  
25 jail?

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1 A. Yes.

2 Q. When you first met Kathy Maestas, was she a  
3 nurse at the jail?

4 A. Yes.

5 Q. Has she continuously worked at the jail as a  
6 nurse since the time that you met her?

7 A. Yes.

8 Q. What's your best estimate of when she became  
9 the head nurse?

10 A. I don't know.

11 Q. Best estimate, sir.

12 A. Six years ago. I don't know.

13 Q. Is she the health services administrator at  
14 the jail?

15 A. Yes.

16 Q. Was she the health services administrator in  
17 2014 when Mr. Walter was confined at the jail?

18 A. Yes.

19 Q. Does she establish the policies, practices  
20 and customs of the jail insofar as it relates to  
21 medical care to detainees and inmates at the jail?

22 MR. TIEMEIER: Object to lack of foundation.

23 A. I would say she could help, but I think she  
24 would report to others.

25 Q. (BY MR. BUDGE) Do you know one way or the



1 other whether Kathy Maestas establishes the policies,  
2 procedures and customs at the jail with regard to  
3 inmate medical care?

4 MR. TIEMEIER: Object to foundation.

5 A. I don't know that.

6 Q. (BY MR. BUDGE) Who establishes the policies,  
7 procedures and customs at your jail in regard to inmate  
8 medical care?

9 A. The company, CHC.

10 Q. What is your best estimate of when you and  
11 Kathy Maestas first became romantically involved?

12 A. 2013, early.

13 Q. And how long were you and Ms. Maestas  
14 romantically involved, best estimate?

15 A. About a year.

16 Q. I'm sorry?

17 A. About a year.

18 Q. You and Ms. Maestas were romantically  
19 involved in April of 2014, correct?

20 A. Did you have a date on that?

21 Q. April 2014.

22 A. No, sir.

23 Q. When did your relationship with -- excuse me.  
24 How did your relationship with Ms. Maestas  
25 first begin?

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1           A.    Um.  I noticed -- I noticed that she was  
2   having a hard day at work, and I just asked if she was  
3   okay, if there was anything I could do for her.  And  
4   she started to share more personal information about  
5   having a rough time with me, and it just slowly  
6   progressed from there.

7           **Q.    And then you started going out?**

8           A.    Yes.  Yeah.

9           **Q.    When was the trip to Vegas?  Was it after**  
10 **April of 2014?**

11          A.    No.  It was before that.

12          **Q.    When you became romantically involved with**  
13 **Kathy Maestas, was she the head nurse at the jail?**

14          A.    Yes.

15          **Q.    And when you became romantically involved**  
16 **with Kathy Maestas, were you the commander of the jail?**

17          A.    Yes.

18          **Q.    Was she married?**

19          A.    Could you give me a time frame?

20          **Q.    When you were going out with her at any time.**

21          A.    At any time?  Yes.

22          **Q.    At any time when you were going out with her,**  
23 **was she married?**

24          A.    Yes.

25          **Q.    Who was her spouse?**

1 A. Rick Maestas.

2 Q. Where does he live?

3 A. I have no idea.

4 Q. Do you think he lives in Colorado?

5 A. Yes.

6 Q. Do you think he lives in the Canon City area?

7 A. I don't know.

8 Q. Is she still married to Rick Maestas?

9 A. No.

10 Q. Do you know when they ended their marriage?

11 A. Yes.

12 Q. When?

13 A. Um. I believe it was February 14, 2013.

14 Q. In the last 24 hours, have you received any  
15 form of communication from Sheriff Beicker in the way  
16 of a text message, phone call, e-mail or anything of  
17 that nature?

18 A. No.

19 Q. When did your relationship with Kathy Maestas  
20 end?

21 A. January 2014.

22 Q. Why did it end?

23 A. She wanted to prioritize her life  
24 differently.

25 Q. Did she end the relationship?

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1 A. Yes.

2 Q. She broke up with you? You did not break up  
3 with her?

4 A. Correct.

5 Q. Did you ever tell Kathy Maestas that you  
6 loved her?

7 A. Yes.

8 Q. Did she tell you that she loved you?

9 A. Yes.

10 Q. Did you have a sexual relationship?

11 A. Yes.

12 Q. When did the sexual relationship begin?

13 A. I don't know.

14 Q. Shortly after the -- what you described where  
15 she came to you and expressed her feelings about having  
16 a hard day?

17 A. Oh, no. It would have been months after  
18 that.

19 Q. When you were involved in a sexual  
20 relationship with Ms. Maestas, were you the commander  
21 of the jail?

22 A. Yes.

23 Q. And was she the head nurse?

24 A. Yes.

25 Q. Did you live together?

1 A. No.

2 Q. Did she spend nights at your home?

3 A. Occasionally, yes.

4 Q. And did you spend nights at her home?

5 A. Occasionally. Yes.

6 Q. Did you ever give her any cards or letters or  
7 e-mails or texts expressing your love or affection for  
8 her?

9 A. Texts, yes.

10 Q. Did she send you cards or letters or e-mails  
11 or texts expressing her love or affection for you?

12 A. Texts.

13 Q. Have you destroyed any of the texts that you  
14 sent to Kathy Maestas?

15 A. Yes.

16 Q. When? Why?

17 A. I don't keep texts forever, for one, but I've  
18 had different phones and just lost the information with  
19 the phone.

20 Q. Do you remember who your carrier was?

21 A. No.

22 Q. Do you have access to any of the texts that  
23 you sent to Kathy Maestas?

24 A. No.

25 Q. Do you have any access to the texts that she

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1 sent to you?

2 A. No.

3 Q. Did you ever give her any cards or letters?

4 A. No.

5 Q. E-mails expressing love or affection?

6 A. No.

7 Q. Did she give you any cards or letters?

8 A. No.

9 Q. Did you still have feelings for Ms. Maestas  
10 after she broke up with you?

11 A. No.

12 Q. None at all?

13 A. No.

14 Q. When you and Ms. Maestas were romantically  
15 and sexually involved, was it an exclusive  
16 relationship; that is, you were not seeing other  
17 people?

18 A. Yes.

19 Q. Did you ever buy her any gifts?

20 A. Yes.

21 Q. What did you buy her?

22 A. I don't recall.

23 Q. What did she buy you?

24 A. I don't -- I don't think she -- as far as  
25 gifts, I can't recall.

1 Q. Did you travel with Kathy Maestas?

2 A. That time in Vegas.

3 Q. Did you ever go on any holidays, vacations or  
4 engage in any recreational activities with her?

5 A. Did you say recreation?

6 Q. Yeah.

7 A. Yeah. We would hike in the mountains, go out  
8 to dinner, go to the movies.

9 Q. Did you ever meet any member of her family?

10 A. I did meet her mother, her father, her  
11 daughter and her son.

12 Q. Where did you meet her mother and father?

13 A. At the mother and father's home.

14 Q. Which is where?

15 A. Canon City.

16 Q. So Ms. Maestas's mother and father live in  
17 Canon City, to the best of your knowledge?

18 A. Uh-huh.

19 Q. Yes?

20 A. Yes.

21 Q. And you said Ms. Maestas has two children; is  
22 that right?

23 A. Yes.

24 Q. Where do they live?

25 A. I don't know.

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1 Q. Where did you meet them?

2 A. Kathy's house.

3 Q. And what town does Kathy live in, Kathy  
4 Maestas?

5 A. Canon City.

6 Q. Approximately what ages are her children?

7 A. Presently?

8 Q. Yes.

9 A. 15, 16 for the boy; 18, 19 for the daughter.  
10 19, 20 for the daughter now.

11 Q. Did Kathy Maestas's children live with her at  
12 the time that you were romantically involved with her?

13 A. Some of the time.

14 Q. Did you ever engage in any type of sexual  
15 activity with Ms. Maestas at the jail or at the Fremont  
16 County Sheriff's Office?

17 A. No.

18 Q. Did you feel protective of Kathy Maestas?

19 MR. O'CONNELL: Objection; form.

20 A. I would say the normal that a man feels for  
21 whomever he is seeing, yes.

22 Q. (BY MR. BUDGE) Did Kathy Maestas confide her  
23 personal feelings in you?

24 A. Yes.

25 Q. Did she tell you how she felt about jail



1 inmates?

2 A. Not directly, no.

3 Q. Did she ever refer to jail inmates or any  
4 particular jail inmate by any derogatory term  
5 whatsoever?

6 A. No.

7 Q. Druggie, junkie, lowlife, anything of that  
8 nature, ever?

9 A. Did she ever call one or did she ever refer  
10 to as?

11 Q. Refer to as.

12 A. Yes.

13 Q. Could you tell me everything you recall about  
14 that?

15 A. Um. Her son was having rough times and was  
16 hanging out with a bad crowd, and the circle that he  
17 was in she referred to as "druggies," I believe.

18 Q. Did she ever refer to jail inmates by any  
19 derogatory term whatsoever?

20 A. Not to me.

21 Q. Do you know her to have referred to jail  
22 inmates by any derogatory term whatsoever?

23 A. No.

24 Q. Did Kathy Maestas ever yell at inmates?

25 A. Yes.

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1 Q. Did she berate inmates?

2 A. I don't know what "berate" means.

3 Q. You don't know what the word means?

4 A. Correct.

5 Q. Did Kathy Maestas ever use profanity when  
6 communicating with inmates?

7 A. I personally didn't see it, but it was  
8 reported to me that yes.

9 Q. By the staff that you supervise?

10 A. Yes.

11 Q. Was it reported by -- to you by the staff  
12 that you supervise that Kathy Maestas yelled at  
13 inmates?

14 A. Yes.

15 Q. Is it appropriate to use foul language  
16 towards inmates if you're the head nurse of your jail?

17 A. No.

18 Q. Is it appropriate to use foul language  
19 towards inmates if you're the head nurse at the jail?

20 A. No.

21 Q. Was it generally known among your staff that  
22 Kathy Maestas had a foul mouth with regard to speaking  
23 to inmates at your jail?

24 MR. TIEMEIER: Object to form.

25 A. Say that one more time.

1 Q. (BY MR. BUDGE) Was it generally known among  
2 your staff that Kathy Maestas had a foul mouth when  
3 speaking to inmates at your jail?

4 MR. TIEMEIER: Object to form.

5 A. No.

6 Q. (BY MR. BUDGE) Which inmates report --  
7 excuse me.

8 Which detention staff reported to you that  
9 Kathy Maestas used foul language towards inmates at  
10 your jail?

11 A. I don't know the specific deputy.

12 Q. How many deputies do you believe witnessed or  
13 knew that Kathy Maestas used foul language towards  
14 inmates at your jail?

15 A. I've heard that two, three times.

16 Q. Have inmates reported to you that  
17 Kathy Maestas used foul language towards them?

18 A. No.

19 Q. Have you heard that inmates reported that  
20 Kathy Maestas used foul language towards them?

21 A. Have I heard that?

22 Q. Yes.

23 A. Yes.

24 Q. And which detention deputies reported to you  
25 that Kathy Maestas yelled at inmates?

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1 A. I don't know.

2 Q. Was it reported to you on more than one  
3 occasion that Kathy Maestas used foul language towards  
4 inmates at the jail?

5 A. More than once?

6 Q. Yes.

7 A. Yes.

8 Q. Was it reported to you more than once that  
9 Kathy Maestas yelled at inmates at your jail?

10 A. Yes.

11 Q. What did Kathy Maestas tell you about how she  
12 felt about her job?

13 A. She took pride in it. She likes her job,  
14 likes what she does.

15 Q. Was it reported to you that Kathy Maestas  
16 refused medications to inmates?

17 A. Yes.

18 Q. On more than one occasion?

19 A. Yes.

20 Q. Was it reported to you that Kathy Maestas  
21 declined to provide inmates with medical care?

22 A. No.

23 Q. Ever, by any person?

24 A. No.

25 Q. Did you know before April of 2014 that Kathy

1 **Maestas used foul language towards inmates?**

2 A. Yes.

3 **Q. Did you know before April 2014 that Kathy**  
4 **Maestas yelled at inmates?**

5 A. Yes.

6 **Q. Did you know that Kathy Maestas used foul**  
7 **language towards inmates and yelled at inmates when you**  
8 **were romantically involved with her?**

9 A. I don't know for sure by the date.

10 **Q. Was it reported to you that Kathy Maestas was**  
11 **rude and unprofessional towards inmates?**

12 A. The same as -- as raising her voice or an  
13 occasional curse word, yes.

14 **Q. So it was reported to you that Kathy Maestas**  
15 **was rude and unprofessional towards inmates?**

16 A. Could you narrow the scope, because it's not  
17 like she did it all the time.

18 **Q. Was it reported to you at any time that**  
19 **Kathy Maestas was rude and unprofessional towards**  
20 **inmates?**

21 A. Yes.

22 **Q. Was it reported to you that Kathy Maestas was**  
23 **dismissive to inmates?**

24 A. Dismissive? No.

25 **Q. Was it reported to you that Kathy Maestas**

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1 would ever ignore inmates or not attend to their  
2 medical needs by any person?

3 MR. TIEMEIER: Object to form, asked and  
4 answered.

5 A. No.

6 Q. (BY MR. BUDGE) Did Kathy Maestas ever tell  
7 you how she felt about CHC?

8 A. Yes.

9 Q. What did she tell you?

10 A. She felt that it was going in a good  
11 direction and that they had very good protocols.

12 Q. Was it important to you, as the jail  
13 commander, that Kathy Maestas follow any protocols of  
14 CHC?

15 A. Yes.

16 Q. Was that of paramount importance to you, as  
17 commander of the jail?

18 A. Yes.

19 Q. It was no secret that you and Kathy Maestas  
20 were romantically involved, correct?

21 A. Correct.

22 Q. You did not try to hide that, correct?

23 A. Correct.

24 Q. The sheriff knew, correct?

25 A. Correct.

1           **Q.    And you went to him and told him about it,**  
2 **correct?**

3           A.    Correct.

4           **Q.    Did he ever tell you there was anything**  
5 **inappropriate about you, as commander of the jail,**  
6 **being romantically involved with the head nurse of your**  
7 **jail?**

8           A.    Yes.

9           **Q.    What did he tell you?**

10          A.    Um.  Until -- until she's officially  
11 divorced, it's not a good -- it just wasn't good, which  
12 we did stop until she was officially divorced.  And  
13 then afterwards, he says that he was okay with us  
14 dating, provided that it not disrupt the functioning of  
15 the jail.

16          **Q.    What steps or measures were undertaken in**  
17 **order to ensure that your romantic involvement with the**  
18 **head nurse at the jail did not disrupt any of her or**  
19 **your responsibilities to the jail inmates?**

20          A.    Any steps?

21          **Q.    Uh-huh.**

22          A.    None.

23          **Q.    Any measures of any kind?**

24          A.    I was directed that if Kathy and I couldn't  
25 come to a conclusion on a particular topic, to report

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1 it up and let them handle it.

2 Q. "Them" being who?

3 A. The undersheriff or sheriff.

4 Q. The undersheriff knew that you were  
5 romantically involved with the head nurse of the jail?

6 A. Yes.

7 Q. And the sergeants under your command knew  
8 that you were romantically involved with the head nurse  
9 of the jail?

10 A. Yes.

11 Q. And the corporals knew that you were  
12 romantically involved with the head nurse of the jail?

13 A. Yes.

14 Q. And the detention deputies knew all that as  
15 well, correct?

16 A. I can infer, yes.

17 Q. And the inmates knew it as well, correct?

18 A. Probably.

19 Q. And Stephanie Repshire knew it as well,  
20 correct?

21 A. Yes.

22 Q. Did you make any type of announcement to  
23 anybody at the jail under your command to inform them  
24 that your romantic involvement with Kathy Maestas  
25 ended?



1 A. No.

2 Q. Did you make any type of announcement to the  
3 sheriff or undersheriff to tell them that your romantic  
4 involvement with Kathy Maestas had ended?

5 A. Yes. The undersheriff.

6 Q. Did you tell the sheriff that your romantic  
7 involvement with Kathy Maestas had ended?

8 A. Later, yes.

9 Q. When?

10 A. It was later.

11 Q. Several months later?

12 A. Probably.

13 Q. But you did not make any similar announcement  
14 to the staff that you commanded to tell them that your  
15 relationship with Kathy Maestas had ended, correct?

16 A. No.

17 Q. No, you did not?

18 A. I did not.

19 Q. Did you announce to Stephanie Repshire that  
20 your romantic involvement with Kathy Maestas had ended?

21 A. I don't believe so.

22 Q. All medical care at the jail was directed by  
23 Kathy Maestas, correct?

24 A. Yes.

25 MR. TIEMEIER: Object to foundation.

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1 Q. (BY MR. BUDGE) And she was the boss of the  
2 other nurses; was that correct?

3 A. Yes.

4 Q. And Kathy Maestas was the one who decided if  
5 an inmate got medical care or not?

6 MR. TIEMEIER: Object to foundation, form.

7 A. It wasn't her sole discretion.

8 Q. (BY MR. BUDGE) Let me ask the question a  
9 better way.

10 A. Okay.

11 Q. In terms of the command structure among the  
12 nurses, Kathy Maestas ultimately decided if an inmate  
13 got medical care or not, correct?

14 A. Yeah.

15 Q. Kathy Maestas ultimately decided if an inmate  
16 got medications or not, correct?

17 A. No. I believe they had to be seen by the  
18 doctor, um, and then whatever orders the doctor would  
19 give, they would follow through with.

20 Q. Kathy Maestas ultimately decided if an inmate  
21 actually got medications at the jail, correct?

22 A. Oh. Correct.

23 MR. TIEMEIER: Object to form and foundation.

24 Q. (BY MR. BUDGE) And Kathy Maestas ultimately  
25 decided if an inmate at the jail got vital sign checks

1 or not, correct?

2 A. Yes.

3 Q. And she ultimately decided, Kathy Maestas, if  
4 an inmate got mental health treatment or not, correct?

5 MR. TIEMEIER: Object to foundation.

6 A. Yes.

7 Q. (BY MR. BUDGE) And Kathy Maestas decided if  
8 an inmate went to the hospital or not, correct?

9 A. She was one of that could, yes.

10 Q. In the chain of command, Kathy Maestas was  
11 the one responsible for ultimately determining if an  
12 inmate went to the hospital or not, correct?

13 A. Yes.

14 Q. Kathy Maestas decided if an inmate got to see  
15 an outside provider or not, correct?

16 A. Yes.

17 Q. Kathy Maestas decided what the other nurses  
18 could or could not do, correct?

19 A. Yes.

20 MR TIEMEIER: Object to form and foundation.

21 Q. (BY MR. BUDGE) And it was your  
22 understanding, as jail commander, that Kathy Maestas  
23 established the policies, procedures, protocols and  
24 customs at your jail insofar as it related to medical  
25 care, correct?

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1 MR. TIEMEIER: Object to form and foundation.

2 A. Yes.

3 Q. (BY MR. BUDGE) If Kathy Maestas decided that  
4 an inmate was not going to get their medications, the  
5 inmate would not get their medications, correct?

6 A. Yes, to a point. If she suspended a med for  
7 say, cheeking, the inmate would have to be -- he would  
8 be referred to the doctor for a review.

9 Q. Was there a doctor working at your jail?

10 A. Yes.

11 Q. You know that for a fact?

12 A. Um. At the time?

13 Q. Yes.

14 A. PA Havens. PA.

15 Q. Was Mr. Havens a doctor?

16 A. Title of a PA. I always called him doc.

17 Q. Do you know if there was any doctor working  
18 at your jail in April of 2014, any medical doctor?

19 A. I'm un -- unfamiliar with the levels of  
20 medical profession, but yes, Havens was a PA. I heard  
21 Kathy speak that her boss, Dr. Herr, would also give  
22 them directions.

23 Q. Getting back to my question, do you believe  
24 that there was a doctor physically working at your jail  
25 in April of 2014, an M.D.?

1 MR. TIEMEIER: Object to form.

2 A. Um . . .

3 Q. (BY MR. BUDGE) Or are you unsure?

4 A. I'm unsure.

5 Q. Did Kathy Maestas have the power to withhold  
6 or deny medications from inmates?

7 A. Yes.

8 Q. Did she have the power to let an inmate out  
9 of the jail under officer escort to be taken to a  
10 medical appointment?

11 A. Yes.

12 Q. Did she have the power to decide that an  
13 inmate would not be let out of the jail under officer  
14 escort to be taken to a medical appointment?

15 A. Repeat.

16 Q. Did she have the power to decide that an  
17 inmate would not be taken under officer escort to a  
18 medical appointment?

19 A. Yes.

20 Q. Did she, Kathy Maestas, have the power to  
21 take or withhold the taking of vital signs?

22 A. Yeah.

23 MR. TIEMEIER: Object to form.

24 Q. (BY MR. BUDGE) Did Kathy Maestas, to your  
25 understanding, have the power to allow or withhold the

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1 **allowing of mental health services?**

2 MR. TIEMEIER: Object to form.

3 A. Yes. She screens them.

4 **Q. (BY MR. BUDGE) Did she have the power to**  
5 **allow or withhold the allowing of mental health**  
6 **treatment?**

7 A. Yes.

8 **Q. Did she have the power to allow or withhold**  
9 **ambulance services?**

10 MR. TIEMEIER: Object to form.

11 **Q. (BY MR. BUDGE) To your understanding.**

12 A. The scope just seemed broad to me on that  
13 question. Could you narrow the scope on that?

14 **Q. Do you think that Kathy Maestas had the power**  
15 **to grant or deny ambulance services to an inmate?**

16 A. Under the medical side, yes.

17 **Q. Did Kathy Maestas have the power to grant or**  
18 **deny, to your understanding, any inmate's request for**  
19 **medical care?**

20 A. Yes.

21 **Q. Did Kathy Maestas have the power to allow or**  
22 **withhold transport of an inmate to a hospital, to your**  
23 **understanding?**

24 A. Yes.

25 **Q. To your understanding, did Kathy Maestas have**

1 the power to follow medical protocols or to not follow  
2 medical protocols?

3 A. That --

4 MR. TIEMEIER: Object to form and foundation.

5 A. That, I don't know.

6 Q. (BY MR. BUDGE) Did Kathy Maestas have the  
7 power to, to your understanding, let an inmate withdraw  
8 from medications or to prevent or alleviate the  
9 withdrawal from medications?

10 A. Repeat that one more time.

11 Q. Did Kathy Maestas, to your understanding,  
12 have the power to let an inmate withdraw from  
13 medications or to prevent or alleviate the withdrawal  
14 from medications?

15 A. Yes.

16 Q. To your understanding, did Kathy Maestas have  
17 the power to call a doctor or not call a doctor for an  
18 inmate?

19 A. Yes, she did have the power.

20 Q. Did Kathy Maestas, to your understanding,  
21 have the power to tell a doctor the truth about what  
22 was happening to an inmate or, conversely, to provide  
23 misinformation to a doctor about an inmate?

24 MR. TIEMEIER: Object to form and foundation.

25 A. One more time.

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1           Q.     (BY MR. BUDGE)   Given Kathy Maestas's  
2     position, was it your understanding that she had the  
3     power to tell a doctor about the truth of what was  
4     happening to an inmate or, conversely, to provide  
5     misinformation to a doctor about an inmate?

