

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON

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THE ESTATE OF GORDON	)	
("CASEY") POWELL, by and	)	
through its personal	)	
representative, STEPHANIE	)	
POWELL LEISURE; and GORDON	)	
CLAY POWELL, SR., an	)	
individual,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 2:16-CV-00352 JLR
	)	
GARY BARNES, an individual,	)	
BREEANN CARAWAY, an individual,	)	
KERI WALTERS, an individual,	)	
JEREMY SEELEY, an individual, TOM	)	
TALBOT, an individual, KEVIN	)	
BROWNE, an individual, CAMERON	)	
JOHNSON, an individual, KELSEY	)	
MEYER, an individual, and JOHN	)	
DOES 1-10, individuals, and JANE	)	
DOES 1-01, individuals,	)	
	)	
Defendants.	)	

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Deposition Upon Oral Examination  
of

**TOM TALBOT**

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Taken at 16550 117th Avenue Southeast  
Monroe, Washington

**DATE: Tuesday, December 6, 2016**  
REPORTED BY: Sarah A. Fitzgibbon, CCR 3385

A P P E A R A N C E S		Page 2	Exhibit 12	Digital photograph.	Page 4 5
For the Plaintiffs:			Exhibit 13	Digital photograph.	5
EDWIN S. BUDGE			Exhibit 14	Digital photograph.	5
Budge & Heipt, PLLC			Exhibit 15	Digital photograph.	5
705 Second Avenue			Exhibit 16	Document entitled "Offender Profile	5
Suite 910				for Price, Benjamin."	
Seattle, Washington 98104			Exhibit 17	Logbook entries for the SOU E-Unit	5
206.624.3060				Pod 2 for 1/19/15 to 4/8/15, and	
ed@budgeandheipt.com				4/8/15 to 5/11/15.	
For the Defendants:			Exhibit 19	Deposition transcript of Officer	5
DEBORAH A. SEVERSON				James Hand taken on 6/28/16.	
GAURI SHROTRIYA LOCKER					
Office of the Attorney General					
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Suite 2000					
Seattle, Washington 98104					
206.389.2966					
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I N D E X		Page 3	Page 5		
EXAMINATION BY:	PAGE	1	MONROE, WASHINGTON; TUESDAY, DECEMBER 6, 2016		
Mr. Budge	5	2	9:08 A.M.		
Ms. Severson	112	3	--o0o--		
Mr. Budge	114	4			
Ms. Severson	250	5	(Deposition Exhibits 2, 5-17, and 19		
		6	marked for identification.)		
		7			
EXHIBIT	DESCRIPTION	FOR I.D.	8	TOM TALBOT, deponent herein, being	
Exhibit 1	"What Really Happens in Prison: One Officer's Journey," by Tommy Giovanni.	55	9	first duly sworn on oath,	
Exhibit 2	Documents entitled "Serious Infraction Report," "Initial Serious Infraction Report," "Disciplinary Hearing Minutes and Findings," "Infraction Review Checklist," and "Disciplinary Hearing Notice/Appearance Waiver."	5	10	was examined and testified	
Exhibit 5	Transcription of Officer Tom Talbot dated 5/15/15, by Detective Barry Hatch.	5	11	as follows:	
Exhibit 6	Digital photograph.	5	12		
Exhibit 7	Digital photograph.	5	13	EXAMINATION	
Exhibit 8	Digital photograph.	5	14	BY MR. BUDGE:	
Exhibit 9	Digital photograph.	5	15	Q. Could you please state your name for the record.	
Exhibit 10	Digital photograph.	5	16	A. Tom Talbot.	
Exhibit 11	Digital photograph.	5	17	Q. Sir, I represent the estate of Gordon Casey	
			18	Powell as well as his father in the pending matter in	
			19	which you're being deposed. Do you understand that?	
			20	A. Yes.	
			21	Q. Today I'll be asking questions, and my questions	
			22	and your answers will be transcribed by the court	
			23	reporter, who is sitting to your right, so that we have a	
			24	permanent record of these proceedings. Do you understand	
			25	that?	

<p style="text-align: right;">Page 6</p> <p>1 A. Yes.</p> <p>2 <b>Q. Do you understand that you are under oath today?</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. If you're ever confused or unclear about a</b></p> <p>5 <b>question that I ask, please ask me to clarify or rephrase</b></p> <p>6 <b>it for you, and I will; okay?</b></p> <p>7 A. Okay.</p> <p>8 <b>Q. Is there any reason you can think of such as any</b></p> <p>9 <b>type of medication you might be taking or any other reason</b></p> <p>10 <b>that might prevent you from giving your best testimony</b></p> <p>11 <b>today?</b></p> <p>12 A. No.</p> <p>13 <b>Q. On May 9th, 2015, were you working as a</b></p> <p>14 <b>corrections officer for the Washington Department of</b></p> <p>15 <b>Corrections?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. Were you working at the DOC's prison in Monroe,</b></p> <p>18 <b>Washington, known as the Monroe Correctional Complex?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. In particular, were you working at a part of the</b></p> <p>21 <b>Monroe Correctional Complex known as the Special Offenders</b></p> <p>22 <b>Unit?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. And with more particularity, were you working in</b></p> <p>25 <b>E-Unit Pod 2 on May 9th, 2015?</b></p>	<p style="text-align: right;">Page 8</p> <p>1 <b>Casey Powell?</b></p> <p>2 A. One.</p> <p>3 <b>Q. Would you say that Gordon Casey Powell was one</b></p> <p>4 <b>of the two smallest and weakest-appearing offenders on</b></p> <p>5 <b>E-Unit Pod 2?</b></p> <p>6 A. Yes.</p> <p>7 <b>Q. Were there approximately 45 offenders on E-Unit</b></p> <p>8 <b>Pod 2?</b></p> <p>9 A. I don't know the exact count on May 9th.</p> <p>10 <b>Q. Would you agree that it was approximately 40 or</b></p> <p>11 <b>45?</b></p> <p>12 A. I would agree to that, yes.</p> <p>13 <b>Q. At the moment that Gordon Casey Powell was</b></p> <p>14 <b>walking through the passageway, was there another offender</b></p> <p>15 <b>named Benjamin Price standing on the opposite side of the</b></p> <p>16 <b>dayroom?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. Price was standing with his back to the wall</b></p> <p>19 <b>facing the passageway; is that correct?</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. And in the position that Price was standing, was</b></p> <p>22 <b>it the case that he was positioned such that he could see</b></p> <p>23 <b>anybody emerging from the passageway into the dayroom?</b></p> <p>24 A. He could.</p> <p>25 <b>Q. You saw Price standing on the opposite side of</b></p>
<p style="text-align: right;">Page 7</p> <p>1 A. Yes.</p> <p>2 <b>Q. Were you on duty when an offender named Benjamin</b></p> <p>3 <b>Price assaulted Gordon Casey Powell?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. Were you standing at an officer's post just a</b></p> <p>6 <b>few feet from the assault when it occurred?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. Is the officer's post at which you were standing</b></p> <p>9 <b>situated at a place where a passageway known as a sally</b></p> <p>10 <b>port enters into a large common area known as the E-Unit</b></p> <p>11 <b>dayroom?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. At approximately 4:35 p.m. on May 9th, 2015, was</b></p> <p>14 <b>Gordon Casey Powell returning from the evening meal?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. Was he walking through the passageway as</b></p> <p>17 <b>offenders normally do when returning to the E-Unit</b></p> <p>18 <b>following the meal period?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. When Gordon Casey Powell was at the E-Unit,</b></p> <p>21 <b>would you agree that he was one of the smallest and</b></p> <p>22 <b>weakest-appearing offenders on the unit?</b></p> <p>23 A. No.</p> <p>24 <b>Q. How many offenders would you say on the E-Unit</b></p> <p>25 <b>Pod 2 were smaller and/or weaker appearing than Gordon</b></p>	<p style="text-align: right;">Page 9</p> <p>1 <b>the dayroom with his back to the wall as if waiting for</b></p> <p>2 <b>someone; correct?</b></p> <p>3 A. No.</p> <p>4 <b>Q. Is that not almost precisely what you told an</b></p> <p>5 <b>investigating detective following the assault?</b></p> <p>6 A. I would have to look at the -- the transcript,</p> <p>7 but where he was standing, yes, he could see people coming</p> <p>8 in, but he was also standing at what we call a JPay</p> <p>9 machine.</p> <p>10 <b>Q. Correct.</b></p> <p>11 <b>He was standing near a JPay machine with his</b></p> <p>12 <b>back to the wall, looking in the direction of a</b></p> <p>13 <b>passageway; correct?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. And you saw him standing there; correct?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. And to your eyes, it looked as if he was waiting</b></p> <p>18 <b>for someone; correct?</b></p> <p>19 A. I was logging something in; so I don't know what</p> <p>20 it appeared to be.</p> <p>21 <b>Q. Are you saying that you did not notice him?</b></p> <p>22 A. I'm saying I did notice him, but I was also</p> <p>23 logging things in. So he could have been waiting his turn</p> <p>24 for the JPay machine.</p> <p>25 <b>Q. Did you notice that Price appeared to be waiting</b></p>

<p>Page 10</p> <p>1 for someone?</p> <p>2 A. No.</p> <p>3 Q. You knew Price to be a sociopath; correct?</p> <p>4 A. I can't comment on that. You'd have to defer to</p> <p>5 mental health. I'm not a mental health professional.</p> <p>6 Q. All right. So is the answer that, no, you did</p> <p>7 not know Price to be a sociopath?</p> <p>8 A. The answer is I don't know. I'm not a mental</p> <p>9 health professional.</p> <p>10 Q. At the moment that Gordon Casey Powell was</p> <p>11 walking through the passageway with Price standing on the</p> <p>12 opposite side of the dayroom facing the passageway that</p> <p>13 Gordon Casey Powell was about to walk through, you were</p> <p>14 standing at the officer's post; correct?</p> <p>15 A. Yes.</p> <p>16 Q. The officer's post was situated right next to</p> <p>17 the place where a person would come out of the passageway</p> <p>18 and emerge into the dayroom --</p> <p>19 A. Yes.</p> <p>20 Q. -- correct?</p> <p>21 MS. SEVERSON: You have to let him finish his</p> <p>22 question before you begin your answer.</p> <p>23 MR. BUDGE: Thank you, Deb.</p> <p>24 Q. BY MR. BUDGE: And that's correct. Try to wait</p> <p>25 for me to finish --</p>	<p>Page 12</p> <p>1 Q. Price, as you were standing there, briskly moved</p> <p>2 toward the smaller and weaker Casey Powell; correct?</p> <p>3 A. Yes.</p> <p>4 Q. And then he began a brutal, unprovoked attack</p> <p>5 against Casey Powell; correct?</p> <p>6 A. Yes.</p> <p>7 Q. Price punched Casey Powell in the head; correct?</p> <p>8 A. Yes.</p> <p>9 Q. Casey Powell yelled "What did I do?" "Stop,</p> <p>10 stop," or words to that effect as Price began the attack;</p> <p>11 correct?</p> <p>12 A. All I heard was "What did I do?"</p> <p>13 Q. So you heard Casey Powell yell "What did I do?"</p> <p>14 or words to that effect as Price began the unprovoked</p> <p>15 attack?</p> <p>16 A. He didn't yell it. He said it.</p> <p>17 Q. So you heard Casey Powell say "What did I do?"</p> <p>18 as Price began the attack?</p> <p>19 A. That's correct. He didn't yell it, though.</p> <p>20 Q. With the attack, Price forced Casey Powell back</p> <p>21 into the passageway; correct?</p> <p>22 A. Yes, sally port.</p> <p>23 Q. Casey Powell collapsed to the ground inside of</p> <p>24 the passageway; correct?</p> <p>25 A. Yes.</p>
<p>Page 11</p> <p>1 A. I thought you were done.</p> <p>2 Q. -- before you give your answer, and, likewise, I</p> <p>3 will wait until you answer until I ask my next question,</p> <p>4 at least, I'll do my best to do that. Okay?</p> <p>5 A. All right.</p> <p>6 Q. You were on duty at the officer's post; correct?</p> <p>7 A. Yes.</p> <p>8 Q. And you were in uniform; correct?</p> <p>9 A. Yes.</p> <p>10 Q. You were a trained corrections officer; correct?</p> <p>11 A. Yes.</p> <p>12 Q. You were standing between and slightly to one</p> <p>13 side of the place where Casey Powell was about to emerge</p> <p>14 from the passageway into the dayroom; correct?</p> <p>15 A. Yes.</p> <p>16 Q. You were between and slightly to one side of</p> <p>17 Casey Powell and Price; correct?</p> <p>18 A. Yes.</p> <p>19 Q. And as you stood there, the smaller and weaker</p> <p>20 Casey Powell emerged from the passageway just a few feet</p> <p>21 from where you were standing; correct?</p> <p>22 A. Yes.</p> <p>23 Q. Casey Powell did nothing to provoke Price;</p> <p>24 correct?</p> <p>25 A. Not that I know of.</p>	<p>Page 13</p> <p>1 Q. Whereupon Price began repeatedly stomping on</p> <p>2 Casey Powell's head with what appeared to you to be full</p> <p>3 force; correct?</p> <p>4 A. Yes.</p> <p>5 Q. Casey Powell died from those traumatic head</p> <p>6 injuries that he suffered in that assault; correct?</p> <p>7 A. Yes.</p> <p>8 Q. And that entire series of events took place just</p> <p>9 a few feet from where you were standing; correct?</p> <p>10 A. Yes.</p> <p>11 Q. You were the last person to see Casey Powell</p> <p>12 before he was assaulted; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And you were the last person to see Price before</p> <p>15 he launched the assault; correct?</p> <p>16 A. Yes. Let me -- excuse me. Let me clarify. I</p> <p>17 was the last correctional staff to see that.</p> <p>18 Q. You were the last member of correctional staff</p> <p>19 to see Casey Powell before he was assaulted?</p> <p>20 A. Yes.</p> <p>21 Q. And you were the last member of correctional</p> <p>22 staff to see Price before he launched the assault?</p> <p>23 A. Yes.</p> <p>24 Q. You did not do anything to prevent the assault</p> <p>25 before it occurred; correct?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. No, but I want to clarify that I didn't know it 2 was going to happen. 3 <b>Q. But the answer to my specific question is you 4 did not do anything to prevent the assault before it 5 occurred; correct?</b> 6 A. No. 7 <b>Q. So I'll be circling back and asking more 8 questions about this topic and others. 9 Are you currently a corrections officer for the 10 Washington DOC?</b> 11 A. Yes. 12 <b>Q. How long have you been a corrections officer for 13 the DOC?</b> 14 A. Approximately 17 years. 15 <b>Q. As of May 15th, 2015, had you been working at 16 the Special Offenders Unit here in Monroe for a number of 17 years?</b> 18 A. Yes. 19 <b>Q. How long had you been working at the SOU?</b> 20 A. I'm going to say approximately 12 years at that 21 time. 22 <b>Q. Had you been working continuously at the SOU for 23 the 12 years prior to the assault?</b> 24 A. The only break there was I took an acting 25 sergeant spot for approximately four months over at Twin</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes. 2 <b>Q. What kinds or categories of offenders were 3 confined at the E-Unit Pod 2?</b> 4 A. People that were convicted of felonies. 5 <b>Q. Were they people who were mentally ill?</b> 6 A. Yes, they were mentally ill. 7 <b>Q. As opposed to other places within the DOC prison 8 system where offenders are not considered to be mentally 9 ill; correct?</b> 10 A. I can't really comment on that. 11 <b>Q. Well, let me ask you this. Is the E-Unit Pod 2 12 devoted to confining mentally ill felons?</b> 13 A. E-Unit Pod 2 is a mental -- mental health unit, 14 yes. 15 <b>Q. And is it the case that, generally speaking, 16 there are about somewhere in the range of about 90 total 17 offenders in the E-Unit?</b> 18 A. Yes. 19 <b>Q. With about half in Pod 1 and about half in 20 Pod 2?</b> 21 A. Depending on the numbers. Each side holds 48, I 22 believe, when totally full. 23 <b>Q. Do the mentally ill offenders confined at the 24 E-Unit Pod 2 include offenders who are being confined for 25 both violent and nonviolent crimes?</b></p>
<p style="text-align: right;">Page 15</p> <p>1 Rivers, and then I came back to my post. 2 <b>Q. And about when did you take that break and go to 3 Twin Rivers?</b> 4 A. I would say it was probably six years ago. 5 <b>Q. So roughly 2010 or so?</b> 6 A. That sounds about right. 7 <b>Q. And other than that approximately four-month 8 period, you've been working continuously at the SOU for 9 about 11 years prior to the assault; is that right?</b> 10 A. That sounds about right. 11 <b>Q. In particular, had you been working at the 12 E-Unit during that approximately 11-year period?</b> 13 A. Yes, the whole stint was on E-Unit. 14 <b>Q. Did you have duties with regard to both Pod 1 15 and Pod 2?</b> 16 A. No. 17 <b>Q. Did you have duties only with regard to Pod 2?</b> 18 A. Yes. 19 <b>Q. And so just to clarify the record then, for 20 approximately 11 years prior to the assault with the 21 exception of about four months when you were at Twin 22 Rivers, you worked at the SOU here in Monroe E-Unit Pod 2; 23 correct?</b> 24 A. Yes. 25 <b>Q. Were you an E-Unit corrections officer?</b></p>	<p style="text-align: right;">Page 17</p> <p>1 A. Yes. 2 <b>Q. Do they include offenders with a history of 3 violent acts towards others as well as offenders without 4 such a history?</b> 5 A. Yes. 6 <b>Q. As of May 2015, who did you report to?</b> 7 A. Can you clarify the question, please? 8 <b>Q. As of May 2015, who were your superior officers?</b> 9 A. I don't remember who was on shift that day. 10 <b>Q. As of May 2015, did you report to one or more 11 sergeants?</b> 12 A. The way it works is we come in, we give -- we 13 give -- we get a pass-down. The sergeant's office, if 14 he's there, we see him; if he's not, we may see him in 15 passing. We don't check in with the sergeant is what I'm 16 saying. 17 <b>Q. Understood. 18 And I'm not necessarily referring to May 9th in 19 particular, but as of this general time period, let's say, 20 the spring of 2015, did you report to one or more 21 sergeants?</b> 22 A. I -- I can't recall. 23 <b>Q. Did you have a superior officer above you in the 24 chain of command?</b> 25 A. I believe shift was there that day. I do not</p>

<p style="text-align: right;">Page 18</p> <p>1 believe my unit sergeant was there that day.</p> <p>2 <b>Q. Okay. Without regard to that specific day, can</b></p> <p>3 <b>you describe for me what the hierarchy was in terms of the</b></p> <p>4 <b>chain of command?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. Okay. Please do.</b></p> <p>7 A. It goes unit sergeant, correctional unit</p> <p>8 supervisor, shift sergeant, shift lieutenant.</p> <p>9 <b>Q. So on any particular day, the chain of command</b></p> <p>10 <b>was corrections officer to unit sergeant to corrections</b></p> <p>11 <b>unit supervisor to shift sergeant and then to shift</b></p> <p>12 <b>lieutenant?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. Who were the unit sergeants back in May of 2015?</b></p> <p>15 A. Sergeant Granger.</p> <p>16 <b>Q. And who were the corrections unit supervisors</b></p> <p>17 <b>back in May of 2015?</b></p> <p>18 A. That would have been Marc Glaser.</p> <p>19 <b>Q. G-l-a-z-e-r?</b></p> <p>20 A. G-l-a-s-e-r.</p> <p>21 <b>Q. -s-e-r.</b></p> <p>22 <b>And who would have been the shift sergeant back</b></p> <p>23 <b>in May of 2015?</b></p> <p>24 A. I believe that was Sergeant Browne.</p> <p>25 <b>Q. With an "E"?</b></p>	<p style="text-align: right;">Page 20</p> <p>1 other one because those two posts get switched around a</p> <p>2 lot. Not a lot of people stay in them. CO Johnson is the</p> <p>3 only one I remember. Oh, no, I'm sorry. CO Hall, he was</p> <p>4 the other one I worked with.</p> <p>5 <b>Q. Did you and Seeley have a good relationship?</b></p> <p>6 A. We're partners.</p> <p>7 <b>Q. Did you have a good working relationship?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. Did you consider Seeley to be a friend?</b></p> <p>10 A. Yes, I do.</p> <p>11 <b>Q. Have you ever socialized outside of work with</b></p> <p>12 <b>Corrections Officer Seeley?</b></p> <p>13 A. Probably two to three times.</p> <p>14 <b>Q. What types of things have you done together</b></p> <p>15 <b>outside of work?</b></p> <p>16 A. We had a group -- group party, was like</p> <p>17 everybody from DOC that wanted to come when Pacquiao</p> <p>18 fought Mayweather. I've been with him out for a beer</p> <p>19 once, and for my birthday, a group of us went together to</p> <p>20 a casino.</p> <p>21 <b>Q. Did you and Seeley confide in one another about</b></p> <p>22 <b>things that were happening on the unit?</b></p> <p>23 A. Can you clarify that, please?</p> <p>24 <b>Q. Did you talk with one another about things that</b></p> <p>25 <b>were happening on the unit on a regular basis?</b></p>
<p style="text-align: right;">Page 19</p> <p>1 A. Yes.</p> <p>2 <b>Q. And who would have been the shift lieutenant?</b></p> <p>3 A. Lieutenant Asin. A-s-i-n.</p> <p>4 <b>Q. Did anybody report to you?</b></p> <p>5 A. Not to my knowledge, no.</p> <p>6 <b>Q. Did you have a partner in the E-Unit Pod 2</b></p> <p>7 <b>working with you on May 9th, 2015?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. Was that Corrections Officer Seeley?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. Was he your regular partner?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. How long had Corrections Officer Seeley been</b></p> <p>14 <b>your regular partner?</b></p> <p>15 A. I'm trying to think of when he started. I would</p> <p>16 say, at that point, it was roughly six to eight months.</p> <p>17 That's just a guesstimate.</p> <p>18 <b>Q. Did the two of you work regularly together in</b></p> <p>19 <b>tandem as E-Unit Pod 2 corrections officers?</b></p> <p>20 A. Yes, three days a week.</p> <p>21 <b>Q. Was there one or more people that you regularly</b></p> <p>22 <b>worked with on the other days of week that you worked?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. And who were those people?</b></p> <p>25 A. One was CO Johnson, and I don't remember the</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Yes.</p> <p>2 <b>Q. And did you share your points of view with each</b></p> <p>3 <b>other on how the unit should be run?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. As of May 2015, did your duties as a corrections</b></p> <p>6 <b>officer include overseeing the confinement of the</b></p> <p>7 <b>offenders in Pod 2 of the E-Unit?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. Did you ordinarily work the swing shift?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. Was that the 2:00 p.m. to 10:00 p.m. shift?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. Was that the same shift that Seeley ordinarily</b></p> <p>14 <b>worked, to your knowledge?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. When you would come on shift at approximately</b></p> <p>17 <b>2:00 p.m., would you receive pass-down from the</b></p> <p>18 <b>corrections officer whom you were relieving?</b></p> <p>19 A. Normally, yes.</p> <p>20 <b>Q. And do you remember who the day shift officers</b></p> <p>21 <b>would have been on May 9th, 2015?</b></p> <p>22 A. I'm not --</p> <p>23 <b>Q. Excuse me. Day shift. That's correct. Day</b></p> <p>24 <b>shift.</b></p> <p>25 A. I'm not positively for sure, but I believe it</p>



<p>Page 22</p> <p>1 was CO Hallett.</p> <p>2 <b>Q. And do you know who the other day shift officer</b></p> <p>3 <b>would have been, if there was another day shift officer?</b></p> <p>4 A. There was another day shift officer, but he and</p> <p>5 the rover, I believe, were on Pod 1; so I don't know</p> <p>6 exactly who they were.</p> <p>7 <b>Q. When you come on duty, is it your obligation to</b></p> <p>8 <b>receive pass-down from the officers that you relieve?</b></p> <p>9 A. I wouldn't say obligation because sometimes a</p> <p>10 pass-down isn't given. They rush out without giving it;</p> <p>11 so it's my obligation to read the unit logbook.</p> <p>12 <b>Q. And on May 9th, 2015, when you came on duty,</b></p> <p>13 <b>would you have read the unit logbook?</b></p> <p>14 A. I would have started to. I don't remember if I</p> <p>15 was able to read the whole thing. It was -- I remember it</p> <p>16 being really busy that day.</p> <p>17 <b>Q. Prior to 4:30 p.m. and approximately the two and</b></p> <p>18 <b>a half hours before you came on duty and the time of the</b></p> <p>19 <b>assault, do you believe you would have had an opportunity</b></p> <p>20 <b>to review the logbook entries from earlier in the day on</b></p> <p>21 <b>May 9th?</b></p> <p>22 A. I don't recall.</p> <p>23 <b>Q. Would it have been your obligation to do so?</b></p> <p>24 A. It's part of my duties.</p> <p>25 <b>Q. Has there been any material change in your</b></p>	<p>Page 24</p> <p>1 <b>Q. On the way to and from meal periods?</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. In the dayroom?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. And other common areas of the E-Unit Pod 2</b></p> <p>6 <b>throughout the course of a given day?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. Did the offenders in the E-Unit Pod 2 have their</b></p> <p>9 <b>own keys to their individual cells?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. Unless they were confined to their cell for some</b></p> <p>12 <b>reason or it was during a period where they were not</b></p> <p>13 <b>permitted to leave their cell, was it generally the case</b></p> <p>14 <b>that such offenders could come and go to and from their</b></p> <p>15 <b>cells at will?</b></p> <p>16 A. I'm sorry. Can you rephrase that, please?</p> <p>17 <b>Q. Other than occasions where they were confined to</b></p> <p>18 <b>their cells for a specific reason or if it was during</b></p> <p>19 <b>hours of the day where they were not permitted to leave</b></p> <p>20 <b>their cells, was it generally the case that during the</b></p> <p>21 <b>day, offenders were free to come and go from their cells</b></p> <p>22 <b>throughout the course of a given day?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. Were there certain times of day where offenders</b></p> <p>25 <b>were not permitted to leave the cells as a matter of</b></p>
<p>Page 23</p> <p>1 <b>duties and responsibilities as a corrections officer</b></p> <p>2 <b>between May 9th, 2015, and the present time?</b></p> <p>3 A. I'm sorry. Could you -- could you rephrase the</p> <p>4 question, please?</p> <p>5 <b>Q. Has there been any material change, any</b></p> <p>6 <b>significant change, in the duties and responsibilities</b></p> <p>7 <b>that you have as a corrections officer between the time of</b></p> <p>8 <b>the assault and today?</b></p> <p>9 A. Not to my knowledge.</p> <p>10 <b>Q. As of May 9th, 2015, did you and the other</b></p> <p>11 <b>corrections officers with whom you worked have authority</b></p> <p>12 <b>over all of the offenders in the E-Unit Pod 2?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. And as part of the regular operation of the</b></p> <p>15 <b>E-Unit Pod 2, did offenders regularly intermingle with and</b></p> <p>16 <b>come into close physical proximity with other offenders</b></p> <p>17 <b>throughout the course of a given day?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. Other than occasions where offenders were</b></p> <p>20 <b>confined in their cells or had been removed from the</b></p> <p>21 <b>E-Unit for whatever reason, was it ordinary that offenders</b></p> <p>22 <b>on E-Unit Pod 2 would regularly intermingle with and come</b></p> <p>23 <b>into close physical proximity with other offenders during</b></p> <p>24 <b>meal periods?</b></p> <p>25 A. Yes.</p>	<p>Page 25</p> <p>1 <b>course?</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. What times of day would that be?</b></p> <p>4 A. They yard in at 3:30, which would be 1530, for</p> <p>5 afternoon count. They yard in at 2045 for 2100 count.</p> <p>6 And if there was any sort of emergency where we needed to</p> <p>7 lock down, that would be another time. But those are the</p> <p>8 two specific times.</p> <p>9 <b>Q. So at 3:30 p.m. and 10:45 p.m. --</b></p> <p>10 A. No, 2045, which would be 8:45.</p> <p>11 <b>Q. Excuse me.</b></p> <p>12 <b>At 3:30 p.m. and 8:45 p.m., they have to be in</b></p> <p>13 <b>their cells for count?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. How long does count take?</b></p> <p>16 A. Both counts are different. The 1550 count is --</p> <p>17 last approximately anywhere from 20 to 25 minutes. The</p> <p>18 2030 count, I've seen last as long as 30 minutes before it</p> <p>19 clears. But after the 2030 count, they do not come out,</p> <p>20 they're locked down for the evening.</p> <p>21 <b>Q. Okay. So they have to be in their cells from</b></p> <p>22 <b>approximately 8:30 p.m. on?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. Until the morning?</b></p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. And then what time are they permitted to exit 2 their cells in the morning? 3 A. You'd have to ask day shift on that. 4 Q. So during your shift, from 2:00 p.m. to 5 10:00 p.m., they are to be in their cells for count at 6 3:30 p.m. for roughly half an hour or so; is that correct? 7 A. Yes. 8 Q. And then they can be out of their cells from the 9 conclusion of count at, let's say, roughly 4:00 p.m. all 10 the way up until they go in for the evening at 11 approximately 8:30 p.m.? 12 A. No. Because it's usually, like I said, a 13 20-minute count -- 20, 25-minute -- so it would be more 14 along the lines of 1615 to 1620, 4:15 p.m. to 4:20 p.m. 15 Q. I'm sorry. 4:15 to 4:20? 16 A. Yes. Would you rather I use... 17 Q. No, I can do the conversion in my head for 18 24-hour time most of the time. Sometimes I make mistakes, 19 but let's see if we can do this a better way. 20 From 2:00 p.m. until 3:30 p.m., offenders are 21 generally permitted to be out of their cells and 22 intermingle with one another? 23 A. Yes. 24 Q. And then from approximately 4:20 p.m. all the 25 way up until 8:30 p.m., offenders are generally permitted</p>	<p style="text-align: right;">Page 28</p> <p>1 A. It means that they return to their cell. 2 Q. Did you have authority as a corrections officer 3 to yard in any offender at any time? 4 A. Yes. 5 Q. Meaning that at any time where you deemed it to 6 be appropriate that you could instruct the offender to go 7 to his or her cell? 8 A. Yes. 9 Q. His cell, I suppose; right? 10 A. Yes. 11 Q. And once an offender is yarded in, is the 12 offender's cell remotely locked until the yard-in is 13 lifted? 14 A. Not all the time. 15 Q. Is it generally the case that when an offender 16 is yarded in, that the offender's cell is remotely locked 17 until such time that the yard-in is lifted? 18 A. I -- I can't say. It depends on what they've 19 been yarded in for. 20 Q. Do the corrections officers have the ability to 21 yard in an offender to his cell and remotely lock the cell 22 until the offender's yard-in is lifted? 23 A. Yes. 24 Q. If you or any corrections officer instructs an 25 offender to yard in to his cell, is the offender required</p>
<p style="text-align: right;">Page 27</p> <p>1 to be out of their cells and intermingle with one another? 2 A. To 8:45 p.m. 3 Q. All right. Did you recognize that one of your 4 duties and responsibilities as a corrections officer was 5 to keep close and careful watch over the offenders in the 6 E-Unit Pod 2? 7 A. Yes. 8 Q. Did you recognize that one of your duties and 9 responsibilities was to keep close and careful watch over 10 offenders who might be prone to commit an act of violence 11 towards another offender? 12 A. They're all dangerous. Yes, it's my duty to 13 watch all of them. 14 Q. Did you recognize that, as part of your duties 15 as a corrections officer, if you ever became aware that an 16 offender was exhibiting behavior that indicated the 17 offender might be prone to commit an act of violence 18 towards another offender, that you had an obligation to 19 take reasonable measures to prevent that act of violence? 20 A. Yes. 21 Q. Did you understand that the other corrections 22 officers with whom you worked had the same general duties 23 and responsibilities as you? 24 A. Yes. 25 Q. What does it mean to yard in an offender?</p>	<p style="text-align: right;">Page 29</p> <p>1 to follow your directive? 2 A. Yes. 3 Q. If the offender is instructed to yard in and the 4 offender does not do so, are there measures that are taken 5 at the unit in order to force the offender to his cell? 6 A. I wouldn't say force, but yes. 7 Q. And what do you mean you wouldn't say force? 8 A. Right now, if an offender refuses to yard in, a 9 counselor talks to him first to try and get him to go in, 10 and then if a counselor -- that doesn't work, then we take 11 another measure. We step up. 12 Q. And that other measure would be? 13 A. Would be to call shift. 14 Q. And then what happens? 15 A. And then shift and response movement officers 16 come down, and they hook them up and usually take them to 17 segregation. 18 Q. And by hook them up, you mean restrain them? 19 A. I'm sorry. Yes. 20 Q. So if an offender refuses to follow an 21 instruction to yard in to his cell, there are steps that 22 are taken to cause the offender to yard in either 23 voluntarily or he is involuntarily taken to segregation; 24 correct? 25 A. Yes.</p>



