

Case #	ORANGE COUNTY SHERIFF'S DEPARTMENT	POBOR DEADLINE
14-118		6/11/2015

PERSONNEL INVESTIGATION TRACKING CHECKLIST

The investigation for the above-referenced case is now complete and ready for assessment.

Distributed by PSD to CJX 12/11/2014
Division DATE

Within your Division, please assess the file from the perspective of individual accountability as well as training, policy, and systems issues.

- * PSD supervisors have reviewed the case. You should consider them a potential resource for a variety of questions and concerns as you proceed.
- * The Office of Independent Review (OIR) has also reviewed the case. Consultation with OIR should be part of the deliberative process.

DIVISION TRACKING

Initial Review by: _____
LIEUTENANT OR MANAGER DATE

Consultation with OIR: STEVE CONNOLLY 12/11/14
NAME DATE

DIVISION REVIEW

Division Review by: Captain Chris Wilson 12/11/14
DIVISION COMMANDER DATE

☐ Disposition within Division Authority (Written Reprimand - 24 Hours)
or

☒ Recommended discipline exceeds Division Authority; Referred to: CMOR. T. BLAND
COMMAND

EXECUTIVE COMMAND REVIEW (If applicable)

Executive Command Review by: Tom Bland 12/18/14
Date:

PROCESSING

Returned to PSD for processing: _____
Date

Employee Notification: _____
Date

Notes

CASE MANAGEMENT NOTES

CASE #

14-118

DATE	TIME	INVESTIGATION
10/10/14	1242	LOG
9-26	1200-1600	REVIEWED CASS IA FILE FOR REFERENCES TO GALLIVAN AND [REDACTED]. FOUND REPORT BY DEPUTY FEELY WHICH TALKS ABOUT THIS AND LOCATED CORRESPONDING CD OF TELEPHONE CALL
9-30	1430	SPOKE TO DDA ALTA BRYANT. SENT ME DISCOVERY LETTER FROM GALLIVAN'S LAWYER, STATING HE MAY HAVE BE GIVEN [REDACTED] CHEWING TOBACCO.
10-1		ORDERED TRANSCRIPTS OF GALLIVAN'S COURT TESTIMONY
10-2		RECEIVED TRANSCRIPTS
10-6	1430	INT OF [REDACTED] RECORDED
10-8	0900-1100	SUMMARY BROUGHT TO DATE
10-14	1300	SPOKE TO DAVID GOLDWASSER. APPT.
	TUESDAY	10-21-14 / 1530 HOURS TO INTERVIEW GALLIVAN.
10-21		INT OF GALLIVAN RECORDED
11-4		SPOKE TO [REDACTED]. APPT TO INT ON 11-5-14 / 0730 HAS REP. GALLIVAN'S STATEMENT
11-5	0730	INT [REDACTED] RECORDED
12-3		SUBMITTED

12/4

FILE REVIEW/LT WORK



Case Report by Principal - THOMAS H. GALLIVAN

Print Date: 10/3/2014

<u>Case Number</u>	<u>Incident Date</u>	<u>Issue Date</u>	<u>Complete Date</u>	<u>Complaint Description</u>	<u>Disposition</u>
14-118 A		10/03/2014			Pending

Total Cases per Principal:





SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #14-118 (Gallivan)

MIRANDA WARNING / LYBARGER ADMONISHMENT

Due to the nature of this administrative investigation, Government Code Section 3303(h) requires me to advise you of your rights. Therefore it is important that you understand that criminally:

- You have the right to remain silent. (Do you understand?)
- Anything you say may be used against you in court. (Do you understand?)
- You have the right to an attorney before and during any questioning. (Do you understand?)
- If you cannot afford an attorney, one will be appointed for you before questioning. (Do you understand?)

MIRANDA WAIVER

Waiver: With these rights in mind, would you like to speak to me? YES

NO

I have read and acknowledge the above admonition and fully understand my Constitutional/Miranda Rights.

Employee Initials (THG)

LYBARGER WARNING

Thomas Gallivan, because you have chosen to invoke your rights under Miranda, and according to the Lybarger v- Los Angeles decision, I must advise you that the interview at this point will be administrative, and no part of this interview or information that is derived from this interview may be used in a criminal investigation. However, at the same time, since this is administrative, I must remind you that you must answer the questions and, should you refuse to answer any of the questions, that at some future date you may be charged with insubordination.

I have read and acknowledged the above Lybarger warning. I fully understand I am being compelled to answer any and all questions. Any refusal to do so will be considered insubordination, resulting in discipline up to and including termination.

Employee Initials (THG)

THG
Employee Name

10-21-14
Date

T. P.
Sergeant/Investigator

10-21-14
Date

320 N. FLOWER STREET, SANTA ANA, CA 92703 (714) 834-5100

*Integrity without compromise. Service above self. Professionalism in the performance of duty.
Vigilance in safeguarding our community*



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #14-118 (Gallivan)

CONFIDENTIALITY DIRECTIVE

Thomas Gallivan, you are hereby ordered not to discuss this case (or any case in which you are a witness or a principal), using any form of communication, with anyone other than your employee representative, Internal Affairs Sergeants or specific parties that may be designated by Internal Affairs.

For the purpose of this directive, the Internal Affairs Sergeant presenting this directive is your superior officer. Any violation of this directive may be considered a violation of Orange County Sheriff-Coroner Department Policy 1018.4 and subject you to possible discipline, up to and including dismissal.

OCSD Policy 1018.4 Insubordination

Members shall not be insubordinate. Intentional failure or refusal by any member of the department to obey a lawful order given by a superior officer shall be insubordination.

I have read and acknowledged the above admonition. I fully understand that I am required to make full, complete and truthful statements. Any refusal to do so will be considered insubordination, resulting in discipline up to and including termination.

Employee Signature

10-21-14

Date

Sergeant Signature

10-21-14

Date

320 N. FLOWER STREET, SANTA ANA, CA 92703 (714) 834-5100

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**SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA**

**SANDRA HUTCHENS
SHERIFF-CORONER**

P.I. #14-118 (Gallivan)

PUBLIC SAFETY OFFICER PROCEDURAL BILL OF RIGHTS (POBOR)

You are being advised that your rights are fully outlined in the Public Safety Officers Procedural Bill of Rights Act, Government Code 3300-3311. Your rights include:

- 3303(b) You have the right to know who will be conducting the interview**
- 3303(c) You have the right to know the nature of the investigation prior to the interview**
- 3303(i) You have the right to have a representative of your choice present during the interview**
- 3303(g) You have the right to record this interview with your own recorder**
- 3303(g) Should it become necessary to interview you a second time reference this investigation, a copy of this interview will be made available to you prior to the second interview.**

I have read and acknowledged the above advisement. I fully understand the above listed rights will be afforded me during this interview.