6           MR. TIEMEIER:   Object to form and foundation.

7           A.     Yes.

8           Q.     (BY MR. BUDGE)   In terms of the medical care  
9     allowed or not allowed at the jail generally, or to any  
10    particular inmate, was Kathy Maestas the one with the  
11    power at your jail?

12          A.     Yes.

13          Q.     For purposes of jail medical services at your  
14    jail, was she, to your understanding, a policy maker?

15          A.     Yes.

16          Q.     Given that it was your role to ensure that  
17    every inmate at your jail was provided with adequate  
18    medical care, did you see any conflict of interest  
19    between your solemn role as commander of the jail and  
20    the fact that Kathy Maestas was your sexual lover and  
21    romantic partner?

22          A.     No.

23          Q.     Did you recognize the potential for such a  
24    conflict of interest?

25          A.     Yes.



1           **Q.    Was it perfectly acceptable to you that, as**  
2 **the person with the solemn duty to ensure that every**  
3 **person at your jail had adequate medical care, that you**  
4 **should have an ongoing sexual and romantic relationship**  
5 **with the health services administrator who had the**  
6 **power to do the things that we just talked about?**

7           MR. TIEMEIER:   Object to form.

8           A.    I actually forgot what the question part of  
9 it was.

10          MR. BUDGE:    Could you read back the question,  
11 please.

12          THE REPORTER:   Question:   "Was it perfectly  
13 acceptable to you that, as the person with the solemn  
14 duty to ensure that every person at your jail had  
15 adequate medical care, that you should have an ongoing  
16 sexual and romantic relationship with the health  
17 services administrator who had the power to do the  
18 things we just talked about?"

19          MR. TIEMEIER:   Same objection.

20          A.    Not my best decision.

21          The beginning of that first part of that  
22 sentence was what?

23          **Q.    (BY MR. BUDGE)  Was it perfectly acceptable**  
24 **to you -- do you want me to read back the rest of the**  
25 **question?**

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1 A. No. That's fine. Yes.

2 Q. Yes, it was perfectly acceptable to you. Is  
3 that your answer?

4 A. Yes.

5 Q. Was it perfectly acceptable to the sheriff  
6 and everybody else, so far as you knew, that as the  
7 person with the solemn duty to ensure that every person  
8 at your jail had adequate medical care, that you should  
9 have an ongoing sexual relationship and love interest  
10 with the health services administrator at your jail who  
11 had the power to do the things that we just talked  
12 about?

13 MR. TIEMEIER: Object to form.

14 Would you read that back? I got lost about  
15 halfway through it.

16 THE REPORTER: Question: "Was it perfectly  
17 acceptable to the sheriff and everybody else, so far as  
18 you knew, that as the person with the solemn duty to  
19 ensure that every person at your jail had adequate  
20 medical care, that you should have an ongoing sexual  
21 relationship and love interest with the health services  
22 administrator at your jail who had the power to do the  
23 things that we just talked about?"

24 MR. TIEMEIER: Object to form.

25 A. Sheriff stated he was okay with us but did

1 caution us.

2 Q. (BY MR. BUDGE) Did you ever stop to think  
3 about whether you could fulfill your solemn duty as  
4 commander of the jail to ensure that inmates received  
5 adequate medical care in a fair and impartial way when  
6 you were having a sexual love affair with the head  
7 medical provider at your jail?

8 A. No.

9 Q. If Kathy Maestas was ever doing what was --  
10 excuse me. Strike that.

11 I'm going to start over. Okay?

12 A. Uh-huh.

13 Q. Yes? Okay if I start over?

14 A. Yes.

15 Q. If it ever came to your attention that  
16 Kathy Maestas was not doing what needed to be done or  
17 might not be doing what needed to be done to ensure  
18 that inmates received adequate medical care at your  
19 jail, was it up to you to confront her and go over her  
20 head, if necessary?

21 A. I would, yes --

22 Q. Was that --

23 A. -- to the undersheriff and sheriff.

24 Q. Was it your duty if you ever became aware  
25 that Kathy Maestas was not doing or might not be doing

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1 what was needed to ensure that inmates received  
2 adequate medical care for you to confront her and go  
3 over her head, if necessary?

4 MR. TIEMEIER: Object to form, asked and  
5 answered.

6 A. Yes.

7 Q. (BY MR. BUDGE) Did you believe that having a  
8 sexual love affair with her would not impact your  
9 ability to firmly confront her and go over her head if  
10 necessary?

11 A. No.

12 Q. Sorry?

13 A. It -- it wouldn't impact my decision, no.

14 Q. Do you believe that your professional  
15 judgment with regard to your duty to ensure that  
16 inmates received adequate medical care could ever  
17 possibly be impacted by the fact that you had a sexual  
18 love affair with the head nurse and HSA at your jail?

19 A. No.

20 Q. Did you have the power to remove Kathy  
21 Maestas from her position?

22 A. Short term, if it was necessary, until it was  
23 discussed.

24 Q. Did you have the power to express your  
25 dissatisfaction with Kathy Maestas to the sheriff of

1 the jail -- excuse me -- the sheriff of Fremont County?

2 A. Did I have the what?

3 Q. Did you have the power to express your  
4 dissatisfaction with Kathy Maestas to the sheriff of  
5 Fremont County?

6 A. Yes.

7 Q. Did you have the power to express your  
8 dissatisfaction or complain to Kathy Maestas's  
9 employer, CHC?

10 A. Yes.

11 Q. As commander of the jail, I imagine that you  
12 have a very wide range of duties and responsibilities.  
13 Is that correct?

14 A. Yes.

15 Q. What are some of the broad duties and  
16 responsibilities that keep you busy during the course  
17 of the year?

18 A. Um. Safety and security of the facility as a  
19 whole. Um. Morale. Hiring and training. Yeah.

20 Q. Do you have the duty and responsibility to  
21 ensure that all of the people in your command are  
22 adequately trained?

23 A. Yeah.

24 Q. And the duty and responsibility to ensure  
25 that the facility is secure on a daily basis?

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1 A. Yes.

2 Q. And the duty and responsibility to ensure  
3 that all procedures and protocols are followed on a  
4 daily basis?

5 A. Yes.

6 Q. Duties and responsibilities with regard to  
7 booking?

8 A. Yes.

9 Q. Meal service?

10 A. Yes.

11 Q. Getting inmates to and from court?

12 A. Yes.

13 Q. Getting inmates to and from other  
14 appointments that they may have outside of the jail?

15 A. Yes.

16 Q. Personnel matters?

17 A. Yes.

18 Q. Resolving conflicts between staff?

19 A. Yes.

20 Q. Problem solving of every kind and nature on a  
21 daily basis?

22 A. Yes.

23 Q. Do you keep any sort of regular record or  
24 time sheet that shows where you are and what you're  
25 doing on a daily basis?

1 A. No.

2 Q. With all of your duties and responsibilities  
3 and commitments as commander of the jail, do you  
4 generally delegate issues concerning day-to-day  
5 operation of the jail to the sergeants and corporals  
6 and frontline deputies?

7 A. Yes.

8 Q. And when issues come up at the jail that  
9 require the involvement of someone other than a front  
10 line detention deputy, do you generally expect that  
11 that deputy will address the issue with the corporals  
12 and sergeants that they -- that supervise their  
13 activities and address those as they arise?

14 A. Yes.

15 Q. And when issues come up with your corporals  
16 and sergeants, do you generally expect that they won't  
17 bring the matter to you unless they are unable to solve  
18 the problem on their own?

19 A. If they can't solve them, they come to me?

20 Q. Right.

21 A. Yes.

22 Q. Do you generally expect that your corporals  
23 and sergeants won't bring matters to your attention  
24 unless they are unable to solve the matter on their  
25 own?

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1 A. (Deponent nodded head.)

2 Q. Your answer is yes?

3 A. Minor things that they can handle on a  
4 day-to-day basis, sure.

5 Q. Do you generally expect that they won't bring  
6 matters to your attention unless it's a matter that  
7 they are unable to resolve on their own or that they  
8 require direction about?

9 MR. TIEMEIER: Objection; asked and answered.

10 A. Yes.

11 Q. (BY MR. BUDGE) Given the various duties and  
12 responsibilities that you have, is it important that  
13 you delegate the daily workings of the jail to the  
14 sergeants and the corporals who work under you?

15 A. Yes.

16 Q. What percentage of your total time as jail  
17 commander is spent personally involving yourself in the  
18 particular health needs of any particular jail inmate?

19 A. Very minor.

20 Q. Very small percentage?

21 A. Yeah, very small.

22 Q. And that was the same as of April 2014,  
23 correct?

24 A. Yeah.

25 Q. Other than the case of John Walter, which



1 we'll talk about later, can you remember any particular  
2 jail inmate, over the course of your years as jail  
3 commander, where you became personally involved in  
4 issues concerning the inmate's particular health needs  
5 while confined at the Fremont County jail?

6 A. Was there a time frame on that?

7 Q. No.

8 A. Okay. Yes.

9 Q. How many particular inmates can you remember?

10 A. Two.

11 Q. Can you remember any more than two inmates,  
12 over the course of your time as commander of the jail,  
13 where you've become personally involved with issues  
14 concerning the inmate's particular health needs while  
15 confined at your jail?

16 A. No.

17 Q. Do you know that Sheriff Beicker is an  
18 extremely busy person?

19 A. Oh, yeah.

20 Q. And do you report to him?

21 A. Yes.

22 Q. Do you also know that he has a lot more to  
23 deal with than simply issues at the jail?

24 A. Yes.

25 Q. Do you understand that he oversees the entire

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1 **Fremont County Sheriff's Office?**

2 A. Yes.

3 **Q. Meaning not just the jail but also the patrol**  
4 **and investigative divisions and all other aspects of**  
5 **the Fremont County Sheriff's Office?**

6 A. Yes.

7 **Q. Do you know he deals with personnel**  
8 **responsibilities?**

9 A. Yes.

10 **Q. Budgetary responsibilities?**

11 A. Yes.

12 **Q. Responsibilities with regard to making and**  
13 **renewing contracts?**

14 A. Yes.

15 **Q. Oversight of homicide investigations and**  
16 **deaths?**

17 A. Yes.

18 **Q. Oversight of criminal investigations?**

19 A. Yes.

20 **Q. Travel within and outside of the county?**

21 A. Yes.

22 **Q. Reporting to and working with elected**  
23 **officials and bodies of government?**

24 A. Yes.

25 **Q. Communicating with the public on issues of**

1 public concern?

2 A. Yes.

3 Q. Oversight of court security?

4 A. Yes.

5 Q. So Sheriff Beicker has delegated to you the  
6 daily command of the jail, correct?

7 A. Yes.

8 Q. On average, since Sheriff Beicker has been  
9 your sheriff, and given everything else that you know  
10 that he's got on his plate, how often does he actually  
11 come into the jail and involve himself in particular  
12 issues concerning the health needs of particular  
13 inmates?

14 A. Was that a two-part question as far as coming  
15 into the jail and health needs, or and/or?

16 Q. Let me repeat the question and see if you are  
17 still confused.

18 A. Okay.

19 Q. On average, since Sheriff Beicker has been  
20 your sheriff, given everything else that you know that  
21 he's got on his plate, how often does he actually come  
22 into the jail and involve himself in particular issues  
23 concerning the health needs of particular inmates? Is  
24 it very rare?

25 A. Yeah. I was thinking percent. A very small

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1 percent as far as the time he spends.

2 Q. Is it the case that Sheriff Beicker, since  
3 he's been your sheriff, very rarely actually comes into  
4 the jail to involve himself in particular issues  
5 concerning the health needs of particular inmates?

6 A. Yes.

7 Q. Can you think of any occasion, other than the  
8 case of John Walter, where Sheriff Beicker has come  
9 into the jail to involve himself in particular issues  
10 concerning the health needs of particular inmates?

11 A. Yes.

12 Q. How many times in the course of your career  
13 can you remember him doing that, other than the case of  
14 John Walter?

15 A. The two I spoke of he was involved in. And  
16 as of late, with the specialty courts that he's  
17 involved with, he follows and tracks them to some  
18 degree.

19 Q. In the course of your career as commander of  
20 the jail, can you remember any particular occasion,  
21 other than John Patrick Walter, where Sheriff Beicker  
22 has come into the jail to particularly involve himself  
23 in the health needs of a particular inmate?

24 A. Yes.

25 MR. O'CONNELL: Objection to form, asked and

1 answered.

2 Q. (BY MR. BUDGE) How many times?

3 A. Two.

4 Q. Given everything else that you know that  
5 Sheriff Beicker has on his plate, is it the case that  
6 you would not go to Sheriff Beicker with an issue  
7 concerning something happening at the jail unless the  
8 issue was significant or serious or you were unable to  
9 deal with it on your own?

10 A. Correct, and if I couldn't contact the  
11 undersheriff.

12 Q. And I take it that you would not go to  
13 Sheriff Beicker with an issue concerning something  
14 happening at the jail unless the issue was one that  
15 you, yourself, regarded as, A, being serious and, B,  
16 being something that you were unable to resolve?

17 A. Correct.

18 Q. In particular, as commander of the jail,  
19 would you ever go to Sheriff Beicker about the  
20 particular health needs of one inmate unless, A, you  
21 deemed the issue to be serious, and, B, you tried to  
22 resolve the issue yourself without success?

23 A. Would I go to him?

24 Q. Yes.

25 A. Yes.

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1 Q. Would you go to him unless you thought the  
2 issue was serious and you had been unable to resolve  
3 the issue on your own?

4 MR. TIEMEIER: Object to the form of the  
5 question.

6 MR. O'CONNELL: Object to form.

7 Q. (BY MR. BUDGE) Do you understand my  
8 question?

9 A. No.

10 Q. As commander of the jail, is it the case that  
11 you would not go to Sheriff Beicker about the  
12 particular health needs of a particular inmate unless  
13 the issue was serious and you had been unable to  
14 resolve the issue on your own?

15 A. I would go to him.

16 Q. Would you always try to resolve the issue  
17 yourself before going to Sheriff Beicker?

18 A. Yes.

19 Q. And would you go to Sheriff Beicker about an  
20 issue concerning the health needs of an inmate unless  
21 you thought that the issue was so serious that the  
22 sheriff himself needed to be involved?

23 A. Yes.

24 Q. It would be necessary for the issue to be  
25 serious before you bother Sheriff Beicker about it,

1 correct?

2 A. Yes.

3 Q. Other than John Walter, can you think of any  
4 time where you took it on yourself to go to the sheriff  
5 with an issue or concern regarding the health needs of  
6 a particular inmate?

7 A. Yes.

8 Q. On two other occasions?

9 A. Yes.

10 Q. Can you remember any other occasions other  
11 than those two?

12 A. I don't recall any other instances.

13 Q. Other than John Walter, which we'll talk  
14 about later, can you think of any time where you felt  
15 the need to engage directly with the head nurse,  
16 Kathy Maestas, about specific concerns regarding the  
17 medical condition of a particular inmate?

18 A. Yes.

19 Q. How many occasions?

20 A. Two.

21 Q. The two occasions that you mentioned, were  
22 those situations where the inmate's medical needs, in  
23 your view, were serious?

24 A. Yes.

25 Q. And were those situations where you had been

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1 unable to resolve the issue on your own before going to  
2 Sheriff Beicker?

3 A. Yes.

4 Q. When John Patrick Walter was in your jail,  
5 did he have one or more serious medical needs?

6 A. I don't know.

7 Q. Okay. I'm handing you what's been marked as  
8 Exhibit 3 to your deposition, and I'm going to  
9 represent to you that this is a diagram drawn by --  
10 drawn by one of your former detention deputies,  
11 Sara Lightcap. Do you remember Sara Lightcap?

12 A. Yes.

13 Q. Was she a good detention deputy?

14 A. Yes.

15 Q. Was she an honest and forthright person, so  
16 far as you knew?

17 A. Yes.

18 Q. Understanding that this is not to scale, does  
19 this diagram drawn by Sara Lightcap, now Sara Gonzales,  
20 generally show the location of master control, booking,  
21 T pod, medical and holding cells located in the general  
22 vicinity of the booking area?

23 A. Yes.

24 Q. Where is your office in relation to what we  
25 see on this diagram?



1           A.    I'm in a different part of the building, not  
2    within the detention center.

3           **Q.    How many steps from your office to Holding**  
4    **Cell 2?**

5           A.    I'm guessing.  150, 200.

6           **Q.    At an average pace of natural walking, how**  
7    **long would it take you to walk from your office to the**  
8    **door of Holding Cell 2?**

9           A.    About a minute.

10          **Q.    During the course of an average day at the**  
11    **jail, how many times will you either be in the booking**  
12    **area or passing through the common area between booking**  
13    **and Holding Cell 2?  What's your best estimate?**

14          A.    Booking or the common area?

15          **Q.    Yes.**

16          A.    Average on a day?

17          **Q.    Yes.**

18          A.    I don't do it every day, but I'd say maybe  
19    once or twice.

20          **Q.    April 20th was Easter Sunday, of 2014.**  
21    **April 15, 2014, was a Tuesday.  To the best of your**  
22    **ability, when in the ordinary course of events would**  
23    **you have probably been at the jail between Tuesday,**  
24    **April 15th, and Sunday, April 20th?**

25          A.    I wouldn't have been there Saturday at all or

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1 Thursday. I was called in on the Sunday. So Tuesday  
2 and Wednesday or Friday.

3 Q. Would you have been at the jail, other than  
4 being called in after Mr. Walter died on Sunday,  
5 April 20th?

6 A. No.

7 Q. Would you have been at the jail on Saturday,  
8 April 19th?

9 A. No.

10 Q. Would you have been at the jail on Friday,  
11 April 18th?

12 A. Yes, probably. Yes.

13 Q. Would you have been at the jail on Thursday,  
14 April 17th?

15 A. No.

16 Q. Would you have been at the jail on Wednesday,  
17 April 16th?

18 A. Yes.

19 Q. Would you have been at the jail after  
20 10:00 p.m. on April 15th?

21 A. 15th?

22 Q. Tuesday.

23 A. No.

24 Q. Why is it that you would not have been at the  
25 jail on either Saturday, the 19th, or Sunday, the 20th?

1 A. Those are my days off.

2 Q. And why would you have not been at the jail  
3 on Thursday, April 17th?

4 A. I'm a range instructor, and that was  
5 qualifications. So I'm out at the range. I'm  
6 off-site, not at the sheriff's office.

7 Q. Doing gun training?

8 A. Yes. Qualifications.

9 Q. What were the normal hours that you worked on  
10 Wednesday, April 16th?

11 A. My normal is 8:00 to 4:00 -- 8:30 to 4:30.

12 Q. 8:00 a.m. to 4:30 p.m.?

13 A. Yes.

14 Q. And what about Friday, April 18th?

15 A. Probably the same.

16 Q. Do you have any reason to believe that you  
17 were at the jail on Wednesday, April 16th, after  
18 4:30 p.m.?

19 A. I -- I wouldn't know.

20 Q. Do you have any reason to think that you  
21 were?

22 A. No.

23 Q. In the normal course of events, would you  
24 have left the jail at about 4:30 p.m.?

25 A. Yes.

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1 Q. And on Friday, April 18th, do you have any  
2 reason to believe you were at the jail after 4:30 p.m.?

3 A. No.

4 Q. In the ordinary course of events, would you  
5 have left the jail for the weekend at approximately  
6 4:30 p.m. on Friday, April 18th?

7 A. Yes.

8 Q. Back to the diagram that you have in front of  
9 you, from the booking area, does a person generally  
10 have a clear and unobstructed view into the window of  
11 Holding Cell 2?

12 A. Yes.

13 Q. And any person who is in the booking area has  
14 a clear view through the window of the booking area and  
15 then through the windows of Holding Cell 2 into that  
16 cell, correct?

17 A. As long as you're not way over here on the  
18 right side, yes.

19 Q. So from a normal vantage point inside the  
20 booking area, a person would have a clear view into  
21 Holding Cell 2, correct?

22 A. Yes.

23 Q. And from the common area right outside  
24 Holding Cell 2, does one also have a clear and  
25 unobstructed view into Holding Cell 2?

1           A.     Yeah.  As long as you are not way back here  
2     on the right side, yes.

3           Q.     From the area outside of Holding Cell 2, one  
4     can clearly and easily see the -- into Holding Cell 2,  
5     correct?

6           MR. TIEMEIER:  Object to form.

7           A.     Yes.

8           Q.     (BY MR. BUDGE)  And from looking through the  
9     glass windows into Holding Cell 2, any person who chose  
10    to do so could easily see from just a few feet away the  
11    person that was in there and what he or she looked like  
12    and what he or she was doing, correct?

13          A.     As long as they are not laying down, yes.

14          Q.     If you're standing outside of Holding Cell 2  
15    looking through the window --

16          A.     Yes.

17          Q.     -- can you see the person even if the person  
18    is laying down?

19          A.     Yes.

20          Q.     Earlier we talked about Mr. Walter being  
21    booked into the jail on or about April 3, 2014.  Do you  
22    recall that?

23          A.     Yes.

24          Q.     And do you understand that for approximately  
25    the first 12 days of Mr. Walter's confinement, from the

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1 time of his booking until April 15th, that he was held  
2 in the T pod?

3 A. Yes.

4 Q. During the time that Mr. Walter was held in  
5 the T pod, from approximately April 3rd until  
6 April 15th, did you have any occasion that you can  
7 remember to personally interact with him or observe him  
8 for any reason?

9 A. No.

10 Q. During the time that Mr. Walter was held in  
11 T pod, did anybody, to your recollection, alert or  
12 inform you about any issue relating to Mr. Walter,  
13 whether it be his physical or mental condition or any  
14 aspect of his health or his confinement?

15 A. The first part of that, was there a timeline  
16 on that?

17 Q. While Mr. Walter was being held in T pod.

18 A. All right. Um. I did read reports that  
19 Walter, Mr. Walter, was moved into T-3 by himself so he  
20 would be less disruptive to the other inmates in there  
21 and later moved to a holding cell for the same reason.

22 Q. To Holding Cell 2?

23 A. I don't recall what cell -- holding cell he  
24 was moved to. I remember that he was moved from T pod  
25 to a holding cell.

1           Q.    Did you read the reports, at the time the  
2 reports were written, with regard to any behavior of  
3 Mr. Walter in the T pod?

4           A.    It would have been within a day or two,  
5 probably, of the reports being written.

6           Q.    Are you able to say under oath that any  
7 person alerted you or informed you about any issue  
8 relating to Mr. Walter while he was in T pod?

9           A.    No.

10          Q.    While Mr. Walter was in T pod, did anybody  
11 alert or inform you about any bizarre or unusual  
12 behavior by Mr. Walter?

13          A.    No.

14          Q.    Violent or aggressive behavior while in  
15 T pod?

16          A.    No.

17          Q.    Complaints about his behavior in T pod by any  
18 person?

19          A.    No.

20          Q.    Anything to suggest he wasn't eating?

21          A.    No.

22          Q.    Anything to suggest he wasn't sleeping?

23          A.    No.

24          Q.    Anything to suggest he was shaking?

25          A.    No.

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1           Q.    Anything to suggest he was making strange  
2 verbal comments or odd utterances that didn't make  
3 sense?