<p style="text-align: right;">Page 30</p> <p>1 Q. And it's the case that you and the other 2 corrections officers have discretion to yard in an 3 offender at any time; correct? 4 A. Correct. 5 Q. And when an offender is yarded in, is he yarded 6 in for whatever period of time you deem appropriate? 7 A. Yes. 8 Q. And then the yard-in can be lifted when you 9 believe that it's appropriate? 10 A. Yes. 11 Q. Can you yard in an offender from any part of the 12 E-Unit? 13 A. From that which I have -- I'm responsible for, 14 that I have sight and sound. 15 Q. Which would include any part of the E-Unit 16 Pod 2? 17 A. Yes. 18 Q. Can you yard in an offender from any common area 19 including the dayroom? 20 A. Yes. 21 Q. If you observe an offender engaging in 22 concerning behavior at any part of the E-Unit Pod 2, are 23 you permitted to immediately yard in that offender? 24 A. Yes. 25 Q. If you or other corrections officers become</p>	<p style="text-align: right;">Page 32</p> <p>1 might be prone to commit an act of violence towards 2 another person on the unit including other offenders, 3 you're not permitted to simply ignore the matter; correct? 4 A. Yes. 5 Q. And if you or other corrections officers become 6 aware that an offender's mental health status as indicated 7 by his words or actions has deteriorated such that he 8 might be prone to commit an act of violence towards 9 another person on the unit including but not limited to 10 other offenders, do your obligations include yarding in 11 the offender as appropriate? 12 A. Yes. 13 Q. And reporting the behavior or words to the 14 offender's mental health counselor or another mental 15 health counselor on the unit? 16 A. Yes. 17 Q. Do you also take steps in such occasions to 18 notify a supervisor? 19 A. When we have a supervisor, yes, a supervisor on 20 the unit. 21 Q. And do you also take steps to notify the other 22 corrections officers with whom you're working? 23 A. Yes. 24 Q. As of May 9th, 2015, did you understand that 25 corrections officers had a duty to promptly yard in an</p>
<p style="text-align: right;">Page 31</p> <p>1 aware that an offender is exhibiting behavior physically 2 or verbally to indicate that the offender might be prone 3 to act violently toward another offender or towards 4 offenders generally, what steps are you obligated to take? 5 A. I'm sorry. Could you rephrase that for me, 6 please? 7 Q. If you become aware that an offender is 8 exhibiting verbal or physical behavior that might indicate 9 that he is prone to commit an act of violence towards 10 another offender, whether specifically towards a 11 particular offender or towards offenders in general, what 12 steps are you obligated to take? 13 A. We report it to their counselor. 14 Q. For what purpose? 15 A. For the purpose of mental health, whatever they 16 do with them. You'd have to ask. 17 Q. Do you also yard them in? 18 A. We can at times, yes. 19 Q. And do you take those steps as necessary to yard 20 in an offender whose behavior might indicate that he's 21 prone to committing an act of violence? 22 A. We try to, yes. 23 Q. If you or other corrections officers become 24 aware that an offender's mental health status as indicated 25 by his words or actions has deteriorated such that he</p>	<p style="text-align: right;">Page 33</p> <p>1 offender to isolate him from other offenders if he engaged 2 in behavior or words indicating the potential for him to 3 commit an act of violence towards another offender? 4 A. Yes. 5 Q. Did you understand that you also, as of May 9th, 6 2015, had a duty and obligation to inform mental health if 7 an offender -- if you became aware that an offender was 8 engaging in behavior or words to indicate that he had the 9 potential to commit an act of violence towards another 10 offender? 11 A. Yes. 12 Q. And did you understand as of May 9th, 2015, that 13 your obligations in such instances also included notifying 14 a supervisor if a supervisor was available? 15 A. Yes. 16 Q. And notifying the other corrections officers? 17 A. Yes. 18 Q. Is it the case that one of the primary duties of 19 a corrections officer is to take steps to prevent an act 20 of violence by one offender against another offender when 21 the risk of such violence becomes apparent to you? 22 A. I'm sorry. Could you rephrase that, please? 23 Q. Would you agree that one of the primary duties 24 of a corrections officer is to take steps to prevent an 25 act of violence of one offender against another offender</p>

<p style="text-align: right;">Page 34</p> <p>1 when the risk of such violence becomes apparent?</p> <p>2 A. Yes.</p> <p>3 Q. For example, if you heard that an offender</p> <p>4 planned to kill another offender, were all of the same</p> <p>5 steps that we just discussed required of you?</p> <p>6 A. Yes.</p> <p>7 Q. If you heard that an offender planned to hurt</p> <p>8 another offender by assaulting that offender, were all the</p> <p>9 same steps that we just discussed required of you?</p> <p>10 A. Yes.</p> <p>11 Q. If an offender who was psychotic and having an</p> <p>12 episode that indicated that he might be prone to act</p> <p>13 violently towards other offenders became apparent to you,</p> <p>14 were all those same steps also required?</p> <p>15 A. I couldn't comment on whether he's psychotic or</p> <p>16 not. I'm not mental health; so...</p> <p>17 Q. If you came to believe that an offender was</p> <p>18 having a break with reality such that he might be prone to</p> <p>19 commit an act of violence towards another offender, were</p> <p>20 all those same steps that we've discussed required of you?</p> <p>21 A. I'm sorry. You need to rephrase that.</p> <p>22 MR. BUDGE: Could you read back the last</p> <p>23 question?</p> <p>24 Q. BY MR. BUDGE: I'll have the court reporter read</p> <p>25 back the last question. If you still don't understand,</p>	<p style="text-align: right;">Page 36</p> <p>1 times?</p> <p>2 A. I can't give you a number.</p> <p>3 Q. Can you give me some examples that come to mind</p> <p>4 of situations in the past where you've yarded in an</p> <p>5 offender?</p> <p>6 A. Not listening to staff directives, squaring off</p> <p>7 with another offender.</p> <p>8 Q. Squaring off meaning getting ready to fight?</p> <p>9 A. Meaning getting too close in proximity. I could</p> <p>10 do it for out of bounds, loud and disruptive. There's --</p> <p>11 there's several things that I could yard an offender in</p> <p>12 for, but how many times a month, I can't -- I -- I can't</p> <p>13 give you a number that would be accurate.</p> <p>14 Q. Do you sometimes yard offenders in who make</p> <p>15 threats?</p> <p>16 A. Yes.</p> <p>17 Q. During the course of your career at the Special</p> <p>18 Offenders E-Unit Pod 2 leading up to May 9th, 2015, did</p> <p>19 the following sometimes occur --</p> <p>20 A. Yes.</p> <p>21 Q. The following sometimes occur, colon.</p> <p>22 A. Oh, sorry.</p> <p>23 Q. That's all right. Let me see if I can ask the</p> <p>24 question a better way.</p> <p>25 Did it sometimes occur prior to May 9th, 2015,</p>
<p style="text-align: right;">Page 35</p> <p>1 let me know what part you don't understand; okay?</p> <p>2 A. Okay.</p> <p>3 (Record read.)</p> <p>4 THE WITNESS: I couldn't comment on a break with</p> <p>5 reality, but if -- the -- the other part of your question,</p> <p>6 if I notice that an offender was going to be violent</p> <p>7 towards one another, yes, we would yard them in and</p> <p>8 take -- and take the same steps.</p> <p>9 Q. BY MR. BUDGE: In the course of your career, can</p> <p>10 you estimate for me how many times you've yarded in an</p> <p>11 offender due to concerns about his behavior?</p> <p>12 A. No.</p> <p>13 Q. Would you say that it's been more than a</p> <p>14 hundred?</p> <p>15 A. Yes.</p> <p>16 Q. Would you say it's been more than 500?</p> <p>17 A. Yes.</p> <p>18 Q. In the course of any given month, can you</p> <p>19 estimate for me how many times you will yard in an</p> <p>20 offender due to concerns about his behavior?</p> <p>21 A. No.</p> <p>22 Q. Would you say it's more than 10?</p> <p>23 A. It depends on the offender's behavior.</p> <p>24 Q. Would you say that in the course of a given</p> <p>25 month, you'll yard in an offender on the E-Unit Pod 2 10</p>	<p style="text-align: right;">Page 37</p> <p>1 that you would become aware of a mentally ill offender</p> <p>2 engaging in verbal or physical behavior that suggested</p> <p>3 that he might not be appropriate to continue sharing</p> <p>4 common areas with other offenders at that time?</p> <p>5 A. It has happened, yes.</p> <p>6 Q. And in such occasions, would you respond by</p> <p>7 promptly yarding in the offender to isolate him from other</p> <p>8 offenders?</p> <p>9 A. Yes.</p> <p>10 Q. And on such occasions, would you generally take</p> <p>11 it upon yourself to notify a supervisor or mental health?</p> <p>12 A. Yes.</p> <p>13 Q. And on such occasions, was it generally the case</p> <p>14 that mental health professionals would come in and</p> <p>15 evaluate the offender?</p> <p>16 A. Yes.</p> <p>17 Q. Did it sometimes occur that upon such</p> <p>18 evaluation, the mental health professional would direct</p> <p>19 the offender to be removed from the unit?</p> <p>20 A. Yes.</p> <p>21 Q. Did it sometimes occur that the offender was</p> <p>22 removed from the unit and taken to the close observation</p> <p>23 area?</p> <p>24 A. Yes.</p> <p>25 Q. In the close observation area, was the offender</p>

<p style="text-align: right;">Page 38</p> <p>1 isolated away from other offenders?</p> <p>2 A. Yes.</p> <p>3 Q. And was it then the case that the offender would</p> <p>4 not be returned to the E-Unit until he was cleared by</p> <p>5 mental health to do so?</p> <p>6 A. Yes.</p> <p>7 Q. Were those protective measures in place in order</p> <p>8 to protect others on the unit from offenders who might</p> <p>9 pose a risk of violence?</p> <p>10 A. That's oversimplifying it. That's one of the</p> <p>11 reasons.</p> <p>12 Q. Was one of the reasons that those procedures</p> <p>13 were in place in order to protect others on the unit from</p> <p>14 offenders who might pose a risk of violence towards others</p> <p>15 on the unit?</p> <p>16 A. And themselves, yes.</p> <p>17 Q. So other offenders; correct?</p> <p>18 A. Yes.</p> <p>19 Q. As well as themselves; correct?</p> <p>20 A. Yes.</p> <p>21 Q. Was it the case that offenders would sometimes</p> <p>22 be yarded in pending an evaluation by mental health in</p> <p>23 order to determine one way or the other whether the</p> <p>24 offender posed a substantial threat to the physical safety</p> <p>25 of others on the unit?</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes.</p> <p>2 Q. Is it standard procedure that on such occasions</p> <p>3 mental health is informed of the offender's words or</p> <p>4 conduct so that the offender can be evaluated and possibly</p> <p>5 removed from the E-Unit altogether?</p> <p>6 A. Yes.</p> <p>7 Q. Many of the offenders who are confined in the</p> <p>8 E-Unit have been confined for a period of years; correct?</p> <p>9 A. Some of them, yes.</p> <p>10 Q. As a corrections officer working on the E-Unit,</p> <p>11 do you become familiar with the offenders confined in the</p> <p>12 E-Unit Pod 2 over the course of time?</p> <p>13 A. Yes.</p> <p>14 Q. You and the other officers regularly observe</p> <p>15 those offenders from day to day; correct?</p> <p>16 A. Yes.</p> <p>17 Q. When you speak with the offenders; correct?</p> <p>18 A. Yes.</p> <p>19 Q. And you recognize their names and faces;</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you talk with your fellow corrections</p> <p>23 officers about the offenders; correct?</p> <p>24 A. Yes.</p> <p>25 Q. And you talk with your supervising officers</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Yes.</p> <p>2 Q. Was it sometimes the case that, after being</p> <p>3 yarded in and evaluated by mental health, the offender</p> <p>4 would be segregated for a period of days in the close</p> <p>5 observation area?</p> <p>6 A. Yes.</p> <p>7 Q. When the offender is segregated to the close</p> <p>8 observation area, is it the case that he does not have the</p> <p>9 opportunity to intermingle with or come into close</p> <p>10 physical proximity with other offenders?</p> <p>11 A. Yes.</p> <p>12 Q. Is the close observation area quite near the</p> <p>13 E-Unit Pod 2?</p> <p>14 A. Could you define "near"?</p> <p>15 Q. How long would it take you to walk from the</p> <p>16 officer's post in the E-Unit Pod 2 to the close</p> <p>17 observation area at a normal rate?</p> <p>18 A. Probably three minutes.</p> <p>19 Q. Is it standard procedure to yard in an offender</p> <p>20 whose words or conduct indicates the potential that he</p> <p>21 might commit an act of violence towards another offender?</p> <p>22 A. I'm sorry. Could you rephrase that, please?</p> <p>23 Q. Is it standard procedure to yard in an offender</p> <p>24 whose words or conduct indicates the potential that he</p> <p>25 might commit an act of violence towards another offender?</p>	<p style="text-align: right;">Page 41</p> <p>1 about the offenders; correct?</p> <p>2 A. Yes.</p> <p>3 Q. And you become generally familiar with the</p> <p>4 offenders' habits and mannerisms and behavior over the</p> <p>5 course of time; correct?</p> <p>6 A. Yes.</p> <p>7 Q. And you become generally familiar with their</p> <p>8 infraction history and behavioral history over the course</p> <p>9 of time; correct?</p> <p>10 A. Not always, their infraction history, not</p> <p>11 always. They could be infraacted on a day off.</p> <p>12 Q. Generally speaking, do you become familiar at a</p> <p>13 minimum with the offenders' infraction history during the</p> <p>14 periods of time that you're working?</p> <p>15 A. Yes.</p> <p>16 Q. Can you look up information about why the</p> <p>17 offenders are in prison?</p> <p>18 A. Yes.</p> <p>19 Q. What information can you access about the</p> <p>20 offenders whom you oversee?</p> <p>21 A. We can see their ERD, if they have one.</p> <p>22 Q. Early release date?</p> <p>23 A. Yes. Sorry.</p> <p>24 We can look up something called criminal history</p> <p>25 summary. I believe we can also look up witness</p>

<p style="text-align: right;">Page 42</p> <p>1 statements, housing, what other facilities they've been 2 to, and you can -- I believe, you can look up the serious 3 infractions. 4 <b>Q. How are you able to look up those things?</b> 5 A. By having access to -- we used to call it OMNI, 6 but I forget what we call it now. 7 <b>Q. So you can look up the information that you've</b> 8 <b>just described on one or more computers?</b> 9 A. Yes. 10 <b>Q. Are those computers located on the E-Unit?</b> 11 A. Yes. 12 <b>Q. What types of information is included within the</b> 13 <b>offenders' criminal history summary that you're able to</b> 14 <b>look up on the computers located on the E-Unit?</b> 15 A. Their crime and a brief description of their 16 crime either from police reports or information that DOC 17 has taken in or law enforcement has taken in. 18 <b>Q. Can you look up the information on the computer</b> 19 <b>system on the E-Unit about whatever crime it was that</b> 20 <b>caused the offender to become incarcerated?</b> 21 A. Yes. 22 <b>Q. And can you look up information about serious</b> 23 <b>infractions that the offender has committed during the</b> 24 <b>course of his confinement at the DOC?</b> 25 A. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 <b>behavior?</b> 2 A. Say, maybe an offender stops taking his meds, we 3 report it to -- that's -- normally, he always takes his 4 meds. That would be an example of off baseline. 5 <b>Q. When an offender exhibits off-baseline behavior,</b> 6 <b>do your duties, among other things, include informing</b> 7 <b>other corrections officers that the offender is off</b> 8 <b>baseline?</b> 9 A. Yes. 10 <b>Q. Do your duties include yarding in the offender</b> 11 <b>as appropriate to isolate the offender from other</b> 12 <b>offenders when he exhibits off-baseline behavior?</b> 13 A. As appropriate, yes. 14 <b>Q. And do your duties include informing supervisors</b> 15 <b>when an offender exhibits off-baseline behavior?</b> 16 A. Not supervisors, but mental health. 17 <b>Q. All right. Your duties include informing mental</b> 18 <b>health when an offender exhibits off-baseline behavior?</b> 19 A. Yes. 20 <b>Q. For what purpose?</b> 21 A. For the purpose of whatever mental health 22 chooses to do with them. You'd have to ask mental health 23 on that. 24 <b>Q. Do you understand that upon informing mental</b> 25 <b>health that an offender is exhibiting off-baseline</b></p>
<p style="text-align: right;">Page 43</p> <p>1 <b>Q. Do you speak with mental health counselors and</b> 2 <b>psychologists about the offenders on the E-Unit?</b> 3 A. Yes. 4 <b>Q. Do you become familiar with the offenders'</b> 5 <b>baseline behavior?</b> 6 A. Yes. 7 <b>Q. What does the word "baseline" mean?</b> 8 A. Just how they usually act. 9 <b>Q. Would you agree that taking prompt measures to</b> 10 <b>prevent offender-against-offender violence is one of the</b> 11 <b>primary duties of a corrections officer?</b> 12 A. It's one of the duties, yes. 13 <b>Q. Is it the case that part of the duties of a</b> 14 <b>corrections officer, in order to assure the safety of</b> 15 <b>offenders and others, is to be aware of offender behavior</b> 16 <b>that might indicate that the offender is off baseline?</b> 17 A. Yes. 18 <b>Q. When you become aware that an offender is</b> 19 <b>exhibiting behavior through words or actions to indicate</b> 20 <b>that he's off baseline, do you have a duty to take action?</b> 21 A. Yes. 22 <b>Q. What action do you take?</b> 23 A. It depends on what they've done. 24 <b>Q. Can you give me some examples of types of action</b> 25 <b>that are taken when an offender exhibits off-baseline</b></p>	<p style="text-align: right;">Page 45</p> <p>1 <b>behavior, that mental health will generally evaluate the</b> 2 <b>offender in order to determine whether the offender can</b> 3 <b>safely remain on the unit?</b> 4 A. That's been the practice, yes. 5 <b>Q. Do you also have an obligation to directly</b> 6 <b>address the offender's behavior and/or words as necessary</b> 7 <b>with the offender?</b> 8 A. I'm sorry. Can you rephrase the question, 9 please? 10 <b>Q. If an offender exhibits off-baseline behavior or</b> 11 <b>if you become aware that an offender is exhibiting</b> 12 <b>off-baseline behavior, do your duties include addressing</b> 13 <b>the offender directly?</b> 14 A. Yes. 15 <b>Q. If a corrections officer, including yourself,</b> 16 <b>ever had knowledge that an offender was threatening to</b> 17 <b>kill someone, were you obligated to take that threat</b> 18 <b>seriously each and every time?</b> 19 A. Yes. 20 <b>Q. If a corrections officer, including yourself,</b> 21 <b>ever had knowledge that an offender was stating that he</b> 22 <b>wanted to talk to a law enforcement officer and that he</b> 23 <b>would kill somebody if necessary to make that happen, is</b> 24 <b>that a threat that you were obligated to take seriously</b> 25 <b>each and every time?</b></p>

Page 46

1 A. Yes.

2 Q. If a corrections officer, including yourself,

3 ever had knowledge that an offender was stating that he

4 wanted to talk to a law enforcement officer and that he

5 would kill someone if necessary to make that happen, did

6 your duties including promptly isolating that offender

7 from others by yarding him in his cell?

8 A. Yes.

9 Q. Did your duties in such circumstances also

10 include reporting that threat to supervisors?

11 A. Yes.

12 Q. Did your duties also include reporting that

13 threat to mental health?

14 A. Yes.

15 Q. Did your duties include ensuring that the

16 offender remain isolated from other offenders unless and

17 until he was cleared by other prison officials to resume

18 physical interaction with other offenders?

19 A. Yes.

20 MR. BUDGE: We've been going for about an hour.

21 Do you want to take a break, or should we just --

22 MS. SEVERSON: Yeah -- no, I would like to take

23 a short break.

24 MR. BUDGE: Okay.

25 (Short recess.)

Page 47

1 Q. BY MR. BUDGE: All right. We're back on the

2 record, Mr. Talbot. We had a short break. Do you feel

3 ready to continue?

4 A. Yes.

5 Q. And you understand that you're still under oath?

6 A. Yes.

7 Q. Later in this deposition, I'll be asking you

8 some more specific questions about the day of the assault

9 of Casey Powell by Price. Before I do so, do you go by

10 any other names besides Tom Talbot?

11 A. Officer Talbot.

12 Q. Doe you go by Tommy Giovanni?

13 A. No, not at work.

14 Q. Is Tommy Giovanni your pseudonym or penname?

15 A. Yes.

16 Q. In 2015, following the death of Gordon Casey

17 Powell, did you publish a book?

18 A. No.

19 Q. Have you published books, sir?

20 A. I have published two books.

21 Q. Do you have a book titled "What Really Happens

22 in Prison: One Officer's Journey"?

23 A. Yes.

24 Q. Did you write that book?

25 A. Yes.

Page 48

1 Q. Did you cause that book to be published?

2 A. I had it published, yes.

3 Q. Is that book that you caused to have published

4 written under the pseudonym Tommy Giovanni?

5 A. Yes.

6 Q. Do you have a second book as well that has been

7 published?

8 A. No. I'm sorry. I have one before that one,

9 yes.

10 Q. What is the one before?

11 A. "My Heart, My Psalms."

12 Q. Let's talk a little bit about your book, "What

13 Really Happens in Prison: One Officer's Journey."

14 Did you pay for that book to be published?

15 A. Yes.

16 Q. Was it published in approximately July 2015 by

17 Fulton Books of New York?

18 A. Yes.

19 Q. The book was published after the fatal assault

20 of Casey Powell that occurred by Price in your presence;

21 correct?

22 A. Yes, I believe so.

23 Q. By writing the book and causing it to be

24 published, did you know that the book would become widely

25 available to anybody who wished to order and read the

Page 49

1 book?

2 A. That was the plan, yes.

3 Q. In fact, since publishing the book, is it the

4 case that the book has been available and remains

5 available to anyone who wishes to read it?

6 A. Not now. The Department was letting the book in

7 to offenders. That has stopped. Anybody else may order

8 the book.

9 Q. Other than offenders, is your book "What Really

10 Happens in Prison: One Officer's Journey" available for

11 anybody who wishes to purchase and read it?

12 A. Yes.

13 Q. Is it advertised for sale and sold on Amazon.com

14 and other booksellers?

15 A. Yes.

16 Q. Does the book describe your personal

17 experiences, observations, thoughts, and feelings working

18 as a corrections officer at the Washington Department of

19 Corrections Special Offenders Unit here in Monroe?

20 A. At times, yes.

21 Q. The book describes your personal experiences,

22 observations, thoughts, and feelings working as a

23 corrections officer at the same institution and on the

24 same unit where Price fatally assaulted Casey Powell;

25 correct?



Page 50

1 A. No. The book had nothing to do with Casey  
2 Powell.  
3 **Q. Excuse me, sir, I didn't ask you that question.**  
4 A. It sure sounded like you did.  
5 **Q. Focus on the question that I am asking --**  
6 A. I am focusing on the question.  
7 MS. SEVERSON: Let him finish his question  
8 before you start answering.  
9 **Q. BY MR. BUDGE: Let me repeat the question.**  
10 **The book describes your personal experiences,**  
11 **observations, thoughts, and feelings working as a**  
12 **corrections officer at the same institution and on the**  
13 **same unit where Price fatally assaulted Casey Powell;**  
14 **correct?**  
15 A. Correct.  
16 **Q. Who do you believe knows about your book?**  
17 A. I can't say.  
18 **Q. Who do you believe at the Department of**  
19 **Corrections knows about your book?**  
20 A. A lot of officers, some offenders, I believe  
21 Olympia has a copy.  
22 **Q. Who in Olympia has a copy of your book, sir, to**  
23 **your knowledge?**  
24 A. I don't know. I just got -- heard -- heard  
25 through PNN that they had a copy; so...

Page 51

1 **Q. Who is PNN?**  
2 A. The Prison News Network, kind of the grapevine,  
3 so to speak.  
4 **Q. Is the Prison News Network, PNN, a slang term to**  
5 **refer to rumor and gossip within the prison system?**  
6 A. Sounds fair.  
7 **Q. Do you believe that higher-ups in Olympia have a**  
8 **copy of your book?**  
9 A. I believe they do.  
10 **Q. Are you proud of your book?**  
11 A. I think it could have been edited better, but,  
12 yes, I'm proud of it.  
13 **Q. Are you proud of the content of your book?**  
14 A. It's the truth.  
15 **Q. Do you believe that other corrections officers**  
16 **here at the prison in Monroe with whom you work know about**  
17 **your book?**  
18 A. I believe a vast majority do.  
19 **Q. Do you believe that the other defendants in this**  
20 **case know about your book?**  
21 A. Yes.  
22 **Q. Seeley knows about your book; right?**  
23 A. Yes.  
24 **Q. Hebert knows about your book; right?**  
25 A. Yes.

Page 52

1 **Q. Barnes knows about your book?**  
2 A. Yes.  
3 Can you clarify about "knows"? Just -- knows  
4 that it's out there?  
5 **Q. Yes.**  
6 A. Yes, okay.  
7 **Q. Do you believe that Lieutenant Asin knows about**  
8 **your book?**  
9 A. I -- I don't know.  
10 **Q. Do you have reason to believe that he knows**  
11 **about your book?**  
12 A. I could assume that he knows about it but not  
13 for sure.  
14 **Q. Why would you assume that he knows about your**  
15 **book?**  
16 A. Because people talk.  
17 **Q. Do you think that your Unit Sergeant Granger**  
18 **knows about your book?**  
19 A. Yes.  
20 **Q. Why do you think that?**  
21 A. Because he purchased a copy.  
22 **Q. How do you know?**  
23 A. He told me.  
24 **Q. And how about your Corrections Unit Supervisor**  
25 **Glaser? Do you believe that he knows about your book?**

Page 53

1 A. He does.  
2 **Q. Why do you think that?**  
3 A. Because the sergeant shared it with him.  
4 **Q. Sergeant Granger shared it with him?**  
5 A. Yes.  
6 **Q. How do you know that Sergeant Granger shared a**  
7 **copy of your book with Corrections Unit Supervisor Glaser?**  
8 A. Because he told -- actually, it wasn't him that  
9 shared it. Pardon me. It was -- it was Sergeant  
10 Wiznoictz that shared it with him. Granger was on --  
11 yeah, Granger was on leave at that time, yeah.  
12 **Q. So you understand that from -- is it Sergeant**  
13 **"Witzler"?**  
14 A. Wiznoictz.  
15 **Q. Wiznoictz that Glaser has a copy of your book,**  
16 **or he had a copy of your book, or had it available to him?**  
17 A. "Had it available to him" would be a fair  
18 statement.  
19 **Q. Do you think that Shift Sergeant Browne knows**  
20 **about your book?**  
21 A. That, I don't know.  
22 **Q. And I think you said that you assume that Shift**  
23 **Lieutenant Asin knows about your book?**  
24 A. I assume. That would be my best answer, yes.  
25 **Q. Do you believe that other sergeants,**

Page 54

1 supervisors, or lieutenants, other than those that I've  
2 just named, know about your book?  
3 A. Yes.  
4 Q. Which ones do you believe know about your book?  
5 A. I -- I don't know. There's a lot of staff at  
6 MCC.  
7 Q. Do you think that the prison officials who are  
8 higher up here at the prison above Lieutenant Asin know  
9 about your book?  
10 A. Yes.  
11 Q. Which ones do you believe know about your book?  
12 A. I think the superintendents know, but that's my  
13 thought.  
14 Q. Why do you think that the superintendents know  
15 about your book?  
16 A. Because of the way I'm looked at and treated by  
17 some of them.  
18 Q. What way would that be?  
19 A. Not a very positive way.  
20 Q. And when you say "by some of them," who do you  
21 mean in particular?  
22 A. The one in particular would be Jack Warner.  
23 Q. And what is Jack Warner's position?  
24 A. Right now, he's the superintendent of the  
25 Special Offenders Unit at MCC.

Page 55

1 Q. Do you believe that Jack Warner knows about your  
2 book?  
3 A. Yes.  
4 Q. Why?  
5 A. For the reasons I stated earlier.  
6 Q. Do you know who Jack Warner reports to?  
7 A. As far as I know, he reports to Superintendent  
8 Obenland, who's the main superintendent of MCC.  
9 Q. Do you believe that Superintendent Obenland  
10 knows about your book?  
11 A. I -- I can't say for sure.  
12 Q. Do you know who Superintendent Obenland reports  
13 to?  
14 A. He reports to Olympia, I would assume.  
15 Q. Do you believe that the superintendent of the  
16 Washington Department of Corrections knows about your  
17 book?  
18 A. Probably.  
19 Q. Why do you believe that?  
20 A. Because people talk.  
21 Q. Do you believe that Cameron Johnson knows about  
22 your book?  
23 A. Yes.  
24 Q. Do you believe that Kelsey Meyer knows about  
25 your book?

Page 56

1 A. Yes.  
2 Q. Do you believe that Kelsey Walters knows about  
3 your book?  
4 MS. SEVERSON: Keri Walters.  
5 Q. BY MR. BUDGE: Excuse me. Keri Walters.  
6 A. Yes.  
7 Q. Do you believe that Breeann Caraway knows about  
8 your book?  
9 A. Yes.  
10 Q. I'm handing you --  
11 MR. BUDGE: Actually, could you go ahead and  
12 mark that, please?  
13 (Deposition Exhibit 1 was marked for  
14 identification.)  
15 MS. SEVERSON: Since there's not a question  
16 pending, my client has asked to take a short break.  
17 MR. BUDGE: Okay.  
18 (Short recess.)  
19 Q. BY MR. BUDGE: Officer Talbot, at your request,  
20 did we just take a break for about five minutes?  
21 A. Yes.  
22 Q. Are you ready to continue?  
23 A. Yes.  
24 Q. Handing you what's been marked as Exhibit No. 1  
25 to your deposition. Is this a copy of your book?

Page 57

1 A. Yes.  
2 Q. The preface to your book states that the book  
3 gives an accurate picture of your personal experiences,  
4 observations, thoughts, and feelings as a corrections  
5 officer; correct?  
6 A. Yes.  
7 Q. The preface to your book further states that the  
8 book gives an accurate account of what happens in prison;  
9 correct?  
10 A. Yes.  
11 Q. On September 4th, 2015, you also gave an on-air  
12 interview to an independent radio station called  
13 KSER 90.7; correct?  
14 A. Yes.  
15 Q. You're interviewed on the air by the host,  
16 Ed Bremer; correct?  
17 A. Yes.  
18 Q. You spoke on the air about your book; correct?  
19 A. Yes.  
20 Q. And you spoke for approximately one hour on the  
21 air; correct?  
22 A. Yes.  
23 Q. Have you seen the transcript of your on-air  
24 interview from KSER 90.7 with the host, Ed Bremer?  
25 A. No.

<p style="text-align: right;">Page 58</p> <p>1 Q. Although certain names in your book have 2 changed, including your own name, I take it that you stand 3 by and affirm that the information in your book is an 4 accurate portrayal of your personal observations, 5 thoughts, feelings, and experiences working as a 6 corrections officer; correct? 7 A. Yes, but I would like to also state that this 8 was written from the perspective of the beginning of my 9 career. 10 Q. When did Casey Powell come to the prison, sir? 11 A. I don't know. 12 Q. It was in the fall of 2014; right? 13 A. I don't know. 14 Q. Do you have any reason to dispute that 15 Casey Powell came to the prison in the fall of 2014? 16 A. Other than I don't know, no. 17 Q. Casey Powell came to the prison about six months 18 before he was murdered; correct? 19 A. I don't know. I don't remember when exactly he 20 came. 21 Q. Right. 22 When is your best estimate of when he came? 23 A. I -- I just don't remember when he came. I 24 mean, I have guys coming and going all the time. 25 Q. Your book describes things that occurred between</p>	<p style="text-align: right;">Page 60</p> <p>1 death in prison does not carry much weight to officers. 2 A. Because we had an officer murdered, and things 3 were supposed to change, and, to me, it didn't seem like 4 it did. 5 Q. Which officer are you referring to, sir? 6 A. I'm referring to Officer Jayme Biendl. 7 Q. And when was Officer Jayme Biendl murdered? 8 A. 2011. 9 Q. So in your book, you're referring to things that 10 occurred in 2011 and after; correct? 11 A. It's a mix, yes. 12 Q. Yes? 13 A. Yes. 14 Q. You refer to recent events in your book, 15 correct, including not only her murder but the fallout 16 from her murder and other events occurring after 2011; 17 correct? 18 A. Yes. 19 Q. So you write in your book that death in prison 20 does not carry much weight to officers because of Officer 21 Biendl's murder and the fact that you believe that things 22 should have changed but did not; is that right? 23 A. That's a fair statement, correct. 24 Q. Please tell me why you write in your book that 25 death in prison does not carry much weight to offenders.</p>
<p style="text-align: right;">Page 59</p> <p>1 you and Casey Powell, doesn't it? 2 A. No. 3 Q. It does not? 4 A. It does not. Not that I -- not that I recall. 5 Q. We'll talk about that in a bit. 6 A. Sure. 7 Q. The book that you have in front of you, which 8 you caused to be published after the murder of 9 Casey Powell by Price in your presence, how many copies 10 would you say that you've sold, sir? 11 A. I don't know, maybe 1,500 to 2,000, somewhere in 12 there. There's electronic copies. 13 Q. Including electronic and paper copies? 14 A. Correct. 15 Q. In your book on Page 8 -- and feel free to 16 reference it if you'd like -- you state toward the bottom 17 of the page about three-quarters of the way down, quote, 18 "Death does not carry much weight in prison whether you 19 are an officer or an offender"; correct? 20 A. That's what it says. 21 Q. That's what you wrote in your book? 22 A. That's what it says, yes. 23 Q. And that's what you wrote in your book? 24 A. Yes. 25 Q. Please tell me why you write in your book that</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Because I don't believe a lot of offenders care 2 if one of us gets murdered. 3 Q. Why do you believe that? 4 A. It's what I believe. I don't know. 5 Q. So based on your approximately 12 years of 6 experience working at the Department of Corrections 7 Special Offenders Unit E-Unit Pod 2 in Monroe with the 8 exception of the four months that you spent at Twin 9 Rivers, you believe that death in prison does not carry 10 much weight to offenders? 11 A. Correct. 12 MS. SEVERSON: Object to the form of the 13 question. 14 THE WITNESS: Can he rephrase the question? 15 Q. BY MR. BUDGE: I think you answered it. 16 A. Well, I want it rephrased anyway. 17 MS. SEVERSON: You did answer it, and I would 18 have instructed you to answer it. 19 THE WITNESS: Okay. 20 Q. BY MR. BUDGE: And you formed the belief that 21 death in prison does not carry much weight to offenders 22 because it's your belief that offenders don't care if 23 officers are murdered? 24 A. I believe the majority don't care, and that's my 25 17 years of correctional experience.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. Has anybody at the Washington Department of 2 Corrections ever disciplined, reprimanded, or otherwise 3 taken any action towards you or your employment with 4 regard to what you say in your book that death does not 5 carry much weight in prison for officers or offenders? 6 A. No. 7 Q. Why not? 8 A. Well, I think it's covered in our First 9 Amendment. 10 Q. In your book, you describe an incident where you 11 were assigned to guard an offender who had been taken to 12 the hospital. Are you familiar with what I'm referring 13 to? 14 A. I am. 15 Q. Guarding offenders who are in the hospital for 16 one reason or another is part of the duties of a 17 corrections officer; correct? 18 A. Correct. 19 Q. In fact, when Casey Powell was on life support 20 in the hospital following the assault against him by 21 Price, he was guarded by DOC officers in the hospital. Is 22 that consistent with your understanding? 23 A. Yes. 24 Q. In your book, you describe an incident where you 25 were assigned, along with your DOC officer partner, to</p>	<p style="text-align: right;">Page 64</p> <p>1 MS. SEVERSON: Thank you. 2 Q. BY MR. BUDGE: Where your partner decided to 3 pretend to call the shift lieutenant to ask for permission 4 to loosen the restraint chain. Do you see that? 5 A. Yes. 6 Q. And then as you complete your description of the 7 event, on the top of Page 14, you write, quote, "Enter 8 this old dried-up nurse, she said, 'Keep that offender 9 quiet. We have real sick people in here!' Long story 10 short, he did not quiet down; on the contrary, he screamed 11 louder. I felt it was a good time to get him to quiet 12 down, so I decided to draw my side arm. I pointed it at 13 him and said 'I am going to cap the son of a bitch. We 14 are already in the hospital. It will be fine.'" Did I 15 read that correctly? 16 A. I'm sorry? 17 Q. Did I read that correctly? 18 A. Yes. 19 Q. You go on to describe in your book how the 20 nurse, quote, "pissed herself on the way out of the room." 21 Do you see that? 22 A. Yep. 23 Q. Have you ever been trained that it is excessive 24 force as a matter of law to pull out a pistol in a 25 hospital and point it at someone who's partially chained</p>
<p style="text-align: right;">Page 63</p> <p>1 guard an offender in the hospital who was chained to a 2 hospital bed. Do you recall that? 3 A. I do. 4 Q. You say that the offender, who was chained to 5 the hospital bed for medical treatment, was being 6 excessively loud? 7 A. I need to clarify that he wasn't totally chained 8 to the bed. 9 Q. He was partially chained to the bed? 10 A. Partially chained would be a fair -- fair 11 statement. 12 Q. You say in your book that the offender who was 13 partially chained to the hospital bed was being 14 excessively loud; correct? 15 A. Correct. 16 Q. At Page 13 of your book, toward the bottom of 17 the page, you describe this incident with you and your 18 partner where you pretended to call the shift lieutenant 19 and ask for permission to loosen the restraint chain. Do 20 you see that? 21 A. My partner. 22 Q. Right. 23 MS. SEVERSON: I'm sorry, Counsel. I don't see. 24 What paragraph? 25 MR. BUDGE: The final paragraph on Page 13.</p>	<p style="text-align: right;">Page 65</p> <p>1 to the bed and announce that you are going to kill him or, 2 as you say in slang, quote, "cap him"? 3 A. I'm sorry. Can you rephrase that? 4 Q. Have you ever been trained that it is excessive 5 force to pull out a pistol in a hospital, point it at 6 someone who is chained to a bed, and announce that you are 7 going to kill him or, as you say in slang, quote, "cap 8 him"? 9 A. Depends on the situation. 10 Q. Can you be more extensive with your answer? 11 A. In this case, the offender was partially 12 chained, and he started swinging at my partner. 13 Q. You don't say that in your book, do you? 14 A. No, I didn't. There's a lot of things I didn't 15 say in my book. 16 Q. You say in your book that he was chained to the 17 hospital bed and that you pulled out the gun, pointed it 18 at his head -- 19 A. No, sir. 20 Q. Well, you pulled out the gun, pointed it at him, 21 and announced that you were going to cap him; correct? 22 A. Correct. 23 Q. Cap him being a slang term for kill him; 24 correct? 25 A. Shoot him.</p>