Employee Signature

10-21-14
Date


Sergeant Signature

10-21-14
Date

320 N. FLOWER STREET, SANTA ANA, CA 92703 (714) 834-5100

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**SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA**

**SANDRA HUTCHENS
SHERIFF-CORONER**

P.I. #14-118 (Karr)

CONFIDENTIALITY DIRECTIVE

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I have read and acknowledged the above admonition. I fully understand that I am required to make full, complete and truthful statements. Any refusal to do so will be considered insubordination, resulting in discipline up to and including termination.

████████████████████

Employee Signature

11-5-14
Date

T. n
Sergeant Signature

11-5-14
Date

**Internal Investigation
Administrative Worksheet**

PI# 14-118

Principal(s): Deputy Thomas Gallivan

Complainant(s): Administration

Facility/Location: Central Jail Complex

Disposition:

1. OCSD Policy Section 1018.6 Obedience to Laws and Regulations

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

2. OCSD Policy Section 1018.27 Untruthfulness

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

3. OCSD Policy Section 1018.43 Fraternization

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☐ Sustained

4. OCSD Policy Section Canon Two/ Ethical Standard 2.2

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

☐ Administrative Leave

Discipline: ☐ Written Reprimand ☒ Suspension (# of hours 24)

☐ Demotion (to rank of _____)

☐ Dismissal

Comments / Other: _____

Administrative Disposition by: T. Gallivan

Date: 12/24/14

Administrative Appeal Hearing

Date: _____ **Time:** _____

In Attendance: _____

Comments: _____

Disposition: _____

Disposition by: _____ **Date:** _____

SHERIFF'S DEPARTMENT, ORANGE COUNTY
Santa Ana, California

TO: The Personnel File of THOMAS H. GALLIVAN

DATE: 2/25/2015

FROM: Captain Wayne Byerley, Professional Standards

INTRA-DEPARTMENT MEMO

RE: PI#14-118A

=====

Sustained: 12/24/2014

Reviewed by Commander Bland

If you have any questions regarding this investigation, please
contact Sergeant Rich Koenig in Professional Standards at
(714) 834-5569.

WB:ch

Sir,

In reference to PI#14-118. The last sentence of page 1 read, "It was only when you heard rumors of your integrity being in question that you remembered there was a possibility." This statement is untrue and paints a picture of me deliberately withholding information.

Initially I received a subpoena listing me as a witness in the [REDACTED] case. It was hard for me to accept the whole situation as I at one point considered [REDACTED] a friend. I attempted to contact the District Attorney to see what my scope of the case entailed. She did not get back to me and it was not until days before the case started that the DA Investigator got a hold of me. The DA investigator told me to review my report in reference to the contraband I found inside inmate [REDACTED] cell. I advised him this incident occurred about 3 years ago and I remember finding the marijuana, cell phone, extension cord, and earpiece but I don't remember writing a report. Eventually the first day of court came and I was called. Prior to going in the courtroom to testify I was told by the DA investigator I would be on the stand for a brief period to testifying to what I found in inmate [REDACTED] cell. I was questioned for hours by the DA prior to being cross examined by Mr. Rosenbloom. Mr. Rosenbloom is very good at what he does and had me second guessing everything I said. When the accusations of me directing inmate [REDACTED] to "Shank Mexicans" came about I was caught off guard. The accusations were made 3 years prior and this was the first I ever heard of them. I knew I have never said anything like that to any inmate but having a jury box full of people look at you with shame and seeing Moxely grinning in the back of the courtroom was a little overwhelming. I didn't want to stop and request representation because I felt I had nothing to hide and didn't want anyone to think I did. The questions following this line of questioning in reference to the chewing tobacco was answered quickly and without much thought. I in no way was attempting to hide anything. There were a bunch of different things running through my head at this point. I was starting to think the reason why the District Attorney never got back to me and didn't advise me what I was going to be testifying to was because she did not want me to bring AOCDS representation. I felt she knew there would be some type of accusations brought forward by the Defense based on her line of questioning prior to resting.

After I went home I started to think about everything that just happened. I started to think about the allegations of giving inmate [REDACTED] a pinch of chewing Tabaco. I couldn't specifically remember giving [REDACTED] chewing tobacco but knew it was something I have done in the past while questioning an inmate about a variety of things such as gang involvement, drugs, locations of contraband, etc. I thought about just keeping my mouth shut and not saying anything but I did not want my integrity to ever be called into question. Prior to the end of the case, Knowing full well that I was probably going to be called back on the stand and made to look horrible by the defense, I contacted the investigator on the case and advised him there was a possibility that I gave inmate [REDACTED] a pinch of chewing tobacco sometime in the last four years. I was told not to worry about it and move on with my life.

After the first case ended with a hung jury I assumed they would have a second case. I heard the OCSD Investigator was interviewing people again reference the case. During one of the interviews the investigator allegedly told a Deputy that I was facing possible Brady issues but I would be alright. This frustrated me because it was the situation I was trying to avoid when I contacted him during the first case. I contacted an AOCDS representative and told her what was being said and that I already tried to correct my mistake during the first case. My representative wanted to error on the side of caution and

sent an email to the District Attorney advising her that there was a possibility I at some point gave [REDACTED] a pinch of chewing tobacco. The second case never came to fruition.

I realize I made a mistake and am very disappointed in myself because I am an honest person and this situation makes me look dishonest. I have worked hard to earn a good reputation within the Sheriff's Department and my word means a lot to me. I accept my 24 hour suspension because I did make a mistake and I know there should be consequences. The only reason I am writing to you is to refute the line "It was only when you heard rumors of your integrity being in question that you remembered there was a possibility," and ask that it be removed from the synopsis of the complaint as it is untrue.