4           A.    No.

5           Q.    Any indication of hallucinations, delusions  
6 or mental confusion while he was in T pod?

7           A.    No.

8           Q.    Anything to suggest emotional instability  
9 while he was in T pod?

10          A.    No.

11          Q.    Anything to suggest he was unclothed or  
12 inappropriately naked while in T pod?

13          A.    No.

14          Q.    Anything to suggest that he had any bruises  
15 while in T pod?

16          A.    No.

17          Q.    Anything to suggest that he had any  
18 contusions or injuries of any kind while in T pod?

19          A.    No.

20          Q.    Anything to suggest he had bruises,  
21 contusions or injuries of any kind at the time of  
22 booking?

23          A.    No.

24          Q.    Anything to suggest that he was sweaty,  
25 dehydrated or weak appearing while he was in T pod?



1 A. No.

2 Q. Anything to suggest that he was losing  
3 unusual amounts of weight while he was in T pod?

4 A. No.

5 Q. Anything to suggest that he was sick or ill  
6 or injured or mentally unstable while in T pod?

7 A. No.

8 Q. Do you have any reason to believe that  
9 Mr. Walter was sick, ill or injured before he was moved  
10 into Holding Cell 2?

11 A. No.

12 Q. On April 15, 2014, Mr. Walter was moved out  
13 of T pod into Holding Cell 2, correct?

14 A. Okay. I don't know if it was Holding Cell 2,  
15 but yes, I knew he was moved into holding.

16 Q. And how far is it from the T pod to the  
17 holding cells?

18 A. 30 feet.

19 Q. From April 15, 2014, until his death on  
20 Easter Sunday, April 20th, Mr. Walter was continuously  
21 confined in the holding cells, primarily in Holding  
22 Cell 2, correct?

23 A. Yes.

24 Q. I'm now handing you what's been marked  
25 Exhibit 4 to your deposition, which is a log that bears

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1 the title Inmate welfare check list. Do you see that?

2 A. Yes.

3 Q. Do you understand that from 10:00 p.m. on  
4 April 15th to his death at approximately 5:30 p.m. on  
5 Easter Sunday, April 20th, that Mr. Walter was held for  
6 over 113 consecutive hours almost exclusively in  
7 Holding Cell 2?

8 A. Okay.

9 Q. Do you understand that?

10 A. Uh-huh. Yes.

11 Q. And you were working at the jail on  
12 Wednesday, April 16th, correct?

13 A. Yes.

14 Q. Did you see --

15 A. I believe so. Yes.

16 Q. Did you see Mr. Walter while he was in  
17 Holding Cell 2 on Wednesday, April 16th?

18 A. I don't recall.

19 Q. Did you see --

20 A. I don't believe so.

21 Q. Did you see Mr. Walter when he was in Holding  
22 Cell 2 on Friday, April 18th?

23 A. I don't -- I don't recall.

24 Q. Did you see Mr. Walter when he was in Holding  
25 Cell 2?

1 A. I did.

2 Q. Sorry?

3 A. I do remember seeing him in there; I just  
4 don't recall when.

5 Q. But it would have been on either Wednesday,  
6 April 16th or Friday, April 18th, correct?

7 A. Yeah.

8 Q. How many times did you see Mr. Walter?

9 A. Uh.

10 Q. Several?

11 A. I don't have a number. Um. More than two,  
12 but I don't know how much more.

13 Q. On Wednesday, April 16th, and Friday,  
14 April 18th, you regularly interacted with detention  
15 deputies who were seeing what was happening with -- to  
16 Mr. Walter inside Holding Cell 2, correct?

17 A. Um. Yes.

18 Q. And you regularly interacted with corporals  
19 and sergeants who were seeing what was happening to  
20 Mr. Walter inside Holding Cell 2, correct?

21 A. Yes.

22 Q. And you saw Mr. Walter inside of Holding Cell  
23 2 on at least two, possibly more occasions with your  
24 own eyes, correct?

25 A. Yes.

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1           **Q.    Your detention deputies, corporals and**  
2           **sergeants were telling you what they were seeing of**  
3           **Mr. Walter inside Holding Cell 2, correct?**

4           A.    Yes.

5           MR. O'CONNELL:  A short break when  
6           convenient?

7           MR. BUDGE:  We can do it right now.

8           MR. O'CONNELL:  Thanks.

9           (A recess was taken from 11:57 a.m. to  
10          12:14 p.m.)

11          **Q.    (BY MR. BUDGE)  Several weeks ago, your**  
12          **former detention deputy, Sara Lightcap, now**  
13          **Sara Gonzales, gave testimony in this case in the same**  
14          **building just as you are doing today.  Have you**  
15          **reviewed the transcript of her testimony?**

16          A.    No.

17          **Q.    When you saw Mr. Walter in Holding Cell 2,**  
18          **would you agree that he appeared to be mentally**  
19          **confused?**

20          A.    Yes.

21          **Q.    When you saw Mr. Walter in Holding Cell 2,**  
22          **was he behaving bizarrely?**

23          A.    Yes.

24          **Q.    When you saw Mr. Walter in Holding Cell 2,**  
25          **was he shaking or shuddering uncontrollably?**

1 A. Shaking.

2 Q. Uncontrollably?

3 A. Yes.

4 Q. When you saw Mr. Walter in Holding Cell 2,  
5 was his entire body shaking as if involuntarily?

6 A. I noticed hands and arms. I didn't see the  
7 rest of him. Hands and arms.

8 Q. When you saw Mr. Walter in Holding Cell 2,  
9 his hands and arms appeared to be shaking  
10 involuntarily, correct?

11 A. Yes.

12 Q. When you saw Mr. Walter in Holding Cell 2,  
13 was he pale and thin?

14 A. Um. Yes.

15 Q. When you saw Mr. Walter in Holding Cell 2,  
16 did Mr. Walter -- was Mr. Walter inappropriately naked;  
17 that is, he was unclothed?

18 A. Yes.

19 Q. In full view of anybody who looked in?

20 A. Yes.

21 Q. When you saw Mr. Walter in Holding Cell 2,  
22 would you agree that he looked pretty awful?

23 A. Yes.

24 Q. When you saw Mr. Walter in Holding Cell 2,  
25 did you notice that he was talking to people who were

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1 **not there?**

2 A. Yes.

3 **Q. When you saw Mr. Walter in Holding Cell 2,**  
4 **did you notice that he was talking to the walls and**  
5 **sink?**

6 A. Not specific, but talking to some -- someone  
7 or something in there, yes.

8 **Q. When you saw Mr. Walter in Holding Cell 2,**  
9 **did you see Mr. Walter jabbering away nonsensically?**

10 A. Um. Yeah. Talking that doesn't make sense  
11 kind of thing, yes.

12 **Q. To people who were not there?**

13 A. Yes.

14 **Q. When you saw Mr. Walter in Holding Cell 2,**  
15 **did you notice that Mr. Walter appeared to be emaciated**  
16 **looking?**

17 A. A little, yeah.

18 **Q. Sorry?**

19 A. A little, yes.

20 **Q. He appeared to be emaciated looking?**

21 A. Does that -- to be honest --

22 MR. TIEMEIER: Objection; asked and answered.

23 A. Does that mean he's thin -- looks thin?

24 **Q. (BY MR. BUDGE) Yes.**

25 A. Yes.

1 Q. Did you notice that Mr. Walter appeared to be  
2 weak appearing?

3 A. No.

4 Q. When you saw Mr. Walter in Holding Cell 2,  
5 did you see him talking, yelling and screaming?

6 A. Yes.

7 Q. When you saw Mr. Walter in Holding Cell 2,  
8 did Mr. Walter appear to be unaware of his  
9 surroundings?

10 A. Yes.

11 Q. When you saw Mr. Walter in Holding Cell 2,  
12 did Mr. Walter appear to be confused about where he was  
13 and what was going on?

14 A. Yes.

15 Q. When you saw Mr. Walter in Holding Cell 2,  
16 did Mr. Walter appear to be unable to fill out a  
17 Medical Inmate Request Form or kite?

18 A. Yes.

19 Q. When you saw Mr. Walter in Holding Cell 2,  
20 did Mr. Walter appear to be very ill?

21 A. Yes.

22 Q. When you saw Mr. Walter in Holding Cell 2,  
23 did Mr. Walter have twitchy eyes?

24 A. Didn't look to his eyes.

25 Q. You did not see his eyes?

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1 A. No.

2 Q. I'm sorry?

3 A. No, I did not.

4 Q. When you saw Mr. Walter in Holding Cell 2,  
5 did you see him lying on the cold floor of the cell?

6 A. No.

7 Q. When you saw Mr. Walter in Holding Cell 2,  
8 were you aware that Mr. Walter had not been eating?

9 A. No.

10 Q. When you saw Mr. Walter in Holding Cell 2,  
11 were you aware that Mr. Walter had not been sleeping?

12 A. No.

13 Q. Did you observe Mr. Walter long enough to  
14 know that he had not been eating or sleeping?

15 A. Yes. To make that assumption, yes.

16 Q. Did you assume that Mr. Walter had not been  
17 eating or sleeping when you saw him in Holding Cell 2?

18 A. Not regularly, yes.

19 Q. So let me just make sure that we are clear  
20 for the record. When you saw Mr. Walter in Holding  
21 Cell 2, was it your understanding that he not been  
22 regularly sleeping or eating?

23 A. Yes.

24 Q. When you saw Mr. Walter in Holding Cell 2,  
25 did he appear to be totally disoriented?



1 A. Yes.

2 Q. And when you saw Mr. Walter in Holding  
3 Cell 2, did he appear to be unaware of who he was?

4 A. Yes.

5 Q. When you saw Mr. Walter in Holding Cell 2,  
6 was it apparent to you that Mr. Walter was in a medical  
7 crisis?

8 A. Yes.

9 Q. And when you say saw Mr. Walter in Holding  
10 Cell 2, was it apparent to you that Mr. Walter appeared  
11 to be in need of hospitalization?

12 A. Yes.

13 Q. After you saw Mr. Walter in Holding Cell 2 --  
14 or at the time that you saw Mr. Walter in Holding  
15 Cell 2, did you look at the Inmate welfare check list  
16 that was posted on the outside of his door?

17 A. I did not.

18 Q. Why not?

19 A. I was listening to what my staff had to say,  
20 to come over and observe, and that's what I was doing.  
21 Instead of going up to the cell where these were kept,  
22 I was on the booking floor observing from a distance.

23 Q. When you saw Mr. Walter in Holding Cell 2,  
24 was it your aim to get a full and complete look at him  
25 for yourself, with your own eyes?

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1 A. Observe, yes.

2 Q. What prompted you to go up and look at  
3 Mr. Walter through Holding Cell 2?

4 A. Staff. Um. I had -- I want to say -- one of  
5 my employees come up and told me that they had  
6 concerns, that I needed to go over and take a look.  
7 And I believe we went over and took a look.

8 Q. Was your entire staff, so far as you knew, at  
9 least the ones who worked regularly in the booking  
10 area, concerned about Mr. Walter?

11 A. Seems that way, yes.

12 Q. Did you know at the time that your entire  
13 staff was concerned about Mr. Walter?

14 MR. O'CONNELL: Objection; form.

15 A. When they approached me and told me about  
16 him, yeah.

17 Q. (BY MR. BUDGE) And were you aware it was not  
18 just the person that approached you but that the entire  
19 staff was worried about Mr. Walter?

20 MR. O'CONNELL: Objection; form.

21 A. Not at that moment, but later, yes.

22 Q. (BY MR. BUDGE) During the course of his  
23 confinement.

24 A. Later, after I went over and started to show  
25 concern for Mr. Walter, yes.

1 Q. Okay. So while you were at the jail, prior  
2 to Mr. Walter's death, you were aware that the entire  
3 staff was concerned about Mr. Walter's medical  
4 condition, correct?

5 MR. O'CONNELL: Objection; form.

6 Q. (BY MR. BUDGE) From what was being reported  
7 to you.

8 A. "Entire" is tough to say, but yes, there was  
9 significant concern from the booking deputies.

10 Q. Okay. Let me ask the question a better way.

11 A. Okay.

12 Q. At the time Mr. Walter was confined in  
13 Holding Cell 2 before his death, while you were at the  
14 jail, you were aware that the entire staff who worked  
15 in the booking area were very concerned about  
16 Mr. Walter?

17 A. Yes.

18 Q. And they were deeply worried about  
19 Mr. Walter's medical condition, correct?

20 A. Yes.

21 Q. And you, yourself, were deeply worried about  
22 Mr. Walter's medical condition, correct?

23 A. Yes.

24 Q. Okay. How many people in total, during the  
25 time that you were working at the jail during

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1 **Mr. Walter's confinement and before his death,**  
2 **expressed significant concern to you about Mr. Walter's**  
3 **medical condition? Best estimate.**

4 A. Specifically addressed me, I can think of  
5 four.

6 **Q. Okay. And who are those people?**

7 A. Again, Owen --

8 **Q. Greg Owen?**

9 A. Yes.

10 -- Green --

11 **Q. Sergeant Green?**

12 A. Yeah, he would have been a sergeant. I think  
13 Owen was a corporal. I think.

14 -- Miller --

15 **Q. Sergeant Miller?**

16 A. Sergeant Miller. Robert Miller.

17 -- and James Wheaton.

18 **Q. Deputy Wheaton?**

19 A. Yes.

20 **Q. Did Corporal Owen tell you that the staff was**  
21 **deeply concerned about Mr. Walter's medical condition?**

22 A. Yes.

23 **Q. Did Corporal Owen tell you that staff,**  
24 **including himself, believed that Mr. Walter's medical**  
25 **condition was serious?**

1 A. Yes.

2 Q. And did Corporal Owen tell you that staff,  
3 including himself, believed that Mr. Walter appeared to  
4 be in need of hospitalization?

5 A. I don't recall that wording.

6 Q. But that he appeared that he needed to be in  
7 a hospital?

8 A. Yes.

9 Q. Did Sergeant Green tell you that he was  
10 deeply concerned about Mr. Walter's medical condition?

11 A. Yes.

12 Q. Did Sergeant Green tell you that he was  
13 deeply concerned that Mr. Walter was in need of medical  
14 care?

15 A. No.

16 Q. Did Sergeant Green tell you that his staff,  
17 the staff members that he supervised, the detention  
18 deputies, were very worried about Mr. Walter?

19 A. Yes.

20 Q. And did Sergeant Green tell you that he felt  
21 that Mr. Walter was in need of going to the hospital?

22 A. No.

23 Q. Did Sergeant Miller tell you that the staff  
24 was deeply concerned about Mr. Walter?

25 A. Yes.

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1 Q. Did Sergeant Miller tell you that he believed  
2 Mr. Walter needed to go to the hospital?

3 A. No.

4 Q. Did James Wheaton tell you that he was deeply  
5 concerned about Mr. Walter?

6 A. Yes.

7 Q. Did he tell you that the whole staff was  
8 quite concerned about Mr. Walter?

9 A. That, I don't recall.

10 Q. Okay. When you saw Mr. Walter for yourself,  
11 did you confirm with your own eyes what had been  
12 reported to you from Corporal Owen, Sergeant Green,  
13 Sergeant Miller and Deputy Wheaton?

14 A. Yes. I went over and observed Mr. Walter,  
15 yeah.

16 Q. And from your observations of Mr. Walter,  
17 were you able to confirm with your own eyes that what  
18 they were reporting to you appeared to be correct?

19 A. Yes.

20 Q. Was there any question in your mind, when you  
21 were at the jail, that Mr. Walter was suffering from  
22 serious medical needs?

23 A. It's hard for me to say that. Did he need  
24 medical help? Yes.

25 Q. Was it apparent to you from the reports that

1 you were getting and from your own observations that,  
2 at least in your opinion, Mr. Walter needed hospital  
3 care?

4 A. I used the term "medical care." Yes.

5 Q. Was it apparent to you that Mr. Walter  
6 appeared to be in need of hospital care? Was that your  
7 personal opinion?

8 A. I -- I would not form that opinion.

9 MR. TIEMEIER: I'm sorry, would or would not?

10 THE DEPONENT: Would not.

11 MR. TIEMEIER: Thank you.

12 Q. (BY MR. BUDGE) Was it apparent to you that  
13 all of the staff members that were seeing Mr. Walter  
14 felt that Mr. Walter's condition was deteriorating and  
15 going downhill?

16 A. Yes.

17 Q. Was it apparent to you from the reports that  
18 you were getting from Corporal Owen, Sergeant Green,  
19 Sergeant Miller and Deputy Wheaton, that Mr. Walter was  
20 deteriorating rapidly?

21 A. Yes.

22 Q. Was it apparent to you from the conversations  
23 with Corporal Owen, Sergeant Green, Sergeant Miller and  
24 James Wheaton that Mr. Walter was getting worse and  
25 worse?

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1 A. Yes.

2 Q. Was it apparent to you from your  
3 conversations with Corporal Owen, Sergeant Green,  
4 Sergeant Miller and James Wheaton that Mr. Walter was  
5 not eating?

6 A. I believe -- I believe it was Wheaton that  
7 reported that he refused a meal to me. So not eating  
8 regularly, yes.

9 Q. So you knew that Mr. Walter was not eating  
10 regularly?

11 A. Yes.

12 Q. Was it apparent to you from Corporal Owen,  
13 Sergeant Green, Sergeant Miller and Deputy Wheaton that  
14 Mr. Walter was not sleeping like a normal person would  
15 sleep?

16 A. Yes.

17 Q. And, in fact, that he was up constantly?

18 A. I don't know if it was constantly yet, but it  
19 was apparent he was not sleeping very well.

20 Q. Were all of the -- excuse me.

21 What symptoms about Mr. Walter and what he  
22 was experiencing while in Holding Cell 2 were reported  
23 to you by the totality of staff: Corporal Owen,  
24 Sergeant Green, Sergeant Miller and James Wheaton?

25 A. The shaking, the talking incoherently to



1 those who may not be around. Disrobing. Not sleeping  
2 well.

3 Q. And not eating regularly?

4 A. And not eating regularly, yes.

5 Q. And getting weaker and weaker?

6 A. Yes, sir.

7 Q. And losing a lot of weight?

8 A. Yes.

9 Q. Did Corporal Owen and/or Sergeant Green,  
10 Sergeant Miller and James Wheaton inform you that staff  
11 were very frustrated with Medical's lack of attention  
12 to Mr. Walter, in substance?

13 A. I don't know the answer to that one.

14 Q. Was it ever brought to your attention by any  
15 member of the staff that you commanded, Owen, Green and  
16 Miller -- by the way, have you read Miller's deposition  
17 transcript?

18 A. No.

19 Q. Have you read Wheaton's deposition  
20 transcript?

21 A. I -- I think I read a deposition. Yes.

22 Q. Wheaton?

23 A. Yes.

24 Q. Did Deputy Wheaton report to you that he was  
25 very frustrated with Medical's lack of attention to

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1 **Mr. Walter?**

2 A. Not -- that's not how I remember it, no.

3 **Q. How do you remember it?**

4 A. He was concerned, looked like he was getting  
5 worse and something needed to be done. That type of a  
6 conversation.

7 **Q. Did Sergeant Miller tell you that he was**  
8 **extremely frustrated by Medical's lack of attention to**  
9 **Mr. Walter?**

10 A. Not that I recall, no.

11 **Q. Were you advised by any of the people who**  
12 **reported to you that they felt that Medical had not**  
13 **been appropriately attentive to Mr. Walter? In**  
14 **substance, so --**

15 A. I was going to say --

16 **Q. -- I'm not looking for exact words.**

17 A. Were they concerned? Yes. Did he --  
18 medically, yes, but those particular words, no.

19 **Q. Right. And I'm not looking for exact words.**

20 A. Okay.

21 **Q. I want to know if it was communicated to you**  
22 **in substance --**

23 A. Yes.

24 **Q. -- that the staff were frustrated by**  
25 **Medical's apparent lack of attention to Mr. Walter.**

1 A. Yes.

2 Q. Okay. Did any of these people tell you that  
3 Mr. Walter had -- excuse me.

4 Did any of these people tell you that they  
5 had attempted to address Mr. Walter's medical needs  
6 with Kathy Maestas and Stephanie Repshire?

7 A. I want to say one of the sergeants did report  
8 talking to Kathy -- or one of the medical staff in  
9 reference to him, but I don't recall who.

10 Q. Was it apparent to you from the reports that  
11 you were getting that the sergeants had themselves  
12 attempted to address the issue directly with Medical  
13 before coming to you?

14 A. Yes.

15 Q. And that they were frustrated by Medical's  
16 apparent lack of response or attention to Mr. Walter?

17 A. Yes.

18 Q. And that the reports had gone both to  
19 Stephanie Repshire and Kathy Maestas?

20 A. Correct.

21 Q. And the reports that you were getting from  
22 Corporal Owen, Sergeant Green, Sergeant Miller and  
23 Deputy Wheaton would have been on either or both  
24 April 16 or April 18, correct?

25 A. Yes. It would have been on the Wednesday or

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1 Friday, yes.

2 Q. What else do you remember about the report  
3 that you received concerning Mr. Walter?

4 A. Um. They believed that he was detoxing; that  
5 he was compliant before starting to detox, and then his  
6 behavior significantly changed after starting the  
7 detoxing.

8 Q. Okay. So just to parrot this back to you,  
9 let me know if I have this correct, that when  
10 Mr. Walter came into the jail, he appeared to be  
11 normal, correct?

12 A. Correct.

13 Q. It was reported to you that for the first  
14 period of his confinement when he was in the T pod and  
15 when he first came into the jail, he was behaving as a  
16 normal inmate, correct?

17 A. Correct.

18 Q. But that following his transfer into Holding  
19 Cell 2, that Mr. Walter's condition dramatically  
20 changed, correct?

21 A. Correct.

22 Q. What about injuries such as bruises,  
23 contusions, cuts, broken bones, anything of that  
24 nature; were any injuries reported to you?

25 A. Yes. Mr. Walter was placed in a restraint

1 chair and they asked if there were any injuries to  
2 staff or inmate, and it was reported he had a scratch  
3 on his toe.

4 Q. When you saw -- and was there anything else  
5 reported to you in terms of any injuries to Mr. Walter:  
6 bruises, contusions, cuts, anything of that nature?

7 A. No.

8 Q. Just a scratch on the toe?

9 A. Correct.

10 Q. When you saw Mr. Walter through the holding  
11 cell, Mr. Walter was naked, correct?

12 A. Yes.

13 Q. Was he standing in front of you?

14 A. At the door.

15 Q. At the door?

16 A. Yeah.

17 Q. How far would you say that he was from you?

18 A. Um. 15 -- 15, 20 feet.

19 Q. Did you have a pretty good view of him?

20 A. Yes.

21 Q. And you were able to see his entire body?

22 A. Top half.

23 Q. Okay.

24 A. There's a door there and a little magnetic  
25 blanket to afford some privacy.

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1 Q. All right. So you were able to see  
2 Mr. Walter clearly from the waist up, correct?

3 A. Yes.

4 Q. And Mr. Walter was facing you; is that right?

5 A. Yeah. He was moving around, but yes.

6 Q. Were you able to see Mr. Walter's back?

7 A. No.

8 Q. But you did see his front quite clearly?

9 A. Yes.

10 Q. And did you notice any injuries to  
11 Mr. Walter?

12 A. I did not, no.

13 Q. If you had noticed any significant contusions  
14 or bruises or any signs of injury, that's probably  
15 something you would remember, correct?