<p style="text-align: right;">Page 66</p> <p>1 Q. Has anybody at the Washington Department of 2 Corrections ever disciplined, reprimanded, or otherwise 3 taken any action against you or your employment with 4 regard to what you say in your book that you pulled a 5 pistol out inside of a hospital room, pointed it at an 6 offender who you describe as being chained to a bed -- 7 A. Partially chained to a bed. 8 Q. -- in the hospital, while announcing that you 9 are going to cap him and calling him a son of a bitch? 10 A. No, no discipline. 11 Q. Any type of employment action towards you 12 whatsoever? 13 A. No. It was my last day. 14 Q. Has anybody taken any action towards your 15 employment with regard to what you say in your book about 16 pointing a gun at an offender in a hospital room while on 17 duty and announcing that you are going to kill the 18 offender? 19 A. No. 20 Q. Do you know why not? 21 A. Yes. 22 Q. Why? 23 A. Because it was my last day. I went to work with 24 juveniles for 10 months. When I came back, I was told 25 that all the good things I did, don't count against me;</p>	<p style="text-align: right;">Page 68</p> <p>1 ever disciplined, reprimanded, or otherwise taken any 2 action towards you or your employment with regard to what 3 you say in your book that you told an offender in the 4 presence of a DOC nurse that you, quote, "fucked a sheep. 5 She might have been your sister," and "The nurse could not 6 stop laughing"? 7 A. Somebody talked to me. 8 Q. Who? 9 A. I believe it was the shift sergeant. 10 Q. Okay. Tell me about that, everything you 11 remember. 12 A. He asked me about the conversation, and I told 13 him what the offender said to me before I said that, and 14 that was pretty much it. 15 Q. So getting back to my original question, has 16 anybody at the Washington Department of Corrections ever 17 taken any disciplinary action against you or your 18 employment with regard to what you say in your book that 19 you told an offender in the presence of a DOC nurse that 20 you, quote, "fucked a sheep. She might have been your 21 sister," and "The nurse could not stop laughing"? 22 A. Yes. 23 Q. Who has taken employment action against you, and 24 what employment action was taken? 25 A. The employment action was being talked to.</p>
<p style="text-align: right;">Page 67</p> <p>1 all the bad things I did, don't count against me. I now 2 have a fresh start. 3 Q. But, sir, your book in which you describe the 4 incident was actually published within the last two years; 5 correct? 6 A. Correct. 7 Q. Who was the offender that you pointed the gun at 8 in the hospital and announced you were going to kill him 9 while he was partially chained to a hospital bed? 10 MS. SEVERSON: Object to the question. 11 Misstates his testimony. 12 You may answer. 13 THE WITNESS: Don't remember. 14 Q. BY MR. BUDGE: Who was your DOC partner? 15 A. Don't remember. 16 Q. Did anybody from the Department of Corrections 17 interview you about the incident that you described? 18 A. No. 19 Q. In your book on Page 38, you describe telling an 20 offender in the presence of a DOC nurse, quote, "Well I 21 went to Anacortes last week and fucked a sheep. She might 22 have been your sister. I didn't ask her." The nurse 23 could not stop laughing." Do you see that? 24 A. Yes, I do. 25 Q. Has anybody at the Department of Corrections</p>	<p style="text-align: right;">Page 69</p> <p>1 That's one of our steps. 2 Q. Anything else? 3 A. No. 4 Q. Okay. Have you ever been disciplined for that? 5 A. That's one of our steps in discipline, yes. 6 Q. Other than being talked to, have you ever had 7 any disciplinary action taken against you -- 8 A. No. 9 Q. -- with regard to what you say? 10 A. No. 11 Q. When did this happen? 12 A. I couldn't say. Couldn't give you an accurate 13 date. 14 Q. Who was the offender? 15 A. Couldn't even tell you that. 16 Q. Who was the nurse? 17 A. Couldn't tell you that. 18 Q. Do you believe your remark was appropriate? 19 A. For the context of the conversation, yes. 20 Q. In your book on Page 39, you describe the 21 department as being, quote, "dirty." Do you see that? 22 A. You're going to have to tell me where it's at. 23 Q. Toward the top of Page 39. 24 A. Okay. I think I found it. 25 Q. You described the department as being, quote,</p>



<p>Page 70</p> <p>1 "dirty." Do you see that?</p> <p>2 A. Mm-hmm.</p> <p>3 Q. Yes?</p> <p>4 A. Yes.</p> <p>5 Q. And you say "I wish I could say this as a joke,</p> <p>6 but in all honesty I cannot"?</p> <p>7 A. Yes.</p> <p>8 Q. And then you go on to say that "The quickest way</p> <p>9 to a promotion in the Department of Corrections is to fuck</p> <p>10 up in some way or another." Do you see that?</p> <p>11 A. Yes, I do.</p> <p>12 Q. Why do you describe the Department of</p> <p>13 Corrections as, quote, "dirty"?</p> <p>14 A. For the reason you just read. Promotions are</p> <p>15 given to questionable people.</p> <p>16 Q. Please be more specific.</p> <p>17 MS. SEVERSON: Object to the form of the</p> <p>18 question.</p> <p>19 You may answer if you can.</p> <p>20 THE WITNESS: I don't think I can answer. I</p> <p>21 mean, I can't give you specifics.</p> <p>22 Q. BY MR. BUDGE: Do you believe that the</p> <p>23 Department of Corrections is dirty?</p> <p>24 A. I believe it sure can be.</p> <p>25 Q. Do you believe that the Department of</p>	<p>Page 72</p> <p>1 A. Not firsthand, no.</p> <p>2 Q. But you know it to have occurred?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know it to have occurred that corrections</p> <p>5 officers here at the Department of Corrections in Monroe</p> <p>6 have brought drugs in for offenders?</p> <p>7 A. Yes.</p> <p>8 Q. Which officers have brought drugs in for</p> <p>9 offenders?</p> <p>10 MS. SEVERSON: Object to the form of the</p> <p>11 question.</p> <p>12 THE WITNESS: I couldn't give you their name.</p> <p>13 MS. SEVERSON: I object to the line of</p> <p>14 questioning, in general, as being not calculated to lead</p> <p>15 to admissible evidence, but I'm going to allow him to</p> <p>16 answer subject to the objection.</p> <p>17 Q. BY MR. BUDGE: Do you know their names and you</p> <p>18 just don't want to tell me?</p> <p>19 A. No.</p> <p>20 Q. Has anybody at the Washington Department of</p> <p>21 Corrections ever disciplined, reprimanded you, or taken an</p> <p>22 action towards your employment with regard to what you say</p> <p>23 in your book about the department being dirty?</p> <p>24 A. No.</p> <p>25 Q. In your book, you talk about how officers would</p>
<p>Page 71</p> <p>1 Corrections is dirty?</p> <p>2 A. I believe it can be.</p> <p>3 Q. I know it can be.</p> <p>4 My question is different. Do you believe that</p> <p>5 the Department of Corrections is dirty?</p> <p>6 A. I can't answer.</p> <p>7 Q. Why else do you believe that the Department of</p> <p>8 Corrections can be dirty?</p> <p>9 A. Just through some things I've seen in the past.</p> <p>10 Q. Please tell me what things you've seen that</p> <p>11 leads you to the conclusion that the Department of</p> <p>12 Corrections can be dirty.</p> <p>13 A. I've seen officers bring things in that they</p> <p>14 shouldn't bring in.</p> <p>15 Q. Such as?</p> <p>16 A. Cell phones, drugs. That's all I'm going to</p> <p>17 comment on.</p> <p>18 Q. What else --</p> <p>19 A. Well, I can comment on, I should say.</p> <p>20 Q. Are there other things that lead you to the</p> <p>21 conclusion that the Department of Corrections can be dirty</p> <p>22 that you don't want to tell me about?</p> <p>23 A. No.</p> <p>24 Q. Have you seen officers here at the Department of</p> <p>25 Corrections in Monroe bring drugs in?</p>	<p>Page 73</p> <p>1 come into work drunk at times?</p> <p>2 A. Yes.</p> <p>3 Q. Have you personally witnessed that?</p> <p>4 A. Yes.</p> <p>5 Q. Will you tell me which DOC officers came to work</p> <p>6 drunk?</p> <p>7 MS. SEVERSON: Same objection.</p> <p>8 But you may answer.</p> <p>9 THE WITNESS: I can't say.</p> <p>10 Q. BY MR. BUDGE: Why not?</p> <p>11 A. Because I don't remember their name.</p> <p>12 Q. You just don't recall?</p> <p>13 A. I don't -- I don't recall.</p> <p>14 MS. SEVERSON: Mr. Budge, can we agree on the</p> <p>15 record that I have an ongoing objection to the entire line</p> <p>16 of questioning so I don't have to keep interrupting you</p> <p>17 with my objection. If not, I'll keep interrupting you</p> <p>18 with my objection.</p> <p>19 MR. BUDGE: Yeah -- no, I think you should</p> <p>20 probably make your objection as you deem fit as we go.</p> <p>21 MS. SEVERSON: Okay.</p> <p>22 Q. BY MR. BUDGE: Has anybody at the Department of</p> <p>23 Corrections ever sought to interview you or gain further</p> <p>24 information from you about what you say in your book --</p> <p>25 A. No.</p>

<p>Page 74</p> <p>1 Sorry. I thought you were done.</p> <p>2 Q. -- with regard to officers coming into work</p> <p>3 drunk?</p> <p>4 A. No.</p> <p>5 Q. You say in your book that working at prison is a</p> <p>6 lot like being in high school, and that there is no way on</p> <p>7 God's green earth that a secret can be kept. Do you</p> <p>8 recall writing that in your book?</p> <p>9 A. I do.</p> <p>10 Q. You also say elsewhere in your book that at the</p> <p>11 facility where you work, it is easy to learn every</p> <p>12 offender's name, not only know their name but also know</p> <p>13 what they are about to an extent. Do you recall writing</p> <p>14 that in your book?</p> <p>15 A. I -- I do.</p> <p>16 Q. Describe for me why it is that in the prison</p> <p>17 where you work and the facility where you work that there</p> <p>18 is no way on God's green earth that a secret can be kept</p> <p>19 and that you can learn about the offenders.</p> <p>20 A. Because stuff gets around, and when I wrote</p> <p>21 that, we were a smaller unit back then as well with less</p> <p>22 offenders.</p> <p>23 Q. So how do you and the other corrections officers</p> <p>24 learn about the offenders?</p> <p>25 A. Through OMNI, through talking to them.</p>	<p>Page 76</p> <p>1 involving the offender that you call Rodriguez, you</p> <p>2 describe that it was asked if you could bring the offender</p> <p>3 a new set of uniforms; right?</p> <p>4 A. No.</p> <p>5 Q. Do you say in your book that "An offender by the</p> <p>6 name of Rodriguez stepped out of line and asked me if I</p> <p>7 could bring him in a set" --</p> <p>8 A. Yes, he asked me --</p> <p>9 Q. Excuse me.</p> <p>10 -- "a set of my uniforms"?</p> <p>11 A. Yes.</p> <p>12 Q. And then you go on to say, quote, "I informed</p> <p>13 him that we had a deal only if he brought in a pair of his</p> <p>14 sister's underwear so I could say that I fucked the bitch.</p> <p>15 Little did I know" -- she -- "was dying of cancer." Do</p> <p>16 you see that?</p> <p>17 A. I do.</p> <p>18 Q. You go on to say that you and another officer</p> <p>19 picked up the offender and, quote, "threw him on his bunk</p> <p>20 and the cell door slammed behind him." Do you see that?</p> <p>21 A. I do.</p> <p>22 Q. You then say that the offender filed a grievance</p> <p>23 and that your partner informed the investigators that you</p> <p>24 said no such thing, and that the offender had come at you</p> <p>25 in an aggressive manner so you had to throw him in this</p>
<p>Page 75</p> <p>1 Q. OMNI being the computer system?</p> <p>2 A. Correct.</p> <p>3 Q. And through OMNI and through talking with the --</p> <p>4 A. Offenders.</p> <p>5 Q. -- offenders and others, do you learn about</p> <p>6 their secrets?</p> <p>7 A. Can you define "secrets"?</p> <p>8 Q. Well, you say in your book there's no way on</p> <p>9 God's green earth that a secret can be kept. What do you</p> <p>10 mean in your book when you describe secrets?</p> <p>11 A. Personal things. I guess that would be the best</p> <p>12 way to describe it.</p> <p>13 Q. So you learn on OMNI and through talking with</p> <p>14 others, personal things about the offenders?</p> <p>15 A. About the offenders, yes.</p> <p>16 Q. In your book on Page 44, toward the bottom of</p> <p>17 the page, you refer to an offender by the name of</p> <p>18 Rodriguez. Do you see that?</p> <p>19 A. Yep.</p> <p>20 Q. I take it that Rodriguez is not the offender's</p> <p>21 real name?</p> <p>22 A. That's correct.</p> <p>23 Q. Do you recall the offender's real name?</p> <p>24 A. No, I do not.</p> <p>25 Q. In the incident, on the bottom of Page 44,</p>	<p>Page 77</p> <p>1 cell. Do you see that?</p> <p>2 A. I do.</p> <p>3 Q. You go on to say, quote, "That was good enough</p> <p>4 for them. In their minds, the case was closed. There are</p> <p>5 two bonuses in prison, getting a good partner and, while</p> <p>6 there is video in most every place you go, there is no</p> <p>7 audio." Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. First, Mr. Talbot, has anybody at the Washington</p> <p>10 Department of Corrections ever disciplined, reprimanded,</p> <p>11 or taken any employment action towards you with regard to</p> <p>12 what you say in your book about telling an offender he</p> <p>13 should bring in a pair of his sister's underwear so you</p> <p>14 could say that you fucked the bitch?</p> <p>15 A. No.</p> <p>16 Q. Why not?</p> <p>17 A. I don't know.</p> <p>18 Q. Who was your partner?</p> <p>19 A. Don't remember.</p> <p>20 Q. Has anyone from the Department of Corrections</p> <p>21 ever asked you about it?</p> <p>22 A. No.</p> <p>23 Q. Do you know why not?</p> <p>24 A. No.</p> <p>25 Q. The second part of the description that I read</p>

<p style="text-align: right;">Page 78</p> <p>1 refers to your partner lying to investigators about what</p> <p>2 you said; correct?</p> <p>3 A. Yep.</p> <p>4 Q. Your partner lied to investigators by denying</p> <p>5 that you had said what you said about fucking the</p> <p>6 offender's sister; correct?</p> <p>7 A. Correct.</p> <p>8 Q. And your partner further lied to the</p> <p>9 investigators by saying that the offender had come at you</p> <p>10 in an aggressive manner when he had not done so; correct?</p> <p>11 A. No, he did come at -- an aggressive manner.</p> <p>12 Q. All right. Your partner lied to investigators</p> <p>13 by denying that you had said what you said about fucking</p> <p>14 the offender's sister; correct?</p> <p>15 A. Correct.</p> <p>16 Q. Did you correct the lie?</p> <p>17 A. No, wasn't interviewed.</p> <p>18 Q. Do you think that you or any officer should lie</p> <p>19 to investigators?</p> <p>20 A. No.</p> <p>21 Q. Knowing that your partner had lied to</p> <p>22 investigators about what you said, why did you not seek to</p> <p>23 correct his lie?</p> <p>24 MS. SEVERSON: Object to the form of the</p> <p>25 question. Ongoing objection outside the scope of FRCP 26</p>	<p style="text-align: right;">Page 80</p> <p>1 violation of policy?</p> <p>2 A. No.</p> <p>3 Q. Who was your partner who lied to the</p> <p>4 investigators?</p> <p>5 A. I don't remember.</p> <p>6 MS. SEVERSON: Objection. Asked and answered.</p> <p>7 Q. BY MR. BUDGE: Sorry?</p> <p>8 A. I don't remember.</p> <p>9 Q. You don't remember your own partner, sir?</p> <p>10 A. I don't remember things that happened 17 years</p> <p>11 ago.</p> <p>12 Q. You don't remember your partner that you had</p> <p>13 here?</p> <p>14 MS. SEVERSON: Objection.</p> <p>15 THE WITNESS: I don't --</p> <p>16 MS. SEVERSON: Objection. Asked and answered.</p> <p>17 Argumentative.</p> <p>18 But you may answer.</p> <p>19 THE WITNESS: I don't remember.</p> <p>20 Q. BY MR. BUDGE: Has anybody at the Department of</p> <p>21 Corrections ever disciplined, reprimanded, or taken any</p> <p>22 action towards you or your employment with regard to what</p> <p>23 you say in your book about your partner lying to</p> <p>24 investigators in this way or by your permitting your</p> <p>25 partner's lie to stand?</p>
<p style="text-align: right;">Page 79</p> <p>1 and 30.</p> <p>2 But you may answer.</p> <p>3 THE WITNESS: Can't answer.</p> <p>4 Q. BY MR. BUDGE: I'm sorry?</p> <p>5 A. Can't answer.</p> <p>6 Q. Why not?</p> <p>7 A. Because I don't know.</p> <p>8 Q. You don't know why you did not seek to correct</p> <p>9 his lie?</p> <p>10 A. Correct.</p> <p>11 Q. By failing to correct the lie of your partner to</p> <p>12 the investigators, would you not agree that you were in</p> <p>13 violation of policy?</p> <p>14 MS. SEVERSON: Same objection.</p> <p>15 THE WITNESS: I don't know.</p> <p>16 Q. BY MR. BUDGE: Why don't you know?</p> <p>17 A. If somebody doesn't ask me something, I don't</p> <p>18 know.</p> <p>19 Q. Do you think you don't have an obligation to</p> <p>20 correct a known lie unless you're asked about it?</p> <p>21 A. I'd say it depends on the situation.</p> <p>22 Q. Would you agree that your partner was in blatant</p> <p>23 violation of policy by lying about what you said?</p> <p>24 A. I'd have to say yes.</p> <p>25 Q. And did you do anything to correct that</p>	<p style="text-align: right;">Page 81</p> <p>1 A. No.</p> <p>2 Q. Do you know why not?</p> <p>3 A. No, I don't.</p> <p>4 Q. In your book on Page 61, you describe an</p> <p>5 incident where an offender had attempted to take his own</p> <p>6 life and that was on the toilet bleeding from his inner</p> <p>7 thigh. Do you see that?</p> <p>8 Toward the bottom of the page.</p> <p>9 A. You're going to have to tell me where at because</p> <p>10 it starts, I think, at the top of the page.</p> <p>11 Q. Okay. Most of the page of 61 describes an</p> <p>12 incident where an offender had attempted to take his own</p> <p>13 life and was on the toilet bleeding from his inner thigh;</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And you summoned medical aid for the offender;</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. You were told following this event, quote, "You</p> <p>20 should have let him die"?</p> <p>21 A. Yes.</p> <p>22 Q. Who told you in response to summoning medical</p> <p>23 aid for a bleeding offender that you should have let him</p> <p>24 die?</p> <p>25 A. I don't remember.</p>

Page 82

1 Q. Were you endeavoring to describe the culture of  
2 the DOC?  
3 A. I'm sorry?  
4 Q. Were you endeavoring to describe the culture of  
5 the DOC?  
6 A. Can you rephrase that?  
7 Q. Were you endeavoring to describe the general  
8 culture of the Department of Corrections?  
9 A. I think some would be more accurate.  
10 Q. Were you endeavoring to describe some of the  
11 culture of the Department of Corrections?  
12 A. Yes.  
13 Q. Did you report to anybody that you were told  
14 that you should have let this offender die who was  
15 bleeding?  
16 A. No.  
17 Q. Why not?  
18 A. Because we don't report everything.  
19 Q. "We don't report everything" including  
20 statements by other corrections officers that you should  
21 let an offender die?  
22 A. That would be correct.  
23 Q. In your book, you describe an event where you  
24 found two offenders fighting and throwing closed-fist  
25 punches at each other?

Page 83

1 A. You're going to have to tell me where it's at.  
2 Q. Page 63, near the top.  
3 A. Okay.  
4 Q. You describe that you are writing infractions  
5 for both offenders, and that when you were doing so, your  
6 lieutenant ordered you to rewrite the infraction falsely  
7 so that the assailant would appear to be the victim and so  
8 the assailant could remain on the unit. Do you see what  
9 I'm referring to?  
10 A. Yes, I do.  
11 Q. And you falsely wrote the report; correct?  
12 A. Yes.  
13 Q. Why did you falsely write a report in such a  
14 way, sir?  
15 A. Because my lieutenant ordered me to.  
16 Q. So if your lieutenant orders you to write a  
17 false report, you did so?  
18 A. Yes.  
19 Q. Did you report the lieutenant who ordered you to  
20 write a false report?  
21 A. Yes, I did.  
22 Q. Who was your lieutenant?  
23 [REDACTED]  
24 Q. What is his or her first name?  
25 A. [REDACTED] I believe.

Page 84

1 Q. Do you know where she's working now?  
2 A. She's our captain.  
3 Q. Presently?  
4 A. Presently.  
5 Q. To whom did you report [REDACTED] for writing a  
6 false report?  
7 A. My CUS.  
8 Q. Is that also known as the custody unit  
9 supervisor?  
10 A. Custody unit supervisor.  
11 Q. Who is that person?  
12 A. That would have been Marc Glaser.  
13 Q. Did Marc Glaser, to your knowledge, take any  
14 action against either you or Lieutenant [REDACTED] with  
15 regard to her ordering you to write a false report which  
16 you did?  
17 A. I can't speak to Lieutenant [REDACTED] in what was  
18 done.  
19 Q. Was any action taken against you for writing a  
20 false report?  
21 A. No.  
22 Q. If a lieutenant orders you to write a false  
23 report, do you believe you have no discretion to refuse  
24 that order?  
25 A. I believe that we have to do what we're told to

Page 85

1 avoid insubordination and report it later.  
2 Q. Even if that means writing a false report on an  
3 official DOC document?  
4 A. Yes.  
5 Q. Have you in fact written false reports at the  
6 Department of Corrections?  
7 A. Just that one.  
8 Q. Was any employment action taken against you in  
9 any way, shape, or form?  
10 A. No.  
11 Q. Is it your duty and the duty of all corrections  
12 officers at the Monroe Special Offenders Unit to police  
13 the offenders by maintaining law and order on the unit?  
14 A. One of our duties, yes.  
15 Q. Including watching over and protecting the  
16 offenders?  
17 A. Yes.  
18 Q. The job of policing offenders is the first and  
19 foremost job of corrections officers such as yourself;  
20 correct?  
21 A. Yes.  
22 Q. And in fact, the job of policing offenders is  
23 your solemn duty as a corrections officer; correct?  
24 A. One of my duties, yes.  
25 Q. One of your solemn duties?

<p style="text-align: right;">Page 86</p> <p>1 A. Define "solemn."</p> <p>2 <b>Q. Very important and critical.</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. If a corrections officer fails to police the</b></p> <p>5 <b>offenders by keeping control and order on the unit, that</b></p> <p>6 <b>failure to police the offenders could result in offenders</b></p> <p>7 <b>extorting other offenders; correct?</b></p> <p>8 A. Correct.</p> <p>9 <b>Q. The failure by corrections officers to police</b></p> <p>10 <b>the offender could result in offenders sexually assaulting</b></p> <p>11 <b>other offenders?</b></p> <p>12 A. Correct.</p> <p>13 <b>Q. And the failure by corrections officers to</b></p> <p>14 <b>police the offenders could result in the offenders</b></p> <p>15 <b>committing other assaults against other offenders;</b></p> <p>16 <b>correct?</b></p> <p>17 A. Correct.</p> <p>18 <b>Q. The failure to police the offenders could result</b></p> <p>19 <b>in fatal assault by one offender or group of offenders</b></p> <p>20 <b>against another offender or group of offenders; correct?</b></p> <p>21 A. Correct.</p> <p>22 <b>Q. Would you agree that the safety and security of</b></p> <p>23 <b>people within the prison walls including the safety and</b></p> <p>24 <b>security of offenders themselves absolutely depends on</b></p> <p>25 <b>corrections officers doing their job of policing what goes</b></p>	<p style="text-align: right;">Page 88</p> <p>1 to as a, quote, "whiner." Do you see that?</p> <p>2 Toward the top of the page.</p> <p>3 "My partner and I realized" --</p> <p>4 A. Yes.</p> <p>5 <b>Q. "My partner and I realized that it was time to</b></p> <p>6 <b>search the whiner's cell"?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. And you go on to talk about how you rip the cell</b></p> <p>9 <b>apart during one of your bimonthly searches?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. And then you talk about how the offender was</b></p> <p>12 <b>whining about how you took certain things from the cell?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. And your partner responded, quote, "I didn't</b></p> <p>15 <b>think you were allowed have a certain item since you were</b></p> <p>16 <b>a child molester"?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. And then you go on to say "Little did he know</b></p> <p>19 <b>that there was a very large black offender standing</b></p> <p>20 <b>directly behind him"?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. And that after the tirade by the offender,</b></p> <p>23 <b>quote, "he felt a tap on his shoulder followed by an</b></p> <p>24 <b>invitation to step outside into the unit silo." Do you</b></p> <p>25 <b>see that?</b></p>
<p style="text-align: right;">Page 87</p> <p>1 on inside the prison?</p> <p>2 A. Yes.</p> <p>3 <b>Q. Would you agree that allowing offenders to</b></p> <p>4 <b>police other offenders would be a gross breach of your</b></p> <p>5 <b>duties as a corrections officer?</b></p> <p>6 A. Sir, can you repeat that, please?</p> <p>7 <b>Q. Would you agree that allowing offenders to</b></p> <p>8 <b>police other offenders would be a gross breach of your</b></p> <p>9 <b>duties as a corrections officer?</b></p> <p>10 A. Depends on the situation.</p> <p>11 <b>Q. Would you agree that much preventable harm,</b></p> <p>12 <b>physical and otherwise, could occur if you simply allow</b></p> <p>13 <b>offenders to police other offenders?</b></p> <p>14 A. No, not always.</p> <p>15 <b>Q. Please tell me what you mean when you say not</b></p> <p>16 <b>always.</b></p> <p>17 A. I'll give you the best example I can give you.</p> <p>18 If the offenders are in the dayroom, and they're watching</p> <p>19 TV, and it's on a channel that it's not supposed to be on,</p> <p>20 there could be a threat of possibly losing the TV for the</p> <p>21 day; so they, at that time, kind of police their own.</p> <p>22 That's one example -- the best example I could give you.</p> <p>23 <b>Q. On Page 65 of your book, you describe a</b></p> <p>24 <b>situation where you and your partner realize that it was</b></p> <p>25 <b>time to search the cell of an offender that you referred</b></p>	<p style="text-align: right;">Page 89</p> <p>1 A. Yes, I do.</p> <p>2 <b>Q. You conclude that by saying "Sometimes it is</b></p> <p>3 <b>best to let the offender population police their own." Do</b></p> <p>4 <b>you see that?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. Some offenders at your unit are gay or engage in</b></p> <p>7 <b>homosexual activity; correct?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. And in your book, you refer to offenders</b></p> <p>10 <b>engaging in homosexual activity as, quote, "bitches" and</b></p> <p>11 <b>"little bitches"?</b></p> <p>12 A. I would have to read it and see.</p> <p>13 Do you want to give me a page number or...</p> <p>14 <b>Q. Sure.</b></p> <p>15 <b>Page 66 and 67.</b></p> <p>16 A. I see it.</p> <p>17 <b>Q. Okay. In your book, you refer to offenders</b></p> <p>18 <b>engaging in homosexual activity as bitches and little</b></p> <p>19 <b>bitches; correct?</b></p> <p>20 A. Correct.</p> <p>21 <b>Q. You refer to an offender who was found to be</b></p> <p>22 <b>involved in some sort of homosexual activity as, quote,</b></p> <p>23 <b>"crying like a bitch" and as a, quote, "little bitch" and</b></p> <p>24 <b>as a "bitch;" right?</b></p> <p>25 A. Correct.</p>



<p style="text-align: right;">Page 90</p> <p>1 Q. Those are your chosen words; correct?</p> <p>2 A. They are my chosen words.</p> <p>3 Q. You refer to the lieutenant saying to the</p> <p>4 offender, quote, "We all know that you are a faggot;"</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. Who was the lieutenant that said to the</p> <p>8 offender, quote, "We all know that you are a faggot"?</p> <p>9 MS. SEVERSON: Object to the question and the</p> <p>10 line of questioning. It's outside the scope of the</p> <p>11 FRCP 26 and 30.</p> <p>12 But you may answer.</p> <p>13 THE WITNESS: Don't remember.</p> <p>14 Q. BY MR. BUDGE: Has anybody at the Washington</p> <p>15 Department of Corrections ever disciplined you,</p> <p>16 reprimanded you, or otherwise taken any action towards you</p> <p>17 or your employment with regard to you stating in your book</p> <p>18 that an offender was crying like a bitch and was a bitch</p> <p>19 and a little bitch?</p> <p>20 A. No.</p> <p>21 Q. Why not?</p> <p>22 A. You'd have to ask them.</p> <p>23 Q. Has anybody at the Washington Department of</p> <p>24 Corrections taken any action, to your knowledge, to find</p> <p>25 out who the lieutenant was that said to the offender "We</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. So sometimes it can be okay?</p> <p>2 A. It depends on the situation and where the</p> <p>3 conversation is taking place.</p> <p>4 Q. Can it ever be appropriate to refer to an</p> <p>5 offender as a faggot here at the prison?</p> <p>6 MS. SEVERSON: I'm going to interpose the same</p> <p>7 objection I have to this line of questioning. It's</p> <p>8 outside the scope of the FRCP 26 and 30.</p> <p>9 But you can answer.</p> <p>10 MR. BUDGE: Well, of course, we have a punitive</p> <p>11 damages claim.</p> <p>12 MS. SEVERSON: That's why I'm just preserving</p> <p>13 the objection for the record.</p> <p>14 MR. BUDGE: Okay.</p> <p>15 THE WITNESS: I'm sorry. What was that?</p> <p>16 Q. BY MR. BUDGE: Is it ever appropriate to refer</p> <p>17 to an offender as a faggot --</p> <p>18 A. No. Before that.</p> <p>19 MS. SEVERSON: Oh, you may answer the question.</p> <p>20 I'm putting the objection on the record for the record,</p> <p>21 but you still must answer the question.</p> <p>22 THE WITNESS: Again, I would say it depends on</p> <p>23 the context of the conversation and where it happens.</p> <p>24 Q. BY MR. BUDGE: How about if it happens here at</p> <p>25 the prison, sir?</p>
<p style="text-align: right;">Page 91</p> <p>1 all know you are a faggot"?</p> <p>2 A. No, not to my knowledge.</p> <p>3 Q. Do you agree that calling an offender a bitch or</p> <p>4 a faggot is grossly inappropriate and a violation of the</p> <p>5 duties of a corrections officer or a lieutenant?</p> <p>6 A. It could depend on the situation.</p> <p>7 Q. Do you think that it would be sometimes</p> <p>8 appropriate to refer to an offender as a bitch?</p> <p>9 A. Not in an official report.</p> <p>10 Q. Without regard to official reports, sir, do you</p> <p>11 think that it would ever be appropriate to refer to an</p> <p>12 offender as a bitch?</p> <p>13 A. Would depend on the situation.</p> <p>14 Q. So sometimes it can be appropriate for a</p> <p>15 corrections officer to refer to offenders as a bitch?</p> <p>16 A. Depends on the situation.</p> <p>17 Q. In some situations, is it your point of view it</p> <p>18 is appropriate to refer to offenders as bitches?</p> <p>19 A. Back then it was.</p> <p>20 Q. Is it ever appropriate to refer to an offender</p> <p>21 as a faggot?</p> <p>22 A. I have.</p> <p>23 Q. Is it ever appropriate to refer to an offender</p> <p>24 as a faggot?</p> <p>25 A. Depends on the situation.</p>	<p style="text-align: right;">Page 93</p> <p>1 A. If it happens in a control booth where it's just</p> <p>2 the officers speaking, we have slang words that are used.</p> <p>3 Q. Do those slang words include faggot?</p> <p>4 A. Yes, they do.</p> <p>5 Q. Do they include bitch?</p> <p>6 A. Yes, they do.</p> <p>7 Q. What other slang words are used in the control</p> <p>8 booth among the corrections officers?</p> <p>9 MS. SEVERSON: Same objection.</p> <p>10 THE WITNESS: Can't really think of any off the</p> <p>11 top of my head.</p> <p>12 Q. BY MR. BUDGE: Faggot and bitch are the only</p> <p>13 ones you can think of?</p> <p>14 A. I'm sure there's more.</p> <p>15 Q. What do you know about Casey Powell's sexual</p> <p>16 orientation?</p> <p>17 A. Nothing that I recall.</p> <p>18 Q. Don't you agree that it would be totally wrong</p> <p>19 and a gross violation of your duties as a corrections</p> <p>20 officer to hate certain offenders or categories of</p> <p>21 offenders because of their sexual orientation or</p> <p>22 transgender status?</p> <p>23 A. I think it depends on the person.</p> <p>24 Q. I didn't ask about any specific person, sir.</p> <p>25 I'm asking --</p>

Page 94

1 A. I think it depends on the officer.  
2 **Q. Don't you agree that it would be wrong and a**  
3 **violation of your duties as a corrections officer to hate**  
4 **certain categories of offenders because of their sexual**  
5 **orientation or transgender status?**  
6 A. That they should have or -- I'm sorry. Could  
7 you repeat the question or shorten or do something with  
8 it?  
9 **Q. Yes, I will repeat the question.**  
10 **Don't you agree that it would be wrong and a**  
11 **violation of your duties as a corrections officer to hate**  
12 **certain categories of offenders because of their sexual**  
13 **orientation or transgender status?**  
14 A. Yes.  
15 **Q. In your book, you freely admit, quote, "I hated**  
16 **the transgender offenders on my unit"?**  
17 A. Yes, I did.  
18 **Q. You move on to say that having transgender**  
19 **offenders on the unit was, quote, "like having a handful**  
20 **of women in a male prison"?**  
21 A. Yes.  
22 **Q. Has anybody at the Washington Department of**  
23 **Corrections ever disciplined, reprimanded, or taken any**  
24 **other action towards you with regard to your employment in**  
25 **response to your stating in your book that you hated the**

Page 95

1 **transgender offenders on your unit?**  
2 A. No.  
3 **Q. Do you know why not?**  
4 A. No.  
5 **Q. Casey Powell was small and frail in stature and**  
6 **build; correct?**  
7 A. Can you define that?  
8 **Q. No, I cannot.**  
9 A. Then I don't know if I can answer it.  
10 **Q. Casey Powell was among the smallest and frailest**  
11 **of all the offenders on your unit; correct?**  
12 A. I would say small but not frail.  
13 **Q. Was he about 120 pounds?**  
14 A. I don't know. I know he wasn't like 200 pounds;  
15 but...  
16 **Q. What's your best estimate of his weight?**  
17 A. Maybe 150.  
18 **Q. What's your best estimate of his height?**  
19 A. Probably -- I don't know. Maybe 5'8 or 5'9.  
20 I'm not really good at guessing this stuff.  
21 **Q. You hate offenders generally, don't you, sir?**  
22 A. No, I do not.  
23 **Q. In your book on Page 68, you describe a**  
24 **conversation with a superior officer who informed you that**  
25 **you could not start sanctions against an offender without**

Page 96

1 **giving them a chance to appeal. Do you see that?**  
2 A. Yes, I do.  
3 **Q. And you responded to your superior officer,**  
4 **quote, "Duh, Lieutenant, that is why I start the sanction**  
5 **the next day. They are offenders. They are all fucking**  
6 **guilty.... I run my unit how I run my unit." Do you see**  
7 **that?**  
8 A. I do.  
9 **Q. Has anybody at the Washington Department of**  
10 **Corrections ever disciplined, reprimanded, or taken any**  
11 **action towards your employment with regard to your**  
12 **admitted insubordination?**  
13 A. No.  
14 **Q. Do you know why not?**  
15 A. Yes.  
16 **Q. Why?**  
17 A. Because it wasn't insubordination.  
18 **Q. Was it not admitted insubordination in your book**  
19 **when you refused to follow the directives of your**  
20 **lieutenant and stated "Duh, Lieutenant, that is why I**  
21 **start the sanction the next day. They are offenders.**  
22 **They are all fucking guilty.... I run my unit how I run my**  
23 **unit"?**  
24 A. Per policy, we can start the sanctions when we  
25 want to start the sanctions.