Thank you for your time,

Respectfully Submitted,

Deputy Thomas Gallivan



ORANGE COUNTY SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
714-647-7000
WWW.OCS.D.ORG

SHERIFF-CORONER
SANDRA HUTCHENS

NOTICE OF SUSPENSION PI# 14-118

Thomas Gallivan

You are hereby notified that the Orange County Sheriff-Coroner Department ("OCSD") is suspending you without pay from your position of Deputy Sheriff, for a period of twenty-four (24) working hours. Pursuant to Article IX, Section 3, of the County of Orange Memorandum of Understanding for the Peace Officer Unit, and the Orange County Sheriff's Department Policy Manual 340.2 (a) 2, you are being suspended for violating the following:

Canon Two

Peace officers shall be aware of and shall use proper and ethical procedures in discharging their official duties and responsibilities.


Ethical Standards

Standard 2.2- Peace officers shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.

In the letter entitled "Notice of Pending Suspension" that you were provided, the specifics of the above listed violations were noted. In addition, you were provided your right to request a Due Process Review (Skelly Meeting) of this matter, which you did not exercise.


This incident may serve as basis for a substandard evaluation, and/or denial of promotion and/or transfer. Also, be advised that any future sustained incident of a similar nature may result in a substandard performance evaluation, more severe discipline being imposed upon you, up to and including termination, and/or the denial of promotion and/or transfer.

You have the right to appeal, pursuant to Article IX, Section 3C and Article X, Sections 7 and 8 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriff's for the Peace Officer and Supervising Peace Officer Unit.



Bob Peterson, Captain
North Operations

2/17/15
Date



Thomas Gallivan, Deputy Sheriff
North Operations

2/17/15
Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

PROFESSIONAL STANDARDS DIVISION NOTICE OF SUSPENSION

Confidential

To: Assistant Sheriff Lee Trujillo
Assistant Sheriff Linda Solorza

From: Sergeant Nathan Wilson

Date: February 24, 2015

P.I. File #: 14-118

Please be advised that Deputy Thomas Gallivan [REDACTED] will be suspended from duty without pay for a total of twenty four (24) working hours for disciplinary reasons. The suspension is scheduled to be served as follows:

- | | | |
|--------------|-------------------|----------------------|
| 1. Wednesday | February 25, 2015 | 10 hours (1000-2030) |
| 2. Wednesday | March 4, 2015 | 10 hours (1000-2030) |
| 3. Friday | March 6, 2015 | 4 hours (1200-1600) |

cc: Commander Tim Moy
Commander Adam Powell
Captain Bob Peterson
Captain Wayne Byerley
Lieutenant Jason Danks
Lieutenant Robert Gunzel
Employee Relations Manager – Robin Scruggs
Position Control – Christina Chavez
Transaction Team– Sophia Maciel
Sheriff's Payroll- Doris De La Cruz



ORANGE COUNTY SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92701
714-647-7000
WWW.OCS.D.ORG

SHERIFF-CORONER
SANDRA HUTCHENS

NOTICE OF PENDING SUSPENSION PI# 14-118

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Ethical Standards

Standard 2.2 Peace officers shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.

On October 3, 2014 at the direction of Commander Adam Powell, Internal Affairs initiated a personnel investigation into your on duty actions.

On June 5 and 6th of 2014 you testified under oath in a court of law about your interactions with then inmate [REDACTED]. Several times during your cross examination the defense attorney asked if you have ever given [REDACTED] chewing tobacco or if that was even a possibility. You repeatedly answered no you did not give him chewing tobacco and it was not a possibility.

On October 21, 2014 you were interviewed by Internal Affairs. You were asked about your testimony regarding [REDACTED] and giving him chewing tobacco. You acknowledged in your interview that during your testimony you denied giving [REDACTED] chewing tobacco and even testified that it was not a possibility. You stated not long after your sworn testimony you remembered that you did give inmates chewing tobacco a "handful of times" and inmate [REDACTED] may have been one of those inmates. Although you said you didn't specifically remember giving [REDACTED] chewing tobacco. It was only when you heard rumors of your integrity being in question that you remembered there was a possibility.

As a member of the Orange County Sheriff's Department, you have an unyielding responsibility to continually conduct yourself professionally and not bring public embarrassment or liability upon yourself, your Department, or its members. Although this was your first time testifying in court the manner in which you did so was below that which is expected of a deputy sheriff.

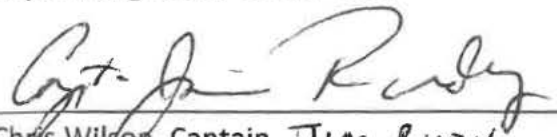
After consideration of all available information, the Department believes you violated the above listed OCSD Policy sections.

This incident may serve as basis for a substandard evaluation, and/or denial of promotion and/or transfer. Also, be advised that any future sustained incident of a similar nature may result in a substandard performance evaluation, more severe discipline being imposed upon you, up to and including termination, and/or the denial of promotion and/or transfer.

You are entitled to a due process review (Skelly Meeting) before discipline is imposed. You may respond in writing to Assistant Sheriff Don Barnes within ten (10) calendar days of receipt of this notice, or you may request a meeting. If you choose a meeting, you must notify Internal Affairs Sergeant Jarrett Kurimay or Sergeant Nate Wilson within ten (10) calendar days of receipt of this Notice and a meeting will be arranged for a later date.

If you do not provide a written response or request a meeting by 1700 hours on the tenth calendar day following your receipt of this Notice, it will be assumed you have waived your right to be heard. If you do respond, consideration will be given to your response prior to taking any proposed action on this proposal for suspension. You are entitled to represent yourself or may be represented by the Association of Orange County Deputy Sheriffs ("AOCDS") pursuant to the Memorandum of Understanding between the County of Orange and AOCDS in any pre-disciplinary meeting you may request.

If this proposed action becomes final, you have the right to appeal, pursuant to Article IX, Section 3C and Article X, Sections 7 and 8 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriff's for the Peace Officer and Supervising Peace Officer Unit.


Chris Wilson, Captain JIM RUOY
Central Men's Jail NORTH OPERATIONS

12-30-14
Date

THOMAS H. GALLIVAN
Thomas Gallivan, Deputy Sheriff

1-23-15
Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
714-647-7000
WWW.OCS.D.ORG

SHERIFF-CORONER
SANDRA HUTCHENS

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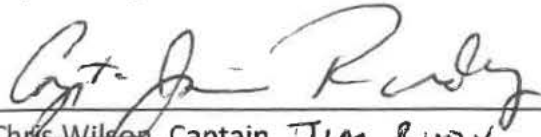
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If this proposed action becomes final, you have the right to appeal, pursuant to Article IX, Section 3C and Article X, Sections 7 and 8 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriff's for the Peace Officer and Supervising Peace Officer Unit.