16 A. Yes. I would ask questions.

17 Q. And are you confident that when you saw him  
18 on April 16th and/or April 18th that you didn't see any  
19 injuries on Mr. Walter's body? You are confident of  
20 that?

21 A. Yes.

22 MR. O'CONNELL: Objection to form.

23 Q. (BY MR. BUDGE) Is it likely that you got  
24 reports from jail staff on both April 16th and  
25 April 18th?

1 A. And when you say "reports," talk of?

2 Q. Yes.

3 A. Is it likely? Yes.

4 Q. Okay. And were the reports that you were  
5 getting on April 16th and April 18th basically the same  
6 type of reports conveying the same type of information  
7 that you have already testified about?

8 A. Yes.

9 Q. And is it likely that you saw Mr. Walter on  
10 both April 16th and April 18th?

11 A. Yes.

12 Q. When you saw Mr. Walter on -- well, you saw  
13 Mr. Walter at least one first time and then at least  
14 one, possibly more, additional times, correct?

15 A. Yes.

16 Q. When you saw Mr. Walter on the additional  
17 times, did Mr. Walter appear to be getting worse?

18 A. It looked the same to me.

19 Q. Did Mr. Walter -- did you try to engage in  
20 any type of dialogue with Mr. Walter?

21 A. No.

22 Q. Were you, in the -- in your capacity as the  
23 jail commander responsible for ensuring the adequate  
24 medical care of inmates, were you deeply concerned  
25 about Mr. Walter?

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1 A. Yes.

2 Q. Did you feel that Mr. Walter's condition  
3 appeared to be -- you know, that his medical needs  
4 appeared to be very significant?

5 A. Yes.

6 Q. Were you worried about him?

7 A. Yes.

8 Q. Did you feel that he needed a doctor?

9 A. Yes.

10 Q. Going on to a separate topic, after you  
11 received the information that you received about  
12 Mr. Walter on the 16th and 18th, both the reports that  
13 you were getting from the staff that you command as  
14 well as your own personal observations, what did you do  
15 to try to address the situation?

16 A. I spoke -- went down and spoke with Medical.  
17 I believe the first time would be Stephanie. We had  
18 concerns for his safety and our safety because of his  
19 behaviors.

20 Q. About?

21 A. If there was something they could do with his  
22 medications. She told me that he's under doctor's care  
23 and they are following protocols and that she would  
24 report my concern.

25 And then I went over and reported to



1 Undersheriff Martin my concerns, asked that he come  
2 over and look with me. And he did. We went over, and  
3 he observed, too. And then he wanted to speak with  
4 Medical. That's about what I can recall.

5 Q. After receiving all the information you  
6 received about Mr. Walter, you -- and I'm going to  
7 follow up on some of the things that you just talked  
8 about --

9 A. Okay.

10 Q. -- you went and you sought out Nurse  
11 Stephanie Repshire, correct?

12 A. Uh-huh.

13 Q. Yes?

14 A. Sorry. Yes.

15 Q. That's okay. Did you go to Nurse Stephanie  
16 Repshire in her office?

17 A. Yes.

18 Q. Did you go to her with the specific purpose  
19 of talking with her about Mr. Walter?

20 A. Yes.

21 Q. Did you tell her that you and the staff were  
22 deeply concerned about him, in substance?

23 A. Yes.

24 Q. Did you convey to her all of the same  
25 information and all of the same detail that the other

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1 **deputies had been reporting to you and that you,**  
2 **yourself, had observed?**

3 A. Not in great detail like that, no.  
4 Concerned. And it focused on meds; wanted to know what  
5 his medication was, if something wasn't right there. I  
6 don't recall the exact conversation, but . . .

7 **Q. Did you tell Stephanie Repshire something to**  
8 **the effect that you felt that Mr. Walter -- something**  
9 **was wrong with regard to the medications that he was**  
10 **getting or not getting?**

11 A. Yes, it appeared that -- yes, that's where I  
12 went with it.

13 **Q. Okay. Tell me everything you can recall**  
14 **about that.**

15 A. Well, I told you most of what I could recall,  
16 but it was -- it was almost, you know, Can you give his  
17 meds back or a different med, or, Is there something  
18 else that we can do, kind of talk.

19 **Q. Did Ms. Repshire say that she would look into**  
20 **the matter, review his medical chart, look into the**  
21 **issue, the medications that he had come in on and**  
22 **address the issue?**

23 A. They were following protocol -- this is what  
24 she said, I think -- following protocol and that she  
25 would forward my concerns to the doctor. That's what I

1 recall her saying.

2 Q. Did you address with Ms. Maestas -- excuse  
3 me. Start over.

4 Did you address with Ms. Repshire the issue  
5 of Mr. Walter's Klonopin?

6 A. I don't know about Klonopin. I never learned  
7 of that until just recently. I was only aware of  
8 methadone.

9 Q. Did she tell you that Mr. Walter had come in  
10 with a prescription for Klonopin?

11 A. No.

12 Q. Were you aware of that?

13 A. No.

14 Q. Did you take any effort on your own to  
15 investigate what medications Mr. Walter had come in on?

16 A. The booking sheet I have access to, and it  
17 showed methadone, but the rest, I did not, no.

18 Q. Did the booking sheet -- that is, the Inmate  
19 Medical Questionnaire -- also say -- no, not the typed  
20 one in the computer but the handwritten one that the  
21 inmate fills out -- did it also state that Mr. Walter  
22 was on Klonopin?

23 A. I don't see those. I don't know.

24 Q. Were you aware that Mr. Walter came in with  
25 prescription bottles containing his Klonopin

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1 prescription?

2 A. No.

3 Q. In the normal course of events when  
4 Mr. Walter came into the jail, if he had come in with a  
5 prescription for Klonopin, would those bottles have  
6 been taken by the booking officer and delivered to  
7 Medical, either directly or by placing them in a  
8 special designated drawer or box for Medical to pick  
9 up?

10 A. That's correct.

11 Q. And did you know medical staff to have those  
12 bottles?

13 A. The only one I was aware of was methadone. I  
14 actually seen a pretty big bottle of what I was told  
15 was methadone.

16 Q. That was a bottle that contained methadone --  
17 not Mr. Walter's prescription methadone but, rather,  
18 the methadone that the medical providers have there at  
19 the jail, correct?

20 A. That, I can't say. Seems like they were his,  
21 but I don't know that.

22 Q. Did you tell Stephanie Repshire that perhaps  
23 Mr. Walter needed to go to the hospital?

24 A. No.

25 Q. Did you ever seek out or have a conversation

1 with Kathy Maestas about Mr. Walter?

2 A. Yeah.

3 Q. Please tell me everything you can remember  
4 about that.

5 A. It was -- the methadone wasn't something that  
6 they were going to continue and that they were going to  
7 have to be tapering him off of the methadone. That was  
8 early on. And then concerns on how he was doing in the  
9 holding cell, the tapering off, um, reassurance that  
10 he's under a doctor's care, We are following protocol.

11 Q. Did Kathy Maestas -- excuse me.

12 Did you go to Kathy Maestas in the same way  
13 that you went to Stephanie Repshire, by seeking her out  
14 in her office?

15 A. I don't recall where we spoke.

16 Q. As you did with Stephanie Repshire, did you  
17 convey your significant concerns about Mr. Walter to  
18 Kathy Maestas?

19 A. Yes.

20 Q. And did you tell Kathy Maestas what had been  
21 reported to you by your staff members?

22 A. Yes.

23 Q. And did you endeavor to make Kathy Maestas  
24 fully aware of the situation?

25 A. Yes.

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1           **Q. Did you endeavor to make Stephanie Repshire**  
2 **fully aware of the situation?**

3           A. It was a brief talk when I spoke with  
4 Stephanie, but yes.

5           **Q. Why did you go to both Stephanie Repshire and**  
6 **Kathy Maestas on two separate occasions?**

7           A. Just good communication. Everybody needs to  
8 know, all medical staff, Kathy being the supervisor.

9           **Q. Why did you feel the need to get personally**  
10 **involved in Mr. Walter's situation?**

11          A. From the reports coming up to me from the  
12 staff, the restraint chair use on Mr. Walter, and my  
13 own observations was plain enough to go seek out  
14 medical help.

15          **Q. Tell me everything you can recall -- try to**  
16 **put me in the position of being a observer to your**  
17 **conversation with Undersheriff Martin, and tell me**  
18 **everything you can recall about that, please.**

19          A. The topic that -- the significant change in  
20 behavior. The concern of the restraint chair being  
21 sudden; last week no, this week yes. Detoxing from  
22 methadone. Concern from the staff. My observations of  
23 his behavior in the holding cell.

24                 I asked if he would come look. I asked him,  
25 I said, You need to see this, will you come look. He

1 agreed to all of that. And we went over to the holding  
2 cell and we observed it from booking as well.

3 Q. Did you go to Undersheriff Martin with the  
4 intention of conveying your deep concern about  
5 Mr. Walter's medical situation?

6 A. Yes.

7 Q. And you wanted Undersheriff Martin to be  
8 fully aware of everything that the staff members had  
9 reported to you?

10 A. Yes.

11 Q. And everything that you, yourself, had  
12 observed?

13 A. Yes.

14 Q. And you fully conveyed to Undersheriff Martin  
15 what Mr. Walter's situation was as reported to you by  
16 staff and what you, yourself, had observed?

17 A. Yes. That's why I asked him to come look.

18 Q. And you fully conveyed to Undersheriff Martin  
19 that medical staff was experiencing or feeling  
20 frustrated by -- excuse me, strike that. I'll start  
21 over.

22 You fully conveyed to Undersheriff Martin  
23 that your staff members were frustrated or concerned  
24 about the apparent lack of medical response?

25 A. Yes.

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1           Q.    By the medical staff, Nurse Repshire and  
2 Nurse Maestas, correct?

3           A.    That's correct.

4           Q.    And so your purpose in taking this issue up  
5 the chain of command to the undersheriff was because  
6 you felt that he needed to become directly involved in  
7 the situation so that Mr. Walter's serious medical  
8 needs could be addressed; is that correct?

9           A.    Yes.

10          Q.    And because the staff members felt that  
11 Mr. Walter's serious medical needs were not being  
12 addressed by the nursing staff, correct?

13          A.    Yes.

14          Q.    And following that conversation with  
15 Undersheriff Martin, the two of you went over and  
16 looked at Mr. Walter together, correct?

17          A.    Yes.

18          Q.    And that occasion where you went and looked  
19 at Mr. Walter together was outside of Holding Cell 2  
20 through the windows into Holding Cell 2?

21          A.    Inside the booking deputies' area, looking  
22 across the commons area into 2.

23          Q.    All right. And you felt that by being in the  
24 booking area and looking through the window of the  
25 booking area and into Holding Cell 2, that



1 Undersheriff Martin would have the same clear view of  
2 Mr. Walter that you, yourself, did?

3 A. Yes.

4 Q. And were you two of you able, again, to see  
5 Mr. Walter quite clearly?

6 A. Yes.

7 Q. And was he displaying all of the same  
8 symptoms and exhibiting the same behavior and appearing  
9 the same way that you, yourself, had observed and that  
10 had been reported to you by the staff?

11 A. Yes.

12 Q. And that occasion where you went to  
13 Undersheriff Martin, sought him out and then went and  
14 saw Mr. Walter together, would have been on either  
15 Wednesday, April 16th, or Friday, April 18th?

16 A. Yes. Yeah, it would have been.

17 Q. Was there also an occasion where you went to  
18 either Stephanie Repshire or Kathy Maestas together  
19 with Sergeant Miller?

20 A. I don't recall.

21 Q. When you place yourself back to April of  
22 2014, Captain Rankin, with regard to Mr. Walter, how  
23 were you feeling inside? What was your emotional  
24 response?

25 A. Little, um, uncertain. Um. Kind of -- I

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1 don't know -- helpless.

2 **Q. Why did you feel helpless?**

3 A. I don't know what to do to help him. That  
4 would be why.

5 **Q. Looking back on it, in retrospect, do you**  
6 **feel that Mr. Walter's medical needs were adequately**  
7 **addressed?**

8 A. Um.

9 MR. TIEMEIER: Objection to foundation.

10 **Q. (BY MR. BUDGE) Your personal opinion.**

11 A. Like I say --

12 MR. TIEMEIER: Same objection.

13 A. -- I'm not medical --

14 **Q. (BY MR. BUDGE) Understood.**

15 A. -- but I would take it that my concern would  
16 be medical, yes.

17 **Q. Looking back on it, understanding that you**  
18 **are not medically trained, do you believe that**  
19 **Mr. Walter's medical needs were adequately addressed**  
20 **when he was in the jail?**

21 MR. TIEMEIER: Objection on foundation.

22 A. I got to believe that their doctor's care and  
23 protocol was appropriate. Got to believe in somebody.

24 **Q. (BY MR. BUDGE) Did Mr. Walter ever see a**  
25 **doctor while he was in your jail?**

1 A. That, I don't know.

2 Q. Looking back on it, in retrospect, do you  
3 believe that Mr. Walter was fit to remain confined in  
4 your jail?

5 MR. O'CONNELL: Objection; form.

6 MR. TIEMEIER: Objection; lack of foundation.

7 A. He needed medical help.

8 Q. (BY MR. BUDGE) Looking back on it, in  
9 retrospect, do you think Mr. Walter should have been  
10 taken to a hospital?

11 A. That, I don't know. He was under doctor's  
12 care.

13 Q. Do you assume that from what Stephanie  
14 Repshire told you?

15 A. Yeah.

16 Q. Did you ever do anything to, in fact, confirm  
17 that Mr. Walter was under doctor's care?

18 A. Well, I knew it was PA Havens that was  
19 directing his stepping down.

20 Q. Stepping down?

21 A. Tapering off, weaning off.

22 Q. Do you know if Physician's Assistant Havens  
23 ever saw Mr. Walter?

24 A. I don't.

25 Q. Do you believe that you would have gone to

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1 **Stephanie Repshire likely on Friday, April 18th?**

2 A. I don't know.

3 **Q. Do you think you would have gone to Kathy**  
4 **Maestas on Friday, April 18th?**

5 A. I don't know. I can't recall.

6 **Q. Do you think that you would gone to**  
7 **Undersheriff --**

8 A. To pick a specific date that far back,  
9 it's pretty -- it's hard.

10 **Q. Right. We only have two choices, Wednesday,**  
11 **April 16th, or Friday, April 18th. Right?**

12 A. Yeah.

13 **Q. Do you think you would have gone to either or**  
14 **both nursing staff on Friday, April 18th, or do you**  
15 **just not know?**

16 A. I don't know.

17 **Q. Do you think that you probably would have**  
18 **gone to Undersheriff Martin on Friday, April 18th?**

19 A. I don't -- I don't recall.

20 **Q. Did you have a discussion about Mr. Walter**  
21 **with Sheriff Beicker prior to his death while he was**  
22 **confined in your jail?**

23 A. Yes.

24 **Q. Okay. Please tell me everything you remember**  
25 **about that.**

1           A.    We was in the sheriff's office, and there was  
2 concern over tapering off with the methadone. I  
3 remember he was -- he was concerned, you know, watch on  
4 how this takes place. That's about all I can remember.  
5 It was more or less about methadone.

6           **Q.    Did you seek out Sheriff Beicker for the**  
7 **purpose of communicating to him all of your concerns**  
8 **about Mr. Walter?**

9           A.    My conversation with the sheriff was a little  
10 different compared to the undersheriff's, but it was  
11 about stepping down, weaning off methadone, yes.

12          **Q.    Did you tell Sheriff Beicker about all of the**  
13 **concerns that had been reported to you by your staff?**

14          A.    I can't remember if I told him or not. I  
15 know I told Ty. Their doors are right next to each  
16 other. I -- I can't recall.

17          **Q.    Was your purpose in going to Sheriff Beicker**  
18 **in order to make him fully aware of the situation with**  
19 **regard to Mr. Walter?**

20          A.    Yes. Concern, yes.

21          **Q.    And is it likely that you would have**  
22 **communicated to Sheriff Beicker the frustrations that**  
23 **had been expressed with you with regard to medical**  
24 **staff's care of Mr. Walter?**

25          A.    Yes. Oh, yes.

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1 Q. And you would have conveyed to  
2 Sheriff Beicker those things that had been conveyed  
3 to you by the staff that you supervise, correct?

4 A. Yes. The sheriff did go look, I believe.

5 Q. But regardless of whether he looked, you  
6 would have communicated to Sheriff Beicker those things  
7 that had been communicated to you by your staff,  
8 correct?

9 A. Yes.

10 Q. At any point, did you actually see Mr. Walter  
11 engage in any violent, aggressive or threatening  
12 physical or verbal behavior?

13 A. No.

14 Q. Did you ever see Mr. Walter behaving in such  
15 a way that it appeared that it was unsafe for medical  
16 staff to evaluate or treat him?

17 A. The strange behavior would definitely make a  
18 caution, yes, but actual violence, no.

19 Q. Did you ever see Mr. Walter engage in any  
20 type of behavior that, in your view, would make it  
21 unsafe for a medical person to evaluate him in the  
22 presence of a detention deputy?

23 A. Again, caution, but no.

24 Q. When inmates are provided with medical  
25 evaluation or treatment in your jail, is it standard

1 that they're provided with that medical evaluation or  
2 treatment in the presence of a detention deputy for  
3 safety reasons?

4 A. Yes.

5 Q. And in the normal course of events, can you  
6 think of any reason that Mr. Walter could not have been  
7 provided with medical evaluation, treatment or care by  
8 a medical person at your jail in the presence of a  
9 detention deputy?

10 A. Sorry, I didn't understand that one. Read  
11 that again, please.

12 Q. Can you think of any reason why Mr. Walter  
13 could not have been provided with medical care,  
14 evaluation or treatment in the presence of a detention  
15 deputy by one of the nurses?

16 A. No. No.

17 Q. Or by a doctor?

18 A. No.

19 Q. If it had ever been suggested to you that  
20 Mr. Walter should be taken to a hospital, would you  
21 have undertaken to have him promptly transported to  
22 St. Thomas More Hospital here in Canon City?

23 A. Yes.

24 Q. And do you believe that there's any reason  
25 that Mr. Walter could not have been safely transported

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1 to the hospital here in Canon City within, say, 30  
2 minutes?

3 A. Is there any reason why he couldn't be?

4 Q. Right.

5 MR. TIEMEIER: Object to form and foundation.

6 A. No.

7 Q. (BY MR. BUDGE) So if any --

8 A. If Medical asked for him to be taken, we  
9 would have taken him, or call an ambulance, one or the  
10 other.

11 Q. Right away, no problem?

12 A. No.

13 Q. And did you ever see Kathy Maestas evaluate,  
14 care or treat Mr. Walter in any way?

15 A. The only time I saw her was when she was  
16 performing CPR on him, when she was directly with  
17 Mr. Walter.

18 Q. How far do you live from the jail?

19 A. 6 miles.

20 Q. At the time that you got the call that  
21 Mr. Walter was found unresponsive in his cell, were you  
22 at home?

23 A. I believe so, yes.

24 Q. While Mr. Walter was still alive at the jail,  
25 did you see Kathy Maestas evaluate, care or treat him



1 in any way?

2 A. No.

3 Q. While Kathy Maestas was -- excuse me. Strike  
4 that.

5 While Mr. Walter was still alive at the jail,  
6 did you see any medical provider evaluate, care or  
7 treat Mr. Walter in any way?

8 A. No.

9 Q. Did you take either Ms. Maestas or  
10 Ms. Repshire to the cell where Mr. Walter was being  
11 kept to show them what his condition was?

12 A. Did I? No. No.

13 Q. Do you know if any person did so?

14 A. No. They have to walk past the cell to get  
15 to him from their office, but did anyone take them  
16 there physically for that purpose, no.

17 Q. In the normal course of events, would the  
18 medical staff have been able to observe Mr. Walter  
19 routinely, regularly throughout the course of his  
20 confinement in Holding Cell 2?

21 A. Yes.

22 Q. In the normal course of events, was the  
23 inmate medical welfare checklist that you have in front  
24 of you as Exhibit 4 posted on Mr. Walter's door?

25 A. Yes.

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1 Q. Do you believe that Kathy Maestas was fully  
2 aware of Mr. Walter's situation through the last five  
3 days of his confinement?

4 A. It's an assumption. I would say yes.

5 Q. And do you also believe that Stephanie  
6 Repshire was fully aware of Mr. Walter's situation  
7 through the last five days of his confinement?

8 A. Yes. Same.

9 Q. At the Fremont County Sheriff's Office, as of  
10 April 2014, was it the case that there was no medical  
11 person on staff at the jail between 7:00 p.m. and  
12 7:00 a.m.?

13 A. That sounds right, yes.

14 Q. And so did you know that Mr. Walter was  
15 without medical care or evaluation or treatment for at  
16 least 12 hours out of every day?

17 A. Yes.

18 MR. TIEMEIER: Object to form.

19 Q. (BY MR. BUDGE) Was it the policy of the jail  
20 that if any outside medical provider were to be called  
21 to come in and see Mr. Walter at the jail, through 911  
22 or otherwise, that such a call would have to be  
23 approved first by Kathy Maestas?

24 A. One more time.

25 Q. Was it the policy of the jail that if an

1 outside medical provider were to be called in to see  
2 Mr. Walter, through 911 or otherwise, that such a call  
3 would first have to be approved by Kathy Maestas?

4 A. I -- I -- I would say yes, except for a 911  
5 call. Yes.

6 Q. Could your staff have made a 911 call at any  
7 time for Mr. Walter?

8 A. Yes.

9 Q. Do you know why your staff did not make a 911  
10 call for Mr. Walter?

11 A. Medical is medical, security is security kind  
12 of thing. We only bridge that gap at the very obvious  
13 or exigent times. So if they had a concern, they could  
14 just call medical and report what they are observing,  
15 and they give us instructions.

16 Q. Absent an inmate who is unresponsive or --

17 A. Right.

18 Q. -- bleeding out --

19 A. Correct. Those would be the circumstances.

20 Q. -- was Kathy Maestas's approval first  
21 required before an outside provider was called by  
22 911?

23 A. Yes.

24 Q. Was it also the policy of the jail that if  
25 Mr. Walter were to be transported to a hospital or an

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1 **outside care facility, that such a transport would**  
2 **first have to be approved by Kathy Maestas?**

3 A. Yes.

4 **Q. Why did that policy exist?**

5 A. This is an assumption, but we pay a lot of  
6 money for medical care. And they have specific  
7 protocols for jails and prisons, and there's a dollar  
8 amount attached, whether they pay or they don't pay.  
9 And if you have two conflicting doctors on the  
10 appropriate care, there are complications to that.

11 So I would -- I would say that it's a checks  
12 and balances to our medical staff.

13 **Q. When you say a "dollar amount attached," what**  
14 **do you mean by that?**

15 A. Oh, like -- I don't know. A med that's not  
16 formulary or -- or keeping him at the hospital longer  
17 than they need to be kept at the hospital or something  
18 like that. I don't know.