Page 97

1 **Q. Who is the lieutenant that you refer to in your**  
2 **book?**  
3 A. I don't remember her name.  
4 **Q. In your book on Page 71, toward the middle of**  
5 **the page, you describe telling the associate**  
6 **superintendent, quote, "We have no mental health**  
7 **counselors, our unit supervisor doesn't give a fuck about**  
8 **the unit, and my new partner is a fucking moron." Do you**  
9 **see that?**  
10 A. I do.  
11 **Q. Who was the associate superintendent to whom you**  
12 **told this?**  
13 A. Jack Warner.  
14 **Q. And who was the unit supervisor that you were**  
15 **saying, quote, "doesn't give a fuck about the unit"?**  
16 A. Marc Glaser.  
17 **Q. And what is Warner's current position?**  
18 A. Superintendent of the Special Offenders Unit.  
19 **Q. And what is Marc Glaser's current position?**  
20 A. Retired.  
21 **Q. Newly retired?**  
22 A. Couple months ago probably.  
23 **Q. So newly retired?**  
24 A. I'm sorry?  
25 **Q. So newly retired?**

<p>Page 98</p> <p>1 A. Yes.</p> <p>2 Q. Who was the new partner who you said in your</p> <p>3 book was a fucking moron?</p> <p>4 A. I don't remember his name.</p> <p>5 Q. Has anybody at the Department of Corrections</p> <p>6 ever disciplined you, reprimanded you, or taken any action</p> <p>7 towards your employment with regard to your stating in</p> <p>8 your book that your unit supervisor, quote, "doesn't give</p> <p>9 a fuck about the unit" and that your new partner is a</p> <p>10 fucking moron?</p> <p>11 A. No.</p> <p>12 Q. Do you know why not?</p> <p>13 A. No, I do not.</p> <p>14 Q. In the course of your time as a DOC officer,</p> <p>15 you've referred to offenders at the SOU in Monroe by the</p> <p>16 following terms either directly or in conversations with</p> <p>17 other corrections officers: Number 1, bitches?</p> <p>18 A. Yes.</p> <p>19 Q. Morons?</p> <p>20 A. Yes.</p> <p>21 Q. Faggots?</p> <p>22 A. Yes.</p> <p>23 Q. Guilty motherfuckers?</p> <p>24 A. Yes.</p> <p>25 Q. Fucking offenders?</p>	<p>Page 100</p> <p>1 A. Just can't say.</p> <p>2 Q. Why not?</p> <p>3 A. Because there's a lot of them.</p> <p>4 Q. Okay. Have you heard other corrections officers</p> <p>5 here at the Monroe Correctional Complex refer to offenders</p> <p>6 as bitches?</p> <p>7 A. Yes.</p> <p>8 Q. Morons?</p> <p>9 A. Yes.</p> <p>10 Q. Faggots?</p> <p>11 A. Yes.</p> <p>12 Q. Guilty motherfuckers?</p> <p>13 A. Yes.</p> <p>14 Q. Fucking offenders?</p> <p>15 A. Yes.</p> <p>16 Q. Pieces of shit?</p> <p>17 A. Yes.</p> <p>18 Q. Retards?</p> <p>19 A. Yes.</p> <p>20 Q. Ass wipes?</p> <p>21 A. Yes.</p> <p>22 Q. Dumbasses?</p> <p>23 A. Yes.</p> <p>24 Q. Cunts?</p> <p>25 A. Yes.</p>
<p>Page 99</p> <p>1 A. Yes.</p> <p>2 Q. Pieces of shit?</p> <p>3 A. Yes.</p> <p>4 Q. Retards?</p> <p>5 A. Yes.</p> <p>6 Q. Ass wipes?</p> <p>7 A. Yes.</p> <p>8 Q. Dumbasses?</p> <p>9 A. Yes.</p> <p>10 Q. Cunts?</p> <p>11 A. Yes.</p> <p>12 Q. What other derogatory terms besides bitches,</p> <p>13 morons, faggots, guilty motherfuckers, fucking offenders,</p> <p>14 pieces of shit, retards, ass wipes, dumbasses, and cunts</p> <p>15 have you used to describe the offenders?</p> <p>16 A. Don't recall.</p> <p>17 Q. What other corrections officers have you used --</p> <p>18 or excuse me. Strike that.</p> <p>19 What other corrections officers here at the</p> <p>20 prison have you heard use those terms or terms like them?</p> <p>21 A. Can't say.</p> <p>22 Q. Can you name even a single other corrections</p> <p>23 officer who you have heard use such terms?</p> <p>24 A. Can't say.</p> <p>25 Q. Can't say because you don't want to?</p>	<p>Page 101</p> <p>1 Q. Without telling me specifically who's made those</p> <p>2 statements, have you heard other corrections officers make</p> <p>3 statements like those including those terms?</p> <p>4 A. Yes.</p> <p>5 Q. With reference to offenders?</p> <p>6 A. Yes.</p> <p>7 Q. Have you heard superior officers to you use</p> <p>8 those terms in reference to offenders?</p> <p>9 A. Yes.</p> <p>10 Q. Including sergeants?</p> <p>11 A. Yes.</p> <p>12 Q. Lieutenants?</p> <p>13 A. Yes.</p> <p>14 Q. Custody Unit Supervisor?</p> <p>15 A. Yes.</p> <p>16 Q. Mental health counselors?</p> <p>17 A. Yes.</p> <p>18 Q. In your book on Page 71, you say toward the</p> <p>19 bottom, "We would get good counselors in, and they would</p> <p>20 find themselves working for a gay dictator and as quickly</p> <p>21 as they came they would exit, most for better</p> <p>22 higher-paying jobs." Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Who is the gay dictator to whom you refer?</p> <p>25 A. Not going to say.</p>

<p style="text-align: right;">Page 102</p> <p>1 <b>Q. You know, but you're not going to tell me?</b></p> <p>2 A. Correct. I believe I fall under the press</p> <p>3 shield law by advice of separate counsel.</p> <p>4 MS. SEVERSON: And for the record, I know of no</p> <p>5 privilege that I could assert in this case; and on that</p> <p>6 basis, I have to instruct the witness to answer the</p> <p>7 question.</p> <p>8 <b>Q. BY MR. BUDGE: So your counsel is instructing</b></p> <p>9 <b>you to answer the question. Will you nevertheless refuse</b></p> <p>10 <b>to answer the question?</b></p> <p>11 A. I believe I fall under the press shield law.</p> <p>12 <b>Q. So you're not going to answer my question?</b></p> <p>13 A. That's correct.</p> <p>14 <b>Q. In your book at Page 72, in the first full</b></p> <p>15 <b>paragraph, you refer to the Special Offenders Unit in</b></p> <p>16 <b>Monroe as a, quote, "insane asylum." Do you see that?</b></p> <p>17 MS. SEVERSON: I'm sorry, Mr. Budge. What</p> <p>18 paragraph are you on?</p> <p>19 MR. BUDGE: First full paragraph beginning with</p> <p>20 "You wouldn't think that fun could be had in an insane</p> <p>21 asylum."</p> <p>22 MS. SEVERSON: Thank you.</p> <p>23 <b>Q. BY MR. BUDGE: Do you see that?</b></p> <p>24 A. I do, yes.</p> <p>25 <b>Q. Are you referring, in your book, to the Special</b></p>	<p style="text-align: right;">Page 104</p> <p>1 objection, again, as outside the scope of FRCP 26 and</p> <p>2 FRCP 30. And the matter -- I'm sorry. I want to make a</p> <p>3 speaking objection. I understand the matter was</p> <p>4 litigated, and there may be a release that provides for</p> <p>5 confidentiality with respect to DOC.</p> <p>6 But you may answer the question.</p> <p>7 <b>Q. BY MR. BUDGE: Please identify each of the lies</b></p> <p>8 <b>that you were referring to when you were told that there</b></p> <p>9 <b>were lies to cover the asses of those who responded to</b></p> <p>10 <b>Officer Biendl's murder.</b></p> <p>11 MS. SEVERSON: Same objection.</p> <p>12 Go ahead.</p> <p>13 THE WITNESS: One officer said that they checked</p> <p>14 on her. Another officer wrote in a logbook that she</p> <p>15 cleared an exit point that she didn't clear. Sergeant --</p> <p>16 or above -- lieutenant told another officer to write a</p> <p>17 report saying that they had checked the chapel.</p> <p>18 <b>Q. BY MR. BUDGE: Anything else?</b></p> <p>19 A. That's all I can think of.</p> <p>20 <b>Q. Did you tell people at the Department of</b></p> <p>21 <b>Corrections about the lies that you knew?</b></p> <p>22 A. No, I -- no.</p> <p>23 <b>Q. Do you, yourself, acknowledge that you have told</b></p> <p>24 <b>lies on official reports in communications with your</b></p> <p>25 <b>superior officers about various events of significance</b></p>
<p style="text-align: right;">Page 103</p> <p>1 <b>Offenders Unit here in Monroe as an insane asylum?</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. What do you mean when you refer to the Special</b></p> <p>4 <b>Offenders Unit here in Monroe as an insane asylum?</b></p> <p>5 A. It's said in humor. I don't necessary know that</p> <p>6 I mean anything about it other than describing it in a</p> <p>7 colorful, comedic way.</p> <p>8 <b>Q. Are you referring to the mental health status of</b></p> <p>9 <b>the offenders when you talk about the offenders in the</b></p> <p>10 <b>Special Offenders Unit here in Monroe being in an insane</b></p> <p>11 <b>asylum?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. So you're referring to their mental health;</b></p> <p>14 <b>correct?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. When Officer -- I always get her last name</b></p> <p>17 <b>mispronounced. I apologize. Officer Jayme Biendl was</b></p> <p>18 <b>murdered by an offender in the prison chapel. You say in</b></p> <p>19 <b>your book that "there were out and out lies told to cover</b></p> <p>20 <b>the asses of those who responded that night"; correct?</b></p> <p>21 A. That's correct.</p> <p>22 <b>Q. What are the lies that you refer to as being</b></p> <p>23 <b>told to cover the asses of the people who responded to</b></p> <p>24 <b>Officer Biendl's murder?</b></p> <p>25 MS. SEVERSON: I'm going to interpose an</p>	<p style="text-align: right;">Page 105</p> <p>1 <b>that have occurred here at the prison?</b></p> <p>2 A. I have.</p> <p>3 <b>Q. Obviously, you've read the reviews of your book</b></p> <p>4 <b>on Amazon.com; right?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. Have you read a review by somebody who says,</b></p> <p>7 <b>quote, "I do believe he is the type to pick on the</b></p> <p>8 <b>low-functioning mentally ill because most of those guys</b></p> <p>9 <b>function at about a 9-year-old's capacity; so I guess it</b></p> <p>10 <b>is easy to be a bully with people who can't truly protect</b></p> <p>11 <b>themselves"?</b></p> <p>12 A. I don't think I've read that one.</p> <p>13 <b>Q. Have you read a review that says "Think of</b></p> <p>14 <b>someone who is about 5'8 that has a body shaped like a</b></p> <p>15 <b>bowling pin, poor hygiene, and most likely the fat kid in</b></p> <p>16 <b>high school that everyone picked on"?</b></p> <p>17 A. I don't think I read that. I don't think I read</p> <p>18 any of the reviews, to be honest with you.</p> <p>19 <b>Q. I'm sorry? I thought you just said that you did</b></p> <p>20 <b>read the reviews on Amazon?</b></p> <p>21 A. No, I did not.</p> <p>22 <b>Q. Did you read a review by Breeann Caraway?</b></p> <p>23 A. Not that I recall.</p> <p>24 <b>Q. In your book, you say that with Officer Biendl's</b></p> <p>25 <b>murder, that complacency still runs rampant?</b></p>

<p style="text-align: right;">Page 106</p> <p>1 A. Yes, I did.</p> <p>2 <b>Q. What do you mean by that?</b></p> <p>3 A. Used to be that after her murder, response and</p> <p>4 movement officers would come on the unit or to single-man</p> <p>5 posts and check on them once an hour, once an hour and a</p> <p>6 half. It was great. It lasted for all of maybe two</p> <p>7 months. That's complacency.</p> <p>8 <b>Q. Do you think that Offender Price should have</b></p> <p>9 <b>been on the unit as of May 9th, 2015?</b></p> <p>10 A. My own personal opinion?</p> <p>11 <b>Q. Yes.</b></p> <p>12 A. No.</p> <p>13 <b>Q. Okay. Why do you think that he should not have</b></p> <p>14 <b>been on the unit?</b></p> <p>15 A. Just watching his mannerisms, his actions.</p> <p>16 <b>Q. What was it about his actions and mannerisms</b></p> <p>17 <b>that led you to believe that he should not have been on</b></p> <p>18 <b>the unit before May 9th, 2015?</b></p> <p>19 A. It was a lot of little things. It was like him</p> <p>20 pacing, talking to himself, having arguments with himself.</p> <p>21 <b>Q. Did he make you uncomfortable?</b></p> <p>22 A. No.</p> <p>23 <b>Q. Did you feel that others should have removed him</b></p> <p>24 <b>from the unit before May 9th, 2015?</b></p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 108</p> <p>1 A. Yes.</p> <p>2 <b>Q. Did you do that for the purpose so that he could</b></p> <p>3 <b>be evaluated and removed from the unit as necessary?</b></p> <p>4 A. I did it for the purpose that he be evaluated.</p> <p>5 <b>Q. Do you feel that Price posed a potential danger</b></p> <p>6 <b>to you and others on the unit before May 9th, 2015?</b></p> <p>7 A. I believe all the offenders place a danger.</p> <p>8 <b>Q. Well, yes, all the offenders are housed in the</b></p> <p>9 <b>unit. My question relates specifically to Price.</b></p> <p>10 <b>Did you feel that the Price posed a danger to</b></p> <p>11 <b>corrections officers and other offenders on the unit</b></p> <p>12 <b>before May 9th, 2015?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. To whom did you report Price with regard to</b></p> <p>15 <b>mental health specifically?</b></p> <p>16 A. I don't remember who his counselor was back</p> <p>17 then, but I can tell you I -- the one I do remember</p> <p>18 talking to was Dr. Davis.</p> <p>19 <b>Q. What did you tell Dr. Davis about Price?</b></p> <p>20 A. Just that -- his actions, what he was doing, the</p> <p>21 arguing with himself, walking around sometimes with</p> <p>22 clenched fists with a tightened jaw.</p> <p>23 <b>Q. Did you feel that Price's actions and behavior</b></p> <p>24 <b>as you observed them and given all of your experiences as</b></p> <p>25 <b>a corrections officer were such that he should have been</b></p>
<p style="text-align: right;">Page 107</p> <p>1 <b>Q. Who do you think should have removed him from</b></p> <p>2 <b>the unit before May 9th, 2015?</b></p> <p>3 A. Mental health.</p> <p>4 <b>Q. Why do you think -- and tell me every reason you</b></p> <p>5 <b>can think of -- that mental health should have removed him</b></p> <p>6 <b>from the unit before May 9th, 2015?</b></p> <p>7 A. I can't comment as to what he said in the</p> <p>8 interview rooms with them because they did do one-on-ones</p> <p>9 with him; so I don't know what they talked about. From my</p> <p>10 end, it's -- it's what I told -- just what I told you. It</p> <p>11 was the pacing, the talking to himself, the arguing with</p> <p>12 himself. I mean, I'm sure there's more that I saw that</p> <p>13 I'm not thinking of right now.</p> <p>14 <b>Q. Did you report what you had seen to mental</b></p> <p>15 <b>health?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. Did you expect that mental health would take</b></p> <p>18 <b>action to remove him from the unit?</b></p> <p>19 A. I didn't know what action they would take, but I</p> <p>20 reported it.</p> <p>21 <b>Q. Did you report everything that you had seen</b></p> <p>22 <b>about Price?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. Did you report everything that you had seen</b></p> <p>25 <b>about Price to mental health?</b></p>	<p style="text-align: right;">Page 109</p> <p>1 <b>removed from the unit before May 9th, 2015?</b></p> <p>2 A. It's not my call. It's mental health.</p> <p>3 <b>Q. Yes, I understand that.</b></p> <p>4 <b>I'm asking for your opinion as a corrections</b></p> <p>5 <b>officer.</b></p> <p>6 A. As a corrections officer, I would have removed</p> <p>7 him.</p> <p>8 <b>Q. Did you report everything you had observed about</b></p> <p>9 <b>Price to Dr. Davis?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. Did you do so before May 9th, 2015?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. And were you of the firm opinion before May 9th,</b></p> <p>14 <b>2015, that Price should have been removed from the unit?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. Did you share your point of view with other</b></p> <p>17 <b>corrections officers?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. Did you share your point of view with any</b></p> <p>20 <b>superior officers?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. With which superior officers did you share your</b></p> <p>23 <b>point of view before May 9th, 2015?</b></p> <p>24 A. My unit sergeant, which at that time I believe</p> <p>25 was Sergeant Granger before he went out.</p>



<p style="text-align: right;">Page 110</p> <p>1 Q. Did you tell Granger that you thought Price 2 should be removed from the unit? 3 A. I don't remember what I told him. I remember 4 speaking to him about his behaviors. 5 Q. Did you tell him in substance, even if you don't 6 remember your exact words, that you thought Price was not 7 appropriate to remain on the E-Unit? 8 A. I believe I did. 9 Q. And did you tell him that before May 9th, 2015? 10 A. Yes. 11 Q. Did you feel before May 9th, 2015, that some 12 sort of incident of the nature that occurred was going to 13 happen with Price on the unit? 14 A. No. I mean, I believe it can happen with any 15 offender at any time. 16 Q. Did you tell Granger everything that you had 17 observed about Price? 18 A. Everything that I remembered, I reported, yes. 19 Q. Did you tell -- excuse me. 20 To which other corrections officers did you tell 21 before May 9th, 2015, about any concerns that you had 22 about Price's behavior? 23 A. I know I emailed day shift, can't remember which 24 officers; but Seeley, Hall, and Johnson, we all talked 25 about it.</p>	<p style="text-align: right;">Page 112</p> <p>1 communications that CO Talbot may have had with others 2 regarding Offender Price specifically. 3 4 E X A M I N A T I O N 5 BY MS. SEVERSON: 6 Q. So, CO Talbot, you testified earlier you had 7 some email communications with other corrections officers 8 regarding Offender Price in your observations of his 9 behavior; is that correct? 10 A. I believe I did, yes. 11 Q. Do you recall when those email communications 12 may have occurred? What year or years? 13 A. I don't. 14 Q. Do you remember in relation to the assault that 15 occurred on May 9th, 2015, when those emails were sent? 16 A. I -- I don't remember. 17 Q. Do you remember to whom you sent the emails? 18 A. I usually group them together with the day shift 19 guys' names that I -- that are on my NIC list. 20 Q. And so who do you believe you sent the email to 21 or emails to? 22 A. I think I -- I sent them to Forsman, Wright, 23 those guys who were on swing, but they work the opposite 24 side, so the day shift would have been Hallett. 25 Q. You mention Johnson and Hall?</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Hall and Johnson being day shift officers? 2 A. No, swing shift. 3 Q. Oh, okay. Seeley, Hall, Johnson, and yourself 4 were all swing shift? 5 A. Correct. 6 Q. Did all of you talk about Price's behavior 7 before May 9th, 2015? 8 A. At some point. 9 Q. Right. 10 Did you share amongst yourself at some point 11 before May 9th, 2015, your belief that Price was not 12 appropriate to remain on the unit? 13 A. Yes. 14 Q. Did you all share in substance with one another 15 your opinion that Price should be removed from the unit? 16 A. Yes. 17 Q. Before May 9th 2015? 18 A. Yes. 19 MS. SEVERSON: Mr. Budge, can we go off the 20 record just briefly? 21 MR. BUDGE: Yeah. 22 (Discussion off the record.) 23 MS. SEVERSON: So I had a discussion off the 24 record with Mr. Budge, and he agreed to allow me to ask 25 some questions of the witness regarding email</p>	<p style="text-align: right;">Page 113</p> <p>1 A. Johnson and Hall are on swing shift. I wanted 2 to send it to the people that -- that I wasn't necessarily 3 working with, and I don't remember who all the day shift 4 officers are. 5 Q. And then I think you also mentioned -- 6 A. And -- and I say that because that's my norm. 7 It's what I normally do. I -- and I think I did it 8 because that's what I normally do. 9 Q. Okay. You also mentioned CO Seeley. Would you 10 have included him? 11 A. Yes, I would have included everybody in my NIC 12 list. 13 Q. So when you sent the emails, and you can't 14 remember when, regarding Price, but they were sent before 15 Price's assault on Powell; correct? 16 A. Correct. 17 Q. Do you have access to a computer in the SOU 18 E-Unit where you can send the emails? 19 A. Yes. 20 Q. And the other officers would have access to a 21 computer in which to receive them? 22 A. Yes. 23 Q. And I'm assuming -- and I could be wrong -- did 24 you save copies of those emails yourself? 25 A. No.</p>

<p style="text-align: right;">Page 114</p> <p>1 Q. Did you send any such email to any superior 2 officer regarding Offender Price as you sent to these 3 other individuals you've testified about? 4 A. I -- I don't remember, and I do have to say that 5 I think I sent that email. 6 Q. Okay. 7 A. Because that's my norm. It's what I normally do 8 if something happens. 9 MS. SEVERSON: And I'll ask DOC to conduct a 10 search for all of these names that he's given me, and I 11 think it should be expanded to include the superior 12 officers including Granger, Glaser, Browne, and Asin. 13 MR. BUDGE: Thank you. 14 MS. SEVERSON: Thank you. I'm done. 15 16 EXAMINATION (CONTINUED) 17 BY MR. BUDGE: 18 Q. How did you make your reports to Dr. Davis 19 concerning Price? 20 A. It was verbal. 21 Q. Visiting him in his office? 22 A. Yes, correct, or at the panel. 23 Q. When Price was on baseline, was his behavior 24 nevertheless generally more extreme than the other 25 offenders?</p>	<p style="text-align: right;">Page 116</p> <p>1 A. No. 2 Q. Did you know that it had been reported in the 3 logbook at 6:41 a.m. on May 9th, 2015, that Price was off 4 baseline? 5 A. No. 6 Q. Why not? 7 A. Because we hit the ground running. We were 8 really busy that day, and I don't -- I don't recall 9 reviewing the logbook that far back. 10 Q. Did you know prior to 4:30 p.m. on May 9th, 11 2015, that at pass-down between Defendant Walters and 12 Defendant Barnes that Walters advised Barnes that Price 13 was off baseline? 14 A. No. 15 Q. Did you know that Walters advised Barnes that 16 Barnes should keep a close eye on Price because Price was 17 off baseline? 18 A. No. 19 Q. If Walters had information of that nature that 20 Price was off baseline and that he should be watched more 21 closely than normal given that he was off baseline, is 22 that something that you would have wanted to know? 23 A. Yes. 24 Q. Would you have expected that the rec officers 25 who had observed Price being off baseline would have</p>
<p style="text-align: right;">Page 115</p> <p>1 A. No, I wouldn't say more extreme. 2 Q. When Price was off baseline, was his behavior 3 more extreme? 4 A. Yes. 5 Q. When Price was off baseline, what was your view 6 towards Price? 7 A. Can you rephrase that, please? 8 Q. How would Price behave when he was off baseline? 9 A. He would argue with himself, talk to himself, 10 pace a lot, clenched jaw, that sort of thing. 11 Q. When Price was off baseline, was his behavior 12 concerning to you? 13 A. I watched him closer. 14 Q. For what purpose? 15 A. To make sure that nothing happened. 16 Q. Nothing being what? 17 A. Nothing bad. 18 Q. Such as? 19 A. Such as assaults, staff assaults, things 20 offenders do. 21 Q. Were you watching Price closer on May 9th, 2015, 22 than you ordinarily would? 23 A. No. 24 Q. Did you know that Price was off baseline on 25 May 9th, 2015?</p>	<p style="text-align: right;">Page 117</p> <p>1 reported that to the E-Unit officers? 2 A. That would be my -- I mean, that would be my 3 guess. 4 Q. Would that be your expectation? 5 A. That would be my expectation. 6 Q. If Barnes had information at 2:00 p.m. that 7 Price was off baseline and should be watched more closely 8 than ordinarily, would you have expected Barnes to 9 communicate that to you and Seeley? 10 A. Yes. 11 Q. And had you known that, would you have watched 12 Price more closely than normally? 13 A. Yes. 14 Q. Had you known that information before the fatal 15 assault seeing where Price was positioned outside of the 16 sally port facing the sally port with his back to the 17 wall, would you have taken measures to more closely 18 supervise and watch Price? 19 A. Yes, more than likely. 20 Q. And similarly, if you had information that Price 21 was reported to be off baseline by Defendant Walters, 22 would you have more closely monitored Price at that time? 23 A. Yes. 24 Q. If you had -- excuse me. Strike that. 25 If Mental Health Counselor Deal had information</p>

<p style="text-align: right;">Page 118</p> <p>1 that Price was claiming to be under the delusional belief</p> <p>2 that he was an assassin, would you have wanted to know</p> <p>3 that?</p> <p>4 A. Yes.</p> <p>5 Q. What would you have done if you had that</p> <p>6 information from Deal?</p> <p>7 A. I would make sure it was passed on to Davis.</p> <p>8 Q. Would you have watched Price more closely?</p> <p>9 A. A lot of these guys believe stuff, but, yeah,</p> <p>10 I'd have to say I'd watch him more closely.</p> <p>11 Q. If you had information from Deal that Price had</p> <p>12 been stating that he was being trained to be an assassin,</p> <p>13 or a full-blown killer, before May 9th of 2015, would you</p> <p>14 have taken it upon yourself to watch Price more closely?</p> <p>15 A. Yes.</p> <p>16 Q. Prior to the assault?</p> <p>17 A. Yes.</p> <p>18 Q. If either Price -- excuse me.</p> <p>19 If either Deal or Davis had any information that</p> <p>20 Price was claiming to be an assassin, training as an</p> <p>21 assassin, being in a facility where he was training to be</p> <p>22 an assassin, or being controlled by the government, or</p> <p>23 trained to be a killer in any way, shape, or form, would</p> <p>24 you have wanted to know that information?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 120</p> <p>1 baseline on that day, and had previously been stating that</p> <p>2 he was under the delusional belief that was training to be</p> <p>3 an assassin, do you think you would have taken action to</p> <p>4 monitor Price more closely than you did?</p> <p>5 A. I'd have to say --</p> <p>6 Q. More likely than not is my question.</p> <p>7 A. I'd have to say, more likely than not.</p> <p>8 Q. In your book on Page 94, you refer to a captain</p> <p>9 as a fat-ass captain.</p> <p>10 Do you see that?</p> <p>11 "Roster contacted my fat ass captain."</p> <p>12 MS. SEVERSON: You're in the middle of the first</p> <p>13 paragraph?</p> <p>14 MR. BUDGE: Yes.</p> <p>15 THE WITNESS: I see it.</p> <p>16 Q. BY MR. BUDGE: Who is it that you refer to as</p> <p>17 your fat-ass captain?</p> <p>18 A. I don't remember who it was at the time.</p> <p>19 Q. Are you familiar with a corrections mental</p> <p>20 health counselor named Rotta?</p> <p>21 A. I've met her a few times.</p> <p>22 Q. Was Rotta on duty on May 9th, 2015?</p> <p>23 A. Not when I got to the unit; so I can't -- I</p> <p>24 can't say.</p> <p>25 Q. If Rotta had information that Price was off</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Would you have expected that that information</p> <p>2 would be communicated to you and the other E-Unit</p> <p>3 corrections officers?</p> <p>4 A. It would depend at that point on how they got</p> <p>5 the content.</p> <p>6 Q. If they got the content directly from Price,</p> <p>7 would you have expected it to be communicated to you?</p> <p>8 A. I would have liked it to have been communicated</p> <p>9 to me, yes.</p> <p>10 Q. And would you have expected that it would be</p> <p>11 communicated to you?</p> <p>12 A. Yes.</p> <p>13 Q. If they were doing their jobs?</p> <p>14 A. Yes. Well, I don't want to go that far, but I</p> <p>15 would expect the information, yes.</p> <p>16 Q. And armed with that information, do you believe</p> <p>17 that you would have watched Price more closely than you</p> <p>18 did on May 9th?</p> <p>19 A. I mean, I was watching them closely. More</p> <p>20 closely, it would depend on your terminology, or, I guess,</p> <p>21 what your definition of "more closely" is.</p> <p>22 Q. Well, if you saw Price positioning himself</p> <p>23 outside of the sally port in the dayroom, watching</p> <p>24 somebody coming out of the sally port as if waiting for</p> <p>25 somebody, and you knew prior to that time that he was off</p>	<p style="text-align: right;">Page 121</p> <p>1 baseline on May 9th, 2015, would you have expected Rotta</p> <p>2 to have communicated that information to you?</p> <p>3 A. Yes.</p> <p>4 Q. And armed with that information, do you believe</p> <p>5 you would have watched Price more closely?</p> <p>6 A. I mean, I would have watched him. I mean, you</p> <p>7 know.</p> <p>8 Q. Do you think you would have watched him more</p> <p>9 closely than you did?</p> <p>10 A. I -- I think probably more than likely.</p> <p>11 MS. SEVERSON: It's almost noon. I don't know</p> <p>12 how long you intend to go, but I do want to take a break</p> <p>13 sometime between now and 12:30 for lunch.</p> <p>14 MR. BUDGE: Sure.</p> <p>15 Let's go off record for a sec.</p> <p>16 (A luncheon recess was taken at</p> <p>17 11:58 A.M.)</p> <p>18 ---O---</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 122</p> <p>1 MONROE WASHINGTON; TUESDAY DECEMBER 6, 2016</p> <p>2 1:15 P.M.</p> <p>3 --o0o--</p> <p>4</p> <p>5 EXAMINATION (CONTINUED)</p> <p>6 BY MR. BUDGE:</p> <p>7 Q. Officer Talbot, are you ready to continue after</p> <p>8 the lunch break?</p> <p>9 A. Yes.</p> <p>10 Q. And you understand that you're still under oath?</p> <p>11 A. Yes.</p> <p>12 Q. In the past week, have you received or sent any</p> <p>13 text messages to Corrections Officer Seeley about the</p> <p>14 subject of this case or his deposition or yours?</p> <p>15 A. No.</p> <p>16 MS. SEVERSON: I'm going to interpose an</p> <p>17 objection for common-interest privilege, but he's answered</p> <p>18 your question.</p> <p>19 Q. BY MR. BUDGE: Mr. Talbot, one of the</p> <p>20 fundamental duties of a corrections officer, such as</p> <p>21 yourself, is to take steps to protect offenders who you</p> <p>22 knew might be at risk of physical harm from other</p> <p>23 offenders; is that correct?</p> <p>24 A. That's correct.</p> <p>25 Q. If a corrections officer, such as yourself, does</p>	<p style="text-align: right;">Page 124</p> <p>1 A. Oh, offenders, yeah.</p> <p>2 Q. So in prison, it is well known that offenders</p> <p>3 have a code and a hierarchy; correct?</p> <p>4 A. Yes, offenders.</p> <p>5 Q. And at the bottom rung on that hierarchy are sex</p> <p>6 offenders; correct?</p> <p>7 A. Correct.</p> <p>8 Q. If an offender is known by fellow offenders to</p> <p>9 have committed a sex crime, you know that offenders might</p> <p>10 assault or even attempt to kill that sex offender;</p> <p>11 correct?</p> <p>12 A. No. I mean, anything can happen in prison. I</p> <p>13 mean, a murderer can kill a murderer.</p> <p>14 Q. I know that.</p> <p>15 But given that sex offenders are on the bottom</p> <p>16 rung of the hierarchy, don't you agree that if offenders</p> <p>17 know that a fellow offender is a sex offender then the sex</p> <p>18 offender might be at risk of harm?</p> <p>19 A. Might be.</p> <p>20 Q. In terms of your duty to police the prison and</p> <p>21 protect all offenders, there is no distinction in your</p> <p>22 duty depending on the crime the offender's accused of</p> <p>23 having committed; correct?</p> <p>24 A. Correct.</p> <p>25 Q. And it would be contrary to your role as a</p>
<p style="text-align: right;">Page 123</p> <p>1 not take steps to protect other offenders who you know</p> <p>2 might be at risk of physical harm from other offenders,</p> <p>3 that's a violation of one of your most fundamental duties</p> <p>4 as a corrections officer; is that right?</p> <p>5 A. One of our duties, yes.</p> <p>6 Q. If a corrections officer, such as yourself,</p> <p>7 intentionally puts one offender at risk of being harmed by</p> <p>8 other offenders, that is also a fundamental violation of</p> <p>9 your duties as a corrections officer; correct?</p> <p>10 A. Correct.</p> <p>11 Q. No matter the offenders' crime?</p> <p>12 A. Correct.</p> <p>13 Q. In fact, to intentionally put one offender at</p> <p>14 risk of being harmed by other offenders would be among the</p> <p>15 most severe breaches of your duties and your role of an</p> <p>16 officer of the state; correct?</p> <p>17 A. Correct.</p> <p>18 Q. In prison, it is well known that offenders have</p> <p>19 a code and hierarchy, so to speak?</p> <p>20 A. I don't know about that.</p> <p>21 Q. Take a look at your book on Page 99.</p> <p>22 A. I'm sure they have some sort of code.</p> <p>23 Q. Do you see toward the bottom of the page on 99</p> <p>24 where you say, quote, "offenders have codes and a</p> <p>25 hierarchy so to speak"?</p>	<p style="text-align: right;">Page 125</p> <p>1 corrections officer to purposefully reveal information</p> <p>2 about one offender to another offender or group of</p> <p>3 offenders that might cause that offender to be harmed;</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. It would be contrary to your role as a</p> <p>7 corrections officer to incite other offenders to</p> <p>8 vigilante-type action or violence or to physically harm an</p> <p>9 offender for any reason related to personal dislike or</p> <p>10 animosity toward that offender; correct?</p> <p>11 A. Correct.</p> <p>12 Q. In your book on Page 99, you refer to one</p> <p>13 particular offender as an asshole who you could not stand.</p> <p>14 Do you see that?</p> <p>15 At the bottom of the page.</p> <p>16 A. 99?</p> <p>17 Q. Yes.</p> <p>18 A. No, I'm not seeing it.</p> <p>19 Q. Toward the bottom, you refer to, quote, "an</p> <p>20 offender there that both one of us" -- I believe that's a</p> <p>21 typo in your book -- "could stand."</p> <p>22 Are you referring to an offender that you could</p> <p>23 not stand?</p> <p>24 A. I can't find it.</p> <p>25 MS. SEVERSON: Last paragraph, Page 99, I think</p>

Page 126

1 is where you would start.  
2 THE WITNESS: It would help if this one was  
3 highlighted too.  
4 Okay.  
5 Q. BY MR. BUDGE: Do you see what I'm referring to?  
6 A. Yes, I do.  
7 Q. And do you see where you refer to him as an  
8 asshole?  
9 A. Yep.  
10 Q. The asshole that you referred to was in prison  
11 for a sex crime?  
12 A. Yep.  
13 Q. And you say he, quote, "kept the crime to  
14 himself for obvious reasons"?  
15 A. Mm-hmm.  
16 Q. Yes?  
17 A. Yes.  
18 Q. The obvious reason being that if it became known  
19 within the prison that he was in for a sex crime, he could  
20 be targeted by other offenders; correct?  
21 A. Could be, yes.  
22 Q. You go on in your book on Page 100 to describe  
23 an incident where with this particular offender, you've  
24 purposefully left an item off of his food tray; correct?  
25 A. Correct.