Chris Wilson, Captain JIM RUDY
Central Men's Jail NORTH OPERATIONS

12-30-14
Date

THOMAS H. GALLIVAN
Thomas Gallivan, Deputy Sheriff

1-23-15
Date

Complainant: Administration

Case Name: 14-118

Date of Complaint: 10/3/2014

Division / Division Commander: Professional Standards / Captain Byerley

INITIAL ACTION

- ☐ **No Further Action**
- ☐ **Division Review**
- ☐ **Division Personnel Investigation**
- ☐ **Personnel Investigation**

☒ **Internal Criminal Investigation**

Internal Affairs:

Logged, P.I # and an Immediate Assessment by Internal Affairs:

I.A Sergeant Reviewed by: _____ Date: _____

Internal Criminal:

Sergeant: _____ Date: _____

Investigator: _____ Date: _____

- ☐ **Administrative Leave**



Assistant Sheriff / Commander



Date

Investigative Summary

**ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO**



TO: Lt. Mitch Wang *W*
FROM: Sgt. Tracy Morris
DATE: December 3, 2014
RE: PI 14-118

Complainant: Administration

Employee: Deputy Thomas Gallivan

Incident Location: Central Jail Complex

Incident Date: June 10 and 11th, 2014

Allegations: OCSD Policy Section 1018.6 Obedience to Laws and Regulations
OCSD Policy Section 1018.27 Untruthfulness
OCSD Policy Section 1018.43 Fraternization
OCSD Policy Section Canon Two/ Ethical Standard 2.2 Truthfully, completely and impartially report, testify and present evidence in all matters of an official nature

On October 3, 2014, at the direction of Commander Adam Powell, Internal Affairs initiated a personnel investigation into the on duty actions of Deputy Thomas Gallivan. On June 10th and 11th, 2014 Deputy Gallivan gave sworn testimony in the criminal prosecution of former Deputy [REDACTED]. [REDACTED] was on trial for giving and receiving favors to then, OCJ inmate, [REDACTED] and his legal runner, [REDACTED]. In the jury trial of [REDACTED] jail telephone calls between [REDACTED] and his [REDACTED] were entered into evidence. In one of those recorded phone calls [REDACTED] tells his [REDACTED] that Gallivan has given him chewing tobacco and authorized him to "shank Mexicans." Gallivan testified to this accusation during trial and denied giving [REDACTED] chewing tobacco or telling him it was alright to "shank Mexicans."

Initial Action



Conversation with DDA Aleta Bryant

On September 30, 2014 I spoke to DDA Aleta Bryant. Bryant was the Deputy District Attorney who prosecuted [REDACTED] criminal case. I discussed the focus of my investigation with Bryant and asked if she could provide me with the transcripts of Gallivan's testimony. She informed me she did not have transcripts of his testimony, but gave me a 1 page transcript of the recorded telephone call (attached). Bryant recalled that Gallivan's testimony was that he never gave inmate [REDACTED] chewing tobacco or ordered him to "shank Mexicans." Bryant explained to me that [REDACTED] was acquitted on most of the charges. However the jury was unable to reach a verdict on at least one of the charges and the District Attorney's Office wanted to retry [REDACTED] on that charge. Ultimately this motion was denied by the court and there will be no retrial.

Bryant informed me that when she was preparing for the motion for retrial she received a discovery email from attorney Jan Christie (attached). In this email Christie wrote that Gallivan had contacted her to say he thinks he gave inmate [REDACTED] some chewing tobacco and that he just remembered this. Christie wrote that Gallivan had previously denied ever doing favors for [REDACTED]

Investigative Note: The transcripts of Gallivan's court testimony were later obtained from the court reporters.

Review of Deputy Gallivan's Court Testimony Transcripts

On October 2nd and 3rd I reviewed the transcripts of Deputy Gallivan's testimony in the [REDACTED] case. Gallivan's testimony was over two days, June 10th and 11th, 2014. The following are the portions of the transcript that involves Gallivan's testimony about chewing tobacco and orders to "shank Mexicans"; all of which was on June 11, 2014:

Defense Attorney Rosenblum: So I am going to ask you some questions about these two people. Now, Deputy Gallivan, in terms of your relationship with [REDACTED] and [REDACTED]: did you ever give [REDACTED] chewing tobacco?

Deputy Gallivan: No

Defense Attorney Rosenblum: Are you sure?

Deputy Gallivan: Yes, sir.

Defense Attorney Rosenblum: Did you ever tell [REDACTED] or solicit him to stab Mexicans?

Deputy Gallivan: No.

Defense Attorney Rosenblum: Are you aware of the fact that [REDACTED] claimed that you told him to shank up the Mexicans; are you aware of that?

Deputy Gallivan: No, sir.



(This was on pages 20 and 21 of June 11th transcript) (Not long after this questioning the defense played the audio recording of the inmate telephone call between [REDACTED] The following is the questioning after the recording is played (pages 24 and 25):

Defense Attorney Rosenblum: Deputy Gallivan, now that you heard that, do you recognize the voice of [REDACTED]

Deputy Gallivan: Yes, sir.

Defense Attorney Rosenblum: Are you surprised that they told you that they said that you solicited [REDACTED] to commit murder on Mexicans?

Deputy Gallivan: Yes, sir, absolutely.

Defense Attorney Rosenblum: Did you ever say this to him?

Deputy Gallivan: No, sir.

Defense Attorney Rosenblum: Is this a complete fabrication?

Deputy Gallivan: Yes, sir.

Defense Attorney Rosenblum: So what he is telling his [REDACTED] even though it's not true?

Deputy Gallivan: Correct.

Defense Attorney Rosenblum: Even though it is on tape it is not true?

Deputy Gallivan: Yes, sir.

Defense Attorney Rosenblum: Now, are you saying it is not true to help Deputy [REDACTED] in some way?

Deputy Gallivan: No, sir.

Defense Attorney Rosenblum: Now, I am curious, did Investigator [REDACTED] ever talk to you about the accusation that you wanted [REDACTED] to kill Mexicans?

Deputy Gallivan: No, sir.

Defense Attorney Rosenblum: Do you dislike Mexicans?

Deputy Gallivan: No, sir.