19 **Q. Did you understand through Kathy Maestas that**  
20 **budget was always a concern when it came to inmate**  
21 **medical care?**

22 A. Unless it was -- not at all, unless it was  
23 outside routine care.

24 **Q. Right. In other words, if an inmate were to**  
25 **be transported to the hospital, did you understand that**

1 **CHC would have to bear that cost?**

2 A. If they referred them, yes.

3 **Q. And did you understand that through**  
4 **Kathy Maestas?**

5 A. Yes.

6 **Q. Did you understand through Kathy Maestas that**  
7 **if an inmate were to be sent to the hospital, that it**  
8 **would cost CHC money?**

9 A. Not directly. She has to get approval for  
10 them to be taken outside, and then we take them. So  
11 it's something I think she -- they must have protocol  
12 on that as well.

13 **Q. Did you understand through Kathy Maestas that**  
14 **she, herself, could not order an inmate to be taken to**  
15 **the hospital unless she received authority from**  
16 **somebody above her?**

17 A. That, I don't know.

18 **Q. At any point did you discuss with anybody**  
19 **whether an outside provider should be called for**  
20 **Mr. Walter?**

21 A. No.

22 **Q. Did you discuss with anybody whether**  
23 **Mr. Walter should be taken to a hospital?**

24 A. No.

25 MR. BUDGE: Shall we -- off the record.

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1 (A recess was taken from 1:18 p.m. to  
2 2:09 p.m.)

3 Q. (BY MR. BUDGE) All right. We are back on  
4 the record, Captain Rankin, after a lunch break.

5 As of April of 2014, you were a salaried  
6 employee; is that correct?

7 A. Yes.

8 Q. And so you were not paid by the hour in  
9 contrast to your detention deputies; is that right?

10 A. Correct.

11 Q. Did you keep any type of time sheet that  
12 showed where you were and what you were doing and  
13 whether you were on duty or not?

14 A. Yes. Just like every other employee, up  
15 until just recently, we had time sheets that we turned  
16 in. Salarywise, you only put down if you're missing  
17 hours.

18 Q. Okay. Everything that you knew about with  
19 regard to Mr. Walter and all of the communications that  
20 you had with other people about Mr. Walter were things  
21 that you knew about and communications that you had  
22 before leaving the jail at approximately 4:30 p.m. on  
23 Friday, April 18th, correct?

24 A. Yes.

25 Q. And so you would have left the jail at about

1 4:30 p.m. on Friday, April 18th, intending to not  
2 return to the jail until Monday; is that correct?

3 A. That's correct.

4 Q. And so if you left at about 4:30 p.m. and  
5 Mr. Walter died on Easter Sunday at about 5:30 p.m.,  
6 you would have left the jail about 49 hours before  
7 Mr. Walter passed away; is that correct?

8 A. Sounds right.

9 Q. When you left the jail, where did you go for  
10 the weekend? Did you stay in town?

11 A. I don't recall.

12 Q. Do you have any reason to believe that you  
13 were at the jail at any time from the time that you  
14 left at about 4:30 p.m. on April 18th until after  
15 Mr. Walter died?

16 A. No.

17 Q. Do you have any reason to believe that you  
18 communicated with anybody about Mr. Walter from the  
19 time that you left on April 18th for the weekend?

20 A. No.

21 Q. When you left on April 18th for the weekend,  
22 who was in charge?

23 A. Um. The detention would have a shift  
24 supervisor there. Depending on the shift -- it's tough  
25 to remember. I think it was Sergeant Green on swing

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1 shift when I left.

2 Q. When you left on April 18th, did you  
3 understand that there would be no upper-level  
4 management present at the jail?

5 MR. O'CONNELL: Objection to form.

6 A. I don't know what the undersheriff or sheriff  
7 was doing. I can only speak for myself.

8 Q. (BY MR. BUDGE) Are they normally at the  
9 jail -- or the Fremont County Sheriff's Office, I  
10 should say, working on the weekends?

11 A. Hit and miss. Sometimes yes, sometimes no.

12 Q. Did you have any reason to believe that  
13 either Ty Martin or Sheriff Beicker would remain near  
14 the jail over the course of the weekend?

15 A. No.

16 Q. And when you left, what was the highest rank  
17 of the person who would have been in charge over the  
18 weekend?

19 A. Sergeant. Well, on Friday.

20 Q. Right.

21 A. Yes. Okay.

22 Q. And then over the course Saturday and Sunday,  
23 the highest level person at that jail would have been a  
24 sergeant; is that right?

25 A. I want to say a corporal on the weekend.



1 Q. So you think when you left the jail for the  
2 weekend, the highest level person at the jail over the  
3 course of the weekend would have been a corporal?

4 A. Yes.

5 Q. Given everything that you knew about  
6 Mr. Walter and his situation before you left for the  
7 weekend, what, if anything, did you do in the ensuing  
8 49 hours to make sure that Mr. Walter would be provided  
9 with adequate medical care?

10 A. I had to trust the people that were working.  
11 I didn't do anything extra myself.

12 Q. So over the course of the 49 hours from the  
13 point in time that you left at 4:30 p.m. on the 18th  
14 through the balance of Mr. Walter's life, you,  
15 yourself, did not do anything to ensure that Mr. Walter  
16 received adequate medical care, correct?

17 A. Yeah, I didn't do anything else.

18 Q. Did you consider checking in, calling,  
19 talking with anybody or doing anything else over the  
20 course of that weekend to inquire as to Mr. Walter's  
21 well-being?

22 A. I trusted if there was something significant  
23 happening -- happening, that the shift supervisor or an  
24 employee would call me, but I did not call in and  
25 check.

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1 Q. Was it the policy of the jail that if  
2 Mr. Walter continued to deteriorate over the course of  
3 that weekend, that the corporal in charge should  
4 contact you?

5 A. I have -- well, I had faith that they would,  
6 yes.

7 Q. Was that the policy of the jail, that they  
8 would do so?

9 A. If they feel it's serious enough to use the  
10 chain of command, absolutely.

11 Q. Handing you now what's been marked Exhibit 11  
12 to your deposition, and there's no intervening exhibit  
13 between the last exhibit that you have and Exhibit 11.

14 Do you recognize this to be a Jail Incident  
15 Report from Deputy Sara Lightcap?

16 A. Yes.

17 Q. Have you seen it before?

18 A. Yes.

19 Q. Do you agree that this Jail Incident Report  
20 from Deputy Lightcap, when reviewed by you from the  
21 perspective of somebody in charge of the jail, as the  
22 commander of the jail, appears to show that Mr. Walter  
23 was in a dire condition 19 hours before his death?

24 MR. O'CONNELL: Objection to form.

25 A. I'm not medical staff, but it would raise

1 questions to his health, yes.

2 Q. (BY MR. BUDGE) Deputy Lightcap notes that  
3 there were excessive bruises all over Mr. Walter's  
4 body. Did you, yourself, notice any bruises at all on  
5 Mr. Walter's body when you saw him?

6 A. No.

7 Q. Okay. Thank you.

8 Captain Rankin, during the course of  
9 Mr. Walter's confinement, did you ever hear anybody  
10 make any jokes or joke-like remarks about Mr. Walter's  
11 condition or his behavior?

12 A. No.

13 Q. Do you hear anybody refer to him as a meth  
14 junkie or a junkie or an addict or anything of that  
15 nature?

16 A. No.

17 Q. Had you ever before become aware of an inmate  
18 in as dire a condition as Mr. Walter was?

19 A. Um. That's drawing an opinion. Yeah. I  
20 can't think of the name.

21 MR. TIEMEIER: Just to let you know, giving a  
22 name and attaching a medical condition to it is  
23 probably a HIPAA violation.

24 THE DEPONENT: Ah. Okay.

25 Q. (BY MR. BUDGE) Let me ask the question a

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1 better way.

2 A. Yes.

3 Q. In the course of your eight-year,  
4 approximately, career as commander of the jail, how  
5 many other occasions, if any, were there when there was  
6 an inmate in as dire a condition as Mr. Walter in your  
7 jail?

8 A. In my opinion, the same two I spoke of  
9 earlier.

10 Q. How many inmates, on average, are confined in  
11 your jail on any given day?

12 A. I think we use the term of about 190 as an  
13 average.

14 Q. Okay. And in the course of a given year,  
15 approximately how many inmates pass through your jail?

16 A. I don't know that number.

17 Q. Would you say that it's several thousand?

18 A. Yes.

19 Q. Would you agree that in the approximately  
20 eight years that you have been commander of the jail --  
21 and you can do the math if you like -- that at least  
22 10,000 inmates have passed through your jail?

23 A. Yeah, the math would support that.

24 Q. Would you agree that Mr. Walter's condition  
25 was among the three most dire conditions of any inmate

1 that has passed through your jail in the course of your  
2 career as commander of the jail?

3 A. Yes.

4 Q. Did the other two inmates who also had  
5 significant conditions that you have referenced --  
6 without naming names, did they survive?

7 A. Yes.

8 Q. Did you understand, when you left for the  
9 weekend on Friday, April 18th, at about 4:30 p.m., that  
10 over the course of the ensuing 48 hours that Mr. Walter  
11 would be without medical care for at least 24 hours,  
12 meaning that there was no medical person at the jail to  
13 oversee, evaluate and treat Mr. Walter?

14 A. Did you say was that a concern of mine, when  
15 you first started?

16 Q. Did you understand --

17 A. Oh. Yes.

18 Q. -- that when you left the jail at 4:30 p.m.,  
19 that Mr. Walter would be without medical care for at  
20 least 24 of the next 48 hours?

21 A. Yes, sir.

22 Q. Did that raise a concern in your mind?

23 A. No.

24 Q. Was that because you believed that if  
25 Mr. Walter's condition continued to deteriorate, that

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1 your medical -- excuse me -- that the detention staff  
2 would take Mr. Walter to the hospital, if necessary?

3 A. Yeah. They would call and notify them, yes.

4 Q. And did you expect that your detention staff,  
5 over the course of the weekend, would take Mr. Walter  
6 to the hospital if his condition continued to  
7 deteriorate?

8 A. Yes. If Medical requested him to be brought  
9 out, they would call me and he would go.

10 Q. During the course of a given day, how often  
11 do you see Sheriff Beicker physically within the  
12 confines of the jail?

13 A. It wouldn't be daily. He's very busy.  
14 Probably one or two days out of the week I have an  
15 opportunity to speak with him.

16 Q. So in the one to two days a week that  
17 Sheriff Beicker might physically come into the jail,  
18 how long will he be there on average, would you say?

19 A. That's -- that's hard to explain.

20 Q. Let me ask the question a better way. In an  
21 average 40-hour workweek, how many hours would you  
22 expect Sheriff Beicker to be physically present within  
23 the jail?

24 A. That varies, but probably an hour.

25 Q. And in the course of a given week, how many

1 hours would you expect Undersheriff Martin to be  
2 physically present within the jail?

3 A. Less. Yeah.

4 Q. Less than an hour? Sometimes not at all?

5 A. Correct. Yeah. That's what I was trying to  
6 get at.

7 Q. Did anybody call you or attempt to call you,  
8 even if you didn't answer, about Mr. Walter while you  
9 were away for the weekend?

10 A. Sunday.

11 Q. After he died?

12 A. Yes.

13 Q. How about before he died?

14 A. No.

15 Q. Did you see Kathy Maestas over the course of  
16 that weekend?

17 A. Sunday.

18 Q. After he died?

19 A. Yes.

20 Q. But not before he died?

21 A. No.

22 Q. Handing you now what's been marked as  
23 Exhibit 12 to your deposition, which you'll -- you may  
24 or may not recognize to be the County's answers to  
25 discovery requests in this case.

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1           First of all, let me just direct your  
2 attention to the last page where you see that the  
3 discovery answers were signed by Sheriff Beicker. Do  
4 you see that?

5           A.    Yes.

6           Q.    And then if I could ask you to turn to  
7 Page 13 of the discovery responses. Actually, Page 12.

8           The following question was asked of the  
9 County: "Do you contend that any person, firm, entity  
10 or organization is legally responsible, in whole or in  
11 part, for any of the allegations in the Complaint other  
12 than the Fremont County Defendants (as defined in the  
13 Complaint) or any employee of Fremont County? If so,  
14 identify the person, firm, entity or organization you  
15 believe to be responsible, what you believe them to be  
16 responsible for, and the reasons you believe them to be  
17 responsible."

18           There was an objection, and then the answer,  
19 which begins at the bottom of the page is: "Yes.  
20 Defendants believe, as stated in their affirmative  
21 defenses in their Answer and Jury Demand, that to the  
22 extent anyone is responsible for inadequate care (if  
23 any) in the Fremont County Detention Center, CHC and/or  
24 related entities, and/or its employees including,  
25 potentially, Raymond Herr, Stephanie Repshire,



1 Kathleen Maestas and/or Sharon Allen, may be  
2 responsible for the allegations in the Complaint  
3 concerning Mr. Walter's care."

4 Do you see that?

5 A. Yes.

6 Q. After Mr. Walter died -- and that's all I  
7 have with this exhibit.

8 After Mr. Walter died, did you have a  
9 conversation with Sheriff Beicker where he expressed  
10 that he felt that the nursing staff at the jail had  
11 failed with regard to Mr. Walter's care?

12 A. He expressed great concern, yes.

13 Q. All right. What did Sheriff Beicker tell  
14 you?

15 A. Um. Not exact, but . . .

16 Q. In substance.

17 A. Yeah. I would say frustrated, um, because he  
18 was reassured that they were on it, they are following  
19 protocols, he's under a doctor's care. It still  
20 happened.

21 Q. Did Sheriff Beicker indicate to you, in  
22 substance, that he felt that the medical staff were at  
23 fault for Mr. Walter's death?

24 A. Responsible for -- for it, yes.

25 Q. Did Sheriff Beicker express to you, in

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1 substance, that he felt that Nurse Kathleen Maestas was  
2 responsible for Mr. Walter's death?

3 A. I don't know if he singled her out, but to  
4 some degree.

5 Q. Did Sheriff Beicker express to you that he  
6 felt that the medical staff at the jail, consisting of  
7 Nurse Maestas and Nurse Repshire, were at fault for  
8 Mr. Walter's death?

9 A. Yes.

10 Q. Did he express to you that he was very  
11 unhappy with the level of care provided by the nurses  
12 of the jail to Mr. Walter and that he felt that they  
13 neglected their duties to him?

14 A. Yes.

15 Q. Did he indicate to you that he was displeased  
16 or upset with the detention staff or the detention side  
17 of the facility with regard to Mr. Walter?

18 A. No.

19 Q. What else did Sheriff Beicker communicate  
20 with you following Mr. Walter's death about what he  
21 felt went wrong?

22 A. I don't think he said those words to me. I  
23 get frustration out of -- I don't have the words.  
24 Frustration.

25 Q. He was frustrated and upset?

1 A. Yes.

2 Q. With medical staff?

3 A. Yes.

4 Q. Felt that they neglected their duties?

5 A. Yes.

6 Q. Who else was present for this conversation?

7 A. I want to say that the undersheriff was, but  
8 I can't guarantee that. I can picture it in my head,  
9 but I don't see it.

10 Q. Did the conversation with Sheriff Beicker  
11 about Mr. Walter following his death occur in the  
12 Fremont County Sheriff's Office?

13 A. Yes.

14 Q. In Sheriff Beicker's office?

15 A. Yes.

16 Q. And were you meeting for the purpose of  
17 discussing what went wrong with regard to Mr. Walter?

18 A. Yes.

19 Q. Did Sheriff Beicker tell you anything else  
20 about what he felt went wrong?

21 A. No.

22 Q. Approximately when did that conversation  
23 occur in relation to Mr. Walter's death?

24 A. Just, uh, shortly thereafter. Monday,  
25 Tuesday. It was after -- afterwards.

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1 Q. So within a day or two after Mr. Walter's  
2 death?

3 A. Yes.

4 Q. Did you agree with Sheriff Beicker in his  
5 assessment that Medical neglected their duties to  
6 Mr. Walter?

7 MR. TIEMEIER: Object to form.

8 A. I kept quiet and just felt frustrated, too.

9 Q. (BY MR. BUDGE) Did Sheriff Beicker say  
10 anything to you like, I know there's going to be a  
11 lawsuit coming over this, or anything like that?

12 A. I don't recall.

13 Q. Did Sheriff Beicker say anything to you about  
14 what he felt that the consequences were going to be as  
15 a result of Mr. Walter's death?

16 A. No.

17 Q. Consequences to the County?

18 A. Directly to me, no. I'm sure it was a  
19 concern, but no, he didn't share that with me.

20 Q. Did anybody else at the jail tell you that  
21 they felt that the medical staff at the jail had  
22 neglected their medical duties to Mr. Walter?

23 A. Did who? I'm sorry.

24 Q. Did anybody else at the jail tell you that  
25 they felt medical staff had neglected their duties to

1 **Mr. Walter?**

2 A. No.

3 **Q. Did Kathy Maestas ever acknowledge to you**  
4 **that medical staff neglected their duties to**  
5 **Mr. Walter?**

6 A. No.

7 **Q. Stephanie Repshire?**

8 A. No.

9 **Q. Monica Doughty?**

10 A. No.

11 **Q. Anybody else?**

12 A. No.

13 **Q. Was the topic of Mr. Walter's death a topic**  
14 **of conversation among the detention staff and the**  
15 **corporals and the sergeants under your command**  
16 **following Mr. Walter's death?**

17 A. Was the topic --

18 **Q. Was it a topic of conversation among the**  
19 **detention staff, corporals and sergeants under your**  
20 **command following Mr. Walter's death?**

21 A. Originally -- I mean, until investigations  
22 are done, we are not to talk, but after that, some.

23 **Q. Were you instructed by anybody not to talk**  
24 **about Mr. Walter's death or about the circumstances**  
25 **leading up to his death?**

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1           A.    Yes.  That is standard outside the sheriff's  
2 office.  We don't talk about that.

3           Q.    And were you instructed by Sheriff Beicker  
4 that you should not talk with anybody about the  
5 circumstances leading up to and surrounding  
6 Mr. Walter's death?

7           A.    Yeah.  As long as there's an open case, yes.

8           Q.    When the case was considered no longer open,  
9 did people at the jail start discussing the  
10 circumstances leading up to and surrounding  
11 Mr. Walter's death?

12          A.    I didn't hear much.

13          Q.    Did anybody at the jail express to you or did  
14 you express to anybody at the jail about anything that  
15 you thought should have been done differently by any  
16 person?

17          A.    Oh, no, we didn't discuss stuff like that.

18          Q.    Were there any changes in policy, procedure  
19 or custom or practice of the sheriff's office in order  
20 to avoid a future situation like that of Mr. Walter or  
21 to otherwise enhance the safety or welfare of the  
22 inmates?

23          A.    We implemented a more thorough training for  
24 new hires.  And instead of just CPR training, it was --  
25 now we do first aid and a CPR-type training, for both,

1 and just encourage good communication.

2 Q. As of April of 2014, was there any mandatory  
3 class or course or instruction that a detention deputy  
4 had to have upon being hired before starting work at  
5 the jail?

6 A. I believe that -- around that time, we were  
7 implementing a new position specifically for that. And  
8 first aid/CPR would be one. Prior to that, arrest  
9 control, restraint chair and OC training.

10 Q. Prior to Mr. Walter's death, did a detention  
11 deputy have to have any training before actually  
12 putting on a uniform and starting work at the jail?

13 A. Yes. The arrest control, the restraint chair  
14 and the OC spray.

15 Q. How long did that training, in total, last?

16 A. Those are five -- that's five days.

17 Q. And did the training occur at the jail?

18 A. Um. The arrest control class is done in a  
19 church down the street from us about a block, and the  
20 OC training is held at the sheriff's office.

21 Q. Could a person start work at the jail as a  
22 detention deputy and start the training while he or she  
23 was already working as a detention deputy?

24 A. Yes.

25 Q. So could a person, then, as of April 2014,

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1 put on a uniform and start working at the jail without  
2 actually receiving any training and then receive that  
3 training subsequently?

4 A. Rare, but yes.

5 Q. In some states, there are law enforcement  
6 academies, corrections academies, that a person has to  
7 attend and graduate from before becoming a corrections  
8 officer. Is there any such requirement in Colorado, to  
9 your knowledge?

10 A. No.

11 Q. Did the detention deputies who began working  
12 in the Fremont County Sheriff's Office as of April 2014  
13 have to have any type of state training or state  
14 certification?

15 A. No.

16 Q. Was the teaching that they received teaching  
17 that was put on by the Fremont County Sheriff's Office?

18 A. Yes. In-house.

19 Q. So did a detention deputy, in order to start  
20 working at the Fremont County Sheriff's Office, have to  
21 have any state training of any kind or any training by  
22 any outside agency or organization?

23 A. A patrol deputy, yes. Detention deputy, no.

24 Q. In order to start working at the Fremont  
25 County Sheriff's Office as a detention deputy, did the



1     detention deputies have to have training in when to  
2     call a medical provider?

3             A.     Just exigent circumstances, so no.

4             Q.     So getting back to my question so that we  
5     have a clear record, as of April 2014, did a detention  
6     deputy starting work at the Fremont County Sheriff's  
7     Office have to have mandatory training about when to  
8     call a medical provider for an inmate?

9             A.     No.

10            Q.     Did a detention deputy starting work at the  
11     Fremont County Sheriff's Office as of April of 2014  
12     have to have required training in recognizing signs and  
13     symptoms of various medical needs that might require  
14     contacting a medical provider for the inmate?

15            A.     No.

16            Q.     As of April of 2014, did detention deputies  
17     being hired at the Fremont County Sheriff's Office have  
18     to have any required training at all on the subject of  
19     inmate medical needs?

20            A.     OJT for -- on-the-job training -- for handing  
21     out nurse's kites and being present when medication is  
22     passed was trained.

23            Q.     Understood that they have training in handing  
24     out medical kites and being present for med pass, did  
25     detention deputies being hired by the Fremont County

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1 **Sheriff's Office as of April 2014 have to have any**  
2 **training on the subject of inmate medical needs?**

3 A. No.

4 **Q. Did detention deputies being hired by Fremont**  
5 **County in April of 2014 have to have any law**  
6 **enforcement or corrections experience or training?**

7 A. No.

8 **Q. Any medical experience or training?**

9 A. No.

10 **Q. Any certification in any subject?**

11 A. No.

12 **Q. Any college degree?**

13 A. No.

14 **Q. High school diploma?**

15 A. Yes.

16 **Q. Other than having a high school diploma, were**  
17 **there any other requirements to be hired as a detention**  
18 **deputy by the Fremont County Sheriff's Office?**

19 A. Twenty-one years of age, never convicted of a  
20 felony or domestic violence, valid driver's license,  
21 um, no drug use within seven years.

22 **Q. Anything else?**

23 A. Physically able to pass our fitness test.

24 **Q. Anything else?**

25 A. No.

1           **Q.    What was the starting wage for a detention**  
2 **deputy in April of 2014, approximately?**

3           A.    13.35.

4           **Q.    And --**

5           A.    For noncertified.

6           **Q.    "Noncertified" meaning?**

7           A.    Not POST-certified peace officer in the state  
8 of Colorado.  Sometimes we will have a POST-certified  
9 person working there, and I think they get a dollar  
10 more, which is the starting wage for a patrol deputy.