Page 127

1 Q. When he complained to you, you pretended you  
2 could not hear him; correct?  
3 A. Correct.  
4 Q. You told him to bend down towards the bottom of  
5 the door so you could pretend to hear him better; correct?  
6 A. Correct.  
7 Q. You had strategically placed packets of mustard  
8 on the ground near the cell door?  
9 A. Correct.  
10 Q. And when he put his face near the bottom of the  
11 cell floor in response to your feigning not to hear him,  
12 you stomped on the mustard bomb; correct?  
13 A. Correct.  
14 Q. You say the mustard bomb went off perfectly and  
15 sprayed the inside of his cell, face, jumpsuit, and walls?  
16 A. Correct.  
17 Q. The offender then asked for cleaning equipment;  
18 correct?  
19 A. Correct.  
20 Q. Whereupon you say that you, quote, "said in a  
21 very loud voice "That is tough talk from someone who raped  
22 a twelve-year-old girl!"; correct?  
23 A. Correct.  
24 Q. By saying in a very loud voice that the offender  
25 had raped a girl, it was your intent that the other

Page 128

1 offenders should hear you reveal the nature of the  
2 offender's crime; correct?  
3 A. Correct.  
4 Q. Because you knew that revealing the nature of  
5 the offender's crime could cause the offender to be  
6 targeted by other offenders; correct?  
7 A. Not necessarily because where we were at.  
8 Q. But you knew that was a distinct possibility?  
9 A. It's a possibility.  
10 Q. You go on to boast that your action in revealing  
11 the nature of his sex crime in a loud voice caused abusive  
12 statements to be made all the way down the tier from other  
13 offenders; correct?  
14 A. Correct.  
15 Q. In other words, your action in revealing the  
16 nature of the offender's sex crime in a loud voice had  
17 your desired effect of alerting the other offenders on the  
18 unit to the nature of the offender's crime; correct?  
19 A. Yes, it did.  
20 Q. And you knew that that offender might then be  
21 targeted by other offenders from what you revealed;  
22 correct?  
23 A. Not where he was at, but okay.  
24 Q. In general?  
25 A. Not where he was at.

Page 129

1 Q. In general, sir?  
2 A. I'm not talking in general. If you want to talk  
3 specifics about the book, where he was at, no. That's my  
4 answer.  
5 Q. You knew that the offender might be targeted by  
6 other offenders not only on that day but elsewhere during  
7 the course of his prison confinement; correct?  
8 A. That's fair enough to say, yes.  
9 Q. And you succeeded in your goal of revealing the  
10 offender's sex crime to the other offenders on the unit  
11 knowing that might cause him to be targeted; correct?  
12 A. Correct.  
13 Q. You then described the offender who you  
14 purposely sprayed with mustard and revealed the nature of  
15 his crime as, quote, "He began to cry and curled up in the  
16 fetal position;" correct?  
17 A. Correct.  
18 Q. And immediately after that, you say in your  
19 book, quote, "good times;" correct?  
20 A. Correct.  
21 Q. In other words, you were gleeful and glad that  
22 you had successfully revealed the nature of the offender's  
23 crime knowing that it might cause him to be targeted;  
24 correct?  
25 A. I was, yes.



Page 130

1 Q. Who was that offender?  
2 A. Don't know.  
3 Q. Where did the incident take place?  
4 A. Segregation.  
5 Q. Did the offender file a grievance against you?  
6 A. Not that I know of.  
7 Q. Has anybody at Department of Corrections ever  
8 disciplined you, reprimanded, or taken any action towards  
9 your employment with regard to your saying in your book  
10 that you purposefully deployed a mustard bomb against  
11 another offender in his cell?  
12 A. No.  
13 Q. Do you know why not?  
14 A. No. Well, probably because the -- before that  
15 happened, the inmate threatened my life, and he probably  
16 didn't want to file a grievance because his ass would have  
17 been in the sling too. That would be my guess. If you  
18 want my guess, that's my guess.  
19 Q. Actually, I don't want your guess.  
20 A. Well, that's what you said.  
21 Q. No --  
22 A. You said "Do you know of any reason." Okay.  
23 Well, that's the reason I know of.  
24 Q. I actually don't want you to guess or speculate.  
25 A. Okay.

Page 131

1 Q. My question is do you know why you were never  
2 disciplined, reprimanded, or had any --  
3 A. I would say that's why I know --  
4 Q. -- had any employment action taken against you  
5 in response to what you write in your book of purposely  
6 deploying a mustard bomb against an offender?  
7 A. No.  
8 Q. Has anybody at the Department of Corrections  
9 disciplined, reprimanded you, or taken any action towards  
10 you with regard to your stating in your book that you  
11 purposely revealed the nature of the offender's sex crime  
12 to other offenders knowing that it might cause the  
13 offender to be targeted?  
14 A. No.  
15 Q. Do you know why not?  
16 A. No.  
17 Q. In your book, do you ever refer to the Special  
18 Offenders Unit where mentally ill offenders are confined  
19 as a, quote, "hall of freaks"?  
20 A. I'm sure it's in there somewhere.  
21 Q. Why do you refer to the Special Offenders Unit  
22 as a hall of freaks?  
23 A. Why?  
24 Q. Yes.  
25 A. You ever spent any time in there?

Page 132

1 Q. No.  
2 A. Okay. Well, where I work, it's a little bit  
3 different, and I use colorful statements; I use humor, and  
4 that's what I call it.  
5 Q. Do you believe that the offenders in the Special  
6 Offenders Unit, where you're assigned, are freaks?  
7 A. I believe some of them are.  
8 Q. Do you believe Casey Powell was a freak?  
9 A. No.  
10 Q. Do you believe that Price was a freak?  
11 A. Probably not.  
12 Q. Has anybody at the Department of Corrections  
13 taken any disciplinary action against you, reprimanded,  
14 you, or taken any other action with regard to your  
15 employment with regard to your referring to the offenders  
16 in the Special Offenders Unit, where you work, as being in  
17 a hall of freaks?  
18 A. No.  
19 Q. In your book on Page 104, in the first full  
20 paragraph you state as follows, quote, "I am a firm  
21 believer that once a person works in a prison, they become  
22 desensitized to violence." Do you see that?  
23 A. Yes, I do.  
24 Q. And you go on in your book to describe how,  
25 quote, "we would talk about something as simple as going

Page 133

1 to a bar" and "catch a glance of a beautiful woman and  
2 move in almost like a predator." Do you see that?  
3 A. Yep.  
4 Q. You say that if she rejected your advances,  
5 quote, "Then our prison humor would come out as we would  
6 look at her intently and say, 'Congratulations, bitch, you  
7 just turned this rape into a homicide.'" Do you see that?  
8 A. Yep.  
9 Q. You go on to say "After years of working in a  
10 prison, that would seem to be a normal response."  
11 A. Mm-hmm.  
12 Q. Yes?  
13 A. Yes.  
14 Q. With which officer did you have such  
15 conversations?  
16 A. Don't remember.  
17 Q. Do you think that's funny?  
18 A. Kind of did at the time the guy had said it, but  
19 you'd have to know the guy that said it, and I don't mind  
20 telling you his name because he didn't work here anymore,  
21 so if you want to know who said it.  
22 Q. Has anyone at the Washington Department of  
23 Corrections disciplined you or taken any action against  
24 you or your employment with regard to what you describe as  
25 using prison humor to describe rape, homicide, and

<p>Page 134</p> <p>1 predatory behavior against woman?</p> <p>2 A. No.</p> <p>3 Q. Do you know why not?</p> <p>4 A. No.</p> <p>5 Q. Also on Page 104 of your book, you describe a</p> <p>6 particular joke that you liked to tell that you, quote,</p> <p>7 "found hilarious." The joke that you say you found</p> <p>8 hilarious was "Does anyone know what nine out of every ten</p> <p>9 offenders enjoy?" "Prison rape." Do you see that?</p> <p>10 A. Yeah.</p> <p>11 Q. Do you think that joke is funny?</p> <p>12 A. Honestly?</p> <p>13 Q. Yes.</p> <p>14 A. Yes, I do.</p> <p>15 Q. To whom at the Department of Corrections did you</p> <p>16 enjoy telling the joke that nine out of ten offenders</p> <p>17 enjoyed prison rape?</p> <p>18 A. Don't remember.</p> <p>19 Q. Has anyone at the Washington Department of</p> <p>20 Corrections disciplined you or taken any action towards</p> <p>21 your employment with regard to you stating in your book</p> <p>22 that you found it hilarious to tell a joke that nine out</p> <p>23 of every ten offenders enjoy prison rape?</p> <p>24 A. No.</p> <p>25 Q. Did you tell that joke when you were at work?</p>	<p>Page 136</p> <p>1 Q. Have you written recently about the things that</p> <p>2 have happened at the Department of Corrections?</p> <p>3 A. I have written recently about some things that</p> <p>4 happened at the Department of Corrections, yes.</p> <p>5 Q. Including the assault of Casey Powell by Price?</p> <p>6 A. Yes.</p> <p>7 Q. In there do you refer to your current partner</p> <p>8 Officer Seeley as Officer Steely?</p> <p>9 A. I don't remember. I haven't even worked on this</p> <p>10 book in months, if you want to call it a book, and it's</p> <p>11 not a book. Not until it's published is it a book. Can</p> <p>12 we move beyond that?</p> <p>13 MS. SEVERSON: You shouldn't ask opposing</p> <p>14 counsel questions.</p> <p>15 THE WITNESS: Okay.</p> <p>16 Q. BY MR. BUDGE: Officer Jeremy Seeley was, in</p> <p>17 fact, the officer closest to you on the day that Price</p> <p>18 fatally assaulted Casey Powell; correct?</p> <p>19 A. He was out in the hallway.</p> <p>20 Q. Officer Seeley was the officer closest to you on</p> <p>21 the day that Price fatally assaulted Casey Powell;</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. So on the day that Price assaulted Casey Powell,</p> <p>25 you and Officer Seeley were partners?</p>
<p>Page 135</p> <p>1 A. No.</p> <p>2 Q. In your book, you refer to one of your fellow</p> <p>3 corrections officers as "Corrections Officer Steely"?</p> <p>4 A. Mm-hmm.</p> <p>5 Q. Correct?</p> <p>6 A. Well, where's it's at?</p> <p>7 Q. Why don't you tell me, sir, if you refer to a</p> <p>8 certain corrections officer as Officer Steely in your</p> <p>9 book. Do you remember?</p> <p>10 A. I don't remember but sounds about right.</p> <p>11 Q. You don't remember?</p> <p>12 A. No. I haven't really read this in a while.</p> <p>13 Q. Well, take a look at 108 and 109, then, if you</p> <p>14 want to refresh your memory.</p> <p>15 A. That would be great.</p> <p>16 Yep, I see it.</p> <p>17 Q. Is that is a pseudonym for Officer Jeremy Seeley</p> <p>18 who is a defendant in this case?</p> <p>19 A. I don't really remember. You know, some -- some</p> <p>20 of the characters I just kind of conglomerated together.</p> <p>21 Q. Are you writing a new book?</p> <p>22 A. I have a angry email that's never been sent, an</p> <p>23 angry letter without a stamp on it, yes. And the only</p> <p>24 reason you have it is because I'm a honest person and I</p> <p>25 turned it in. Is it a book? No, it's not a book.</p>	<p>Page 137</p> <p>1 A. Yes.</p> <p>2 Q. And you and Seeley were the two officers in the</p> <p>3 closest proximity to the attack of Casey Powell by Price;</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. If anybody was going to prevent the attack or</p> <p>7 physically restrain Price from attacking Casey Powell, the</p> <p>8 ones closest in proximity and the ones best able to do</p> <p>9 that were you and Officer Seeley; correct?</p> <p>10 A. Correct.</p> <p>11 Q. If you look at your book on Page 108, you</p> <p>12 describe an incident on Pages 108 and 109 where you and</p> <p>13 the officer you describe as Steely observe an offender</p> <p>14 heating up water for tea in a prison microwave; correct?</p> <p>15 A. Correct.</p> <p>16 Q. Steely informed you that the offender had no</p> <p>17 money and that the tea was not his; correct?</p> <p>18 A. Correct.</p> <p>19 Q. Steely informed you that he had spoken with the</p> <p>20 offender about getting tea and coffee from other</p> <p>21 offenders?</p> <p>22 A. Yes.</p> <p>23 Q. You and Steely approached the offender at the</p> <p>24 microwave?</p> <p>25 A. That would be correct.</p>

<p style="text-align: right;">Page 138</p> <p>1 Q. And the offender that you approached was a</p> <p>2 mentally ill offender at the SOU housed in the E-Unit</p> <p>3 Pod 2; correct?</p> <p>4 A. Correct.</p> <p>5 Q. You and the officer you call Steely approached</p> <p>6 the offender at the microwave and told the offender to</p> <p>7 throw the tea in the garbage?</p> <p>8 A. Correct.</p> <p>9 Q. You then claim that the offender said, quote,</p> <p>10 "Fuck you, guys" and threw the cup of water against the</p> <p>11 wall which splashed you and Steely; correct?</p> <p>12 A. Correct.</p> <p>13 Q. And you then claim that the offender who</p> <p>14 splashed the water was -- excuse me, quote, "clenched his</p> <p>15 fists and ignored verbal directives"?</p> <p>16 A. Correct.</p> <p>17 Q. You then claimed that you and Steely pulled the</p> <p>18 OC spray from your holsters and put the offender in the</p> <p>19 restraints?</p> <p>20 A. Correct.</p> <p>21 Q. You then claimed you and the officer you</p> <p>22 described as Steely told a sergeant what happened?</p> <p>23 A. Correct.</p> <p>24 Q. Following your claimed version of events, you</p> <p>25 and Steely began writing infraction reports on the</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. And that the offender, according to the superior</p> <p>2 officer, was simply walking away when you and Steely</p> <p>3 claimed he was being confrontational; correct?</p> <p>4 A. That's what he said.</p> <p>5 Q. The shift sergeant told you and Steely that your</p> <p>6 version of events was false and that the offender would be</p> <p>7 returned to the unit without discipline because the video</p> <p>8 showed he did nothing wrong contrary to what you and</p> <p>9 Steely reported; correct?</p> <p>10 A. Correct.</p> <p>11 Q. And that made you and Steely very angry;</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. You say in the book that the two of you were,</p> <p>15 quote, "fuming"?</p> <p>16 A. Correct.</p> <p>17 Q. You go on to say that the offender who you and</p> <p>18 Steely had falsely accused in the eyes of a sergeant came</p> <p>19 up to you and began to apologize; correct?</p> <p>20 A. Correct.</p> <p>21 Q. The offender began to apologize and asked for</p> <p>22 his cup back; correct?</p> <p>23 A. Correct.</p> <p>24 Q. You say in your book, quote, "The offender in</p> <p>25 question approached the panel and began to apologize and</p>
<p style="text-align: right;">Page 139</p> <p>1 offender who you claimed splashed the water?</p> <p>2 A. Yes.</p> <p>3 Q. And upon finishing your reports, you and the</p> <p>4 officer you call Steely were approached by a shift</p> <p>5 sergeant; correct?</p> <p>6 A. Correct.</p> <p>7 Q. Who was the shift sergeant?</p> <p>8 A. Sergeant Nichols.</p> <p>9 Q. The shift sergeant began speaking to Steely as</p> <p>10 if he were a two-year-old?</p> <p>11 A. That's correct.</p> <p>12 Q. The shift sergeant told you that the superior</p> <p>13 officer, a lieutenant, had reviewed the video recording of</p> <p>14 what you and Steely claimed to have occurred; correct?</p> <p>15 A. Correct.</p> <p>16 Q. And the shift sergeant told you and the officer</p> <p>17 you call Steely that the superior officer had determined</p> <p>18 that the version of events described by you and Steely was</p> <p>19 not accurate; correct?</p> <p>20 A. Correct.</p> <p>21 Q. The shift sergeant told you and Steely that, in</p> <p>22 fact, the video showed that the offender never meant to</p> <p>23 throw anything on you and that, in fact, the spilling of</p> <p>24 the water was an accident; correct?</p> <p>25 A. That's what he said, correct.</p>	<p style="text-align: right;">Page 141</p> <p>1 in the same breath ask us to return his cup. I looked the</p> <p>2 offender in the eye and said, 'No. Now get the fuck out</p> <p>3 of here"; correct?</p> <p>4 A. Correct.</p> <p>5 Q. That happened; correct?</p> <p>6 A. Yes, it did.</p> <p>7 Q. Steely then told you he was going to turn in the</p> <p>8 infraction anyway; correct?</p> <p>9 A. Correct.</p> <p>10 Q. You agreed with Steely and attached your report</p> <p>11 to Steely's infraction; correct?</p> <p>12 A. Correct.</p> <p>13 Q. The infraction and your report were left in the</p> <p>14 lieutenant's box; correct?</p> <p>15 A. Correct.</p> <p>16 Q. You left for the weekend?</p> <p>17 A. I did.</p> <p>18 Q. And when you returned, there was a, quote, "huge</p> <p>19 steaming pile of bullshit" waiting for you?</p> <p>20 A. Yep, yes.</p> <p>21 Q. The offender that you had reported on had been</p> <p>22 placed in segregation?</p> <p>23 A. Correct.</p> <p>24 Q. But when you arrived after your weekend, the</p> <p>25 sergeant informed you that it was not fair in his view</p>

Page 142

1 that you and Steely had infringed the offender when the  
2 video showed he did nothing wrong; correct?  
3 A. That was his claim, correct.  
4 Q. The sergeant asked you, quote, "Do you think  
5 that's fair?" Correct?  
6 A. Correct.  
7 Q. And the officer you describe as Steely said to  
8 the sergeant, quote, "Fuck yeah. I think it's fair. What  
9 that asshole did was assault"; right?  
10 A. Correct.  
11 Q. The sergeant said that neither he nor  
12 upper-level administration felt it was fair what you did  
13 in infracting the offender; correct?  
14 A. Correct.  
15 Q. You stated to the sergeant, quote, "What the  
16 fuck do we have to do with how much time the asshole got?"  
17 A. Correct.  
18 Q. You say, quote, "Our blood was boiling at this  
19 point"?  
20 A. Correct.  
21 Q. And that is in reference to you and Steely being  
22 extremely angry; correct?  
23 A. No.  
24 Q. What is it in reference to?  
25 A. It's in reference to being thrown on.

Page 143

1 Q. The statement that your blood was boiling --  
2 A. Mm-hmm.  
3 Q. -- is in reference to you feeling very angry;  
4 right?  
5 A. Feeling angry that we were -- do you want me to  
6 finish?  
7 Q. I just want to know, sir, if the statement "our  
8 blood was boiling at this point" refers to how you and  
9 Officer Steely were feeling?  
10 MS. SEVERSON: I'm going to object to the extent  
11 of lack of foundation in terms of his knowledge of how  
12 Steely was feeling.  
13 THE WITNESS: I don't know how he was feeling.  
14 I know how I was feeling.  
15 Q. BY MR. BUDGE: Was your blood boiling, sir?  
16 A. It was.  
17 Q. Meaning you were very angry?  
18 A. I was.  
19 Q. Steely lamented, quote, "We could have slammed  
20 his ass in the concrete" in reference to the offender you  
21 claimed splashed water on you; correct?  
22 A. Correct.  
23 Q. Which the claim was disputed by upper  
24 management; correct?  
25 A. No.

Page 144

1 Q. Which the claim was disputed by your superior  
2 officers; correct?  
3 A. By the ones that were directly involved in the  
4 incident that day, yes.  
5 Q. In sum, Steely expressed being very angry to be  
6 contradicted in his version of events; correct?  
7 A. Where do you see that at?  
8 Q. It's not a quote, sir. I'm asking you what  
9 happened as --  
10 A. Well, ask me -- okay. I'm -- I'm sorry. Repeat  
11 it, please, because I'm not understanding what you're  
12 saying.  
13 Q. Steely expressed being very angry to be  
14 contradicted in his version of events; correct?  
15 A. Correct.  
16 Q. And you, yourself, were very angry to be  
17 contradicted in your version of events; correct?  
18 A. Correct.  
19 Q. You both referred to the offender who splashed  
20 the water as a, quote, "asshole"?  
21 A. Correct.  
22 Q. You told the offender yourself to fuck off when  
23 he came to apologize?  
24 A. I did.  
25 Q. Steely said that he could have slammed his ass

Page 145

1 into the concrete in reference to this offender?  
2 A. Correct.  
3 Q. So to summarize, you claimed, you and Steely,  
4 that the offender had deliberately splashed you with  
5 water; right?  
6 A. Hot water, yes.  
7 Q. You and Steely claimed that the offender  
8 resisted you or threatened you in some way; correct?  
9 A. Correct.  
10 Q. You and Steely were contradicted by your  
11 superiors who reviewed the offender and thought that the  
12 actions of the offender were an unintentional mistake;  
13 correct?  
14 A. Correct.  
15 Q. You and Steely wrote the offender up anyway?  
16 A. Correct.  
17 Q. You and Steely wrote the offender up anyway even  
18 though your lieutenant had said that your version of  
19 events were false; correct?  
20 A. Correct.  
21 Q. You and Steely were extremely angry and upset?  
22 A. Yes.  
23 Q. And you and Steely both referred to the offender  
24 as an asshole; correct?  
25 A. Correct.



Page 146

1 Q. When the offender came to you to try to  
2 apologize, you told him "to get the fuck out of here"?  
3 A. Yes, I did.  
4 Q. And Steely said to the superior officer "We  
5 could have slammed his ass in the concrete"; correct?  
6 A. Correct.  
7 Q. Mr. Talbot, interesting thing, that offender who  
8 you claimed to have deliberately splashed water on you was  
9 Offender Gordon Casey Powell, wasn't he?  
10 A. Yes, he was.  
11 MS. SEVERSON: Object to the form of the  
12 question.  
13 Q. BY MR. BUDGE: The very offender who was  
14 murdered by Price while you watched; correct?  
15 A. Correct.  
16 Q. The very offender who was murdered by Casey  
17 Powell while Steely watched -- excuse me.  
18 The very offender who was murdered by Price  
19 while Steely watched?  
20 THE WITNESS: Object to the form of the  
21 question.  
22 Q. BY MR. BUDGE: Correct?  
23 A. No.  
24 Q. Steely did not see Price murder Casey Powell?  
25 A. I don't think he saw it. He came around the

Page 147

1 corner. I think the attack was over by the time he got to  
2 the unit, but I don't know because I haven't seen the  
3 video; so it's what I can remember.  
4 Q. The offender that you and Steely referred to as  
5 an asshole, the offender that you told to fuck off, and  
6 the offender with whom you had this incident that caused  
7 both you and Steely to become very angry was the very  
8 offender who was later murdered by Price; correct?  
9 A. Correct.  
10 Q. The very offender who was murdered by Price  
11 while both you and Seeley were the two officers with the  
12 last clear chance to intervene; correct?  
13 MS. SEVERSON: Object to the form.  
14 But you may answer.  
15 THE WITNESS: No.  
16 Q. BY MR. BUDGE: Why do you say no?  
17 A. Because, Counselor, as I said several times,  
18 Officer Steely was outside the unit.  
19 Q. He was a few feet away?  
20 A. No, he wasn't.  
21 Q. Less than 30 feet away, sir?  
22 A. I don't know. I'm telling you the attack was  
23 over by the time he rounded the corner. I've said it  
24 several times, and I don't know how many more times I can  
25 say it. The answer's not going to change.

Page 148

1 Q. You saw the attack?  
2 A. Yeah, I did.  
3 Q. You had the last clear chance to intervene?  
4 A. Yes.  
5 MS. SEVERSON: Object to the form.  
6 THE WITNESS: Yes, I did.  
7 Q. BY MR. BUDGE: The incident that you describe in  
8 your book where you -- and well, will you acknowledge that  
9 it was Officer Jeremy Seeley who was involved in the event  
10 that you describe in your book that we've been talking  
11 about?  
12 MS. SEVERSON: I don't have a privilege  
13 objection to interpose; so...  
14 THE WITNESS: Oh, okay. Well, yeah.  
15 Q. BY MR. BUDGE: It was Officer Jeremy Seeley;  
16 right?  
17 A. Yes.  
18 Q. So when you say Steely in your book, you mean  
19 Seeley?  
20 A. Correct.  
21 Q. This incident occurred merely four and a half  
22 months before Price fatally assaulted Casey Powell in your  
23 presence; correct?  
24 A. Approximately probably.  
25 Q. Handing you what's been marked as Exhibit 2 to

Page 149

1 your deposition. Is this a copy of the serious infraction  
2 report; initial serious infraction report; disciplinary  
3 hearing and hearing minutes and findings; incident report;  
4 infraction review checklist; and disciplinary hearing,  
5 notice, appearance waiver for the event you describe in  
6 your book?  
7 A. Looks like it.  
8 Q. These are the infraction reports from the  
9 incident in question where you and Seeley claim that Casey  
10 Powell threw water at you; correct?  
11 A. Correct.  
12 Q. This occurred December 20th, 2014, about four  
13 and a half months before Casey Powell was murdered by  
14 Price; correct?  
15 A. Correct.  
16 Q. You continued to hold a grudge against Casey  
17 Powell on the days and weeks and months following the  
18 incident described in your book; correct?  
19 A. No.  
20 Q. In your book at Page 145, you write as follows,  
21 beginning about one-third of the way down the page, "To be  
22 honest, I don't know how other states treat their sex  
23 offenders. I can only speak to Washington State. It  
24 turns my stomach how they are treated like the victims."  
25 And, in particular, sir, I'd like to direct your



Page 150

1 attention to the following language, quote, "If I had my  
2 way, I would put them in a cell with the biggest most  
3 violent offender there is for the night and come back in  
4 the morning to clean up the remains."  
5 Did you write that, sir?  
6 A. I did.  
7 Q. Is that how you feel, sir?  
8 A. No.  
9 Q. Here you are, sir, publishing a book as a  
10 Washington Department of Corrections officer in which you  
11 express your desire that certain offenders be killed by  
12 other bigger violent offenders, do you not?  
13 MS. SEVERSON: Object to the form.  
14 THE WITNESS: No.  
15 Q. BY MR. BUDGE: In your book, do you not express  
16 that if you had your way, you would put sex offenders in a  
17 cell with the biggest, most violent offender --  
18 A. No, I know what's wrote.  
19 Q. -- for the night and come back in the morning to  
20 clean up the remains?  
21 MS. SEVERSON: You have to let him finish his  
22 question.  
23 THE WITNESS: Okay.  
24 MS. SEVERSON: Now you may answer.  
25 THE WITNESS: Yes, I wrote that.

Page 151

1 Q. BY MR. BUDGE: Has anybody at the Washington  
2 Department of Corrections ever disciplined you or  
3 reprimanded you or taken any action toward you or your  
4 employment with regard to what you say in your book that  
5 if you had your way, you would put sex offenders in a cell  
6 with the biggest, most violent offender there is for the  
7 night and come back in the morning to clean up the  
8 remains?  
9 A. No.  
10 Q. Do you know why nobody at the DOC has taken any  
11 action towards you or your employment?  
12 A. No.  
13 Q. In your book at Page 111, you refer to female  
14 employees of the Department of Corrections, including DOC  
15 nurses, as bitches; correct?  
16 A. Correct.  
17 Q. On Page 112 of your book, you refer to DOC  
18 employees as, quote, "nurse bitch," "lying bitch," "fat  
19 bitch," and "fucking bitches;" correct?  
20 A. No.  
21 Q. Do you see on the third line of Page 112 --  
22 A. I do.  
23 Q. -- where you say there was nurse bitch?  
24 A. Mm-hmm.  
25 Q. Yes?

Page 152

1 A. Yes.  
2 Q. And then at the bottom of that paragraph, you  
3 called her a lying bitch?  
4 A. Yes.  
5 Q. And then about a third of the way down, do you  
6 see where it says, "I slammed my chair into the desk and  
7 said, 'Look here, you fat bitch'"?  
8 A. Yep, yes.  
9 Q. And then about halfway down, do you see where it  
10 says, "I have not spoken two words to either one of those  
11 fucking bitches"?  
12 A. Yep, yes.  
13 Q. When using the terms in your book, nurse bitch,  
14 lying bitch, fat bitch, and fucking bitches, are you  
15 referring to DOC employees?  
16 A. No, I'm referring to one DOC employee.  
17 Q. So why do you use the term in plural, fucking  
18 bitches?  
19 A. It's a typo.  
20 Q. Has anybody at the Department of Corrections  
21 ever disciplined you or reprimanded you or taken any  
22 employment action towards you with regard to what you say  
23 in your book about a DOC nurse being a lying bitch, fat  
24 bitch, and fucking bitch?  
25 A. No.

Page 153

1 Q. Do you know why not?  
2 A. No.  
3 Q. On Page 121 of your book, you refer to an  
4 offender who you knew from the outside; correct?  
5 Are you describing something on Page 121  
6 involving an offender that you had met on the outside?  
7 A. Yes.  
8 Q. The offender that you had met on the outside  
9 said something to you on the outside that you didn't like;  
10 correct?  
11 A. Correct.  
12 Q. You and someone that you call "Officer Shack"  
13 confronted the offender who was requesting not to be  
14 assigned to your unit; is that correct?  
15 A. Yes.  
16 Q. Officer Shack said to the offender in your  
17 presence, quote, "Look here, motherfucker, this is my  
18 friend. If you fuck with him, you fuck with me"?  
19 A. Yes, he said that.  
20 Q. Who is Officer Shack?  
21 A. Somebody who doesn't work here anymore.  
22 Q. Who is he?  
23 A. I believe the name is Shick.  
24 Q. Shick? First name?  
25 A. I don't know his first name. We don't go by

Page 154

1 first names here.

2 Q. Officer Shick called the offender a motherfucker

3 and threatened him in front of you by saying "Look here,

4 motherfucker, this is my friend. If you fuck with him,

5 you fuck with me"?

6 A. Mm-hmm.

7 Q. Yes?

8 A. Yes.

9 Q. Did you report what Officer Shick said?

10 A. No, I did not.

11 Q. Has anybody at the Department of Corrections

12 ever disciplined, reprimanded, or otherwise taken any

13 action towards you or your employment with regard to what

14 you say in your book about Officer Shack calling the

15 offender a motherfucker and threatening him in front of

16 you as you describe in your book?

17 A. I'm sorry. I'm not following you.

18 Q. Has anybody at the DOC taken any employment

19 action towards you in response to what you describe in

20 your book?

21 A. Towards me for what he said? I'm sorry. I'm

22 trying to follow you.

23 Q. Towards you for what --

24 A. For what he said?

25 Q. For what he said or for your failure to report

Page 155

1 it --

2 A. No.

3 Q. -- or anything relating to the incident?

4 A. No.

5 Q. In your book on Page 125 and continuing onto

6 Page 126, you generally describe, toward the bottom of the

7 page on 125, an event involving an offender whom you were

8 preparing to search; is that correct?