Defense Attorney Rosenblum: Do you know of any reason why [REDACTED] would tell his [REDACTED] that you wanted him to stab and shank Mexicans; do you know any reason why he would do that?

Deputy Gallivan: No, sir.



Defense Attorney Rosenblum: Are you sure you never said that?

Deputy Gallivan: Positive.

Defense Attorney Rosenblum: Not even joking around?

Deputy Gallivan: No, sir.

Defense Attorney Rosenblum: So is it your testimony that what [REDACTED] was telling his [REDACTED] is a total and complete fabrication?

Deputy Gallivan: Yes, sir.

(Testimony continues, re-direct and re-cross. The next time the issue of chewing tobacco and shanking starts is at the bottom of page 65, ending at the bottom of page 67)

Defense Attorney Rosenblum: Now, I want to ask you specifically, just so there is no question, this tape which I played where it is attributed to you by [REDACTED] that you gave him chewing tobacco, that you were giving him favors, is there any way that that could possibly be true?

Deputy Gallivan: No.

DDA Bryant: Objection, beyond the scope.

The Court: It is.

Deputy Gallivan: No, sir.

Defense Attorney Rosenblum: You are sure you are not maybe forgetting you gave him chewing tobacco?

Deputy Gallivan: Yes, sir.

Defense Attorney Rosenblum: So even though he said you were giving him gifts, you say that never happened, he is lying?

Deputy Gallivan: Yes, sir.

Defense Attorney Rosenblum: What about this fact him telling his [REDACTED] that you were always telling him to shank up Mexicans, could you be forgetting that?

Deputy Gallivan: No, sir.

Defense Attorney Rosenblum: Are you absolutely sure?

Deputy Gallivan: Yes, sir.

Defense Attorney Rosenblum: That never happened?

Deputy Gallivan: Yes, sir.



Defense Attorney Rosenblum: So when he is telling his [REDACTED] not just once, that you are always telling him to kill Mexicans, is it possible maybe you are just forgetting it?

(Objection by DDA Bryant overruled by Judge)

Defense Attorney Rosenblum: Is it possible maybe you are just forgetting it?

Deputy Gallivan: No, sir.

Defense Attorney Rosenblum: In your opinion is that an absolute lie that he is telling his [REDACTED]

Deputy Gallivan: Absolutely, sir.

(A series of objections are made by DDA Bryant which are all sustained by the judge)

Defense Attorney Rosenblum: But you deny ever saying any of those things?

Deputy Gallivan: Yes, sir.

Interview of former Inmate [REDACTED] by Sergeants Morris and Asuncion

On October 6, 2014, around 1430 hours Sergeant Asuncion and I interviewed [REDACTED]. [REDACTED] is currently incarcerated at Folsom State Prison. The interview was recorded and the following is a summary of that interview:

I told [REDACTED] I was there to talk to him about some information that came to light during the [REDACTED] trial and that he did not have to talk to me if he didn't want to. He confirmed he was in custody at the Orange County Jail in 2011. He was in custody at the Orange County Jail for 8 years. During his stay in the Orange County Jail he made numerous inmate calls to his then [REDACTED]. He knew these calls were recorded.

[REDACTED] stated that Deputies [REDACTED] and Gallivan worked at the jail while he was incarcerated there. I specifically asked him about the call where he is heard telling [REDACTED] that Gallivan gives him chewing tobacco and ordered him to shank Mexicans. I offered to play him the recording and he did not want me to. He stated if it is on the recording, it's true.

[REDACTED] estimated that Gallivan gave him chewing tobacco between 5 to 10 times. He believed Gallivan did this because everyone loved him [REDACTED] and no other reason. He denied the chewing tobacco was given in exchange for information. I began to ask [REDACTED] about "shanking Mexicans" and he immediately became uncooperative. He stated we didn't help his [REDACTED] why would he help us. He talked about give and take and I made it clear I was not offering him or his [REDACTED] any deals.

[REDACTED] denied stabbing Mexicans while in custody at the Orange County Jail, nor was he ordered to do so. He said he was tired of Orange County and the [REDACTED] case and just wanted to be left alone.

The interview was ended at 1435 hours.



Interview of Deputy Thomas Gallivan by Sergeants Morris and Asuncion

On October 21, 2014, around 1535 hours Sergeant Virgil Asuncion and I interviewed Deputy Thomas Gallivan with his representative David Goldwasser present. The interview was recorded and the following is a summary of the interview:

Gallivan stated his full name and PID number. He understood he was a Principal in this matter. He signed the Advisement of the Public Safety Officer Procedural Bill of Rights and the Confidentiality Directive. Gallivan had no questions regarding these documents. He read the Miranda and Lybarger warnings. He understood each of his Miranda rights, would not waive his rights and as a result I compelled Gallivan to answer my questions.

Gallivan has worked for the Sheriff's Department for 13 years. He is familiar with the Department's policies and procedures, has signed onto Lexipol and accepted the policy manual.

Gallivan currently is assigned to North Patrol as a Deputy II. He has been assigned to North Patrol for the last 2 years. Gallivan, prior to patrol, was assigned to the Central Men's Jail. Gallivan worked at the Central Men's Jail as an Administrative Deputy and held that position for 3 years and left the jail for Patrol in 2012.

Gallivan told me while he was assigned to the Central Men's Jail he worked and associated with Deputy [REDACTED]. He characterized their relationship outside of work as acquaintances.

Gallivan recalled then Central Men's Jail inmate [REDACTED] and said he had several interactions with [REDACTED] during the course of his duties. He also remembered [REDACTED] legal runner/ [REDACTED]. He clarified that he had very few interactions with [REDACTED].

Gallivan confirmed he was interviewed by Investigator [REDACTED] reference misconduct between [REDACTED] and [REDACTED]. He believed [REDACTED] asked him about his (Gallivan's) interactions with [REDACTED] but nothing about chewing tobacco or "shanking Mexicans." Gallivan confirmed on June 10th and 11th 2014 he testified in the court trial of [REDACTED]. He remembered being questioned under oath by the defense counsel. I asked him if he remembered a particular line of questioning where he was asked about searching [REDACTED] file folder after he [REDACTED] left the attorney/ bonds area. He replied he did. Gallivan does not recall the specific date he searched [REDACTED] file folder only that it was before the search of [REDACTED] cell (12-31-11) where a telephone and drugs were found. Gallivan remembered [REDACTED] coming out of the Attorney/ Bond area and stopping him. Gallivan asked [REDACTED] if he had anything on him and when he said "no" Gallivan told him he was going to search him. This upset [REDACTED]. Gallivan described [REDACTED] either dumping out his file folder or throwing it on the ground. Gallivan searched or looked through the folder and did not find any contraband. [REDACTED] was sent back to his housing location without incident.