11          **Q.    But a detention deputy did not have to be**  
12 **POST certified, correct?**

13          A.    No.

14          **Q.    No, they did not?**

15          A.    They did not.

16          **Q.    Was there any mandatory training, other than**  
17 **what you've just described, that was necessary,**  
18 **required, mandated for a corporal or a sergeant working**  
19 **at the jail?**

20          A.    It wasn't necessary to start their  
21 supervisory position, but -- it was something that they  
22 had to do, a supervisory school, and successfully  
23 complete it, but they didn't have to do before they  
24 were placed into that position.

25          **Q.    And so one could be promoted from detention**

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1 deputy to corporal and then to sergeant without  
2 completing any additional training, is that correct, at  
3 the time of the promotion?

4 A. Yes.

5 Q. Do you know what, if anything, Nurse Maestas  
6 did for Mr. Walter while he was in the jail?

7 A. Um. It's an assumption that she worked with  
8 the doctor.

9 Q. No. In this question, I don't want to ask  
10 for you an assumption.

11 A. Okay.

12 Q. Do you know, as you as you sit here today,  
13 what, if anything, Nurse Maestas did for Mr. Walter  
14 while he was in the jail?

15 A. Directed or administered meds.

16 Q. Do you know what meds were administered and  
17 when?

18 A. Tapering off of methadone. Probably twice a  
19 day. Med call is twice a day, generally.

20 Q. Anything else?

21 A. No.

22 Q. Do you know what, if anything,  
23 Stephanie Repshire did for Mr. Walter?

24 A. It would be similar to Kathy.

25 Q. Do you know?

1 A. Med call.

2 Q. Do you know what, if anything, Sharon Allen  
3 did for Mr. Walter, without assuming?

4 A. No.

5 Q. Do you know what, if anything, PA Havens did  
6 for Mr. Walter?

7 A. No.

8 Q. Do you know what, if anything, Raymond Herr  
9 did for Mr. Walter?

10 A. No.

11 Q. When Stephanie Repshire would go to med pass  
12 or med line in order to administer medications to  
13 inmates, if the inmate was not right there at the line  
14 with his or her cup of water ready to receive the meds,  
15 would the inmate get the meds?

16 A. Not always.

17 Q. If the inmate was on the toilet, sleeping,  
18 ill, nauseated, vomiting, diarrhea, and didn't get to  
19 the front of the line with a cup of water in his or her  
20 hand, would the inmate get the meds?

21 MR. TIEMEIER: Object to foundation.

22 A. Probably not.

23 Q. (BY MR. BUDGE) Did you ever know Kathy  
24 Maestas to document that an inmate had refused his or  
25 her meds when, in fact, it had just been that the

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1 inmate had not made it into the med line in a timely  
2 way?

3 MR. TIEMEIER: Object to lack of foundation.

4 A. I can't say I know that.

5 Q. (BY MR. BUDGE) Did you ever go on med pass  
6 with Nurse Maestas?

7 A. I have been present for a pod here or a pod  
8 there just to see how it goes, but it's not one of my  
9 normal things.

10 Q. Did other detention deputies ever report to  
11 you that Nurse Maestas would deny inmate medications to  
12 inmates who didn't make it into med line in a way that  
13 was timely enough for Nurse Maestas?

14 A. Yes, if it was a repeated behavior of that  
15 specific inmate.

16 Q. When you saw Mr. Walter, do you think he was  
17 capable of holding a cup of water?

18 A. Yeah.

19 Q. Based on everything that you described about  
20 Mr. Walter and what had been reported to you and what  
21 you had personally observed, would you agree that  
22 before you left the jail on April 18th, Mr. Walter did  
23 not appear to be in a condition to accurately  
24 communicate his medical needs?

25 A. Yes.

1 Q. Did you ever have a conversation with  
2 Undersheriff Martin after Mr. Walter died where he  
3 expressed displeasure or dissatisfaction with the  
4 medical care that was provided to Mr. Walter?

5 A. I don't recall.

6 Q. Are there any other conversations or  
7 interviews or discussions that you've had with anybody  
8 about Mr. Walter or his confinement or death since he  
9 died that you haven't told me about, other than a  
10 conversation that you might have had later with an  
11 attorney?

12 A. No.

13 Q. After Mr. Walter's death, did it remain your  
14 duty as jail commander to ensure that the people in  
15 your jail are provided with adequate medical care?

16 A. Yes.

17 Q. As jail commander, would you want to know  
18 every bit of the truth about the facts and  
19 circumstances leading up to and surrounding the death  
20 of Mr. Walter in your custody?

21 A. Do I want to know?

22 Q. As jail commander, would you want to know  
23 every bit of the truth about the facts and  
24 circumstances leading up to and surrounding  
25 Mr. Walter's death?

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1 A. Yes.

2 Q. And would you want to know the truth about  
3 the facts and circumstances leading up to and  
4 surrounding his death so that if there was any  
5 indifference or malfeasance or neglect, that that would  
6 be known to you?

7 A. Yes.

8 Q. And that might help you prevent future  
9 problems in your jail, correct?

10 A. Yes.

11 Q. And help provide answers to Mr. Walter's  
12 family and representatives of his estate, correct?

13 A. Yes.

14 Q. What did you do in order to fully and fairly  
15 investigate the true facts and circumstances leading up  
16 to and surrounding Mr. Walter's death in your jail?

17 A. Procedurally, we were only to hold the scene  
18 as a crime scene until an investigations unit gets  
19 there, and we turn that scene over to the  
20 investigators. And the detention staff will back out,  
21 and they start the investigation.

22 So me personally doing an investigation, I  
23 don't -- you know, I don't conduct the investigation,  
24 and I don't see results of that. That goes directly to  
25 either Undersheriff Martin or Sheriff Beicker. So I



1 don't get to see the investigative reports.

2 **Q. As commander of the jail, did you do anything**  
3 **to investigate what led up to and surrounded**  
4 **Mr. Walter's death in your jail?**

5 A. I did not.

6 **Q. Were you prohibited from doing so?**

7 A. No.

8 **Q. Why did you not undertake an internal review**  
9 **or investigation into what happened?**

10 A. Procedurally, we turn it over to the  
11 investigations unit and pull out for, like,  
12 transparency. We didn't mingle with the investigation  
13 or mess with any investigation. I have no influence on  
14 the investigation, so I will stand down until they've  
15 conducted and completed. I will stay out of the  
16 investigation.

17 **Q. Following any investigation that may have**  
18 **occurred by any investigator and in the two and a half**  
19 **years since that time, what, if anything, have you done**  
20 **in order to investigate the facts and circumstances**  
21 **leading up to Mr. Walter's death in your jail?**

22 A. I haven't.

23 **Q. Why not?**

24 A. I'm not -- anytime it's under an  
25 investigation, I step out. And I leave it at that

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1 unless I'm directed that there's follow-up that could  
2 be done, that I can effect directly.

3 Q. Do you understand that whatever investigation  
4 there was closed a long time ago, more than two years  
5 ago? Do you understand that?

6 A. Okay.

7 Q. Have you done anything at all -- let's just  
8 leave it at that. Have you done anything at all to  
9 investigate what led up to and surrounded Mr. Walter's  
10 death in your jail?

11 A. No.

12 Q. Have you interviewed any person for the  
13 purpose of discovering facts?

14 A. No.

15 Q. Have you reviewed any documentation for the  
16 purpose of discovering the facts?

17 A. Just read reports.

18 Q. But not for the purpose of --

19 A. Investigating, no.

20 Q. Do you know what, if anything, anybody did at  
21 any time in order to fully investigate the facts and  
22 circumstances leading up to Mr. Walter's death?

23 A. I would defer to the investigations unit, to  
24 our coroner.

25 Q. Do you know what anybody did to investigate?

1 A. No.

2 Q. Did Sheriff Beicker ever request that you  
3 conduct any type of internal review of any kind?

4 A. No.

5 Q. Did Undersheriff Martin request that you  
6 conduct any type of internal review of any kind?

7 A. No.

8 Q. Did either Sheriff Beicker or Undersheriff  
9 Martin, to your knowledge, conduct an internal review  
10 of any kind?

11 A. Not to my knowledge.

12 Q. Did anybody at the Fremont County Sheriff's  
13 Office conduct an internal review of any kind, to your  
14 knowledge?

15 A. Not to my knowledge.

16 Q. Is today the first time that you have been  
17 interviewed by anybody about anything having to do with  
18 Mr. Walter, with the exception of your own attorney?

19 A. Yes.

20 Q. Do you know whether, before the depositions  
21 that we are taking in the civil lawsuit, any of your  
22 detention staff had ever been interviewed by any person  
23 other than an attorney for the County or their own  
24 personal attorney?

25 A. The investigations unit did ask some

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1 questions. To whom or to what extent, I don't know.

2 **Q. And when you say "investigations unit," do**  
3 **you mean Mike Miller?**

4 A. Yes. He was one of the first ones to respond  
5 there.

6 **Q. Did Mike Miller ask questions of your staff?**

7 A. That would be an assumption. I don't know, I  
8 didn't see it.

9 **Q. Do you have any knowledge to suggest that**  
10 **Mike Miller asked any questions of your staff?**

11 A. No.

12 **Q. Do you have any knowledge to suggest that**  
13 **Mike Miller or any investigator asked any questions of**  
14 **anybody working at the Fremont County Sheriff's Office?**

15 A. No.

16 **Q. And I'm sorry if I already asked you this,**  
17 **but I will just repeat it for the sake of being**  
18 **thorough. Have you asked questions of anybody at the**  
19 **jail about what happened?**

20 A. I did ask what the -- I think it was a  
21 coroner in Colorado Springs what his findings were, and  
22 it -- I don't know -- took a long time for an answer to  
23 come back. So I don't actually even know what the  
24 official determination was.

25 **Q. Did you ever ask any questions of any person**

1 at your jail about what happened at the jail leading up  
2 to Mr. Walter's death?

3 A. No.

4 Q. Following Mr. Walter's death, did you ever  
5 take it on yourself to take a look at his jail intake  
6 records for the purpose of trying to figure out what  
7 happened?

8 A. I did read over the jail records, checked to  
9 see what he reported as far as medical, medication. I  
10 read over the restraint chair uses. That would be  
11 about it.

12 Q. Why was Mr. Walter put in a restraint chair,  
13 if you know?

14 A. Yeah. When they -- when Mr. Walter was  
15 hitting the window, the door, he had sufficient force,  
16 repetitiveness -- especially if it's a closed fist, we  
17 have a duty to stop them from self-harm, to stop them  
18 from punching and hitting stuff. So it starts, of  
19 course, verbally; but if they won't comply with  
20 directions, we may have to actually stop them from  
21 doing that, to stop harm from themselves.

22 Q. Do you think that the sole reason for putting  
23 Mr. Walter in a restraint chair, so far as you know,  
24 was because Mr. Walter was hitting the door?

25 A. And kicking. Hitting and kicking, yes.

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1           **Q.    Anything else that caused Mr. Walter to be**  
2 **put into a restraint chair?**

3           A.    His interaction with the deputies when they  
4 were trying to stop him. He shows aggression towards  
5 them. They have to stop him from doing that as well.

6           **Q.    Are you basing everything you know on the**  
7 **reports that exist?**

8           A.    Yes. I wasn't present.

9           **Q.    And have you sought to interview anybody**  
10 **about why Mr. Walter was put in the restraint chair?**

11          A.    A little, because of him moving to a holding  
12 cell. Unusual behavior and interrupting the other  
13 inmates that were in T pod, that also places him in  
14 danger, so you have to move him out.

15          **Q.    Is that why Mr. Walter was put into a**  
16 **restraint chair?**

17          A.    No. That's not the reason why, but when they  
18 made contact, his actions were non-compliant with the  
19 verbal directions originally. And then self-harm/.  
20 They didn't want him to harm himself by beating on  
21 things. And then non-compliant when they went to go  
22 hands-on move him.

23          **Q.    Is it your understanding that at all times**  
24 **that Mr. Walter was put in the restraint chair, it was**  
25 **at a time when Mr. Walter was confined in Holding**

1 **Cell 2?**

2 A. One more time.

3 **Q. When Mr. Walter was put in the restraint**  
4 **chair -- at all times he was put in the restraint**  
5 **chair, Mr. Walter had been confined in Holding Cell 2,**  
6 **correct?**

7 A. Would they have placed him in Holding Cell 2?  
8 Yes.

9 **Q. Well, in other words, Mr. Walter was moved**  
10 **out of the T pod and put into Holding Cell 2 on the**  
11 **15th of April, right?**

12 A. Correct.

13 **Q. And anytime he was put in the restraint chair**  
14 **was after -- on or after the 15th of April, correct?**

15 A. My recollection is when they went to address  
16 him in T pod, I think that turned out into a restraint  
17 chair use, I think.

18 **Q. But you are not sure?**

19 A. Yeah. I don't know that for sure.

20 **Q. Is there any video recording capability at**  
21 **the jail, or was there in April 2014?**

22 A. Yes. Handheld little camera in booking that  
23 we use when we get the opportunity to turn on for  
24 subjects being placed into a restraint chair.

25 **Q. Is that it?**

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1 A. Yes.

2 Q. All of the physical force that was used by  
3 your detention staff on Mr. Walter was used on  
4 Mr. Walter after he was moved out of T pod, correct?

5 A. The way I understand it, yes. It wouldn't  
6 have been -- yes.

7 Q. It was on or after April 15th, correct, all  
8 physical force used by your detention staff on  
9 Mr. Walter?

10 A. Yes.

11 Q. And all physical force that was used against  
12 Mr. Walter was used on Mr. Walter when he was in the  
13 medical, emotional and mental state that you've  
14 previously described, correct?

15 A. Yes.

16 Q. Did you ever review the video footage of  
17 Mr. Walter in the restraint chair?

18 A. No.

19 Q. Without regard to whether you interviewed  
20 anybody or reviewed any records or materials, did you  
21 undertake any other investigative measures whatsoever  
22 into the circumstances leading up to and surrounding  
23 Mr. Walter's death?

24 A. No.

25 Q. Handing you what's been marked Deposition



1 Exhibit 13 to your deposition, the document that bears  
2 production numbers 166 through 171 in the lower  
3 right-hand corner, have you seen this report from  
4 Detective Mike Miller before?

5 A. No.

6 Q. Drawing your attention to the dispatch  
7 information about one-third of the way down the page on  
8 the left, do you see where it says that a report was  
9 received by Detective Miller on April 20th, 2014, at  
10 about 6:45 p.m.?

11 A. Yes.

12 Q. And that he arrived at the facility one  
13 minute later at 6:46 p.m.?

14 A. Yes.

15 Q. And departed the scene a minute after that at  
16 6:47 p.m.?

17 A. Yes.

18 Q. And then drawing your attention toward the  
19 bottom of the page, the second paragraph where it says,  
20 "I arrived and contacted Captain John Rankin, who  
21 apprised me of the situation in which 53 year old  
22 inmate John Walter was found unresponsive in holding  
23 cell 2 at approximately 1725 hours," which is 5:25 p.m.

24 Do you see that?

25 A. Yes, sir.

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1           **Q.    How was it that you were first informed that**  
2 **Mr. Walter had died?**

3           A.    A phone call from Corporal Owen.

4           **Q.    Was he the corporal in charge over the**  
5 **weekend?**

6           A.    Yes.

7           **Q.    And what did Corporal Owen tell you on the**  
8 **phone?**

9           A.    Mr. Walter is unresponsive and Kathy is  
10 working on him right now.

11          **Q.    Did you immediately go down to the jail from**  
12 **your home?**

13          A.    Yes.

14          **Q.    And what's the first thing you did when you**  
15 **arrived?**

16          A.    Just observe.

17          **Q.    Did you go to the cell?**

18          A.    The floor.  The commons area floor, just  
19 outside the cell.

20          **Q.    All right.  So you went to the common area**  
21 **right outside Holding Cell 2?**

22          A.    Yeah.

23          **Q.    And who was inside Holding Cell 2 at that**  
24 **point?**

25          A.    Kathy was performing CPR.  There was another

1 deputy standing outside the door, but I don't know who  
2 it was.

3 Q. And did you see Mr. Walter inside the cell?

4 A. Yes.

5 Q. And did you see his body?

6 A. Yes.

7 Q. Did you do anything that you can remember  
8 between the time that you arrived and the time that  
9 Detective Miller showed up?

10 A. Um. Just -- just observed. Just sat in the  
11 holding area, anticipating AMR and/or undersheriff.  
12 That's it.

13 Q. Had you called the undersheriff prior to that  
14 time to let him know what had happened and tell him to  
15 come on down?

16 A. Yes.

17 Q. And then shortly thereafter, did the  
18 undersheriff arrive?

19 A. Yes.

20 Q. And did --

21 A. He -- undersheriff might have been there  
22 before me. I'm not sure.

23 Q. So the undersheriff arrived at or near the  
24 time that you arrived?

25 A. Yes.

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1           **Q.    And then shortly after you arrived, did**  
2   **Detective Miller arrive?**

3           A.    Yes.

4           **Q.    Did anybody do anything to secure the scene?**

5           A.    Emergency care was taking priority at that  
6   time, so the cell in and of itself.  Kathy was  
7   performing CPR.  There wasn't much to secure outside  
8   the cell, so . . .

9           **Q.    Was the scene ever secured, to your**  
10 **knowledge?**

11          A.    Oh, yeah.

12          **Q.    How so?**

13          A.    I remember that until -- there's other, you  
14   know -- we need the holding cell, so to clean up the  
15   booking area, clean up the holding cell, none of us  
16   were allowed to go in there until investigations and/or  
17   coroner will release the scene.  So, again we sit back  
18   and observe, and they do their job.

19          **Q.    And were you doing anything other than**  
20 **observing during this period of time?**

21          A.    No.

22          **Q.    Do you know if anybody took any photographs?**

23          A.    I don't know.

24          **Q.    Did you tell Detective Miller anything about**  
25 **Mr. Walter?**

1           A.     It's happening quickly and -- probably about  
2 what he said. When they get on the scene, then they  
3 start to call the shots, so to speak, so once again, I  
4 say, this is what we got, and they start doing their  
5 thing and I start backing out.

6           **Q.     Did you tell Detective Miller anything about**  
7 **Mr. Walter?**

8           A.     Seems like we spoke briefly, but I don't  
9 recall what was said.

10          **Q.     Did you hear anybody else tell Detective**  
11 **Miller anything about Mr. Walter that you can remember?**

12          A.     No. It was tense and fast.

13          **Q.     Do you understand that the coroner's office**  
14 **is a separate office from the Fremont County Sheriff's**  
15 **Office?**

16          A.     Oh, yes.

17          **Q.     Okay. And do you understand that, unlike**  
18 **everybody at the Fremont County Sheriff's Office, the**  
19 **coroner's office is not controlled by the sheriff?**

20          A.     Yes.

21          **Q.     Do you know that at the time the chief**  
22 **coroner was Carla Brocious?**

23          A.     Yes.

24          **Q.     And she had a deputy coroner named**  
25 **Brinda Lloyd, correct?**

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1 A. Yes.

2 Q. Did you know that it was the job of the  
3 coroner's office, headed by Carla Brocious with her  
4 deputy, Brinda Lloyd, to endeavor to find out why  
5 Mr. Walter died?

6 A. Yes.

7 Q. Handing you now what's been marked Exhibit 14  
8 to your deposition, which is a two-page report from  
9 Deputy Coroner Brinda Lloyd. Have you seen this  
10 before?

11 A. No, sir.

12 Q. Were you present when Brinda Lloyd showed up?

13 A. Yes.

14 Q. Did you understand that Brinda Lloyd was  
15 entitled to full and accurate information about  
16 Mr. Walter in order to help her assist with her job of  
17 investigating his death?

18 A. Yes.

19 Q. If I could just direct your attention to the  
20 third paragraph of the document, it says, "Detective  
21 Miller also explained that Mr. Walter was a 'meth  
22 junkie' and had been going through meth with drawals."

23 Is that something that you recall?

24 A. No. I didn't go out there.

25 Q. What do you mean, you didn't go out there? I

1     **don't understand the answer.**

2           A.     Yeah.  Sorry about that.  When Miller was out  
3     there and the coroner was out there, I didn't go out  
4     there.  It was no longer a scene of mine, so I went in  
5     the back.

6           **Q.     Where was Deputy Coroner Lloyd meeting with**  
7     **Detective Miller?**

8           A.     My guess would be the -- the open area in  
9     front of the cell.

10          **Q.     The common area in front of the cell?**

11          A.     Yes.

12          **Q.     The two of them were talking in front of the**  
13     **cell a few feet from the cell door?**

14          A.     Yes.

15          **Q.     Do you have any information that could help**  
16     **us understand why Detective Miller might have told**  
17     **Brinda Lloyd that Mr. Walter was a meth junkie?**

18          A.     I don't know.

19          **Q.     Directing your attention to the first**  
20     **paragraph on the second page, I'm going to read the**  
21     **following language and then ask you a question.**  
22     **Deputy Lloyd states, "The Under Sheriff Ty Martin and**  
23     **Captain John Rankin told me that this was an**  
24     **investigation, and I would have to call the County**  
25     **Attorney, Brenda Jackson if I wanted any information**

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1 about the case."

2 Do you dispute that you told Deputy Coroner  
3 Lloyd that this was an investigation and if she wanted  
4 any information she would have to call the county  
5 attorney, Brenda Jackson?

6 A. I did not talk to her.

7 Q. Did you ever talk to Brinda Lloyd?

8 A. Like "hello" when she first came in the  
9 building, but I did not talk with her, no.

10 Q. Do you see the final sentence of that  
11 paragraph that says, "The jail staff has been very  
12 uncooperative in my getting information on the victim"?

13 A. Yes, I see it.

14 Q. Do you have any information that would help  
15 us explain why she would write that "The jail staff has  
16 been very uncooperative in my getting information on  
17 the victim"?

18 A. It doesn't give reference to time. No.

19 Q. As of 7:30 p.m., about an hour -- excuse  
20 me -- about an hour and 45 minutes after Mr. Walter  
21 died, was it your understanding that you should not  
22 talk about what happened?

23 A. I don't understand the scope of the question.

24 Q. Was it your understanding at the time that  
25 Ms. Lloyd was on the scene that you should not talk



1 about what occurred?

2 A. No.

3 Q. Did anybody ever instruct you that you should  
4 not talk about what occurred at any time?

5 A. No. The focus was on Mr. Walter.

6 Q. After this day and in the days that followed,  
7 were you instructed by any person that you should not  
8 talk about what occurred?

9 A. Just internally, cooperate with like  
10 investigations, or if the coroner was to ask or  
11 something like that, but . . .

12 Q. Who told you that?

13 A. That's normal procedure, to assist.

14 Q. Okay. Did anybody tell you that you should  
15 or should not talk about what happened --

16 A. No.

17 Q. -- with regard to Mr. Walter?

18 A. No.

19 Q. If anybody had ever sought to interview you  
20 about Mr. Walter and what you knew about the facts and  
21 circumstances leading up to his death, would you have  
22 provided them with all the information that you knew  
23 about?

24 A. Yes.

25 MR. BUDGE: Let's go ahead and take a

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1 five-minute break.

2 (A recess was taken from 3:28 p.m. to  
3 3:36 p.m.)

4 Q. (BY MR. BUDGE) Captain Rankin, do you have  
5 any personal knowledge about any physical force used  
6 against Mr. Walter by any of your detention staff?

7 A. Yes, from the reports I read.

8 Q. Other than from the reports you have read, do  
9 you have any personal knowledge about any physical  
10 force used against Mr. Walter by your detention staff?