9 A. I think I see what you are looking at.

10 Q. This particular offender was, quote, "very

11 violent" and "loved to fight"; is that correct?

12 A. You said towards the end of the page?

13 Q. About two-thirds of the way down, quote, "We had

14 this very violent offender on the unit who loved to

15 fight."

16 A. 125; right?

17 Q. "We had this very violent offender" --

18 A. Okay. I got it.

19 Q. Okay. You're describing an event involving you

20 and a sergeant preparing to search an offender who was

21 very violent and loved to fight; correct?

22 A. Correct.

23 Q. And then continuing on the next page, you

24 describe how the sergeant purposefully knocked the

25 offender's hat off which caused the offender to get angry

Page 156

1 and began swinging without hitting either of you?

2 A. Correct.

3 Q. You, quote, "waited for our opening and slammed

4 him to the ground"?

5 A. Mm-hmm, yes.

6 Q. After he was in restraints, the sergeant and you

7 discussed what to write in your report; right?

8 A. Correct.

9 Q. You say, quote, "We were behind closed doors and

10 with no witnesses when he" -- the sergeant -- "asked me if

11 I was going to say anything about what had transpired that

12 made the offender take swings at us. I informed him that

13 all I witnessed was a violent offender go ape shit and

14 start swinging. My sergeant released a breath of relief.

15 I also informed him that I am no rat, which is why I am

16 not mentioning his name in this book. I may be a teller

17 rather than a banker, but I also have my standards, and

18 let's face it that piece of shit offender had it coming;

19 he got what he got and that's it." Did I read that

20 correctly?

21 A. You did.

22 Q. So in your book, do you here boast about

23 omitting crucial information about misconduct by a

24 sergeant?

25 A. Yes.

Page 157

1 Q. Do you boast that you omitted information from

2 an official report in order to give a false impression

3 that the offender incited the incident when, in fact, it

4 was the sergeant who incited the incident?

5 A. Yes.

6 Q. Who was the sergeant?

7 A. It was a sergeant from a long time ago. I don't

8 remember.

9 Q. Who was the offender?

10 A. I don't remember that either.

11 Q. You boast that, by omitting crucial information

12 and leaving the false impression that the offender

13 initiated the incident on his own, it was all for the best

14 because he, quote, "had it coming and got what he got and

15 that's it"; correct?

16 A. That's what I wrote.

17 Q. Has anybody at the Department of Corrections

18 ever disciplined you or reprimanded you or taken any

19 action towards your employment with regard to your

20 boasting in your book that you omitted crucial information

21 from an official report in order to give a false

22 impression about an offender?

23 A. No.

24 Q. Do you know why not?

25 A. No.

Page 158

1 Q. In your book on Page 134, you recount an  
2 incident where you could feel tension on the unit. Do you  
3 see that?  
4 A. Yes.  
5 Q. You say, quote, "One evening, I could feel the  
6 tension on the unit. Out of the corner of my eye, I  
7 observed an offender stand up and whip off his coat while  
8 he quickly stood up. We had an antagonistic offender on  
9 the unit and everyone hate the bastard." Do you see that?  
10 A. Yes.  
11 Q. "Apparently, he was running his mouth again and  
12 did so to the wrong offender. This particular offender  
13 and I hated each other." Do you see that?  
14 A. I do.  
15 Q. "I thought he was a huge piece of shit and a  
16 waste of oxygen." Do you see that?  
17 A. I do.  
18 Q. You go on to say that you told the offender,  
19 quote, "Get away from me and go take your ass beating like  
20 a man"; correct?  
21 A. Correct.  
22 Q. Who was the offender who you hated and thought  
23 was a huge piece of shit and a waste of oxygen and whom  
24 you told to go take his ass beating like a man?  
25 MS. SEVERSON: I'm going to object to this line

Page 159

1 of questioning on the grounds that it's outside the scope  
2 of Rules 26 and 30.  
3 But you may answer.  
4 THE WITNESS: Don't remember.  
5 Q. BY MR. BUDGE: By telling him to go get his ass  
6 beating like a man, you were meaning he should go take his  
7 ass beating from another offender; correct?  
8 A. Correct.  
9 Q. Has anyone at the Washington Department of  
10 Corrections ever disciplined you or reprimanded you or  
11 taken any action towards you or your employment with  
12 regard to what you say in your book about hating certain  
13 offenders, thinking they are pieces of shit, and wastes of  
14 oxygen, and that they should go get their asses beat by  
15 other offenders?  
16 A. No.  
17 Q. Do you know why not?  
18 A. No.  
19 Q. In your book on Page 144, in the third  
20 paragraph, you say that every officer can access the file  
21 of offenders; correct?  
22 A. Correct, can.  
23 Q. Right.  
24 And that is true, they can; correct?  
25 A. Correct.

Page 160

1 Q. On Page 135 of your book, you describe one  
2 incident, at about the end of the first paragraph, where  
3 you pulled the file of one particular offender to find out  
4 that he was a sex offender?  
5 A. The end of the first paragraph, yes.  
6 Q. And then on Page 136, at the top of the last  
7 paragraph, you describe a, quote, "mentally handicapped  
8 offender that no one liked." Do you see that?  
9 A. Yes.  
10 Q. You describe him as a, quote, "whiny pain in the  
11 ass" and as an asshole; correct?  
12 A. No, that's not what it says.  
13 Q. Does it not say "He was a whiny pain in the  
14 ass"?  
15 A. Okay. "Go out of his way to" -- okay, I see it.  
16 Q. Do you describe him as a whiny pain in the ass?  
17 A. Yes.  
18 Q. And do you also characterize him as an asshole?  
19 A. Yes.  
20 Q. You go on to describe an incident where you and  
21 one or more other officers used force against this  
22 offender; correct?  
23 A. On an assaulting offender, yes, that's all I'm  
24 seeing.  
25 Q. You describe an event involving the offender who

Page 161

1 you characterize as an asshole and a whiny pain in the ass  
2 where you used force; correct?  
3 A. Correct.  
4 Q. This was the mentally handicapped offender;  
5 correct?  
6 A. That's not the one we used force on. It was the  
7 guy that was attacking him and trying to throw him off the  
8 tier.  
9 Q. Okay. You refer, in the book, to the offender  
10 against whom you used force as a retard? No, excuse me.  
11 I'm wrong.  
12 You described the offender that he was  
13 instigating against, the mentally handicapped offender, as  
14 a retard; correct?  
15 A. Correct.  
16 Q. So your words are that the mentally handicapped  
17 offender is a -- or was a retard?  
18 A. That's the word I used.  
19 Q. And then you make fun of him in your book, do  
20 you not, by describing him stuttering as he asked "What  
21 did I do?"  
22 A. I'm not seeing that; but...  
23 Q. The end of the paragraph on Page 137, "I still  
24 can hear his voice stuttering, "What did I do?"  
25 A. Yes.

<p>Page 162</p> <p>1 Q. You stated to him, quote, "You are an 2 instigating retarded motherfucker"? 3 A. I did say that. 4 Q. Has anybody at the Washington Department of 5 Corrections ever disciplined you or reprimanded you or 6 taken any action towards your employment with regard to 7 what you say in your book about a mentally disabled 8 offender being, in your words, a retard and retarded 9 motherfucker? 10 A. No. 11 Q. Do you know why not? 12 A. No. 13 Q. You have told the offenders on your unit that 14 you read all their files; correct? 15 A. I've read some of them, yes. 16 Q. But you have told the offenders that you read 17 all their files; right? 18 A. Correct. 19 Q. In your book on Page 142, you say that you have 20 several psychopaths on your unit; correct? 21 A. Correct. 22 Q. As of May of 2015, who were the psychopaths on 23 your unit? 24 A. Oh, the one guy got transferred. I can only 25 think of one left, and he's on the other side.</p>	<p>Page 164</p> <p>1 A. That's correct. 2 Q. And then you go on to describe further details 3 about his crime; correct? 4 A. Correct. 5 Q. How did you know those details? 6 A. Because they were in his file. 7 Q. So you looked at it? 8 A. I did. 9 Q. Did you go through it carefully? 10 A. I went through it as carefully as I could. 11 Q. There's also a description in your book about an 12 Asian offender who burned down his family's business. I 13 don't have the page number. Do you generally recall that? 14 A. Generally, yes. 15 Q. Was that Mark Pang? 16 A. I believe it was. 17 Q. If you could turn to Page 144, you describe 18 dealing with this one Asian offender who you believe to be 19 Mark Pang; correct? 20 A. I believe so. 21 Q. And you say, quote, "He turned my stomach every 22 time I had any interactions with him"; correct? 23 A. Correct. 24 Q. And you describe an occasion where you told him 25 fuck off and he was a little prick and an asshole;</p>
<p>Page 163</p> <p>1 Q. Was Price a psychopathic? 2 A. Not for me to say. 3 Q. What did you think? 4 A. I don't have a degree. But I would call him a 5 sociopath not a psychopathic. 6 Q. What is a sociopath, in your mind? 7 A. In my mind, a sociopath is somebody without 8 remorse, not caring about their victim, and that would be 9 my definition of a sociopath. 10 Q. Did you know Price to be a sociopath before 11 May 9th of 2015? 12 A. No. 13 Q. Did you believe him to be a sociopath? 14 A. Then or now? 15 Q. Then. 16 A. No. 17 Q. Isn't it the case that everybody knew before 18 May 9th, 2015, that Price was a sociopath? 19 A. I don't know what everybody knew, sir. 20 Q. In your book, you say that you went through 21 certain offender's file with a fine tooth comb; correct? 22 A. I don't know. Where are you talking about? 23 Q. In your book on Page 143, you describe a 24 paranoid psychopathic offender who had murdered his mother 25 by decapitating her; is that correct?</p>	<p>Page 165</p> <p>1 correct? 2 A. Correct. 3 Q. Has anybody at the Washington Department of 4 Corrections disciplined or reprimanded you or taken any 5 action toward your employment with regard to saying in 6 your book about certain offenders turning your stomach or 7 your telling them to fuck off and referring to them as 8 little pricks and assholes? 9 A. No. 10 Q. Do you know why not? 11 A. No. 12 Q. In your book, sir, do you outwardly praise 13 offenders for violently raping other offenders in prison? 14 A. I wouldn't say I praise them, no. 15 Q. You wouldn't -- 16 A. I mean, I might have said something jokingly in 17 there. 18 Q. Jokingly? 19 A. Mm-hmm. 20 Q. Look at Page 145, sir. 21 A. Sure. 22 Q. If I could direct your attention to about 23 two-thirds of the way down the page to where it says "This 24 offender was housed in the main reformatory before my unit 25 got a hold of him." Tell me when you're there.</p>



Page 166

1 A. Where's it at?

2 MS. SEVERSON: It's in the second paragraph.

3 Q. BY MR. BUDGE: "This offender."

4 A. Got it.

5 Q. Are you referring here, sir, to a juvenile

6 offender?

7 A. Was once a juvenile offender, yes.

8 Q. Right.

9 You refer to an offender who had formally been a

10 juvenile offender housed in the main reformatory before

11 your unit got a hold of him; correct?

12 A. Mm-hmm.

13 Q. Yes?

14 A. Yes.

15 Q. You go on to say in your book "At the

16 reformatory, he was violently raped." Do you see that?

17 A. I do.

18 Q. Then you go on to say, sir, quote, "I say kudos

19 to the offenders who raped him." Do you see that?

20 A. I do.

21 Q. You go on to say that this offender, who you

22 were glad had been violently raped by other offenders in

23 prison, was then transferred to your unit; correct?

24 MS. SEVERSON: Object to the form of the

25 question.

Page 167

1 But you may answer.

2 THE WITNESS: Correct.

3 Q. BY MR. BUDGE: You further say that, quote, "a

4 particular mental health counselor informed me that he" --

5 the victim of the violent rape -- "should be handled with

6 kid gloves because he is a fragile victim. I scoffed at

7 that counselor, and it earned me a trip to the unit

8 supervisor's office. I was told to keep my attitude in

9 check, and I would treat this offender like the victim

10 that he is. I informed him that he and his so-called

11 victim could go to hell." Do you see that?

12 A. I do.

13 Q. Is it the case then, sir, that you, in your

14 book, gave kudos to offenders for violently raping another

15 offender?

16 A. I didn't go to them and say that.

17 Q. No, I didn't --

18 A. I wrote that.

19 Q. Correct.

20 So we have a clear record, you wrote in your

21 book that you give kudos to offenders for violently raping

22 another offender in prison; correct?

23 A. I did write that.

24 Q. And you further describe that you were

25 instructed by the mental health counselor that you should

Page 168

1 treat the victim of the violent rape with some measure of

2 care; correct?

3 A. Correct.

4 Q. And you scoffed at that mental health counselor

5 and said that, essentially, you would not treat him with

6 care; correct?

7 A. I did.

8 Q. And what is the name of that mental health

9 counselor?

10 A. I don't know. I know he's not here anymore

11 though.

12 Q. Who is the supervisor to whom you referred?

13 A. It was whoever the -- I don't think it should

14 have been said -- whoever the doctor was at the time, and

15 I don't remember that either. We've gone through a lot of

16 doctors too.

17 Q. So the supervisor was actually a physician?

18 A. No. A mental health doctor.

19 Q. I see.

20 So a --

21 A. His supervisor.

22 Q. So the psychologist?

23 A. Correct.

24 Q. Had anyone at the Department of Corrections

25 disciplined you or reprimanded you or taken any other

Page 169

1 employment action towards you in response to your praising

2 offenders for having violently raped another offender?

3 MS. SEVERSON: Object to the form of the

4 question. Characterization.

5 Q. BY MR. BUDGE: Okay. I'll ask a new question.

6 Has anybody at the Washington Department of

7 Corrections ever disciplined, reprimanded, or taken any

8 action towards you or your employment towards your giving

9 kudos to other offenders for having violently raped

10 another offender in prison?

11 A. No.

12 Q. Do you know why not?

13 A. No.

14 Q. Has anybody at the DOC ever disciplined, or

15 reprimanded you, or taken any other action towards you or

16 your employment with regard to what you say in your book

17 that you disregarded the instructions of the mental health

18 counselor and/or supervisor to treat the offender who had

19 been violently raped with care?

20 A. No.

21 Q. Has anybody at the DOC disciplined, or

22 reprimanded you, or taken any other action towards you or

23 your employment with regard to what you say in your book

24 that you told the mental health counselor or the

25 supervisor that the offender who had been violently raped



<p>Page 170</p> <p>1 could go to hell?</p> <p>2 A. No.</p> <p>3 Q. Do you know why no such action has been taken?</p> <p>4 A. No.</p> <p>5 Q. In your book on Page 147, you describe a event</p> <p>6 where an offender was being interviewed by a female</p> <p>7 counselor and, quote, "pulled his dick out and began to</p> <p>8 masturbate." Do you see that?</p> <p>9 A. I remember it. I haven't seen it yet. I think</p> <p>10 it's at the very bottom of 47 -- 147.</p> <p>11 Q. Correct.</p> <p>12 And then continuing onto the following page, the</p> <p>13 next day you described your unit supervisor called you</p> <p>14 into the office to ask why you didn't do anything?</p> <p>15 A. Correct.</p> <p>16 Q. And you were told to write a report?</p> <p>17 A. Yes.</p> <p>18 Q. And you say, quote, "My report was simple; I</p> <p>19 knew nothing and heard nothing"?</p> <p>20 A. Correct.</p> <p>21 Q. In other words, was it the case that you lied to</p> <p>22 your supervisor and said you knew nothing and saw nothing</p> <p>23 when, in fact, you did?</p> <p>24 A. No.</p> <p>25 Q. What are you trying to characterize here?</p>	<p>Page 172</p> <p>1 MS. SEVERSON: Let him finish his question,</p> <p>2 please.</p> <p>3 Q. BY MR. BUDGE: Do you think it's appropriate in</p> <p>4 your position as a corrections officer that you should</p> <p>5 publish a book in which you give kudos to offenders for</p> <p>6 violently raping other offenders or another offender in</p> <p>7 prison?</p> <p>8 A. Can't say.</p> <p>9 MS. SEVERSON: Mr. Budge, it's almost 2:30.</p> <p>10 Would you let me know when it's appropriate to take a</p> <p>11 break?</p> <p>12 MR. BUDGE: Sure. Let's go for a couple more</p> <p>13 minutes and then I'll be done with this line.</p> <p>14 MS. SEVERSON: Okay.</p> <p>15 Q. BY MR. BUDGE: In your book on Page 148, about</p> <p>16 halfway down the page, you say "I am still warped by the</p> <p>17 behaviors I work around." Do you see that?</p> <p>18 Here it is, sir.</p> <p>19 MS. SEVERSON: Right in the middle of the page.</p> <p>20 THE WITNESS: Okay. Yep.</p> <p>21 Q. BY MR. BUDGE: And at the beginning of that same</p> <p>22 paragraph, you say that, quote, "Psychotic behavior is</p> <p>23 learned."</p> <p>24 A. I see that.</p> <p>25 Q. Do you believe that you have learned psychotic</p>
<p>Page 171</p> <p>1 A. What do you mean what am I trying to</p> <p>2 characterize?</p> <p>3 Q. In the book when you say "My report was simple;</p> <p>4 I knew nothing and heard nothing."</p> <p>5 A. This incident happened on another part of the</p> <p>6 unit that I didn't see nor hear. So when I say I didn't</p> <p>7 hear anything or see anything, I didn't hear anything or</p> <p>8 see anything. This is all information I got from the</p> <p>9 female counselor.</p> <p>10 Q. Do you think that it's appropriate for you in</p> <p>11 your position as a corrections officer to be publishing a</p> <p>12 book in which you give kudos to offenders for raping</p> <p>13 violently another offender in prison?</p> <p>14 MS. SEVERSON: Object to the form of the</p> <p>15 question.</p> <p>16 You may answer.</p> <p>17 THE WITNESS: I believe I fall under the First</p> <p>18 Amendment, sir, and I can write what I write.</p> <p>19 Q. BY MR. BUDGE: So you think it's appropriate?</p> <p>20 A. Doesn't matter what I think. It matters what</p> <p>21 the constitution says.</p> <p>22 Q. Well, but I'm asking you actually what you</p> <p>23 think. Do you think it's appropriate in your position as</p> <p>24 a corrections officer --</p> <p>25 A. Can't say.</p>	<p>Page 173</p> <p>1 behavior from the people that you work around?</p> <p>2 MS. SEVERSON: Object to the form of the</p> <p>3 question.</p> <p>4 Q. BY MR. BUDGE: Is that what you're trying to</p> <p>5 describe in your book?</p> <p>6 A. No.</p> <p>7 MS. SEVERSON: Same objection.</p> <p>8 Q. BY MR. BUDGE: In your book, do you refer to</p> <p>9 someone as a, quote, "dyke captain" who hated your guts?</p> <p>10 A. Where's that at?</p> <p>11 Q. I'll find it on the break.</p> <p>12 A. Okay.</p> <p>13 MR. BUDGE: Five minutes?</p> <p>14 MS. SEVERSON: Yeah.</p> <p>15 (Short recess.)</p> <p>16 Q. BY MR. BUDGE: Officer Talbot, we've had a short</p> <p>17 break. Do you feel ready to continue?</p> <p>18 A. Yes.</p> <p>19 Q. In your book on Page 157, about halfway down,</p> <p>20 you refer to a, quote, "dyke captain" who hated your guts;</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. Do you realize that dyke is a derogatory term</p> <p>24 used to describe somebody who is perceived as lesbian?</p> <p>25 A. Sure.</p>

Page 174

1 Q. Who is the, quote, "dyke captain" to whom you  
2 refer?

3 A. Can't really say.

4 Q. You don't remember?

5 A. Can't really say.

6 Q. So you just don't want to say?

7 A. Just don't.

8 Q. So your testimony under oath is that you don't  
9 remember?

10 A. I don't remember.

11 Q. Has anybody at the Washington Department of  
12 Corrections ever disciplined you or reprimanded you or  
13 taken any action towards your employment with regard to  
14 what you say in your book about your captain being a,  
15 quote, "dyke"?

16 A. No.

17 Q. Do you know why not?

18 A. No.

19 Q. Are you planning to write another book that will  
20 follow up on additional experiences working in the DOC's  
21 prison here in Monroe?

22 A. I haven't decided yet.

23 Q. Are you drafting such a book, sir?

[REDACTED]

[REDACTED]

[illegible]

Page 175

A horizontal bar chart with 25 rows. Each row consists of a black rectangular bar of varying length, representing a redacted value. The bars are arranged in a single column, with no visible labels or axes.

Category	Value (Redacted)
1	[Redacted]
2	[Redacted]
3	[Redacted]
4	[Redacted]
5	[Redacted]
6	[Redacted]
7	[Redacted]
8	[Redacted]
9	[Redacted]
10	[Redacted]
11	[Redacted]
12	[Redacted]
13	[Redacted]
14	[Redacted]
15	[Redacted]
16	[Redacted]
17	[Redacted]
18	[Redacted]
19	[Redacted]
20	[Redacted]
21	[Redacted]
22	[Redacted]
23	[Redacted]
24	[Redacted]
25	[Redacted]

Page 177

<p>Page 178</p> <p>[REDACTED]</p>	<p>Page 180</p> <p>[REDACTED]</p>
<p>Page 179</p> <p>[REDACTED]</p>	<p>Page 181</p> <p>[REDACTED]</p>

<p>Page 182</p> <p>[REDACTED]</p>	<p>Page 184</p> <p>[REDACTED]</p> <p>17 Q. Did you understand that in being interviewed by</p> <p>18 Detective Hatch of the Monroe Police Department that you</p> <p>19 were obligated to give Detective Hatch information that</p> <p>20 was true and correct?</p> <p>21 A. Yes.</p> <p>22 Q. Did you understand that Detective Hatch was</p> <p>23 investigating the facts and circumstances leading up to</p> <p>24 and surrounding the attack of Casey Powell by Price?</p> <p>25 A. Yes.</p>
<p>Page 183</p> <p>1 and I'm not sure that there does exist such a privilege --</p> <p>2 I would say that it has been waived.</p> <p>3 MS. SEVERSON: May I look at your document here?</p> <p>4 MR. BUDGE: Sure.</p> <p>5 MS. SEVERSON: I'm believing I may have cited it</p> <p>6 in responses, that's why I want to take a look at it.</p> <p>7 MR. BUDGE: Go ahead.</p> <p>8 MS. SEVERSON: I will object -- and it's -- the</p> <p>9 answer -- also, there's an objection in Interrogatory</p> <p>10 No. 1 -- to the extent your question seeks information</p> <p>11 subject to peer support group-counselor privilege,</p> <p>12 RCW 5.60.060(6), or public officer privilege,</p> <p>13 RCW 5.60.060(5). And would also note for the record, in</p> <p>14 responses, we provided a copy of the literary work which</p> <p>15 was also produced subject to protective order</p> <p>16 confidentiality.</p> <p>17 MR. BUDGE: So without agreeing or disagreeing</p> <p>18 with counsel's objection, is there an instruction not to</p> <p>19 answer?</p> <p>20 MS. SEVERSON: Yes.</p> <p>21 Q. BY MR. BUDGE: And, sir, are you going to follow</p> <p>22 your lawyer's advice and not answer my question about who</p> <p>23 said "Who cares? He was just a fucking offender"?</p> <p>24 A. I am.</p> <p>25 Q. There's no Exhibit 3 or 4. I'm handing you now</p>	<p>Page 185</p> <p>1 Q. Did you understand that the interview was being</p> <p>2 recorded?</p> <p>3 A. Yes.</p> <p>4 Q. I'd like you to direct your attention to Page 10</p> <p>5 of your transcribed interview with Detective Hatch, which</p> <p>6 bears Production No. 1550 in the upper right-hand corner,</p> <p>7 and, in particular, I'm going to be following up with you,</p> <p>8 Officer Talbot, about some of the information you gave to</p> <p>9 Detective Hatch.</p> <p>10 Do you see at the bottom of Page 10 where</p> <p>11 Detective Hatch asks that you tell him about Price?</p> <p>12 A. Yes.</p> <p>13 Q. And do you see where your response begins?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. It says, "Price has been, um, trouble</p> <p>16 since we got him." Was that statement true?</p> <p>17 A. Yes.</p> <p>18 Q. In what way was Price trouble since you got him?</p> <p>19 And I assume that you're referring to getting him on the</p> <p>20 E-Unit Pod 2; is that correct?</p> <p>21 A. Yes.</p> <p>22 A lot of it started off as little stuff like</p> <p>23 just what you consider minor infractions and just started</p> <p>24 building up from there.</p> <p>25 Q. Okay. Please continue with your response and</p>

Page 186

1 tell me how Price was trouble.  
2 A. That's -- that's what I'm getting at. He'd do  
3 minor infraction things, and it worked up until ultimately  
4 he did what he did.  
5 Q. And in what way did it work up over time, sir?  
6 A. He just kept doing nuisance stuff. Passing,  
7 trading, lending, borrowing, out of bounds, you know,  
8 things like that, not following orders. There was one  
9 time he didn't show up for work or wasn't on time for  
10 work, that type of stuff.  
11 Q. And what do you mean by out of bounds?  
12 A. Out of bounds meaning coming up to the desk  
13 without asking for permission. There's "out of bounds"  
14 tape along every cell door. So everybody has this  
15 section -- like this -- that's supposed to keep offenders  
16 from walking up to their door, looking in, or, you know,  
17 going and knocking on their door without asking for  
18 permission. So that would be considered out of bounds.  
19 Q. So he would go into areas that he was not  
20 permitted to go into?  
21 A. Well, as far as the desk was concerned, yes. I  
22 was just giving you an example of out of bounds areas.  
23 Q. Right.  
24 A. His big issue was the desk, was walking up to  
25 the desk without asking for permission. And a lot of

Page 187

1 guys, to be honest with you, have that tendency.  
2 Q. And that's a safety and security issue; right?  
3 A. It is a safety and security issue.  
4 Q. What other ways was Price trouble?  
5 A. Just, like I said, a lot of passing and  
6 borrowing. You know, we're always catching them.  
7 Basically -- you know, basically, he wasn't even passing  
8 much. He was the one usually getting the stuff from  
9 somebody. So just nuisance stuff. Nuisance, general  
10 infraction stuff.  
11 Q. Was it the case that Price did not have a good  
12 rapport with any of the officers?  
13 A. He didn't have a good rapport with -- with most  
14 of the officers. I believe I hired him when I was still  
15 doing jobs, and I didn't really have a good rapport with  
16 him; so...  
17 Q. He spoke to only a few offenders and his  
18 counselor?  
19 A. That's correct.  
20 Q. He had a counselor named Gazelle Williams;  
21 correct?  
22 A. Yes.  
23 Q. Gazelle Williams had many concerns about Price;  
24 correct?  
25 A. She did.

Page 188

1 Q. You knew about those concerns directly from  
2 Ms. Williams?  
3 A. I knew about some of them, yes.  
4 Q. Among those concerns with regard to Price, as  
5 you knew them, was Price would always try to walk behind  
6 her; correct?  
7 A. Yes, I was aware of that.  
8 Q. And you knew that Gazelle Williams felt that  
9 Price was very dangerous?  
10 A. That's what she told us, yes.  
11 Q. Gazelle Williams was a mental health counselor?  
12 A. Yes.  
13 Q. She worked on the E-Unit?  
14 A. Yes.  
15 Q. Please tell me everything that Gazelle Williams  
16 told you or that you know that Gazelle Williams told  
17 others in your presence about Price before May of 2015.  
18 A. I don't think I could remember everything.  
19 Q. Well, do your best to tell me what you remember  
20 today.  
21 A. The biggest thing I remember is she said she  
22 felt he was dangerous. She felt as though when he was  
23 walking behind her, he -- it was like he was almost  
24 stalking her. So we made a thing where if she was out and  
25 walking, he had to walk clear around -- because I'm just

Page 189

1 going to say, the guy had no personal boundaries. So we  
2 made sure that when Gazelle was out, he walked way around  
3 her because -- I don't know if it was a feeling, if it  
4 was -- I don't know what it was with her, but she was  
5 really, really uncomfortable with him. And she expressed  
6 that to us a lot. She was uncomfortable, that she  
7 would -- he would walk behind her, that type of thing.  
8 Q. Did she express in essence, even if you don't  
9 remember her exact words, that she was concerned about her  
10 own personal safety when it came to Price?  
11 A. She did say that, yes.  
12 Q. Anything else that you can remember  
13 Gazelle Williams telling you or expressing in your  
14 presence about Price?  
15 A. Not that I can recall right now.  
16 Q. Price would often be very loud in the dayroom;  
17 is that right?  
18 A. Yes.  
19 Q. And you would tell him to lower his voice?  
20 A. Yes.  
21 Q. And he would often refuse; correct?  
22 A. Correct.  
23 Q. You would have to redirect him back to his cell?  
24 A. Correct.  
25 Q. Meaning yard him in?



<p>Page 190</p> <p>1 A. Correct.</p> <p>2 <b>Q. Once in his cell, he would start yelling even</b></p> <p>3 <b>louder?</b></p> <p>4 A. At times, yes.</p> <p>5 <b>Q. He would kick the door?</b></p> <p>6 A. At times, yes.</p> <p>7 <b>Q. In addition, he would walk closely behind other</b></p> <p>8 <b>offenders in an intimidating fashion; correct?</b></p> <p>9 A. He has, not as many times as he did to, like,</p> <p>10 say, Gazelle.</p> <p>11 <b>Q. Although he did not walk behind other offenders</b></p> <p>12 <b>in an intimidating fashion as many times he did with</b></p> <p>13 <b>Gazelle Williams, you knew that he was walking behind</b></p> <p>14 <b>other offenders in an intimidating fashion; correct?</b></p> <p>15 A. I knew he had, yes.</p> <p>16 <b>Q. In addition to walking behind other offenders in</b></p> <p>17 <b>an intimidating fashion, he would call other offenders</b></p> <p>18 <b>names to agitate them; correct?</b></p> <p>19 A. He had before, yes.</p> <p>20 <b>Q. And you would have to separate him from other</b></p> <p>21 <b>offenders; correct?</b></p> <p>22 A. Yes, at times.</p> <p>23 <b>Q. And you did that by yarding him in to his cell?</b></p> <p>24 A. Yes or giving him a directive and separating</p> <p>25 him.</p>	<p>Page 192</p> <p>1 A. He had before in the past. I can't tell you</p> <p>2 exactly when.</p> <p>3 <b>Q. In the year and a half before the assault of</b></p> <p>4 <b>Casey Powell by Price, was it the case that there were</b></p> <p>5 <b>quite a handful of times where Price squared up on another</b></p> <p>6 <b>offender by taking an aggressive posture?</b></p> <p>7 A. Could you repeat the question, please?</p> <p>8 <b>Q. If you could look at Page 12 --</b></p> <p>9 A. I'm -- I'm looking at the.</p> <p>10 <b>Q. Okay. Halfway down the page, do you see where</b></p> <p>11 <b>it says, and it's what you're telling Detective Hatch, "I</b></p> <p>12 <b>can tell you there's quite a handful of times over the</b></p> <p>13 <b>past year and a half where he" -- meaning Price --</b></p> <p>14 <b>"squared up on another offender taking an aggressive</b></p> <p>15 <b>posture"?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. Was it the case, then, that in the year and a</b></p> <p>18 <b>half before the assault, that there had been quite a</b></p> <p>19 <b>handful of times where Price had squared up on another</b></p> <p>20 <b>offender by taking an aggressive posture?</b></p> <p>21 A. Yes, that I know of.</p> <p>22 <b>Q. If you could look at Page 15 --</b></p> <p>23 A. Okay.</p> <p>24 <b>Q. -- about two-thirds of the way down the page,</b></p> <p>25 <b>did you tell Detective Hatch that, quote, "a lot of</b></p>
<p>Page 191</p> <p>1 <b>Q. When you gave him a directive to separate and/or</b></p> <p>2 <b>yarded him in, would he generally follow those directives?</b></p> <p>3 A. If I yarded him in, he would yard in. If I'm</p> <p>4 just redirecting him and he wouldn't redirect, then he</p> <p>5 would be yarded in. Either way, he was going to follow</p> <p>6 the directive one way or the other.</p> <p>7 <b>Q. When you would yard Price in or direct him to</b></p> <p>8 <b>his cell, would you then remotely lock the cell until you</b></p> <p>9 <b>were ready to release the yard-in?</b></p> <p>10 A. On Price, we usually did.</p> <p>11 <b>Q. And how long would you generally yard him in</b></p> <p>12 <b>for?</b></p> <p>13 A. That's the thing right there. As officers, we</p> <p>14 can yard somebody in -- an offender in, but we can't say</p> <p>15 "You're yarded in for an hour." We can't say "You're</p> <p>16 yarded in until next movement period" because that's a</p> <p>17 sanction. As an officer, we can't legally give sanctions.</p> <p>18 So what's called upon us, what our duty is, is to yard</p> <p>19 them in, and when they're appropriate, they can come out.</p> <p>20 <b>Q. And would you yard Price in until he became</b></p> <p>21 <b>appropriate?</b></p> <p>22 A. Yes, I would.</p> <p>23 <b>Q. Was it also the case that before May of 2015,</b></p> <p>24 <b>that Price would square up by taking an aggressive posture</b></p> <p>25 <b>toward other offenders?</b></p>	<p>Page 193</p> <p>1 offenders know that he's" -- meaning Price -- "kind of</p> <p>2 volatile"?</p> <p>3 A. Yes.</p> <p>4 <b>Q. Was it known, to your understanding, among the</b></p> <p>5 <b>offender population in Pod 2 of the E-Unit that Price was</b></p> <p>6 <b>volatile?</b></p> <p>7 A. Yes, but I need to explain the word "volatile."</p> <p>8 Volatile could be like a short outburst. Like yelling, I</p> <p>9 consider that volatile, but, I mean, it's got many</p> <p>10 different meanings.</p> <p>11 <b>Q. Did you know that the other offenders in the</b></p> <p>12 <b>E-Unit considered Price to be volatile?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. Was it also the case that Price would get angry</b></p> <p>15 <b>very easily?</b></p> <p>16 A. Yes, I saw that.</p> <p>17 <b>Q. You saw Price get angry very easily?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. Was it also the case that other offenders did</b></p> <p>20 <b>not want to interact with Price on a regular basis?</b></p> <p>21 A. That would be an accurate statement.</p> <p>22 <b>Q. If you look at Page 20 about three-quarters of</b></p> <p>23 <b>the way down, do you see where Detective Hatch asks you</b></p> <p>24 <b>"Okay. When's the first time you noticed him?"</b></p> <p>25 A. "When's the first time you noticed him?"</p>