Gallivan recalled during his testimony the defense attorney played an audio recording of an inmate telephone call between [REDACTED]. He recalled this telephone call included a comment about him (Gallivan) giving [REDACTED] chewing tobacco and authorizing or soliciting [REDACTED] to "shank" Mexicans. I showed Gallivan a transcript of the telephone call that was played in court, specifically the portion about chewing tobacco and shanking. He said it appeared to be accurate to what he heard in court.

Gallivan recalled the defense attorney asking him several times and in several different ways whether he ever gave chewing tobacco to [REDACTED]. Over the course of his testimony Gallivan testified that he was sure he never gave chewing tobacco to [REDACTED] there was not a possibility [REDACTED] statement during this call was true and it would not be something he'd forget. I asked Gallivan if those answers were truthful and he told me "it could be." Gallivan explained at the time of his testimony he felt the attorney was asking if he "brought in" chewing tobacco specifically for [REDACTED]. It was only after his testimony that he thought about the different ways the question could be interpreted. Gallivan told me he chews



tobacco himself and may have given inmates a pinch of his chewing tobacco a "handful of times." He does not remember which inmates he gave tobacco to and does not specifically remember giving it to [REDACTED]. After he realized this, within days of his testimony, he called Investigator [REDACTED] and told him he "may have given" [REDACTED] "a pinch or two of tobacco" in exchange for information. Gallivan stated that [REDACTED] talked to the District Attorney and the DA Investigator about the matter. They concluded he was not going to be called back and the matter didn't need to be addressed further. Gallivan made it clear he was not a party to this conversation and only received his information from Investigator [REDACTED]. The distinguishing factor for Gallivan was that he gave inmates some of his tobacco, not tobacco he bought and brought in solely for an inmate.

Gallivan knows it is illegal and against jail rules for inmates to possess or use tobacco inside a jail. He also agreed providing inmates with tobacco, is against department policy and violates the fraternization policy. He told us he only gave inmates tobacco so they would feel more comfortable and provide him with information about gangs or narcotics. I confronted him with [REDACTED] statement that Gallivan gave him tobacco 5 to 10 times. Gallivan told me he is lying. Gallivan can't say for sure that he never gave chewing tobacco to [REDACTED] only that it wasn't 5 to 10 times. Gallivan now realizes giving an inmate chewing tobacco was "stupid," but he didn't realize it at the time. He denied that he lied in court for fear of the repercussions for his actions.

I asked Gallivan several times about [REDACTED] comment on the phone call about "shanking" Mexicans. Gallivan adamantly denied authorizing or soliciting [REDACTED] to shank Mexicans. Nor has he joked about it. He stated his testimony was accurate, complete and truthful regarding this topic. He said he would not forget making such a comment and [REDACTED] was lying.

Gallivan told me at some point after his testimony he heard through the rumor mill he was getting a Brady letter and then saw an OC Weekly article questioning his integrity. Gallivan knew the District Attorney's Office was seeking a second trial on [REDACTED] and he may be called to testify. Although he addressed the chewing tobacco issue with [REDACTED] within days of his testimony, he was concerned. As a result Gallivan hired Jan Christie, a private attorney, to make sure the District Attorney's Office, was aware that he may have given [REDACTED] chewing tobacco. Gallivan confirmed that Christie notified the Deputy District Attorney about him possibly giving [REDACTED] chewing tobacco. I showed him the email dated July 31, 2014 and he agreed Christie's email was accurate to his statement.

Gallivan told us this is the first time he's testified in a jury trial. Gallivan could not provide any further details and interview was ended at 1605 hours.

Interview of Investigator [REDACTED] by Sergeant Morris

On November 5, 2014 at 0738 hours, I interviewed Investigator [REDACTED]. [REDACTED] is a witness in this investigation and signed the confidentiality agreement. The interview was recorded and the following is a summary of that interview:

[REDACTED] told me he was the criminal investigator assigned to conduct the investigation on former Deputy [REDACTED]. Over the course of [REDACTED] investigation hundreds of hours of inmate telephone calls between [REDACTED] and his [REDACTED] were reviewed by [REDACTED] and other deputies/ investigators assigned to his detail. He clarified that there was an extended time delay between the actual telephone call and when it was reviewed. He agreed the time delay could have easily been 4 to 5 months. [REDACTED] recalled being made aware of a telephone call where [REDACTED] that Deputy Gallivan had green lighted him to "shank Mexicans" and had provided [REDACTED] with chewing tobacco. He believed Investigator [REDACTED] reviewed and wrote a report summarizing this particular telephone call (the call was made on May 21, 2011 and the recording reviewed sometime between January 24, 2012 to February 9, 2012).



█████ told me when he was made aware of the comment about shanking Mexican's he contacted a Special Handling deputy at the IRC. █████ cannot remember who he talked to. Again █████ conversation with the Special Handling Deputy was several months after the actual telephone call/ shanking comment was made. █████ was told that █████ was not a suspect or victim in any assaults, nor had there been any intelligence received indicating there was a green light on Mexican inmates.

█████ does not remember if he interviewed Gallivan for the █████ case. He knows that during the course of the criminal investigation he never asked Gallivan about chewing tobacco or the shanking of inmates. █████ confirmed the criminal case against █████ went to trial sometime in June of 2014. In terms of the court case itself, █████ testified after Gallivan. He was not present in court when Gallivan was on the stand. █████ himself was asked by the defense attorney about the tobacco and shanking comments made by █████ He said his testimony was basically the same as he told me above; that he didn't ask Gallivan about it and there was no evidence corroborating the statement made by █████

I asked █████ if he received a call from Gallivan, either during the trial or after the trial, where Gallivan wanted to clarify his testimony. █████ remembers receiving a call from Gallivan, but he is not sure when exactly that was; he believed it was towards the end of the trial. Gallivan questioned if he was going to be called back to testify in court and if the chewing tobacco was an issue. Gallivan may have told him that he gave unspecified inmates chewing tobacco in the past, but █████ does not specifically remember the context or actual conversation. █████ explained if this conversation actually happened it was in the heat of the trial or during the planning of a second trial. The Deputy DA and he were gaming planning and exchanging information every day and █████ believed he would have told her about information of this nature, but does not remember doing so. █████ continued that tobacco was not a focus of his investigation against █████

█████ could not provide any further details and the interview was ended shortly thereafter.