11 A. No.

12 Q. Including the use of a Taser, OC spray,  
13 physical holds or restraints of any kind?

14 A. Other than the reports?

15 Q. Other than the reports.

16 A. No.

17 Q. Do you have any way of judging whether any  
18 force used against Mr. Walter was or was not  
19 appropriate?

20 A. Do I have -- one more time.

21 Q. Yeah. Do you have way of judging whether any  
22 force used against Mr. Walter was or was not  
23 appropriate?

24 A. That's what I use the reports for.

25 Q. Was it appropriate to Tase Mr. Walter?

1           A.     Sergeant Green with a drive stun, yes, it  
2 would be considered appropriate use in this -- with a  
3 combative inmate to gain control, yes.

4           **Q.     What exactly did Mr. Walter do to deserve**  
5 **getting Tased?**

6           A.     If I recall correctly from the report, he  
7 showed aggression by charging Green and his staff,  
8 originally. They talked him into turning around to  
9 cuff up. When Green approached to place cuffs on him,  
10 he spun in his face. There's some muscling techniques  
11 to try to gain control, and he was determined defensive  
12 resistance, trying to overcome our control. That's  
13 appropriate, to utilize the Taser for that.

14          **Q.     So you base that solely on the report of the**  
15 **officer who used the force?**

16          A.     Officers, yes.

17          **Q.     Officers?**

18          A.     Yeah.

19          **Q.     And with regard to any judgement that you**  
20 **make about whether it was appropriate or not**  
21 **appropriate to use physical force against Mr. Walter,**  
22 **you make the judgement solely based on the reports of**  
23 **the officers who used that force, correct?**

24          A.     In conjunction, we have a use of force board  
25 that requires three supervisors not involved to also

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1 review and/or an instructor in the discipline that was  
2 used. So we have a use of force form that's filled  
3 out, so it's in conjunction with multiple people, but I  
4 can have a final say in things.

5 **Q. Was there a use of force board that reviewed**  
6 **all uses of force against Mr. Walter as you just**  
7 **described?**

8 A. I never got to review the file.

9 **Q. You never got to review the file? Is that**  
10 **what you just said?**

11 A. Yeah. I was -- the file was taken for -- I  
12 can't remember -- investigations or photocopying or  
13 something -- I don't remember -- so I never got to  
14 review it. I never got to see the actual file after  
15 the -- after his death.

16 **Q. So after his death, the file was removed from**  
17 **the Fremont County Sheriff's Office; is that correct?**

18 A. No.

19 **Q. The original?**

20 A. I want to say that the undersheriff ended up  
21 with it, but I don't know that for sure. I don't think  
22 it was removed.

23 **Q. All right. Well, getting back to my original**  
24 **question, did a use of force board review any uses of**  
25 **force against Mr. Walter?**

1           A.    I can't confirm that, I don't know.

2           **Q.    Is it normal practice that any use of force**  
3 **against one of your detainees will be reviewed by a use**  
4 **of force board in order to determine if the force was**  
5 **justified?**

6           A.    Yes.

7           **Q.    And what does that board consist of, again?**

8           A.    Any three supervisors who were not directly  
9 involved in it, and if there is an instructor who isn't  
10 a supervisor but was an instructor in the discipline  
11 that took place.

12          **Q.    And when is the use of force supposed to be**  
13 **reviewed by that board and/or that instructor?**

14          A.    After all deputies involved have completed  
15 their reports, those are all turned in to a supervisor  
16 that then starts to take it to the other supervisors  
17 for review.

18          **Q.    Did any of that process of reviewing the use**  
19 **of force occur in the case of Mr. Walter, to your**  
20 **knowledge?**

21          A.    I didn't physically see it.

22          **Q.    Do you know that it did occur?**

23          A.    I don't. It would be an assumption.

24          **Q.    Do you have any actual information that the**  
25 **use of force board or any supervisors reviewed and**

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1 approved or ratified the force that was used against  
2 Mr. Walter?

3 A. I don't.

4 Q. If that did not occur, do you know why it did  
5 not occur?

6 A. No.

7 Q. Is it standard procedure and policy of your  
8 department and the Fremont County Sheriff's Office that  
9 any uses of force against a detainee will be reviewed  
10 by three supervisors not involved in the force and an  
11 instructor in that use of force if one is available?

12 A. For detention, yes.

13 Q. For the Fremont County jail.

14 A. Yes. I should say, any use of force above  
15 soft, empty hand. So the mere cuffing of a subject may  
16 not be considered, but if it was more than cuffing, it  
17 would be considered.

18 Q. So if a Taser was used in drive stun mode  
19 against Mr. Walter, ordinarily that would be reviewed  
20 by a board of three supervisors not part of the force  
21 plus an instructor in that type of force in order to  
22 determine if the force was justified?

23 A. If there's not like three available, the  
24 instructor that may not be a supervisor is -- in say,  
25 on a Taser, if he was a Taser instructor but not a

1 sergeant or corporal, he could also be on the board.

2 Q. Okay.

3 A. Yes.

4 Q. So there is a board, correct?

5 A. Yes.

6 Q. Consisting of a group of people, normally  
7 three supervisors but also possibly to include an  
8 instructor on that use of force, correct?

9 A. Correct.

10 Q. Who, as a matter of policy, are supposed to  
11 review the use of force against any detainee beyond  
12 soft, empty hands, correct?

13 A. Yes.

14 Q. Including the use of Taser in drive stun  
15 mode, correct?

16 A. Correct.

17 Q. Including the use of oleoresin capsicum  
18 spray, correct?

19 A. Correct.

20 Q. Including the use of takedown techniques,  
21 correct?

22 A. Yes.

23 Q. Hypoglossal pressure point control?

24 A. Yes.

25 Q. And other types of hands-on physical force?

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1 A. The chair in and of itself.

2 Q. And including the restraint chair?

3 A. Yes.

4 Q. All of those types of force are supposed to  
5 be reviewed --

6 A. Yes.

7 Q. -- by that board as a matter of policy?

8 A. Standard operating procedure.

9 Q. As a matter of standard operating procedure?

10 A. Yes.

11 Q. But in the case of Mr. Walter, you don't know  
12 whether any uses of force against him were reviewed by  
13 such a board, correct?

14 A. I didn't -- I didn't see it. I didn't get to  
15 review it, so that's all I can report.

16 Q. Right.

17 A. Okay.

18 Q. And you don't know if anybody else did so,  
19 correct?

20 A. Correct.

21 Q. Handing you now what's been marked as  
22 Exhibits 15 through 44 of your deposition. These are a  
23 series of photographs of Mr. Walter's body. Please  
24 take a moment and review the photographs marked as  
25 Exhibits 15 through 44 and let me know when you are



1 done.

2 Are you done?

3 A. Yes, sir.

4 Q. When you saw Mr. Walter in the holding cell  
5 on April 16 and/or April 18 of 2014, were any of the  
6 injuries that are apparent from these photographs on  
7 Mr. Walter, from what you could observe?

8 A. I have seen him from about this high, from  
9 above the bellybutton up, and I did not see these marks  
10 on him.

11 Q. You did not see any marks, bruises or  
12 contusions on Mr. Walter when you saw him in the  
13 holding cell, either by yourself or with Undersheriff  
14 Martin, correct?

15 A. Correct, I did not.

16 Q. Do these photographs depict the condition of  
17 Mr. Walter's body after you went to the jail following  
18 the report to you that he was nonresponsive on Easter  
19 Sunday, April 20th?

20 A. Like the front view?

21 Q. Yes. And you're referring to -- which  
22 exhibit?

23 A. It's the very first one.

24 Q. Exhibit 15?

25 A. Yes.

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1                   Similar to that, yes.

2           **Q.    From what you could see of Mr. Walter's body**  
3 **when you went to the holding cell after it was reported**  
4 **to you he was nonresponsive on Easter Sunday -- from**  
5 **what you could see of his body, do these photographs**  
6 **accurately depict his condition?**

7           A.    I don't recall that many marks, but that  
8 would be similar to what I saw (indicating).

9           **Q.    Do you know what caused these injuries to**  
10 **Mr. Walter?**

11          A.    No.

12          **Q.    Have you done anything to try to find out?**

13          A.    No.

14          **Q.    Do you know why Mr. Walter would be found by**  
15 **the medical examiner to have broken ribs on the back**  
16 **side of his body?**

17          A.    The act of CPR was pretty violent.

18          **Q.    No.  I'm talking about the back side of his**  
19 **body.  Was CPR being performed on the back side of his**  
20 **body?**

21          A.    Oh, no.

22          **Q.    Okay.  Do you know where Mr. Walter would**  
23 **have broken ribs on the back side of his body where the**  
24 **ribs attached to the spine?**

25          A.    I have no idea.

1 Q. Do you know why Mr. Walter would have been  
2 found to have internal bleeding? Do you know?

3 A. No. No idea.

4 Q. Have you done anything to try to find out?

5 A. No.

6 Q. Did you review Mr. Walter's autopsy report?

7 A. No.

8 Q. Let's talk about CHC, Correctional Healthcare  
9 Companies. Okay?

10 A. Okay.

11 Q. Do you understand that Correctional  
12 Healthcare Companies was the company that Fremont  
13 County contracted with to provide health care services  
14 at the jail?

15 A. Yes.

16 Q. And was CHC the company that was in charge of  
17 providing health care services in April of 2014?

18 A. Yes.

19 Q. Are you aware of any investigation that CHC  
20 or any company affiliated with CHC did in order to look  
21 into the facts or circumstances surrounding  
22 Mr. Walter's death?

23 A. I do not.

24 Q. Are you aware of whether or not they  
25 conducted an internal mortality review?

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1           A.    I do recall Kathy speaking of.  She was  
2   required to -- to do something for that, but I wasn't  
3   involved in it.

4           **Q.    What did Kathy say with regard to an internal**  
5   **mortality review?**

6           A.    I don't recall specifics.  She needed to  
7   perform certain acts for the company in and of itself,  
8   but I don't recall what it was.

9           **Q.    After Mr. Walter's death, did you or anyone,**  
10   **to your knowledge, do anything in order to initiate an**  
11   **investigation by CHC or inform CHC what had happened or**  
12   **otherwise start CHC down the path of conducting an**  
13   **investigation?**

14          A.    I have not.

15          **Q.    Have you communicated with any CHC person,**  
16   **other than Kathy Maestas and Stephanie Repshire, on any**  
17   **topic relating to Mr. Walter?**

18          A.    No.

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

20          A.    Just by name.

21          **Q.    Did you ever see him at the facility?**

22          A.    No.

23          **Q.    In the course of your career as commander of**  
24   **the jail, did you ever communicate with him?**

25          A.    No.

1           **Q. Do you know of any person from CHC, other**  
2 **than Kathy Maestas or Stephanie Repshire or Roy Havens,**  
3 **to have visited the facility at any time?**

4           A. Read that one more time.

5           **Q. Do you know of any person from CHC, other**  
6 **than Kathy Maestas, Stephanie Repshire or Roy Havens,**  
7 **to have visited the facility at any time?**

8           A. Yes. One of -- I want to use the term --  
9 sorry, I don't remember her name -- regional supervisor  
10 from CHC has come through there.

11          **Q. Do you know who that person was?**

12          A. A lady.

13          **Q. Was it somebody named Ewa?**

14          A. That does sound familiar.

15          **Q. Did she have a German accent?**

16          A. Yes.

17          **Q. Okay.**

18          A. Yes. I did see her probably two times.

19          **Q. And what do you understand to have been her**  
20 **purpose to visit the facility?**

21          A. Seems like they always may have had a topic  
22 to specifically discuss, which I wasn't involved in,  
23 but it was kind of statistical stuff that they viewed.

24          **Q. Statistical analysis of the health care being**  
25 **provided at the jail?**

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1 A. Yeah, I believe so.

2 **Q. Do you know her last name?**

3 A. No.

4 **Q. Did you speak with her?**

5 A. Yeah. Informally. Small stuff. Hi,  
6 How-Are-You-Doing, Pleased-to-Meet-You stuff.

7 **Q. Anybody else other than Ewa?**

8 A. Um. I -- I can't say for sure -- I think of  
9 a gentleman now by the name of Dan -- if he worked for  
10 CHC at the time or whether he was a supervisor at the  
11 time. But I've seen and spoke with that gentleman. As  
12 far as if it was back in 2014, I can't confirm that.

13 **Q. Did Ewa come back around 2014, 2013,**  
14 **somewhere in there?**

15 A. That, I don't know. I couldn't give you a  
16 time frame.

17 **Q. Do you know Dan's last name?**

18 A. No.

19 **Q. What documents did you review to prepare for**  
20 **your deposition?**

21 A. The -- our jail file, the interrogatory, I  
22 think that's the correct language. And that would be  
23 all.

24 **Q. What did the jail file consist of?**

25 A. The booking page, the medical questionnaire,

1 inmate notes, inmate charges, images, incident reports  
2 and activities.

3 Q. Did you review those at the jail?

4 A. Yes.

5 Q. Do you know where Mr. Walter's 2011 records  
6 are?

7 A. No idea.

8 Q. Do you know where Mr. Walter's 2012 jail  
9 records are?

10 A. I didn't even know he was there. Records  
11 would be kept in the mezzanine at the sheriff's office,  
12 if we had records, but I couldn't say specific to any  
13 of the jail records.

14 Q. If Mr. Walter had medical records from his  
15 2011 and 2012 confinement at the jail, where would you  
16 expect those records to be?

17 A. If it's from -- from what dates?

18 Q. 2011 and 2012.

19 A. Oh, yeah. I believe those would probably be  
20 in the mezzanine as well.

21 Q. And where is the mezzanine located?

22 A. It's a -- storage utility room in the housing  
23 units above -- in the ceiling.

24 Q. At?

25 A. The sheriff's office.

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1           **Q.    Has anybody tried enlist your assistance to**  
2 **locate those records?**

3           A.    Kathy did.

4           **Q.    Did you attempt to locate those records?**

5           A.    I opened the doors and took her up there, and  
6 she searched for the records.

7           **Q.    When?**

8           A.    Um. I'm going to say within the last three  
9 months, four months.

10          **Q.    Was she able to locate the records?**

11          A.    I don't believe so.

12          **Q.    Did she tell you she couldn't locate them?**

13          A.    I think she said, I didn't find what I was  
14 looking for.

15          **Q.    Did you, yourself, try to locate them?**

16          A.    No. I would move boxes for her, but I didn't  
17 look.

18          **Q.    If anybody had contacted you the weekend of**  
19 **April 19th and 20th and asked you to come on down to**  
20 **the jail to address Mr. Walter's needs, would you have**  
21 **done so right away?**

22          A.    Yes.

23          **Q.    Looking back on it, do you wish somebody had**  
24 **contacted you over the weekend and had you come on**  
25 **down?**



1           A.     I don't know what else I could have done.  
2 I'm not a medical staff, but I could use the chain of  
3 command, I could report concerns, and I probably would  
4 have.

5           Q.     So looking back on it, you wish that somebody  
6 had contacted you over the weekend of April 19-20  
7 before Mr. Walter died?

8           A.     Sure.

9           Q.     Did Kathy Maestas's work at the jail include  
10 work relating to the budget for medical services at the  
11 Fremont County jail?

12          A.     One more time.

13          Q.     Did Kathy Maestas's work include work  
14 relating to the budget for medical services at the  
15 Fremont County jail?

16          A.     Yes.

17          Q.     Could you please tell me what you know about  
18 that?

19          A.     Well, she knows what the budget is. And her  
20 stats would show how we were doing with meds, all  
21 different kind of meds, formulary versus nonformulary,  
22 which I don't know what that means, but -- and she  
23 would take direction and/or give information back to  
24 her supervisors. And it had to do some with hiring  
25 staff. That's all I know.

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1           **Q.    And why do you believe that Kathy Maestas**  
2 **knows what the budget is for the operation that she has**  
3 **at the Fremont County jail?**

4           A.    My guess is by contract.  I don't know that  
5 for certain.

6           **Q.    Okay.  But you said at the inception of your**  
7 **last bit of testimony that Kathy knows what it is in**  
8 **relation to the budget.  What is it about your**  
9 **interaction with Kathy or what you have observed or**  
10 **what she has said that leads you to conclude that she**  
11 **had budgetary responsibilities?**

12          A.    Inference.  I don't know.

13          **Q.    Did you see her working on the budget?**

14          A.    No.

15          **Q.    Talking about the budget?**

16          A.    No.

17          **Q.    So how is it that you are able to testify**  
18 **that she knows what the budget is and knows about**  
19 **budgetary statistics, formulary versus nonformulary and**  
20 **so on?**

21          A.    When she discussed the portion about  
22 statistics and how we are doing from this month to last  
23 month.

24          **Q.    Budget-wise?**

25          A.    Um.  You know, I don't think that was budget.

1 I think that was sheer numbers.

2 **Q. Numbers of what?**

3 A. How many.

4 **Q. How many of what?**

5 A. An example would be like people with -- which  
6 I don't know -- dual axis, addressing special kinds of  
7 meds, the ones that are not considered routine care,  
8 like HIV meds. That's about the extent of what I know  
9 there.

10 **Q. Did you ever see Kathy Maestas working on the**  
11 **budget?**

12 A. No.

13 **Q. Did you ever hear her talking about the**  
14 **budget?**

15 A. No.

16 **Q. Did you ever hear her talk about the cost of**  
17 **medical equipment, supplies, drugs, cost of**  
18 **hospitalization, cost in any --**

19 A. No.

20 **Q. -- context?**

21 A. Only when I requested her to see if she could  
22 buy some equipment for the sheriff's office, if she  
23 could get a good price. That's really about dollars  
24 and cents. That's the only time I recall having talks  
25 like that with her.

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1           **Q. Did Kathy Maestas get a bonus from CHC?**

2           A. I have no idea.

3           **Q. Do you believe that CHC had a budget for the**  
4 **Fremont County Sheriff's Office?**

5           A. There's a contractual agreement; if they want  
6 to make ends meet, they probably should, yeah. But  
7 I've never seen it.

8           **Q. Did you ever hear Kathy Maestas talk about**  
9 **how expensive it would be to do different things?**

10          A. Just the reference to HIV meds could be  
11 thousands of dollars a month and that it would be  
12 outside what is considered routine care. And that  
13 would probably fall on the sheriff's office.

14          **Q. Do you know if there were quarterly meetings**  
15 **or quarterly reports that were done?**

16          A. Used to have a quarterly meeting. I can't  
17 recall the last time we had, so to speak, a quarterly  
18 meeting. But years ago, there used to be a quarterly  
19 meeting for a while.

20          **Q. And who would attend those meetings?**

21          A. I remember Ewa being one of those, and I  
22 remember -- I want to say Dan was one of those. The  
23 sheriff, undersheriff, if they can make it. And me, if  
24 I can make it.

25          **Q. And did you as a group talk about the budget?**

1           A.     Um.  No, I'm going to say the stats,  
2     statistics, more so than money:  where we are at now,  
3     where we were then, this is how many we got.  That kind  
4     of stuff.  Sometimes they would discuss employment.  
5     You know, they have -- they can hire another one or two  
6     part-timers or something like that.  I remember some of  
7     that.

8           **Q.     Do you think that the jail had adequate**  
9     **medical staff in April of 2014?**

10           MR. TIEMEIER:  Object to foundation.

11           A.     It seemed like -- seems like it was all  
12     getting done.

13           **Q.     (BY MR. BUDGE)  Did you have any input or say**  
14     **into who the nurses at the Fremont County jail were?**

15           A.     Some, yes.  We could do background  
16     investigations on them, for crime.

17           **Q.     Other than that?**

18           A.     No.

19           **Q.     Did the sheriff ever talk to you about the**  
20     **cost of medical care at the jail?**

21           A.     The sheriff or undersheriff -- and this could  
22     be dated.  I don't know specific numbers.  Somewhere  
23     between five- and six-hundred-thousand-dollar contract.

24           **Q.     Did the sheriff or undersheriff ever complain**  
25     **or gripe about the cost of medical care at the jail?**

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1           A.    I would say yes, but not directly towards  
2 them.  It's just that medical care is expensive.

3           **Q.    Was it the case that inmates at your jail did**  
4 **not get benzodiazepine medication?**

5           A.    I know next to nothing about medications.  I  
6 do know that we were a narcotic -- a narcotics-free  
7 type of jail, and I want to say there was a great deal  
8 of focus on psychotropics.  And again back to the term  
9 formulary and nonformulary, formulary, to what extent  
10 it is, but I don't know medications.  I wouldn't know  
11 what a benzodiazepine was.

12          **Q.    Do you know what formulary means?**

13          A.    I don't.

14          **Q.    Do you understand that there was a list of**  
15 **approved medications that the jail could administer and**  
16 **that was the formulary?**

17          A.    That is how I inferred it, that that is their  
18 normal.  Yeah.

19          **Q.    And that medications that were not on the**  
20 **formulary would not be administered?**

21          A.    Yes.

22          **Q.    And did the nurses at the jail keep a**  
23 **formulary; that is, a list of approved medications?**

24          A.    I believe so.  Because they knew if it was or  
25 wasn't.

1           **Q. Did the jail keep a stock of medications that**  
2 **were on the formulary?**

3           A. Um. Yes, there are meds stocked in the jail.  
4 Formulary, nonformulary; I don't know exactly what meds  
5 are stocked in there.

6           **Q. Have you ever heard of a med called Tranxene?**

7           A. Never.

8           **Q. Did you or any of your detention personnel**  
9 **ever receive any training from Correctional Healthcare**  
10 **Companies?**

11          A. No. We get instructions sometimes. I  
12 wouldn't say it's training, but we get instructions.

13          **Q. Specific instructions as situations arise?**

14          A. Yeah.

15          **Q. But did you or any of your personnel ever**  
16 **receive any training from Correctional Healthcare**  
17 **Companies on any of the following topics: No. 1,**  
18 **recognizing acute manifestations of certain illnesses;**  
19 **for example, asthma, seizures, intoxication and**  
20 **withdrawal and/or adverse reaction to the medications?**

21          A. Not that I'm aware of.

22          **Q. Recognizing the signs and symptoms of mental**  
23 **illness and violent behavior?**

24          A. No.

25          **Q. Recognizing signs and symptoms of acute**

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1 chemical intoxication and withdrawal?

2 A. No.

3 Q. Procedures for appropriate referral of  
4 patients with health complaints to health-care staff  
5 and/or to appropriate medical facilities?

6 A. No.

7 Q. Are you aware of any, quote, health and  
8 mental health education and training program for the  
9 County deputies and jailers, unquote, provided by CHC  
10 or any designee of CHC?

11 A. Did that say "training"?

12 Q. Mental -- excuse me. Health and mental  
13 health education and training program.

14 A. No.

15 Q. Any training program established by CHC to  
16 guide health-related training for security staff who  
17 work with inmates who might have medical needs?

18 A. No.

19 Q. Are you aware of any documentation, such as  
20 an outline of course content, length of course, dates  
21 of training and list of attendees, that would show that  
22 any detention personnel ever received any training on  
23 any of the topics that I just mentioned?

24 A. I don't know of any document, no.

25 Q. Do you know anything about the signs and



1 symptoms of benzodiazepine withdrawal?