<p style="text-align: right;">Page 194</p> <p>1 Q. Yes.</p> <p>2 A. Okay.</p> <p>3 Q. And did you understand that question to be in</p> <p>4 reference to prior to the assault?</p> <p>5 A. That's -- yeah, that's what I was -- yeah.</p> <p>6 Q. And then your answer was "I noticed him when</p> <p>7 he's standing with his back towards the wall off to the</p> <p>8 um, side of my panel desk area"?</p> <p>9 A. Correct.</p> <p>10 Q. So as you are standing at the officer panel,</p> <p>11 then you noticed Price was standing with his back toward</p> <p>12 the wall; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And then Hatch asks you "And what is it that</p> <p>15 brings your attention to him?"</p> <p>16 And you answer, "Um, just the fact that he was</p> <p>17 standing there like maybe he was waiting for somebody to</p> <p>18 talk to somebody whether it was a counselor or somebody</p> <p>19 coming in." Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. So was it the case when Price was standing with</p> <p>22 his back to the wall and looking in the direction of the</p> <p>23 sally port, that you noticed him standing there as if he</p> <p>24 was waiting for somebody?</p> <p>25 A. Right -- or something because, like I said, he</p>	<p style="text-align: right;">Page 196</p> <p>1 Q. So you were writing in the logbook when Price</p> <p>2 was standing there?</p> <p>3 A. Yes.</p> <p>4 Q. So I take it you would have been writing in the</p> <p>5 very same logbook that at 6:41 a.m. indicated that Price</p> <p>6 was off his baseline; correct?</p> <p>7 A. It should -- oh, no, wait a second. We've got</p> <p>8 two logbooks.</p> <p>9 Q. Did you have access to the logbook?</p> <p>10 A. I have access to my logbook.</p> <p>11 Q. Did you have access to the logbook that at</p> <p>12 6:41 a.m. that very morning that said Price was off his</p> <p>13 baseline?</p> <p>14 A. I don't know. I don't know which pod -- which</p> <p>15 pod she called.</p> <p>16 Q. Pod 2.</p> <p>17 A. Well, okay. Then that would have been the same</p> <p>18 logbook.</p> <p>19 Q. So did you have access to the very same logbook</p> <p>20 that indicated at 6:41 a.m. that Price was off his</p> <p>21 baseline?</p> <p>22 A. Yes.</p> <p>23 Q. Did you take any type of action of any kind in</p> <p>24 reference to the entry at 6:41 a.m. in the logbook that</p> <p>25 Price was off his baseline?</p>
<p style="text-align: right;">Page 195</p> <p>1 was by the JPay machine.</p> <p>2 Q. If you had directed Price to yard in at that</p> <p>3 time or move from his location standing with his back to</p> <p>4 the wall, waiting for somebody apparently, do you think</p> <p>5 that, as far as you know, Price would have followed your</p> <p>6 directive?</p> <p>7 A. I -- I can't say. I mean...</p> <p>8 Q. Based on your prior experience with Price, do</p> <p>9 you have any reason to doubt that he would have followed</p> <p>10 your directive?</p> <p>11 A. No.</p> <p>12 Q. You told Detective Hatch on Page 21, toward the</p> <p>13 bottom, that Price had been standing there at the wall for</p> <p>14 maybe a couple minutes.</p> <p>15 At the bottom.</p> <p>16 A. Okay. Yeah. "Maybe a couple" -- okay. I</p> <p>17 gotcha.</p> <p>18 Q. So was it the case that you observed Price</p> <p>19 standing for maybe a couple of minutes?</p> <p>20 A. That was my best guess. I was logging; so...</p> <p>21 Q. Nobody was talking to you or distracting you;</p> <p>22 correct?</p> <p>23 A. No, I was writing in the logbook.</p> <p>24 Q. Nobody was talking to you?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 197</p> <p>1 A. I didn't see that entry. Like I said, I was</p> <p>2 busy when I got there.</p> <p>3 Q. So you're telling me that in the two and a half</p> <p>4 hours from the time you started work to the assault that</p> <p>5 you didn't have time to read the logbook entries from that</p> <p>6 morning?</p> <p>7 A. That's what I'm telling you, sir.</p> <p>8 Q. So you had time to write in the logbook, but you</p> <p>9 didn't have time to read the entries from earlier in the</p> <p>10 day?</p> <p>11 A. That would be correct.</p> <p>12 Q. And you had time to do everything else that was</p> <p>13 required of you, but you didn't have time to read the</p> <p>14 logbook entries from earlier in the day?</p> <p>15 A. That would be correct.</p> <p>16 Q. Did you receive any type of report from any</p> <p>17 person at pass-down or otherwise about Price being off his</p> <p>18 baseline?</p> <p>19 A. Not that I remember.</p> <p>20 Q. Do you remember affirmatively that you did not</p> <p>21 read the logbook entries --</p> <p>22 A. I do.</p> <p>23 Q. -- from earlier in the morning of May 9th, 2015?</p> <p>24 A. I do remember that I didn't read it. I don't --</p> <p>25 yeah.</p>

<p style="text-align: right;">Page 198</p> <p>1 Q. If you had read it and if you had seen that</p> <p>2 Price was off his baseline, what would you have done?</p> <p>3 A. Reported it to his counselor.</p> <p>4 Q. For what purpose?</p> <p>5 A. So they could evaluate him.</p> <p>6 Q. And remove him from the unit, if necessary?</p> <p>7 A. That's not my call, but just so they could</p> <p>8 evaluate him. That's -- that's my -- my piece.</p> <p>9 Q. So if you had read the logbook entries at</p> <p>10 2:00 p.m. when you came on shift and seen that Price was</p> <p>11 off his baseline, would you have promptly reported that to</p> <p>12 the mental health counselor on duty?</p> <p>13 A. Yes. I mean, just that statement isn't a lot.</p> <p>14 Q. But you would have promptly reported that?</p> <p>15 A. Yes.</p> <p>16 Q. To the health counselor on duty?</p> <p>17 A. Yes.</p> <p>18 Q. Yes?</p> <p>19 A. Yes.</p> <p>20 Q. Do you agree that Price assaulted Casey Powell</p> <p>21 at approximately 4:35 p.m.?</p> <p>22 A. Yes.</p> <p>23 Q. Handing you now what's been marked as Exhibit 6</p> <p>24 to your deposition. Do you recognize this to be a</p> <p>25 surveillance screenshot from a surveillance video camera</p>	<p style="text-align: right;">Page 200</p> <p>1 the timestamp says 3:35 p.m.?</p> <p>2 A. Correct.</p> <p>3 Q. Shortly after the assault, did an officer from</p> <p>4 the Monroe Police Department named Officer James Hand come</p> <p>5 to the prison?</p> <p>6 A. Yes.</p> <p>7 Q. And Officer Hand entered the prison and came to</p> <p>8 the E-Unit to document the area in and around where the</p> <p>9 assault had taken place; correct?</p> <p>10 A. Correct.</p> <p>11 Q. So I'm handing you now a series of photographs</p> <p>12 that have been marked Exhibits 7 through 11, and I'll</p> <p>13 represent to you that this is a series of five photos that</p> <p>14 were marked as Exhibit 2 to the deposition of Officer</p> <p>15 James Hand from the Monroe Police Department, and I'll</p> <p>16 further represent to you that these are photos that</p> <p>17 Officer Hand testified to taking when deposed in this</p> <p>18 matter.</p> <p>19 Exhibit 7, the first photo, does this appear to</p> <p>20 be a photo of the JPay post and adjacent areas?</p> <p>21 A. Yes.</p> <p>22 Q. Is this the approximate area where Price was</p> <p>23 standing before he launched the assault against Casey</p> <p>24 Powell?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 199</p> <p>1 that shows the interior of the sally port?</p> <p>2 A. Yes.</p> <p>3 Q. Have you seen this photo before?</p> <p>4 A. Yes.</p> <p>5 Q. And do you see where there's a person lying on</p> <p>6 the ground?</p> <p>7 A. Yes.</p> <p>8 Q. Is that Powell?</p> <p>9 A. Yes.</p> <p>10 Q. And do you see the person standing in white?</p> <p>11 A. Yes.</p> <p>12 Q. Is that Price?</p> <p>13 A. Yes.</p> <p>14 Q. And do you see the person dressed in a dark</p> <p>15 uniform?</p> <p>16 A. Yes.</p> <p>17 Q. Is that Seeley?</p> <p>18 A. Yes.</p> <p>19 Q. And do you see there's timestamp in the lower</p> <p>20 right-hand corner that says 15:35:56?</p> <p>21 A. Mm-hmm, yes.</p> <p>22 Q. That timestamp is off by one hour; is that</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. So although the assault took place at 4:35 p.m.,</p>	<p style="text-align: right;">Page 201</p> <p>1 Q. Exhibit 8, does this appear to be a photo of the</p> <p>2 interior space known as the dayroom?</p> <p>3 A. Yes.</p> <p>4 Q. In Exhibit 9, does this appear to be a photo of</p> <p>5 the same interior space from a slightly different angle?</p> <p>6 A. Yes.</p> <p>7 Q. And in this photo, can we see the doors that</p> <p>8 lead to the passageway or the sally port where the assault</p> <p>9 by Price occurred?</p> <p>10 A. Yes.</p> <p>11 Q. Exhibit 10, does this appear to be another photo</p> <p>12 of the doors leading to the passageway where the assault</p> <p>13 by Price occurred?</p> <p>14 A. Yes.</p> <p>15 Q. And Exhibit 11, does this appear to be a photo</p> <p>16 of the location of the place inside the passageway where</p> <p>17 the assault by Price occurred?</p> <p>18 A. Yes.</p> <p>19 Q. Do you have any reason to dispute that these</p> <p>20 photos were taken by Officer Hand on May 9th, 2015, when</p> <p>21 he came to the prison following the report of the assault?</p> <p>22 A. No.</p> <p>23 Q. I'd like you to take another look at Exhibit 7.</p> <p>24 A. Okay.</p> <p>25 Q. Do you see that there's a clock?</p>

<p style="text-align: right;">Page 202</p> <p>1 A. Yes.</p> <p>2 Q. And do you see the clock says 5:22 p.m.?</p> <p>3 A. Yes.</p> <p>4 Q. Would it appear to you then that if the assault</p> <p>5 occurred at 4:35 p.m., this photo taken by Officer Hand</p> <p>6 was taken less than an hour after the assault?</p> <p>7 A. Yes.</p> <p>8 Q. And that same clock can be seen in Exhibits 8</p> <p>9 and 11. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Do you have any reason to believe -- excuse me.</p> <p>12 Do you have any reason to dispute, then, that</p> <p>13 Officer Hand from the Monroe PD was on the scene taking</p> <p>14 photos of the scene and surrounding areas less than one</p> <p>15 hour after the assault?</p> <p>16 A. No.</p> <p>17 Q. If you look at Exhibit 7, do you see that to the</p> <p>18 right of the clock there's a curved mirror?</p> <p>19 A. Yes.</p> <p>20 Q. And do you see that reflected in the mirror is</p> <p>21 the officer's post?</p> <p>22 A. Yes.</p> <p>23 Q. And that is the officer's post that is situated</p> <p>24 right outside the sally port or passageway that emerges</p> <p>25 into the E-Unit dayroom; correct?</p>	<p style="text-align: right;">Page 204</p> <p>1 A. Yes.</p> <p>2 Q. One officer is shown in full, and then to that</p> <p>3 officer's right, there's another officer who is partially</p> <p>4 shown; correct?</p> <p>5 A. Yes.</p> <p>6 Q. The officer who is fully shown in this</p> <p>7 photograph, is that you?</p> <p>8 A. Yes, it is.</p> <p>9 Q. And to your right, is that Officer Seeley?</p> <p>10 A. I can't say for sure. I would assume that it</p> <p>11 is.</p> <p>12 Q. So you think that is Officer Seeley?</p> <p>13 A. I think it is.</p> <p>14 Q. So is it the case, then, that when Officer Hand</p> <p>15 was taking these photos less than an hour after the</p> <p>16 assault, that you and another officer, probably Seeley,</p> <p>17 were standing at the officer's post?</p> <p>18 A. Yes.</p> <p>19 Q. All right. I'm now handing you a series of</p> <p>20 photographs that have been marked as Exhibits 12 through</p> <p>21 15.</p> <p>22 Do you recognize Exhibits 12 through 15 as being</p> <p>23 screenshots taken from the prison's camera surveillance</p> <p>24 system?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 203</p> <p>1 A. Yes.</p> <p>2 Q. Do you see that reflected in that mirror there</p> <p>3 are at least two officers standing next to the officer's</p> <p>4 post when this photo is being taken by Officer Hand?</p> <p>5 A. It's hard to tell.</p> <p>6 Q. Does it appear to you that reflected in this</p> <p>7 mirror are at least two officers standing by the officer's</p> <p>8 post?</p> <p>9 A. I can only make out one.</p> <p>10 Q. Can you circle the one that you see?</p> <p>11 Do you know who that person is that you just</p> <p>12 circled?</p> <p>13 A. No.</p> <p>14 Q. Now, if you could take a look at Exhibit 9, do</p> <p>15 you see that this photo shows the officer's post?</p> <p>16 A. Yes.</p> <p>17 Q. Is this the officer's post at which you were</p> <p>18 standing when Price launched the assault against Casey</p> <p>19 Powell?</p> <p>20 A. Yes.</p> <p>21 Q. Now, please look at Exhibit 10.</p> <p>22 A. Okay.</p> <p>23 Q. Do you see that Exhibit 10 depicts two officers</p> <p>24 standing at the officer's post that we've just been</p> <p>25 talking about?</p>	<p style="text-align: right;">Page 205</p> <p>1 Q. And do you see the date in the lower right-hand</p> <p>2 corner as May 9, 2015?</p> <p>3 A. Yes.</p> <p>4 Q. And do you see that the information across the</p> <p>5 top of the photo describes the view as being of the E-Unit</p> <p>6 Pod 2 dayroom?</p> <p>7 A. Yes.</p> <p>8 Q. And this is the same dayroom from which Price</p> <p>9 launched the attack against Casey Powell; correct?</p> <p>10 A. Yes.</p> <p>11 Q. We see in Exhibit 12 again where the sally port</p> <p>12 emerges into the dayroom; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And we see in Exhibit 12 the same officer's post</p> <p>15 that we saw earlier in Exhibit 10 at which you and</p> <p>16 probably Seeley are standing; correct?</p> <p>17 A. I see -- I see one person behind the panel. Can</p> <p>18 I mark this?</p> <p>19 Q. Yes.</p> <p>20 A. And I see...</p> <p>21 Q. Do you think that the person that you've just</p> <p>22 circled on Exhibit 12 is you given what we saw earlier</p> <p>23 about the photo taken from Officer Hand's camera?</p> <p>24 A. I think it might be.</p> <p>25 Q. In this series of photos, do you see Officer</p>

<p style="text-align: right;">Page 206</p> <p>1 James Hand standing in the dayroom not too far from the 2 officer's post? 3 A. There's a couple of them standing close to the 4 panel. 5 Q. No. I'm talking about the individual who's 6 standing in the middle of the room aiming that camera in 7 the direction of the sally port. 8 A. Yes. 9 Q. Would you agree that would be Officer Hand? 10 A. Yes. 11 Q. And do you see in Exhibit 12, he appears to be 12 taking a photo toward the direction of the sally port 13 looking in the direction of the officer's post? 14 A. Yes. 15 Q. And do you see in Exhibit 13, that he is there 16 as well in the dayroom not too far from the officer's 17 post? 18 A. Yes. 19 Q. And do you see in Exhibit 14 that he has moved 20 closer to the same officer's post? 21 A. Yes. 22 Q. And do you see in Exhibit 15 that he has moved 23 yet more closely to the officer's post? 24 A. Yes. 25 Q. In Exhibits 14 and 15, how far would you</p>	<p style="text-align: right;">Page 208</p> <p>1 earlier, the timestamp in the lower right-hand corner is 2 off by one hour; correct? 3 A. Correct. 4 Q. So instead of saying 4:19 p.m., it should say 5 5:19 p.m.? 6 A. Right. 7 Q. And that would quite closely match the clock 8 that we see in Exhibit 7? 9 A. Correct. 10 Q. Can we agree, therefore, that while Officer Hand 11 was at the scene taking photos less than an hour following 12 the assault, that you and probably Officer Seeley were 13 standing behind the office's post? 14 A. Yes. 15 Q. And can we also agree that from where 16 Officer Hand is standing in Exhibits 14 and 15, which you 17 estimate to be four or five feet away from the officer's 18 post, that you would be able to hear Officer Hand if he 19 spoke to you in a normal tone of voice? 20 A. Yes. 21 Q. And conversely, would you agree that 22 Officer Hand would probably be able to hear you and Seeley 23 if you were speaking in a normal tone of voice at the 24 officer's post? 25 A. Yes.</p>
<p style="text-align: right;">Page 207</p> <p>1 estimate Officer Hand is standing to the officer's post? 2 A. I don't know. Maybe four feet, maybe five at 3 most. 4 Q. And can we agree that would be you and Seeley 5 behind the officer's post in Exhibits 14 and 15? 6 A. I don't want to say for sure if I don't know for 7 sure. 8 Q. Well, given what we saw in Exhibit 10 which is 9 the actual photo taken by Officer Hand -- 10 A. Oh, that one doesn't have a timestamp on it, 11 does it? 12 Q. Given what we see in Exhibit 10 which is the 13 actual photo taken by Hand -- 14 A. Right. 15 Q. -- that shows you and probably Seeley standing 16 at the officer's post? 17 A. Correct. 18 Q. Would you agree that Exhibits 15 and 14 appear 19 to show you and probably Seeley standing at the officer's 20 post? 21 A. Yes, that's what I would think. 22 Q. And do you see on Exhibits 12 through 15, that 23 there's a timestamp on the lower right-hand corner? 24 A. Yes. 25 Q. And like the camera screenshot that we looked at</p>	<p style="text-align: right;">Page 209</p> <p>1 Q. Handing you now what's been marked as Exhibit 16 2 to your deposition. This is the offender profile for 3 Benjamin Price. Did you see this before May 9th of 2015? 4 A. Yes, I believe I did. 5 Q. My next series of questions, Officer Talbot, 6 relates to the years and months leading up to May of 2015. 7 If you're ever confused about what time period I'm asking 8 you about, just let me know. 9 A. Okay. 10 Q. Prior to May 9th, 2015, you knew that Price was 11 in prison for killing someone; correct? 12 A. Correct. 13 Q. What did you know about what Price had done to 14 cause him to become incarcerated? 15 A. The only thing out of OMNI report that I focused 16 on were his current charges and his criminal history 17 summary. I didn't focus on, like, the -- the infraction 18 history or anything like that. So I knew that he had 19 murdered somebody, his girlfriend. 20 Q. Did you know that Price had previously attempted 21 to kill another offender in the DOC? 22 A. Yes. 23 Q. And did you know that Price had tempted to kill 24 that other offender in the DOC by strangling him with a 25 bedsheet?</p>



Page 210

1 A. Yes.

2 Q. Did you know that Price was seriously mentally

3 ill?

4 A. I -- I can't say. I mean, that's for mental

5 health to say.

6 Q. Did you know or have information to suggest the

7 nature of Price's mental diagnoses?

8 A. I'm sorry. Can you rephrase that, please?

9 Q. Did you know or have information to suggest the

10 nature of Price's mental diagnoses?

11 A. No. The counselor never discussed that with me,

12 his specific diagnosis.

13 Q. Did the counselor ever discuss, in general,

14 Price with you?

15 A. Just the concerns she had. His counselor was

16 Gazelle Williams, and she talked to us about concerns she

17 had. We -- you asked me about that earlier.

18 Q. Did Gazelle Williams tell you Price had

19 attempted to kill somebody in the DOC?

20 A. No, I read that.

21 Q. In the OMNI?

22 A. Yes, off this.

23 Q. And when you say "off this," you're referring to

24 Exhibit 16?

25 A. Yes.

Page 211

1 Q. Did you have any information from anybody else

2 other than Gazelle Williams to suggest to you that Price

3 might be dangerous?

4 A. I got -- I'd have to clarify this. I mean,

5 they're all dangerous. I mean, at that point, nothing

6 more than anybody else. That -- that's the best way I can

7 put it.

8 Q. You knew, however, that certainly

9 Gazelle Williams was not comfortable with Price because

10 she felt that he was a potential threat; correct?

11 A. Yes.

12 Q. You also knew that some offenders were not

13 comfortable with Price and that he frightened or scared

14 some of them; correct?

15 A. Yes.

16 Q. You and other corrections officers frequently

17 talked about Price?

18 A. When his behavior warranted it.

19 Q. And indeed Price would sometimes exhibit

20 behavior that was concerning to you and your fellow COs;

21 correct?

22 A. Yes.

23 Q. Price would sometimes exhibit behavior that was

24 off his baseline?

25 A. Yes.

Page 212

1 Q. And when Price exhibited behavior that was off

2 his baseline, it was sometimes necessary to yard him in in

3 his cell thereby isolating him from other offenders?

4 A. At times, yes.

5 Q. And by isolating Price in his cell for

6 off-baseline behavior, he would be segregated from other

7 offenders and not released from his cell until his

8 behavior returned to baseline; correct?

9 A. That's kind of correct but not correct. We

10 could put him in his cell for so long till his behavior --

11 till he modifies his behavior, but segregation is

12 segregation, and yarding in is yarding in. It's like

13 apples and oranges.

14 Q. Right.

15 But when Price would be yarded in, he wouldn't

16 be released until his behavior returned to an acceptable

17 level?

18 A. Correct.

19 Q. Would Price sometimes exhibit behavior that was

20 menacing or aggressive?

21 A. I believe so.

22 Q. Including following others?

23 A. Yes.

24 Q. Engaging in verbal altercations with others?

25 A. Yes.

Page 213

1 Q. Stalking or coming too close?

2 A. Yes.

3 Q. Pounding on walls?

4 A. In his cell, yes.

5 Q. Staring?

6 A. Yes.

7 Q. Engaging in menacing expressions?

8 A. At times.

9 Q. Opening and closing his fists?

10 A. Yes.

11 Q. Opening and closing his eyes in an unusual way?

12 A. Yes.

13 Q. There were several occasions in the year and a

14 half leading up to the fatal assault where Price's

15 off-baseline behavior resulted in his being removed from

16 the E-Unit altogether and being isolated in the close

17 observation area for a period of days; correct?

18 A. I know that there were times when he was off the

19 unit. I'm not sure what those times were though.

20 Q. Right.

21 But you knew there were times when Price had to

22 be removed from the E-Unit and taken to the close

23 observation area for --

24 A. Yes.

25 Q. And he would generally remain there for a period

<p style="text-align: right;">Page 214</p> <p>1 of days until he was returned; correct?</p> <p>2 A. Correct.</p> <p>3 Q. When Price would be removed from the E-Unit and</p> <p>4 isolated away from other offenders in the close</p> <p>5 observation area, Price would not be returned to the</p> <p>6 E-Unit until cleared by mental health; correct?</p> <p>7 A. Correct.</p> <p>8 Q. When Price was off his baseline, were you</p> <p>9 sometimes uncomfortable being around Price?</p> <p>10 A. I wouldn't say uncomfortable. I just would --</p> <p>11 when any of these guys were off their baseline, we just</p> <p>12 watch each other closely.</p> <p>13 Q. When Price was off his baseline, would you watch</p> <p>14 him more closely?</p> <p>15 A. Yes.</p> <p>16 Q. When Price was off his baseline, were you</p> <p>17 especially vigilant about your own personal safety and</p> <p>18 security?</p> <p>19 A. Yes.</p> <p>20 Q. Was there any other offender that you can say</p> <p>21 made you more uncomfortable than Price?</p> <p>22 A. We've got a handful of them, yes.</p> <p>23 Q. Can you name for me any one offender that you</p> <p>24 believe made you more uncomfortable than Price?</p> <p>25 A. Like currently or back then?</p>	<p style="text-align: right;">Page 216</p> <p>1 physical proximity to other offenders, he was physically</p> <p>2 capable of launching an unprovoked attack; correct?</p> <p>3 A. Yes.</p> <p>4 Q. And less isolated away from other offenders in</p> <p>5 in his cell or the close observation area, you knew that</p> <p>6 Price was physically capable of launching an unprovoked</p> <p>7 attack on another offender; correct?</p> <p>8 A. Correct, but, again, I just need to preface this</p> <p>9 by saying they all are. I mean, they're all dangerous.</p> <p>10 They all could launch an attack at any time.</p> <p>11 Q. So I'm going to ask the question again so we</p> <p>12 have a clear record.</p> <p>13 A. Okay.</p> <p>14 Q. Unless isolated away from other offenders in his</p> <p>15 cell or the close observation area, you knew that Price</p> <p>16 was physically capable of launching an unprovoked attack</p> <p>17 on another offender?</p> <p>18 A. Physically capable, yes.</p> <p>19 Q. You knew that even if he wasn't armed with a</p> <p>20 weapon, that Price had the potential to seriously assault</p> <p>21 somebody with fists or feet so long as he was not isolated</p> <p>22 in his cell or the close observation area?</p> <p>23 A. Yes.</p> <p>24 Q. You also knew that whenever Price was judged to</p> <p>25 be off baseline, that you, yourself, should never try to</p>
<p style="text-align: right;">Page 215</p> <p>1 Q. Back then.</p> <p>2 A. We had a guy named Grant. I know if I had time</p> <p>3 to sit down and look at a roster and think about it, I</p> <p>4 probably could, but at the time, Grant's the only one that</p> <p>5 comes to mind.</p> <p>6 Q. Okay. Would you say that Price was among the</p> <p>7 two offenders that made you the most uncomfortable?</p> <p>8 A. He's probably in the top five.</p> <p>9 Q. And you were under the personal belief that</p> <p>10 Price should not be on the E-Unit; correct?</p> <p>11 A. I did believe that.</p> <p>12 Q. Did you also have information to believe that</p> <p>13 Price was volatile?</p> <p>14 A. Yes.</p> <p>15 Q. And that he was an offender that you needed to</p> <p>16 watch particularly closely when he was off baseline?</p> <p>17 A. Yes.</p> <p>18 Q. And when you became aware that Price was off</p> <p>19 baseline, you had a duty to report it?</p> <p>20 A. Yes.</p> <p>21 Q. And whenever Price was engaging in behavior that</p> <p>22 was threatening or menacing, you had a duty to yard him</p> <p>23 in?</p> <p>24 A. Yes.</p> <p>25 Q. And you knew that whenever Price was in close</p>	<p style="text-align: right;">Page 217</p> <p>1 diagnose the reasons for his off-baseline behavior;</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. You should never assume that he wasn't a threat?</p> <p>5 A. Correct.</p> <p>6 Q. And you should never make your own judgment</p> <p>7 about the reasons for his off-baseline behavior but rather</p> <p>8 leave that to the mental health professionals?</p> <p>9 A. Correct.</p> <p>10 Q. Before May 9th, 2015, had you ever heard any</p> <p>11 corrections officer or other person refer to Price as</p> <p>12 crazy, scary, psycho, frightening, or any similar word or</p> <p>13 phrase?</p> <p>14 A. Yes.</p> <p>15 Q. What had you heard?</p> <p>16 A. Just what Gazelle had said. She was the one</p> <p>17 that kind of talked about it a lot.</p> <p>18 Q. Did she refer to him as crazy or scary or --</p> <p>19 A. Crazy and scary I think were two words that she</p> <p>20 used.</p> <p>21 Q. Did you understand that Gazelle was a mental</p> <p>22 health counselor?</p> <p>23 A. Yes.</p> <p>24 Q. Was she a Mental Health Counselor 2 or 3, or do</p> <p>25 you know?</p>

<p style="text-align: right;">Page 218</p> <p>1 A. She was a 2.</p> <p>2 Q. Do you understand that she left the Department</p> <p>3 of Corrections at least in part because she was worried</p> <p>4 for her own personal safety with regard to Price?</p> <p>5 A. I don't know why she left.</p> <p>6 Q. Did you tell Detective Hatch that she had left</p> <p>7 the DOC in part because she was scared of Price?</p> <p>8 A. I may have. I don't remember.</p> <p>9 Q. Would you agree that you made the following</p> <p>10 statement to Detective Hatch, "This particular</p> <p>11 counselor" -- in reference to Gazelle Williams -- "felt</p> <p>12 that he was very dangerous, and she ended up leaving state</p> <p>13 service because of things like that, things that Price was</p> <p>14 doing"?</p> <p>15 A. Because of things like that, yes.</p> <p>16 Q. Including things that Price was doing?</p> <p>17 A. Yes, including that.</p> <p>18 Q. And you knew that before May 9th, 2015?</p> <p>19 A. Yes.</p> <p>20 Q. Handing you now what's been marked as</p> <p>21 Exhibit 17. Are these the logbook entries for E-Unit</p> <p>22 Pod 2 from January 19, 2015, and then again -- well, let</p> <p>23 me strike that.</p> <p>24 Are these the logbook entries the spanning the</p> <p>25 period January 19, 2015, through May 11, 2015?</p>	<p style="text-align: right;">Page 220</p> <p>1 A. No, it's not.</p> <p>2 Q. Do you see the logbook entry at 8:21 a.m.?</p> <p>3 A. Yes.</p> <p>4 Q. Is that a logbook entry from Mental Health</p> <p>5 Counselor Rotta?</p> <p>6 A. I believe so.</p> <p>7 Q. And then on the next page, do you see a logbook</p> <p>8 entry by you at 1633?</p> <p>9 A. Yes.</p> <p>10 Q. It says "1st call mainline"; correct?</p> <p>11 A. Correct.</p> <p>12 Q. When you say that you were logging when Price</p> <p>13 was standing across from the officer's post looking in the</p> <p>14 direction of the sally port, are you referring to this</p> <p>15 single logbook entry at 1633?</p> <p>16 A. Yes.</p> <p>17 Q. So the single logbook entry that you made, did</p> <p>18 that distract you from any of your duties or</p> <p>19 responsibilities relating to anything else that was going</p> <p>20 on in the unit?</p> <p>21 A. It's not just one entry. It's three entries.</p> <p>22 Q. Okay. Did this single line at 1633 distract</p> <p>23 you?</p> <p>24 A. Yes.</p> <p>25 Q. Between 3:30 p.m. and the time of the assault,</p>
<p style="text-align: right;">Page 219</p> <p>1 A. Yes.</p> <p>2 Q. And are these the logbooks that are kept at the</p> <p>3 officer's post in E-Unit Pod 2?</p> <p>4 A. Yes.</p> <p>5 Q. Is it the duty of incoming officers to review</p> <p>6 the logbook entries?</p> <p>7 A. I wouldn't say duty, but it's something that we</p> <p>8 do.</p> <p>9 Q. Is it expected that the incoming officers will</p> <p>10 review the logbook entries?</p> <p>11 A. It is expected.</p> <p>12 Q. If I could direct your attention to the logbook</p> <p>13 entries for May 9th, 2015.</p> <p>14 I can find it if you want me to find it.</p> <p>15 Do you see where logbook entries are given for</p> <p>16 May 9th, 2015, on Page 49 of the logbook?</p> <p>17 A. Yes.</p> <p>18 Q. And do you see where it says at 6:41 a.m.,</p> <p>19 CO Walter called from the IK -- inmate kitchen -- to say</p> <p>20 that Inmate Price is off his baseline?</p> <p>21 A. Yes.</p> <p>22 Q. And whose initials are after that?</p> <p>23 A. I don't know. It's all blurry. Can I see your</p> <p>24 copy?</p> <p>25 Q. It's not going to be any better.</p>	<p style="text-align: right;">Page 221</p> <p>1 you made one line worth of logbook entries; is that right?</p> <p>2 A. What do you mean, one line?</p> <p>3 Q. Well, the only line you wrote between 3:50 and</p> <p>4 1638 -- sorry. We should be consistent -- 1550 and 1638</p> <p>5 is the entry at 1633; correct?</p> <p>6 A. Correct.</p> <p>7 Q. And any time in the logbook where we see these</p> <p>8 initials after the logbook entry at 1638 there appears to</p> <p>9 be some initials, those are your initials; right?</p> <p>10 A. Yes.</p> <p>11 Q. So elsewhere in the logbook -- and there are</p> <p>12 numerous entries relating to Price's behavior in the weeks</p> <p>13 and months prior to the assault -- if we see those</p> <p>14 initials, those are your initials; right?</p> <p>15 A. Yes.</p> <p>16 Q. I want to go back now to some questions and --</p> <p>17 you'll have to make sure those are together because the</p> <p>18 court reporter is going to need them at the end.</p> <p>19 A. Right.</p> <p>20 Q. We spoke earlier about how Officer Hand was at</p> <p>21 the prison taking photos of the scene and adjacent areas</p> <p>22 within a hour of the assault. Do you recall that?</p> <p>23 A. Yes.</p> <p>24 Q. And we looked at photos showing that you and</p> <p>25 Seeley were standing at the officer's post when he was</p>

Page 222

1 taking those photos; correct?  
2 A. Yes.  
3 Q. And we talked about how you were close enough to  
4 hear Officer Hand, and he would have been close enough to  
5 hear you?  
6 A. Yes.  
7 Q. Do you know that Officer Hand has had his  
8 deposition taken before?  
9 A. That's what I've been told.  
10 Q. Have you reviewed a copy of his deposition  
11 transcript?  
12 A. No.  
13 Q. Handing you what's been marked as Exhibit 19 to  
14 your deposition. I'll represent to you that what I've  
15 handed you a copy of the deposition transcript of  
16 Officer Hand taken in this action. I'd like to show you  
17 what Officer Hand testified about, and I'd like to follow  
18 up with some questions from you.  
19 A. Okay.  
20 Q. Could you turn to Page 13. I'll read it Lines 1  
21 through 21. You can follow along with me.  
22 "QUESTION: Okay. In fact, did you hear the  
23 corrections officers standing by the officer's post say  
24 that Price had been requesting to talk to a police officer  
25 for several days and that after some days past, Price said

Page 223

1 that if he had to kill someone to get police attention, he  
2 would do so?"  
3 "ANSWER: That's what I heard, correct."  
4 "QUESTION: And you documented what you  
5 overheard in this statement, correct?"  
6 "ANSWER: Correct."  
7 "QUESTION: And the statement that you  
8 overheard, as documented in this incident report, was  
9 overheard by you in the course of your taking photographs  
10 that we've just gone through; is that correct?"  
11 "ANSWER: Correct."  
12 "QUESTION: And the officers who made the  
13 statement that you record in your report were in uniform  
14 when you heard them say that Price had been requesting to  
15 talk to a police officer for several days and that after  
16 some days past, Price said that he had that if he had to  
17 kill someone to get police attention, he would do so; is  
18 that correct?"  
19 "ANSWER: Correct."  
20 Do you see what I've read?  
21 A. Yes.  
22 Q. And then if you could turn to Page 14, beginning  
23 at Lines 19.  
24 "QUESTION: Do you recall where in the -- where  
25 you would've been at the time that you overheard it; that

Page 224

1 is, would you have been in the breezeway, for example, or  
2 would you have been in the dayroom?"  
3 "ANSWER: To the best of my knowledge, I was in  
4 the dayroom."  
5 Do you see that?  
6 A. Yes.  
7 Q. And then directing your attention to Page 17,  
8 Line 5.  
9 "QUESTION: Were the officers saying, to your  
10 understanding, that they heard Price make this expression  
11 before the assault occurred?"  
12 "ANSWER: That's my understanding."  
13 Having gone through what Officer Hand says about  
14 what you overheard, I'll ask you directly, do you dispute  
15 what Officer Hand says in his deposition as I've read it  
16 to you?  
17 A. Yes.  
18 Q. Please tell me what you dispute.  
19 A. I never heard him say that he was going to kill  
20 somebody ever. Actually, the first time I saw that was in  
21 a newspaper days after. He had asked to talk to law  
22 enforcement that -- there's no doubt in that. He asked  
23 me. He asked my partners. We reported it. At no time,  
24 did he ever say to me if he didn't talk to law  
25 enforcement, he's going to kill somebody.