OCSD Policy Sections

Rules of Conduct - General

1018.1 STANDARD OF CONDUCT

- (a) Members shall conduct their private and professional lives in such a manner as to avoid bringing discredit upon themselves or the department.
- (b) Commissioned officers will conform with the Code of Professional Conduct and Responsibilities for Peace Officers (Policy 1001).

1018.2 LOYALTY

Members shall maintain such loyalty to the department and their associates as is consistent with their oath of office and personal and professional ethics. Loyalty to the department and to associates is an important factor in departmental morale and efficiency.

1018.3 COOPERATION

Members shall establish and maintain a high spirit of cooperation within the department and with other agencies. Cooperation between the ranks and units of the department and between the department and other law enforcement agencies is essential to effective law enforcement.

1018.4 INSUBORDINATION

Members shall not be insubordinate. Intentional failure or refusal by any member of the department to obey a lawful order given by a superior officer shall be insubordination.

1018.5 PERFORMANCE OF DUTY

Members shall perform their duties as required or directed by law, department rules/regulations, procedures, policies, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed.

1018.6 OBEDIENCE TO LAWS AND REGULATIONS

- (a) Members shall observe and obey all laws and ordinances, all rules/regulations, procedures and policies of the department and all orders of the department or commands thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule/regulation, procedure or policy in question.
- (b) Employees are to report to their immediate supervisor within 24 hours any arrest, incident, or allegation of criminal or other misconduct, which could result in the employee being criminally prosecuted. All allegations of criminal and other misconduct will be immediately documented by the supervisor in memo form to his/her Command Commander/Director.
- (c) Employees authorized to carry a handgun, on duty or off duty, must immediately notify their Command Commander if they have been convicted of any domestic violence offense. Defined: "Any use or attempted use of physical force committed against a current or former spouse, parent or person similarly situated."
- (d) Employees authorized to carry a handgun, on duty or off duty, must immediately notify their Command Commander if they are currently the subject of a court restraining order, which is based upon threats of violence.

Orange County Sheriff-Coroner Department

Policy Manual

Rules of Conduct - General

1018.24 CARE OF PROPERTY AND EQUIPMENT

- (a) Members shall be responsible for the proper care, maintenance and serviceable condition of any County property issued or assigned to their use. They shall report to their Command Commander the loss of, damage to, or unserviceable condition of any such property.
- (b) Members shall not loan to any person their identification card, badge or cap piece.
- (c) Members shall not permit any unauthorized person the use of any County equipment issued to the member.

1018.25 MISAPPROPRIATION OF PROPERTY

No member shall appropriate for their own use or the use of another, any property belonging to the County or any item of evidence, found, stolen or recovered property, except as provided by law.

1018.26 SURRENDER OF COUNTY PROPERTY

- (a) Upon separation from the department, members shall surrender all County and departmental items of property to the Professional Standards Command within 48 hours.
- (b) Department issued equipment, including handguns and badges are the sole property of the department and shall be returned immediately upon request.

1018.27 UNTRUTHFULNESS

No member shall knowingly make false statements or misrepresentations to other members or superiors.

1018.28 REMOVAL OR ALTERATION OF OFFICIAL RECORDS PROHIBITED

Members shall not remove or alter any official record of the department except as directed by superiors in accordance with established departmental procedures, or under due process of law.

1018.29 OFFICIAL CORRESPONDENCE

Only those members authorized by the Sheriff-Coroner may engage in official departmental correspondence.

1018.30 DEPARTMENT LETTERHEAD

All official correspondence shall be written on the department's official letterhead stationery. Official letterhead shall not be used for any purpose other than official business.

1018.31 ABSENCE FROM DUTY

No member shall be absent from duty without proper leave or permission from, or notification to, the appropriate supervisor.

1018.32 SICK LEAVE

- (a) While on official paid sick leave, members shall remain at home or other place of confinement except when, in the department's judgment, their individual circumstances justify leaving the place of confinement. Members shall advise the department of their place of confinement.

Orange County Sheriff-Coroner Department

Policy Manual

Rules of Conduct - General

1018.37 USE OF TOBACCO, COFFEE

Members when on duty shall not smoke, use tobacco or drink coffee while conducting an interview or engaging in a conversation with citizens under conditions which may be detrimental to good conduct or procedure.

1018.38 SLEEPING ON DUTY

Members shall not sleep on duty.

1018.39 USE OF OFFENSIVE LANGUAGE

Members shall not use offensive or uncomplimentary language within the hearing of any other person.

1018.40 OFFENSIVE CONDUCT

Members shall not by their actions, speech, or demeanor, antagonize any person.

1018.41 RECEIPT OF TRAFFIC CITATION - COUNTY VEHICLE

Members who receive a traffic citation while operating a county vehicle shall not request the department to intercede in their behalf but shall handle the matter as a private citizen.

1018.42 FIXING TICKETS

Members shall not "attempt to fix" or "fix" a citation for a traffic violation.

1018.43 FRATERNIZATION

- (a) Except as permitted by written authority of their unit commander, no member shall fraternize with, engage the services of, accept services from, or give to or receive favors from any person in department custody or recently released (within one year) from department custody. Any member who is contacted by or on behalf of a recently released (within one year) prisoner shall immediately report same, in memorandum form, to his or her immediate supervisor.
- (b) Members shall not associate socially with, or fraternize with the spouse or family member of any person in the custody of the department without the express permission of the Sheriff-Coroner.
- (c) Except as necessary to carry out their assigned duties, members shall not engage in familiarity with inmates or the families or friends of inmates. Members shall not discuss departmental matters or private affairs concerning themselves or coworkers with inmates.
- (d) Members shall not trade or barter with, lend to or borrow from, or engage in any other personal transaction with, any inmate. Members shall not, directly or indirectly, give to or accept from any inmate, or member of the family of any inmate, anything of value or a promise of same.
- (e) Members shall not accept from, or send to, any inmate any verbal or written message, reading matter, literature, or any item, article, or substance except as necessary in carrying out the member's assigned duties.