2 A. No.

3 Q. Did you know in April of 2014 that  
4 benzodiazepine withdrawal could be dangerous?

5 A. No.

6 Q. Did you know anything about what might happen  
7 to a person who was on a benzodiazepine when they came  
8 into the jail and whose benzodiazepine was  
9 discontinued?

10 A. No.

11 Q. Did you know what a benzodiazepine was?

12 A. No. Still don't.

13 Q. Did you ever see the contract between the  
14 Fremont County Sheriff's Office and Correctional  
15 Healthcare Companies?

16 A. No.

17 Q. Did -- were you ever consulted in any way or  
18 did you play any role in the decision to enter into  
19 that contract or renew that contract?

20 A. No. Contracts are left to the sheriff to  
21 decide.

22 Q. Did any person ever tell you that they were  
23 dissatisfied with or regarded as inappropriate Kathy  
24 Maestas's treatment of inmates at your jail?

25 A. An occasional curse word or a very firm

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1 bedside manner.

2 Q. What do you mean by "very firm"?

3 A. A stickler for protocol.

4 Q. Does the Fremont County Sheriff's Office have  
5 a detention division standard operating procedure  
6 manual?

7 A. Yes.

8 Q. And handing you what's been marked as  
9 Exhibit 48, if I could just ask you to take a look  
10 through that -- excuse me. Just one sec.

11 This document bears production numbers 375  
12 through 731.

13 MR. O'CONNELL: What number is that, the  
14 exhibit number?

15 MR. BUDGE: 48. I'm actually not going to  
16 mark it. I would just like to hand it to him and ask  
17 him to identify it, and I won't make it an actual  
18 exhibit to the deposition.

19 Q. (BY MR. BUDGE) Is that document bearing the  
20 production numbers that I've just handed to you the  
21 policies and procedures of the Fremont County Sheriff's  
22 Office Detention Center as of April of 2014?

23 A. It appears to be so, yes.

24 Q. And are those policies and procedures  
25 mandatory?

1 A. Yes. Yes.

2 Q. Was Nurse Monica Doughty one of the nurses  
3 who worked in April of 2014?

4 A. Um. I'm not certain of her dates of  
5 employment. Probably around that time.

6 Q. Did you know her?

7 A. I knew her husband, he worked as maintenance  
8 in our building at one point, and I have seen her just  
9 a handful of times during her employment with us.

10 Q. Did you have any -- did you ever have any  
11 dissatisfaction with her work?

12 A. No.

13 Q. Do you know if Kathy Maestas had any  
14 dissatisfaction with her?

15 A. I don't.

16 Q. Did anybody ever complain about Stephanie  
17 Repshire?

18 A. I do recall very similar to -- a very stern  
19 bedside manner. Or raising her voice.

20 Q. Was it reported to you that Stephanie  
21 Repshire would yell at inmates?

22 A. Yes. Yeah. Raising her voice, yes.

23 Q. Was it reported to you that Stephanie  
24 Repshire would curse at inmates?

25 A. Curse at the inmates or perhaps say a curse

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1 word, I couldn't distinguish one from the other, but  
2 yes.

3 Q. Was it reported to you that Stephanie  
4 Repshire would curse at or in the presence of inmates?

5 A. Yes.

6 Q. And was it reported to you that Stephanie  
7 Repshire would yell at the inmates?

8 A. Yes.

9 MR. BUDGE: All right. That's all I have.

10 MR. TIEMEIER: I have some follow-up  
11 questions on what you have covered.

12 EXAMINATION

13 BY MR. TIEMEIER:

14 Q. The question was asked of you whether  
15 Ms. Repshire cursed at or in the presence of inmates.  
16 Did you ever know of any instance in which she cursed  
17 at an inmate?

18 A. I do not.

19 Q. The only report you ever heard is that she  
20 cursed in the presence of an inmate?

21 A. Yes.

22 Q. You mentioned that Ms. Maestas was a stickler  
23 for protocol. What did you mean by that?

24 A. Um. If they are caught cheeking meds, she'd  
25 discontinue certain meds right then and there, tells

1 them, firm, and if they argue with her, You can take it  
2 up with the doctor. If that was the procedure, and  
3 it's on the med cart, that's what she did.

4 Q. And that's what she is supposed to do, isn't  
5 it?

6 MR. BUDGE: Object to the form.

7 A. A firm bedside manner in a detention or  
8 prison, I would say, is a good thing.

9 Q. (BY MR. TIEMEIER) And certainly with respect  
10 to something like cheeking of medications, that is  
11 something you, as the captain at this jail, would  
12 discourage, correct?

13 A. Oh, yes.

14 Q. You do not want inmates trading or using  
15 drugs as a currency in a jail, correct?

16 A. Or a method of suicide, yes.

17 Q. And the only person who's supposed to use  
18 those drugs that they are getting is the person to whom  
19 they are prescribed, correct?

20 A. Correct.

21 Q. And sometimes inmates try and get away with  
22 cheeking the medications so they can sell them or use  
23 it or trade it to another inmate to whom it is not  
24 prescribed, correct?

25 A. Yes.

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1           **Q.    And that's what Ms. Maestas is trying to**  
2 **avoid, correct?**

3           MR. BUDGE:   Object to the form.

4           **Q.    (BY MR. TIEMEIER)   Correct?**

5           A.    Correct.

6           **Q.    You mentioned that you did not receive**  
7 **specific training from CHC.  And I won't repeat all the**  
8 **items that were discussed by counsel, but you did say**  
9 **that you did not get training but you received**  
10 **instruction, I think was the word you used?**

11          A.    Yes.

12          **Q.    What did you mean by that?**

13          A.    If there was -- the example being blood sugar  
14 checks in the middle of the night when Medical wasn't  
15 there, we would have written instructions on what we're  
16 supposed to do and how we're supposed to do it.

17          **Q.    Okay.**

18          A.    And along with diabetics would be a snack at  
19 certain times of the night; we would have written  
20 instructions.  Or if somebody was detoxing in a holding  
21 cell or having some kind of medical problem, they may  
22 want us to monitor food, how much they are eating, what  
23 they are eating, or fluid intake, how much they are  
24 drinking.  Um.  Some may be, so to speak, prescribed  
25 like an Ensure.  And you are supposed to --

1 Q. Like a what, I'm sorry?

2 A. Ensure.

3 Q. Ensure. Oh.

4 A. The drink. So we would have written  
5 instructions on how, when and why that's supposed to  
6 take place. It would be after-hours when Medical is  
7 not there.

8 Q. And then yesterday Sheriff Beicker was  
9 testifying that, based on his observation and  
10 experience, when some of the deputies testified they  
11 did not receive training from CHC, those deputies were  
12 likely referring to formal training in a classroom  
13 because, by his observation, they had received  
14 on-the-job training.

15 Would you agree with that or not?

16 MR. BUDGE: Object to the form.

17 Q. (BY MR. TIEMEIER) With respect to -- from  
18 Medical in terms of how to manage things.

19 MR. BUDGE: Object to the preface of the  
20 question.

21 A. I guess it would come down to how you view  
22 what training would be. Formal classroom, no. Written  
23 directions or protocols that are shared, we would  
24 consider that training. So perhaps point of view.  
25 That's how I view that, I guess. Most do think of

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1 training as a classroom setting rather than direction.

2 Q. (BY MR. TIEMEIER) Would it be fair to say  
3 that even with respect to the security staff and what  
4 they learn about their own job, most of the training  
5 they receive after starting here is on-the-job training  
6 as opposed to classroom training?

7 A. As of late, we are equaling that out, but  
8 yes.

9 Q. In 2014 most of the training was on-the-job  
10 training?

11 A. Yes.

12 Q. Is there anything wrong, in your opinion,  
13 with on-the-job training?

14 A. No.

15 Q. Do you find it to be equally or more  
16 effective than sitting in a classroom and being  
17 lectured to?

18 A. I would say that the best practice is both.  
19 They are equally valuable.

20 Q. And with respect to your testimony about  
21 Ms. Maestas working or being responsible for the budget  
22 for Fremont County detention facility, would you agree  
23 that most of what you said was guesswork as opposed to  
24 what you actually observed?

25 A. Me personally?



1 Q. Yes.

2 A. Yeah. I'm trying to recall what I saw.

3 Q. You said that she had -- she worked on the  
4 budget with respect to medications used, formulary  
5 versus nonformulary, taking information to her  
6 supervisors about costs and expenses and hiring staff.  
7 Which of those things do you have direct knowledge of  
8 based on your personal observation of it?

9 A. Oh, none.

10 Q. Okay. I have a question for you. Actually,  
11 I wanted to ask it yesterday of Sheriff Beicker but I  
12 forgot. If you could turn to Exhibit -- either 1 or  
13 15. It's the autopsy photograph of Mr. Walter.

14 A. Okay.

15 Q. On his right rib cage, lower right rib cage,  
16 do you see that bruise?

17 A. Yes.

18 Q. That was referred to in Exhibit 13, the  
19 Offense/Incident Report on Page -- I'm not finding it.  
20 It was referred to -- and I can't remember now which  
21 document it was in -- as a Bob Barker, an inmate shoe  
22 print, or it could have looked like an inmate shoe  
23 print. And the word used was a "Bob Barker" shoe.  
24 What is a Bob Barker shoe?

25 A. Huh. Bob Barker is a company that is a

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1 supplier to correctional facilities and detention  
2 facilities for inmate clothing. It's a specific brand  
3 that they sell.

4 Q. And it's -- actually, I just found it. It's  
5 on Page -- in the lower right-hand corner -- 167. It's  
6 the second page of this document, about just a little  
7 over a third of the way down.

8 The most notable bruise was on his toes and  
9 on the right hip/lower torso area where there appeared  
10 to be a jail inmate shoe Bob Barker pattern --

11 A. Right.

12 Q. -- which was discolored and appeared to be a  
13 few days old. So I guess now this stuff says right  
14 hip/lower torso. Let me see if I can find that.

15 MR. O'CONNELL: Wait for the question.

16 MR. TIEMEIER: Yeah.

17 Q. (BY MR. TIEMEIER) I was assuming it was the  
18 rib, but of course perhaps not.

19 (Discussion off the record between deponent  
20 and deponent's counsel.)

21 Q. (BY MR. TIEMEIER) First of all, do you know  
22 what the pattern is on the shoe, a Bob Barker shoe?

23 A. Vaguely.

24 Q. Well, can you describe it, best you can?

25 A. Shallow white rubber, some squiggly lines.

1 Canvas shoe.

2 Q. Thank you.

3 Moving on to another subject now, you  
4 mentioned a while back that when you spoke with Sheriff  
5 Beicker, he expressed concerns about the medical care  
6 and that he was frustrated, something along the lines  
7 of, Medical said they were on it and Walter died  
8 anyway. Do you recall that testimony?

9 A. Um. I don't recall him, Walter died anyway,  
10 but I recall being frustrated that we talked about  
11 this, we talked about this and -- frustration, yes.

12 Q. And this is what Sheriff Beicker was telling  
13 you?

14 A. Yes.

15 Q. And you had the same thoughts?

16 A. Feeling kind of helpless, yes, it's  
17 frustrating.

18 Q. But you don't have any medical training, do  
19 you?

20 A. I am not Medical. I don't know what to do.

21 Q. To your knowledge, does Sheriff Beicker?

22 A. I -- I don't know what he has.

23 Q. Do you know what Mr. Walter died from?

24 A. I do not.

25 Q. Do you know whether there is anything that

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1 Medical could have done to prevent his death?

2 A. I do not.

3 Q. Would it be fair to say, then, that your  
4 frustrations were that you were hoping that something  
5 could have been done to prevent his death, rather than  
6 knowing that something could have been done and was not  
7 done?

8 A. Personally how I feel? Yeah, that would  
9 be part of it, yeah.

10 Q. That would be?

11 A. That would be part of the frustration, yes.

12 Q. But did you have anything particular in mind  
13 that you thought, well, this man is clearly suffering  
14 from a particular disorder and Medical should be doing  
15 this particular thing to address that?

16 A. No. I have no ability to do that.

17 Q. Okay. You don't know what was causing his  
18 behavior and the problems that you were observing in  
19 the last days, correct?

20 A. No. That's why we leave it to them.

21 Q. And you don't know what, if anything, Medical  
22 could have done to prevent that or ameliorate that,  
23 make it better, correct?

24 A. All I can do is ask.

25 Q. And when you asked, they said they were doing

1     **what they could do, correct?**

2             A.     Yes.     They were on it, following protocols.  
3     Following doctor's orders.

4             **Q.     And Ms. Maestas and Ms. Repshire were**  
5     **continuing to see Mr. Walter, were they not?**

6             A.     Yes.

7             **Q.     They would take --**

8             A.     During med pass.

9             **Q.     They would take him his medications, correct?**

10            A.     Yes.

11            **Q.     And if you or any of the deputies said, I**  
12     **would like you to come in and see Mr. Walter, they**  
13     **would respond?**

14            A.     Sometimes, it may be later.     It may not be at  
15     that moment, but . . .

16            **Q.     In your jail, are there ways of summoning a**  
17     **medical person on an emergent basis and on a**  
18     **nonemergency basis?**

19            A.     You mean call medical staff at home, sure.

20            **Q.     No.     It's more like this.     In many jails,**  
21     **they will have an emergency code, for example, code 1**  
22     **or man down or code white.     And that means we want**  
23     **Medical, we want them now, and they will respond within**  
24     **seconds.     That's an emergency call.**

25            **Then they have nonemergency calls, say an**

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1 inmate needs a can of Ensure and so they call Medical  
2 and they will come down and bring the can, but it may  
3 not be in 60 seconds, it may be in 15, 20 minutes.  
4 That's a nonemergency call.

5 In your jail, sir, do you have emergency  
6 calls and nonemergency calls for Medical?

7 A. Sure.

8 Q. Okay. What do you call the emergency call?

9 A. Um.

10 Q. What would you say over the radio or to the  
11 medical person to let them know it's an emergency call?

12 A. "Inmate down" or "man down." Over the radio,  
13 that's how it comes across to us.

14 Q. Okay. And that will let Medical know that  
15 they need to respond --

16 A. Oh, yeah.

17 Q. -- on an emergency basis?

18 What would you say over the radio or the  
19 phone -- I don't know how you do it -- to get Medical  
20 to respond in a nonemergency fashion?

21 A. We wouldn't. That's structured throughout  
22 the day. So if that was to take place, it would be  
23 physically to speak with them, walk down and say, Hey,  
24 this is what I have noticed, or, Hey, this is what I  
25 have heard, or, Hey -- we wouldn't have -- med call is

1 med call, pass is pass, doctor's visits are doctor's  
2 visits. It's a structured type setup.

3 Q. Okay. Did any of the deputies reporting to  
4 you about the care of Mr. Walter ever say, I asked  
5 Medical to respond and they did not?

6 A. Not that I recall.

7 Q. Did you ever hear an emergency call over the  
8 radio to -- for Medical to see Mr. Walter for that  
9 there was no response?

10 A. An emergency call?

11 Q. Yes.

12 A. And what was the start of the question?

13 Q. I said, did you ever hear over the radio, or  
14 in any other fashion an, emergency call for Medical to  
15 see Mr. Walter and Medical did not respond?

16 A. No.

17 Q. Moving on to another subject, you were asked  
18 questions about whether Mr. Walter behaved in a way  
19 that would make it unsafe for Medical to evaluate him.  
20 Do you recall those questions earlier?

21 A. Yes.

22 Q. And I believe your comment was that, based on  
23 his behavior, they should use caution, but you thought  
24 they could still see him.

25 A. Yes.

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1 Q. When a medical person evaluates an inmate, it  
2 is with how many deputies?

3 A. At least one.

4 Q. Okay. On the morning of April 15, how many  
5 deputies did it take to bring Mr. Walter under control?

6 A. On the 15th? I'd -- I don't recall exactly  
7 what happened on the 15th.

8 Q. Okay. Well, I did look. It was Deputies  
9 Colon, Cook, Green, Gonzales and Solano. That's five  
10 deputies, right?

11 MR. BUDGE: I object to the form of the  
12 question. It's inappropriate. It's preventing  
13 testimony of the witness.

14 Q. (BY MR. TIEMEIER) Is that five deputies?

15 A. Yes.

16 Q. Based on your review of the reports, did that  
17 sound accurate to you?

18 A. Yes.

19 Q. And they at some point used a Taser and at  
20 another point used pepper spray to subdue him, correct?

21 A. Yes.

22 Q. Do you believe it would be reasonable for a  
23 nurse to be reluctant to evaluate an inmate if it had,  
24 in the past, required five deputies to subdue him,  
25 including the use of Tasers and pepper spray?



1           A.    Yes and no.  We have done it at the door,  
2 through the door, without opening the door before where  
3 they sit and talk to them and observe them from there.  
4 So what an assessment is, I don't know.

5           **Q.    Would it be -- do you know if it would be**  
6 **possible -- because I haven't been in your jail except**  
7 **the outside part of it -- is it possible to take blood**  
8 **pressure through the door?**

9           A.    You could.

10          **Q.    How would one go about taking blood pressure**  
11 **through the door?**

12          A.    You have pass-through slots on the doors that  
13 you can lower down, put an arm out, pull the arm back  
14 in.

15          **Q.    Okay.  How big is that pass-through door?**

16          A.    Oh, um.  8 by 18.

17          **Q.    How often have you seen nurses use the**  
18 **pass-through door to take vital signs?**

19          A.    Very rare.

20          **Q.    Just a second.**

21                   **And that pass-through door is in the Holding**  
22 **Cell No. 2?**

23          A.    Yes.

24          **Q.    Your -- from your observation, did**  
25 **Ms. Maestas approach her job as nurse and HSA at the**

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1 **jail in a professional manner?**

2 A. Yes. Other than a couple times of some curse  
3 words, but yeah.

4 **Q. Is cursing unusual in the jail?**

5 A. No.

6 **Q. Prisoners do that?**

7 A. Yes.

8 **Q. Deputies do it?**

9 A. Sometimes.

10 **Q. Nurses do it?**

11 A. Sometimes.

12 **Q. Do you find it shocking or offensive when**  
13 **people use curse words in a jail?**

14 A. No.

15 **Q. Do inmates ever yell at medical care**  
16 **providers?**

17 A. Yes.

18 **Q. Do they ever curse at medical care providers?**

19 A. Yes.

20 MR. TIEMEIER: That's all I have, sir. Thank  
21 you for your time.

22 EXAMINATION (Continued)

23 BY MR. BUDGE:

24 **Q. Is there any reason that an inmate can't have**  
25 **vital signs taken while he or she is in a restraint**

1 chair?

2 A. No.

3 Q. Is the mental state of an inmate a factor in  
4 determining whether force used against the inmate is  
5 appropriate or not appropriate?

6 A. Yes.

7 Q. Do you have any information that any inmate  
8 ever assaulted Mr. Walter at any time?

9 A. No.

10 Q. How often did med pass occur at your jail?

11 A. Twice a day.

12 Q. Were medications ever administered other than  
13 those two times a day, as far as the standard operating  
14 procedure at your jail?

15 A. Rare, specific occasions, maybe.

16 Q. But generally speaking, it was only twice a  
17 day?

18 A. Yes.

19 Q. What times?

20 A. There's a window that they do, about two  
21 hours. I would say starting at probably around 8:00 in  
22 the morning is the first one, and the other one  
23 probably starting 4:30, 5:00-ish.

24 Q. p.m.?

25 A. Yes. Sorry.

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1 Q. And inmates didn't gets meds between  
2 7:00 p.m. and 7:00 a.m., correct?

3 A. No.

4 Q. Nor did they get meds during the day other  
5 than the two-hour window in the morning starting at  
6 about 8:00 or in the two-hour window in the evening  
7 starting about 4:30 or 5:00?

8 A. That's correct.

9 MR. BUDGE: That's all I have.

10 MR. O'CONNELL: I just have a couple.

11 EXAMINATION

12 BY MR. O'CONNELL:

13 Q. You testified earlier you reviewed  
14 Mr. Wheaton's deposition transcript.

15 A. Interrogatory.

16 Q. Okay. So that was incorrect. You haven't  
17 reviewed Mr. Wheaton's deposition transcript, right?

18 A. Not deposition.

19 Q. You are confusing the deposition transcript  
20 with the interrogatory responses?

21 A. That's correct.

22 Q. The other thing I wanted to clarify is you  
23 testified earlier about the occasions you saw  
24 Mr. Walter in Holding Cell 2. Do you remember that?

25 A. Yes.

1           Q.    At some point I thought this afternoon you  
2 mentioned you saw him from the bellybutton up; is that  
3 right?

4           A.    Yeah, because of the --

5           Q.    Well, hold on. The reason I'm asking is  
6 because the court reporter can't take down gestures or  
7 hand signals. So which part -- strike that.

8                    What part of Mr. Walter's body were you able  
9 to see through the window of Holding Cell 2? And if  
10 you would describe it in words instead of hand  
11 gestures.

12           A.    Standing at the doorway, at the window, there  
13 would be a cloth up there to afford some additional  
14 privacy from disrobing, so I would see from -- it would  
15 be above the bellybutton up.

16                   MR. O'CONNELL: Nothing further.

17                   MR. BUDGE: Just a quick follow-up.

18                               EXAMINATION (Continued)

19 BY MR. BUDGE:

20           Q.    When you and Undersheriff Martin went to the  
21 window of Holding Cell 2, did you go to the window of  
22 Holding Cell 2?

23           A.    No.

24           Q.    You did not?

25           A.    No.

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1 Q. Did you ever go to the window of Holding  
2 Cell 2 and look in to see Mr. Walter?

3 A. No.

4 Q. Why not?

5 A. My observations from the booking floor were  
6 enough.

7 Q. Enough to know what was going on?

8 A. That he needed help, yes.

9 Q. When an inmate is brought into the jail, the  
10 inmate is -- one of the standard procedures is that the  
11 inmate changes out of his or her street clothes into a  
12 jail uniform; is that correct?

13 A. Yes. Before going to a housing unit.

14 Q. And the inmate is showered; is that correct?

15 A. Showered and issued new clothing.

16 Q. And while the inmate is showered, the inmate  
17 is observed by a detention deputy during the course of  
18 the shower, correct?

19 A. We do have shower doors in dress-out to  
20 afford some privacy, but yes.

21 Q. But the inmate is observed in the nude by a  
22 detention deputy of the same gender, correct?

23 A. Correct.

24 Q. And if the detention deputy notices any  
25 injuries on the inmate, he or she is to document those

1 **injuries, correct?**

2 A. Yes.

3 MR. BUDGE: That's all I have.

4 MR. O'CONNELL: We are finished.

5 MR. TIEMEIER: Nothing further.

6 WHEREUPON, the within proceedings were  
7 concluded at the approximate hour of 4:50 p.m. on the  
8 November 8, 2016.

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CERTIFICATION OF DEPONENT

I, JOHN RANKIN, do hereby certify that I have read the above and foregoing deposition and that the same is a true and accurate transcription of my testimony, except for attached amendments, if any.

Amendments attached ( ) Yes ( ) No

\_\_\_\_\_  
JOHN RANKIN

The signature above of JOHN RANKIN, was subscribed and sworn to before me in the county of \_\_\_\_\_, state of Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public  
My commission expires

The Estate of John Patrick Walter vs. Correctional Healthcare Companies, et al., 11/08/2016 (AN)