Page 225

1 Q. Did he say anything like that, or did you become  
2 aware of anything like that from any source?  
3 A. No. He assaulted him. He took him out. They  
4 escorted him away, and Seeley came back. Now, I did do a  
5 public disclosure on some video, or actually my wife did,  
6 of this incident.  
7 Q. I'm not --  
8 A. And it's important because -- can I just go  
9 ahead and --  
10 MS. SEVERSON: If it's responsive to his  
11 question.  
12 THE WITNESS: It's responsive to the question.  
13 The video -- the only video that was given to us was the  
14 video of Price being escorted from the hallway to A-Unit.  
15 In that time, he does say on video, "I told you that if I  
16 don't get to talk to law enforcement, I'm going to kill  
17 somebody."  
18 Q. Did you hear him say that at the time --  
19 A. No.  
20 Q. -- as he was being led away?  
21 A. No.  
22 Q. So there's no chance that you and Seeley were  
23 recounting what Price had said after the assault?  
24 MS. SEVERSON: Object to the form of the  
25 question.

<p style="text-align: right;">Page 226</p> <p>1 <b>Q. BY MR. BUDGE: Correct?</b></p> <p>2 MS. SEVERSON: Same objection.</p> <p>3 THE WITNESS: I can answer it?</p> <p>4 MS. SEVERSON: Yes, oh, yes.</p> <p>5 THE WITNESS: Seeley was on the video camera.</p> <p>6 <b>Q. BY MR. BUDGE: Right.</b></p> <p>7 A. No, Seeley was operating the video camera.</p> <p>8 <b>Q. Understood.</b></p> <p>9 A. Okay.</p> <p>10 <b>Q. But you and Seeley were not talking at the</b></p> <p>11 <b>officer's post while Hand was there about what Price had</b></p> <p>12 <b>said after the fact; correct?</b></p> <p>13 A. We may have been. I don't know. I don't</p> <p>14 remember a lot of that day.</p> <p>15 <b>Q. Prior to the assault, did you ever hear from any</b></p> <p>16 <b>source, whether it be Price directly or somebody else,</b></p> <p>17 <b>that Price had been asking to talk to law enforcement and</b></p> <p>18 <b>saying that he would, might, or possibly could kill</b></p> <p>19 <b>somebody if such a request was not honored?</b></p> <p>20 A. No.</p> <p>21 <b>Q. Did you ever hear Seeley say any words to that</b></p> <p>22 <b>effect while Officer Hand was there?</b></p> <p>23 A. Not that I recall, no.</p> <p>24 <b>Q. Did you say any words of that nature while Hand</b></p> <p>25 <b>was there?</b></p>	<p style="text-align: right;">Page 228</p> <p>1 A. It may, I mean...</p> <p>2 <b>Q. If Seeley were to testify that what Hand said in</b></p> <p>3 <b>his deposition is consistent with his recollection that is</b></p> <p>4 <b>consistent with Seeley's recollection of what you said,</b></p> <p>5 <b>would you have any reason to dispute Seeley?</b></p> <p>6 MS. SEVERSON: Object to the form of the</p> <p>7 question.</p> <p>8 <b>Q. BY MR. BUDGE: Would you still dispute what I've</b></p> <p>9 <b>just been over?</b></p> <p>10 MS. SEVERSON: Same objection.</p> <p>11 THE WITNESS: No.</p> <p>12 <b>Q. BY MR. BUDGE: Do you know what Seeley said in</b></p> <p>13 <b>his deposition?</b></p> <p>14 A. No.</p> <p>15 <b>Q. Did Officer Hand tell you and Seeley that you</b></p> <p>16 <b>should document something?</b></p> <p>17 A. I don't remember.</p> <p>18 <b>Q. Do you deny affirmatively that you ever heard</b></p> <p>19 <b>Price say prior to the assault that he wanted to talk to</b></p> <p>20 <b>law enforcement and that if he wasn't given the</b></p> <p>21 <b>opportunity to do so, he would kill somebody or words to</b></p> <p>22 <b>that effect?</b></p> <p>23 A. I did not hear him say that.</p> <p>24 <b>Q. Okay. So you affirmatively deny it?</b></p> <p>25 A. I affirmatively deny.</p>
<p style="text-align: right;">Page 227</p> <p>1 A. Not that I recall.</p> <p>2 <b>Q. Do you think that either you or Seeley said</b></p> <p>3 <b>anything while Officer's Hand was there that might have</b></p> <p>4 <b>been misinterpreted by Officer Hand?</b></p> <p>5 A. I think maybe there could have been, but there's</p> <p>6 a lot about that day I just don't remember.</p> <p>7 <b>Q. Do you have any memory of saying anything or</b></p> <p>8 <b>Seeley saying anything that might have been misinterpreted</b></p> <p>9 <b>by Officer Hand?</b></p> <p>10 A. No, not to my knowledge.</p> <p>11 <b>Q. Do you have any idea why Officer Hand might have</b></p> <p>12 <b>testified under oath that he heard the officers at the</b></p> <p>13 <b>officer post stating that Price had been asking to speak</b></p> <p>14 <b>with law enforcement and stating that if he had to kill</b></p> <p>15 <b>someone to get police attention, that he would?</b></p> <p>16 A. I don't know why he would do what he does. I</p> <p>17 can just tell you what I do.</p> <p>18 <b>Q. Do you have any idea why Officer Hand would have</b></p> <p>19 <b>testified in the way that he testified?</b></p> <p>20 A. No.</p> <p>21 <b>Q. So just for the record, neither you nor Seeley</b></p> <p>22 <b>made any statement of that nature while Hand was there?</b></p> <p>23 A. Not that I recall.</p> <p>24 <b>Q. Do you think Seeley's memory might be clearer</b></p> <p>25 <b>than yours?</b></p>	<p style="text-align: right;">Page 229</p> <p>1 <b>Q. Do you have any reason to believe that if Seeley</b></p> <p>2 <b>says that he heard you say that you heard Price say such a</b></p> <p>3 <b>thing, that Seeley would have a reason to lie?</b></p> <p>4 MS. SEVERSON: Object to the form of the</p> <p>5 question.</p> <p>6 THE WITNESS: All I can tell you is what I've</p> <p>7 said. He never said that to me.</p> <p>8 <b>Q. BY MR. BUDGE: And --</b></p> <p>9 A. He said I want to talk to law enforcement. I'll</p> <p>10 tell you exactly how the conversations went:</p> <p>11 "I want to talk to law enforcement."</p> <p>12 "No. Send them -- send them a letter, make</p> <p>13 phone call."</p> <p>14 "Okay."</p> <p>15 Went up to his cell. Never once did he tell me</p> <p>16 that if he didn't get to talk to law enforcement, he's</p> <p>17 going to kill somebody because it would have been</p> <p>18 reported. I would have reported that immediately.</p> <p>19 <b>Q. Which would have been your duty?</b></p> <p>20 A. Which is my duty.</p> <p>21 <b>Q. And not only did you not hear that directly from</b></p> <p>22 <b>Price, you never heard it from anyone else?</b></p> <p>23 A. The -- which part? The killing somebody?</p> <p>24 <b>Q. Yes.</b></p> <p>25 A. The first time I saw it was in the newspaper</p>



<p style="text-align: right;">Page 230</p> <p>1 when they had some newspaper article on it, and it had a 2 quote from Price in there. 3 <b>Q. Do you know that Officer Hand's recollection of</b> 4 <b>what was said at the officer's post when he was there</b> 5 <b>taking photographs then formed the basis of an affidavit</b> 6 <b>to a judge to get a search warrant?</b> 7 A. Okay. 8 <b>Q. Do you know that?</b> 9 A. No. 10 <b>Q. And just so there's no confusion, you never</b> 11 <b>heard any other officer at the officer's post make any</b> 12 <b>statement of that nature in front of Officer Hand?</b> 13 A. Not that I recall, no. 14 <b>Q. You also knew before May 9th, 2015, that</b> 15 <b>corrections offers would sometimes have to separate Price</b> 16 <b>from other offenders to avoid potential physical assaults</b> 17 <b>against them by Price; correct?</b> 18 A. There has been times, yes. 19 <b>Q. You knew that Price had previously squared up</b> 20 <b>against other offenders? Meaning, he would take an</b> 21 <b>aggressive posture towards them; correct?</b> 22 A. Yes. 23 <b>Q. Please tell me everything you knew about Price's</b> 24 <b>attempt to kill somebody else in the DOC.</b> 25 A. When he was in another facility, I read that he</p>	<p style="text-align: right;">Page 231</p> <p>1 had tried to strangle his cellie because he thought he was 2 the devil or something like that. 3 <b>Q. You knew that from reading the OMNI information?</b> 4 A. Yes. 5 <b>Q. Why did you take it upon yourself to read</b> 6 <b>Price's OMNI information before the assault?</b> 7 A. I read it long before the assault. 8 <b>Q. Why did you take it upon yourself to read it?</b> 9 A. I try to read all the guys' before -- before 10 they come in. Don't always happen, but I -- I try to. 11 <b>Q. You want to be fully informed?</b> 12 A. Yes. 13 <b>Q. About who you're dealing with?</b> 14 A. Yes. 15 <b>Q. And so I take it you would have read that</b> 16 <b>information in the OMNI including the information in</b> 17 <b>Exhibit 16 carefully?</b> 18 A. I'm sorry? 19 <b>Q. I take it you would have read the OMNI</b> 20 <b>information including what was in Exhibit 16 carefully?</b> 21 A. Just, like I said, the criminal history summary. 22 <b>Q. And enough information to know that he had</b> 23 <b>attempted to kill his cellie by strangling him with a</b> 24 <b>bedsheet, claiming he was the devil?</b> 25 A. Correct, and his -- and his -- his initial</p>	<p style="text-align: right;">Page 232</p> <p>1 crime. 2 <b>Q. Did you know that Price suffered from mental</b> 3 <b>delusions where he thought he was getting messages from</b> 4 <b>people or entities?</b> 5 A. No. 6 <b>Q. Did you think Casey Powell was an asshole?</b> 7 A. No more than anybody else. 8 <b>Q. Even though you called him an asshole in your</b> 9 <b>book?</b> 10 A. They are who they are. I mean, they're 11 offenders at the end of the day. 12 <b>Q. Did you think Casey Powell was an asshole?</b> 13 A. Like I said, no more than any of the rest of 14 them. They're offenders. That's who they are. 15 <b>Q. Do you think that Seeley should have slammed his</b> 16 <b>ass into the concrete?</b> 17 MS. SEVERSON: Object to the form of the 18 question. 19 THE WITNESS: I think that with the evidence 20 that was presented before the hearings officer who found 21 him guilty, by the way, and gave him 15 days' segregation, 22 I think he would have been totally justified in slamming 23 him to the floor. Now, he didn't. He used a lot of 24 restraint. 25 <b>Q. BY MR. BUDGE: Did anybody at any time, to your</b></p>	<p style="text-align: right;">Page 233</p> <p>1 <b>knowledge, in the 10 days before the assault of</b> 2 <b>Casey Powell by Price take any steps of any kind to</b> 3 <b>isolate Price, segregate him from any offenders, or do</b> 4 <b>anything of that nature?</b> 5 A. Not to my knowledge. 6 <b>Q. When you saw Price standing at the wall, looking</b> 7 <b>in the direction of the breezeway, why did you not take</b> 8 <b>steps to move Price away from that location?</b> 9 A. A couple of different reasons. One, if you look 10 at the clock, the attack happened at, like, 1638. That's 11 when I logged in. That was the precise time I was logging 12 the end of mainline. Two, our JPay machine's right there. 13 It's not uncommon to stand by the back of the wall and 14 wait for the JPay machine. 15 <b>Q. Any other explanation?</b> 16 A. That's the best I -- I got. 17 <b>Q. Do you believe that you were distracted the</b> 18 <b>entire time Price was standing with his back to the wall</b> 19 <b>looking in the direction of the breezeway?</b> 20 A. I don't know. There could have been other 21 people coming up the panel, asking for things. Any number 22 of things could have happened. 23 <b>Q. My question is --</b> 24 A. I -- I can't say for sure. 25 <b>Q. My question is do you believe that you were</b></p>
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Page 234

1 distracted the entire time that Price was standing with  
2 his back to the wall looking in the direction of the  
3 breezeway?  
4 A. My best answer is I don't know.  
5 Q. Did you ever warn anybody about Price before the  
6 assault against Casey Powell?  
7 A. I've talked to the doctor a few times about him.  
8 Q. Dr. Davis?  
9 A. Yes.  
10 Q. What did you warn Dr. Davis about?  
11 A. Just some of his behaviors with the clenching  
12 the fists and kind of locked jaw and yelling.  
13 Q. Did you tell Dr. Davis in substance, even if you  
14 can't recall your exact words, that Price was a danger,  
15 volatile, ticking time bomb, anything of that nature?  
16 A. I told him that Offender Price should be moved.  
17 Q. Out of the E-Unit?  
18 A. Out of the E-Unit, yes.  
19 Q. Can you tell me when in relation to the assault  
20 you believed you would have told that to Dr. Davis?  
21 A. Probably, I don't know, maybe two months prior.  
22 It was kind of an ongoing thing. If I wasn't talking to  
23 him, somebody else was talking to him; so...  
24 Q. Did you know other corrections officers to have  
25 told Dr. Davis that they felt that Price should have been

Page 235

1 moved out of E-Unit?  
2 A. I believe everybody on swing shift had a talk  
3 with him at one point or another.  
4 Q. Why do you believe that?  
5 A. I know for sure Seeley did. I'm almost positive  
6 that -- though he's on day shift now. He used to be my  
7 swing shift partner. I'm fairly positive Patton did as  
8 well.  
9 Q. Did Seeley tell you that he had gone to Davis  
10 about Price?  
11 A. No. It's -- it's -- it's an assumption of mine,  
12 but I think it's a pretty strong -- a pretty fair  
13 statement.  
14 Q. Did Seeley indicate to you in some way that he  
15 had gone to Davis about Price?  
16 A. He said he talked to Davis, yes.  
17 Q. And did you come away from that discussion with  
18 Seeley with an understanding that Seeley had told Davis in  
19 substance that he wanted Price moved of the unit?  
20 A. Yes.  
21 Q. And did you have a similar conversation with  
22 Patton where Patton indicated in substance that he had  
23 gone to Davis about Price?  
24 A. Yes.  
25 Q. And did you come away from the discussion with

Page 236

1 Patton with the understanding that Patton had told Davis  
2 that Price should be moved out of the E-Unit?  
3 A. Yes.  
4 Q. Did you, Seeley, and Patton all want Price out  
5 of the E-Unit for security reasons?  
6 A. Yes.  
7 Q. Did you, Seeley, and Patton recognize together  
8 that Price posed a potential danger to the people in the  
9 E-Unit?  
10 A. I can't speak for them. I recognized that  
11 something could happen.  
12 Q. In particular, with regard to Price?  
13 A. Yes.  
14 Q. Did you, in essence, warn Dr. Davis about Price?  
15 A. Yes.  
16 Q. Did you make it clear to Dr. Davis that you felt  
17 that Price, for the safety and security of everybody on  
18 the E-Unit including other offenders, should be moved out  
19 of the E-Unit?  
20 A. Yes.  
21 Q. Did you tell him what you had seen and observed  
22 over the course of your time with Price to lead you to  
23 that conclusion?  
24 A. Yes.  
25 Q. Do you fault Dr. Davis for not moving him out

Page 237

1 of the unit?  
2 MS. SEVERSON: Object to the form of the  
3 question.  
4 But you may answer.  
5 Q. BY MR. BUDGE: Personal opinion.  
6 A. Personal opinion?  
7 Q. Yes.  
8 A. Yes, I do.  
9 MS. SEVERSON: Mr. Budge, it's been just short  
10 of two hours. It's 4:22. We last broke about 2:30.  
11 MR. BUDGE: You want another break?  
12 MS. SEVERSON: Yeah, if you're going to go more  
13 than another half hour, I would say yeah.  
14 MR. BUDGE: I won't be more than another half  
15 hour, but if you want to take a break, that's fine.  
16 MS. SEVERSON: I'll leave it up to the witness  
17 since he's the one who's under oath.  
18 THE WITNESS: If we can just take a short one  
19 just so I can use the restroom?  
20 MS. SEVERSON: Oh, yeah.  
21 MR. BUDGE: Sure.  
22 (Short recess.)  
23 Q. BY MR. BUDGE: Officer Talbot, are you ready to  
24 keep going?  
25 A. Yes.

Page 238

1 Q. Do you have reason to believe that Dr. Davis  
2 documented your visits to him and your warnings to him  
3 about Price?  
4 A. I don't believe he did, but I wanted him off the  
5 unit so bad. Like I said, I'm not going to speak for  
6 anybody else, but if they would have -- if I would have  
7 heard him say that he was going to -- he was going to kill  
8 somebody, that would have been my golden ticket. It  
9 wouldn't have mattered what Davis did because I would have  
10 gone so far over his head he would have gotten athlete's  
11 scalp. That would have been the golden ticket. We -- we  
12 begged Dr. Davis to take him off the unit, or at least I  
13 did. I shouldn't say we. I did.  
14 Q. You begged Dr. Davis to take Price off the unit?  
15 A. Yes.  
16 Q. And you begged Dr. Davis to take Price off the  
17 unit because you were concerned that Price was a ticking  
18 time bomb?  
19 A. I was concerned he was dangerous, yes.  
20 Q. And you were concerned that he was dangerous to  
21 other offenders as well as staff?  
22 A. As well as staff, yes.  
23 Q. And you clearly communicated that to Dr. Davis?  
24 A. Yes. There's no other way he could have taken  
25 it.

Page 239

1 Q. And you clearly communicated that to Dr. Davis,  
2 you would say, two months before --  
3 A. And I would say several times as well.  
4 MS. SEVERSON: You have to let him finish his  
5 question.  
6 THE WITNESS: Oh, I thought he was done.  
7 Q. BY MR. BUDGE: I appreciate what you're telling  
8 me.  
9 So we have a clear record, you begged Dr. Davis  
10 to have Price removed from the E-Unit; right?  
11 A. Yes.  
12 Q. You did that several times?  
13 A. Yes.  
14 Q. By visiting Dr. Davis in person?  
15 A. Yes.  
16 Q. And telling him on each of those occasions that  
17 you wanted Price off the unit because you were concerned  
18 that Price might hurt or attack somebody on the unit?  
19 A. Yes.  
20 Q. And that could include offenders as well as  
21 staff?  
22 A. Yes.  
23 Q. And what is your best estimate of the total  
24 number of times you went to Dr. Davis and begged him to  
25 move Price from the unit?

Page 240

1 A. Me, personally, I would say at least three  
2 times, three separate occasions.  
3 Q. And roughly when were those occasions, to the  
4 best of your recollection, in relation to the assault on  
5 May 9th?  
6 A. I want to say probably about maybe three months  
7 prior, two to three months prior to the -- to the murder.  
8 Q. All three occasions two to three months prior?  
9 A. Yes. I mean, not all at once but spread out.  
10 Q. And on each of those occasions when you went to  
11 Dr. Davis and begged him to remove Price from the unit,  
12 did you clearly and unambiguously tell Dr. Davis that you  
13 believed that Price posed a physical threat to the  
14 offenders and the staff on the unit?  
15 A. Yes.  
16 Q. And you have reason to believe that other  
17 corrections officers with whom you worked made the same  
18 types of visits to Dr. Davis where they also begged Price  
19 to be removed from the unit?  
20 A. That is my assumption, yes.  
21 Q. And is that assumption based on what they have  
22 told you?  
23 A. Patton told me directly that he talked to  
24 Dr. Davis. Seeley, I'm pretty sure talked to Dr. Davis,  
25 but I don't want to -- I don't want to speak out of turn

Page 241

1 for him.  
2 Q. When you would go to Dr. Davis and you would beg  
3 him to remove Price from the unit because of the reasons  
4 that you just described, what would Dr. Davis say to you  
5 in response?  
6 A. To me, he said that I don't know his psychosis.  
7 I don't know his -- you know, the stuff he's gone through,  
8 what's wrong with him, that type of thing, and then I  
9 would try and explain to him, you know, what I say, and,  
10 you know, he's a doctor and I'm a knuckle-dragging guard;  
11 so...  
12 Q. Did you feel that Dr. Davis was being dismissive  
13 towards your concerns?  
14 A. Yes.  
15 Q. Did you come out of those meetings with the  
16 feeling that what you said to Dr. Davis didn't matter  
17 because Dr. Davis had it in his mind that he wasn't going  
18 to move Price for some reason?  
19 A. Yes.  
20 Q. Did you feel that Dr. Davis was talking down to  
21 you?  
22 A. Yes.  
23 Q. Looking back on this assault, were you left with  
24 the personal opinion that Price seriously assaulting some  
25 offender on the unit was almost inevitable that it was

<p>Page 242</p> <p>1 going to happen some day?</p> <p>2 MS. SEVERSON: Object to the form of the</p> <p>3 question.</p> <p>4 But you may answer.</p> <p>5 THE WITNESS: I really felt that at some point</p> <p>6 somebody was going to get hurt.</p> <p>7 Q. BY MR. BUDGE: By Price?</p> <p>8 A. By Price.</p> <p>9 Q. What did Dr. Davis do in terms of communicating</p> <p>10 any information to you that he had about Price? Because I</p> <p>11 will represent to you that Dr. Davis and Mental Health</p> <p>12 Counselor Deal were also evaluating Price and had</p> <p>13 information about things that Price was saying. Did they</p> <p>14 ever communicate any of that information to you?</p> <p>15 A. No.</p> <p>16 Q. If they had information about Price and things</p> <p>17 that he had been saying about being directed to kill,</p> <p>18 being trained as an assassin, things of that nature, would</p> <p>19 you have felt it critical to your duties as a corrections</p> <p>20 officer to know that information?</p> <p>21 A. Yes, I would have.</p> <p>22 Q. And armed with that information, what would you</p> <p>23 have done?</p> <p>24 A. I would have gone over his head so fast it would</p> <p>25 make his head spin.</p>	<p>Page 244</p> <p>1 A. It's not just -- it's not just Benjamin Price.</p> <p>2 She also left because of him. So for me to say anything</p> <p>3 to him, to that man, about anything that a good counselor</p> <p>4 has said to me isn't going to carry any weight.</p> <p>5 Q. Okay. Did you tell Dr. Davis that the other</p> <p>6 corrections officers on the unit felt the same way that</p> <p>7 you did?</p> <p>8 A. I'm sure I did, but I don't want to say for</p> <p>9 sure. I don't want to put words in anybody's mouth; so...</p> <p>10 Q. But with that regard to what they have might</p> <p>11 have reported, did you make it clear to Dr. Davis that you</p> <p>12 were not alone in your feelings about Price posing a</p> <p>13 danger to other offenders on the unit?</p> <p>14 A. Oh, absolutely.</p> <p>15 Q. And you told him that other corrections officers</p> <p>16 working on the unit felt the same way as you did from</p> <p>17 their observations?</p> <p>18 A. Yes.</p> <p>19 Q. Did you ever go to Mental Health Counselor Deal</p> <p>20 with similar information?</p> <p>21 A. Yes.</p> <p>22 Q. What did you tell Counselor Deal about Price?</p> <p>23 A. Counselor Deal, we had talked several times</p> <p>24 about his mannerisms, his yelling, and kicking the door</p> <p>25 inside his cell, and what I got out of that was "Well,</p>
<p>Page 243</p> <p>1 Q. To whom would you have gone?</p> <p>2 A. We've got a CPM that listens.</p> <p>3 Q. CPM?</p> <p>4 A. Correctional Program -- so many acronyms --</p> <p>5 Manager. You know, we've got a lot of people that are</p> <p>6 actually above -- well, not a lot. We've got a handful of</p> <p>7 people that are above Dr. Davis, and if -- and if I have</p> <p>8 to go to -- had to go to Olympia, I would go to Olympia.</p> <p>9 I have no qualms with that either.</p> <p>10 Q. What was it about Price that made you go to</p> <p>11 Dr. Davis and beg that he be removed from the unit?</p> <p>12 A. When he started glaring -- I know what pre-sign</p> <p>13 indicators are when he would get really upset. He'd</p> <p>14 glare, clench the fists, his jaw would lock. That, to me,</p> <p>15 was enough to get him -- to have him moved because he --</p> <p>16 it wasn't just like it happened once in a while. It</p> <p>17 happened more than once in a while, and that's -- and to</p> <p>18 me, that's an issue.</p> <p>19 Q. Did you feel that Price's mannerisms and</p> <p>20 physical behavior were consistent with what you've been</p> <p>21 trained as a corrections officer to recognize somebody who</p> <p>22 is forming the intent to assault somebody?</p> <p>23 A. Yes.</p> <p>24 Q. Did you tell Dr. Davis about what you knew about</p> <p>25 Gazelle Williams's feelings?</p>	<p>Page 245</p> <p>1 we'll make a Behavior Management Plan," and that's about</p> <p>2 the most I got out of Counselor Deal.</p> <p>3 Q. Did you ask Counselor Deal to take steps to try</p> <p>4 to get Price removed from the E-Unit?</p> <p>5 A. We asked him, but he was relatively new, I mean,</p> <p>6 not super new but relatively new, and I felt the best way</p> <p>7 to get Price off the unit would be to go to Dr. Davis.</p> <p>8 Q. Had you ever gone to Dr. Davis with concerns</p> <p>9 that were similar in nature about other offenders such</p> <p>10 that Dr. Davis might just say "Well, Talbot's just crying</p> <p>11 wolf"?</p> <p>12 A. Matter of fact, just recently.</p> <p>13 Q. Okay. But do you think Dr. Davis could have</p> <p>14 thought that you were just crying wolf, or do you think</p> <p>15 you made it abundantly clear to him that your concerns</p> <p>16 about Price were very real?</p> <p>17 A. I made it abundantly clear, and the case I'm</p> <p>18 thinking of is fresh, and, I'll be honest with you, he's</p> <p>19 not listening to me, and I really don't want to wind up</p> <p>20 sitting here again.</p> <p>21 Q. Did you go to anybody else other than Dr. Davis</p> <p>22 about Price?</p> <p>23 A. About Price?</p> <p>24 Q. Yeah.</p> <p>25 A. I went to the unit sergeant and the CUS, but the</p>



Page 246

1 CUS no longer manages mental health. They manage the  
2 officers, the sergeant, the classification counselor. The  
3 doctor runs the show now as far as mental health goes.  
4 **Q. Was it Unit Sergeant Granger?**  
5 A. It was Sergeant Granger as well as, I believe,  
6 Sergeant Wiznoictz.  
7 **Q. Did you go to Sergeant Granger and Wiznoictz and**  
8 **tell them that you thought Price should be removed from**  
9 **the E-Unit?**  
10 A. Yes. Sergeant Granger, for sure. Wiznoictz,  
11 I'm not sure about because I'm really -- it's just -- it's  
12 a blur. It's a -- Granger went out for a while, Wiznoictz  
13 came in, Granger came back.  
14 **Q. Did you tell Sergeant Granger you thought that**  
15 **Price was a clear and present danger to the other**  
16 **offenders on the unit?**  
17 A. I did.  
18 **Q. Prior to the assault?**  
19 A. Yes.  
20 **Q. Approximately how many times?**  
21 A. A handful, and he also went to, I believe -- I  
22 don't want to put words in his mouth either, but I believe  
23 he also went to Dr. Davis.  
24 **Q. Do you believe that your reports to**  
25 **Sergeant Granger about Price that you said occurred on**

Page 247

1 **several occasions were in the months leading up to the**  
2 **assault?**  
3 A. I'm sorry?  
4 **Q. Your reports to Sergeant Granger about Price,**  
5 **did they occur in the months leading up to the assault?**  
6 **Let's say, in the spring of 2015?**  
7 A. Yes, it was -- it was preceding the assault.  
8 **Q. But relatively near the assault? That is,**  
9 **within the few months leading up to the assault?**  
10 A. Correct.  
11 **Q. And did you tell Sergeant Granger all of the**  
12 **same things that you told to Dr. Davis?**  
13 A. Yes.  
14 **Q. Did you tell Dr. Davis that you thought Price**  
15 **was a clear and present danger to the offenders and staff**  
16 **on the unit?**  
17 A. Yes.  
18 **Q. Did you believe as of May 9th, 2015, prior to**  
19 **the assault, that Price was a clear and present danger to**  
20 **the other offenders on the unit?**  
21 A. I believed he was a danger, yes.  
22 **Q. Did you believe he was a clear and present**  
23 **danger?**  
24 A. It just depends on the definition of clear and  
25 present. Like I said --

Page 248

1 **Q. Well, let me define it for you. That he posed a**  
2 **substantial risk of serious harm to somebody on the unit.**  
3 A. I believe he did.  
4 **Q. And you believe that as of May 9th, 2015, prior**  
5 **to the assault?**  
6 A. That's why we were trying to get rid of him.  
7 **Q. So is the answer yes?**  
8 A. Yes.  
9 **Q. I think we spoke over each other --**  
10 A. I'm sorry.  
11 Yes.  
12 Oh, I'm sorry.  
13 **Q. Is the answer that you believed, prior to the**  
14 **assault as of May 9th 2015, that Price posed an imminent**  
15 **danger of serious harm to offenders and staff on the unit?**  
16 A. Yes.  
17 **Q. Are there any documents that you reviewed in**  
18 **preparation for your deposition that we have not gone over**  
19 **today other than anything that your counsel might have**  
20 **prepared for you?**  
21 A. No.  
22 **Q. Can you think of anything else that is important**  
23 **with regard to the knowledge that you had or the knowledge**  
24 **that you believe other staff had with regard to Price's**  
25 **state of mind or the danger that he posed as of May 9th,**

Page 249

1 **2015, that we haven't already covered?**  
2 A. I don't know if it's relevant, but the shift  
3 lieutenant. A lot of stuff left a -- a bad taste in my  
4 mouth. And one of them was the crime scene being cleaned  
5 up -- or ordering me to have the crime scene cleaned up,  
6 and just how it just seemed kind of -- I don't know --  
7 kind of botched, and then when we said something about it  
8 to our investigative team, it fell on -- it apparently  
9 fell on deaf ears, which is, I think, pretty -- pretty  
10 crappy; so...  
11 **Q. And this has to do with the cleaning up of the**  
12 **blood before the investigating officers arrived?**  
13 A. Yes.  
14 **Q. Anything else?**  
15 A. I think that's probably all I can think of right  
16 now, yeah.  
17 **Q. Okay. After this event occurred, the assault,**  
18 **did you ever say anything to Seeley to the effect of "I**  
19 **knew this was going to happen"?**  
20 A. I'm trying to -- I mean, that whole thing is a  
21 blur. I know that we talked about it as a group: me,  
22 Seeley, Hall, Johnson. Hall and Johnson were relatively  
23 new -- and newer than even Seeley was to the unit. And  
24 one of us, I'm not sure which one of us said it, but I  
25 believe one of us did say, you know, something like this



<p>Page 250</p> <p>1 could happen.</p> <p>2 <b>Q. Something like "I knew this was going to happen"</b></p> <p>3 <b>or "We knew this was going to happen"?</b></p> <p>4 A. Like -- yeah, like one of us saw it coming sort</p> <p>5 of thing.</p> <p>6 <b>Q. And do you agree that you saw it coming?</b></p> <p>7 MS. SEVERSON: Object to the form of the</p> <p>8 question.</p> <p>9 THE WITNESS: I -- it -- it -- it's hard to</p> <p>10 explain, because I want to give an accurate answer. As I</p> <p>11 said, these guys are all dangerous. Did I think that</p> <p>12 Price given the mannerisms he was doing? I probably was</p> <p>13 one of the ones that thought that I saw something coming.</p> <p>14 MR. BUDGE: All right. Well, that's all I have.</p> <p>15 Thank you.</p> <p>16 MS. SEVERSON: I just have a few follow-up</p> <p>17 questions. I'm going to follow up on your last answer.</p> <p>18</p> <p>19 EXAMINATION (CONTINUED)</p> <p>20 BY MS. SEVERSON:</p> <p>21 <b>Q. Did you believe, prior to May 9th, 2015, when</b></p> <p>22 <b>Price assaulted Powell, that Offender Price was going to</b></p> <p>23 <b>assault Offender Powell?</b></p> <p>24 A. Not -- not directly Offender Powell, no.</p> <p>25 <b>Q. I'm going to ask you a few questions about your</b></p>	<p>Page 252</p> <p>1 MR. BUDGE: Thank you.</p> <p>2 (The deposition concluded at</p> <p>3 4:55 P.M.)</p> <p>4 (Signature was reserved.)</p> <p>5 --o0o--</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 251</p> <p>1 book.</p> <p>2 A. Okay.</p> <p>3 <b>Q. Did you write -- and that's Exhibit 1 in front</b></p> <p>4 <b>of you. Did you write the preface that's on Page 3?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. And did you write "This is a sixteen-year</b></p> <p>7 <b>picture of what prison is and what it has done to me</b></p> <p>8 <b>personally"?</b></p> <p>9 A. Yes.</p> <p>10 <b>Q. And you have given pretty extensive testimony</b></p> <p>11 <b>regarding portions of the book. Do you have an estimate</b></p> <p>12 <b>as to how much of this book was written regarding that</b></p> <p>13 <b>16-year time frame?</b></p> <p>14 A. The majority -- the majority of this book was</p> <p>15 written in the beginning of my career because I never</p> <p>16 meant for this to be one book. I wanted this to be a</p> <p>17 series. When I did my -- my radio show, I stressed a lot</p> <p>18 that this was who I was, not who I am.</p> <p>19 <b>Q. Have you received money from sales of the book?</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. And at least in part, any reason for publishing</b></p> <p>22 <b>this book to obtain money from this book?</b></p> <p>23 A. Correct.</p> <p>24 MS. SEVERSON: Okay. I don't have anything</p> <p>25 else.</p>	<p>Page 253</p> <p>A F F I D A V I T</p> <p>STATE OF WASHINGTON )</p> <p>) Ss.</p> <p>COUNTY OF KING )</p> <p>I, TOM TALBOT, hereby declare under penalty</p> <p>of perjury that I have read the foregoing deposition and</p> <p>that the testimony contained herein is a true and correct</p> <p>transcript of my testimony, noting the corrections</p> <p>attached.</p> <p>_____</p> <p>TOM TALBOT</p> <p>Date: _____</p>

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