1018.44 COURT CASES

Members shall not interfere in any way with the normal judicial procedure.

Orange County Sheriff-Coroner Department

Policy Manual

Code of Professional Conduct and Responsibility for Peace Officers

- **STANDARD 1.6** Peace officers shall respect and uphold the dignity, human rights, and Constitutional rights of all persons.

CANON TWO

PEACE OFFICERS SHALL BE AWARE OF AND SHALL USE PROPER AND ETHICAL PROCEDURES IN DISCHARGING THEIR OFFICIAL DUTIES AND RESPONSIBILITIES.

ETHICAL STANDARDS

- **STANDARD 2.1** Peace officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.
- **STANDARD 2.2** Peace officers shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.
- **STANDARD 2.3** Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.
- **STANDARD 2.4** Peace officers shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

CANON THREE

PEACE OFFICERS SHALL REGARD THE DISCHARGE OF THEIR DUTIES AS A PUBLIC TRUST AND SHALL RECOGNIZE THEIR RESPONSIBILITIES TO THE PEOPLE WHOM THEY ARE SWORN TO PROTECT AND SERVE.

ETHICAL STANDARDS

- **STANDARD 3.1** Peace officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.
- **STANDARD 3.2** Peace officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.
- **STANDARD 3.3** Peace officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.
- **STANDARD 3.4** Peace officers shall safely and efficiently use equipment and material available to them.
- **STANDARD 3.5** Peace officers shall be prepared to and shall respond effectively to the demands of their office.
- **STANDARD 3.6** Peace officers, with due regard for compassion, shall maintain an objective and impartial attitude.
- **STANDARD 3.7** Peace officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.
- **STANDARD 3.8** Peace officers shall recognize that their allegiance is first to the people, then to their profession and the governmental entity or agency that employs them.

CANON FOUR

Transcript of the Inmate Telephone Call

...and I just went back and I was just talking to the deputy, they were just bullshitting. He said, "What do you got in your file folder?" He goes, "No pot?" And I'm, like, "No." He was, like, "Let me check it." And I -- I handed it to him, right? And he was, like, "I'm going to open it." And I was, like, "Go ahead." And he was, like, "Nah, just kidding." And he handed it back.

What?

It's Gallivan. The guy that works in Admin.

Oh, (inaudible).

He was, like, "Hey, what's up? Where's the shakes at?" I was, like, "I don't know, man." He's, like, "What's going on? Where's all the dope at?" I said, "I don't know, man, ask (inaudible)."

(Vietnamese) Trying to get my grandpa to eat some snacks, but he doesn't want it. He can't chew on it. Baby, but then what? You gave him your file folder?

Uh-huh.

What do you -- what do you think he would have done if he saw -- if he saw all that candy?

I would have just been, like, "Oh, fucking, uh what?" I'd just tell him I didn't realize -- I'd tell him I put it in there the other day and I forgot to take it out.

Oh, gosh, you're lucky, Baby.

I don't care if it's Gallivan, he's trippin'.

What? (Inaudible) --

He gave me -- yeah, he gave me chewing tobacco and all that.

Oh, my gosh. Um, so...

He's always telling me to go shank up the Mexicans.

Oh, my goodness.

(End of recording.)

Transcripts of Gallivan's Testimony

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE - CENTRAL JUSTICE CENTER
DEPARTMENT 41

THE PEOPLE OF THE STATE
OF CALIFORNIA,

PLAINTIFF,

VS.

DEFENDANT.

NO. [REDACTED]

COPY

HONORABLE PATRICK H. DONAHUE, JUDGE PRESIDING
REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS

JUNE 10, 2014

- TESTIMONY OF THOMAS GALLIVAN -

APPEARANCES OF COUNSEL:

FOR THE PEOPLE:

TONY RACKAUCKAS
DISTRICT ATTORNEY
BY: ALETA BRYANT, DEPUTY

FOR THE DEFENDANT:

LEWIS ROSENBLUM
RETAINED COUNSEL

JENNIFER S. CHIARAVALLOTI, CSR NO. 9476, RPR, CRR
OFFICIAL COURT REPORTER

I N D E X

CHRONOLOGICAL INDEX OF WITNESSES

PEOPLE'S
WITNESSES

DIRECT

CROSS

REDIRECT

RECROSS

VOLUME

THOMAS GALLIVAN

2

39

EXHIBITS

PEOPLE'S
EXHIBITS

FOR
IDENTIFICATION

IN
EVIDENCE

- | | |
|---|----|
| 1 - DIAGRAM CONTAINING 2 PHOTOGRAPHS
SUBMARKED TO WIT:
A - MODULE RECORD FOR [REDACTED]
B - MODULE RECORD FOR [REDACTED] | 6 |
| 2 - DIAGRAM CONTAINING 2 PHOTOGRAPHS
SUBMARKED TO WIT:
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B - METAL TELEVISION CASE MOUNTED
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| 3 - DIAGRAM CONTAINING 2 PHOTOGRAPHS
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C - CLOSEUP OF CONTRABAND SHOWING
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| 4 - SMALLER MANILA ENVELOPE
CONTAINING 9 PLASTIC BINDLES
CONTAINING SUSPECTED MARIJUANA | 23 |

1 SANTA ANA, CALIFORNIA - JUNE 10, 2014

2 AFTERNOON SESSION

3 -000-

4 (PREVIOUS TRIAL PROCEEDINGS REPORTED, NOT
5 TRANSCRIBED.)

6 (THE FOLLOWING PROCEEDINGS WERE HEARD IN OPEN
7 COURT:)

8 THE COURT: MS. BRYANT, DO YOU HAVE YOUR FIRST
9 WITNESS?

10 MS. BRYANT: I DO, YOUR HONOR.

11 THE COURT: OKAY.

12 MS. BRYANT: I ANTICIPATE THAT WILL BE DEPUTY
13 GALLIVAN.

14 THE COURT: ALL RIGHT.

15 MS. BRYANT: I WILL NEED SOME EASELS. I
16 UNDERSTAND -- I THINK THE BAILIFF PUT THEM IN THE BACK.

17 THE COURT: OH, OKAY.

18 THE BAILIFF: PLEASE COME FORWARD. STAND BY
19 COUNSEL TABLE. FACE THE CLERK AND RAISE YOUR RIGHT HAND.

20 THOMAS GALLIVAN,

21 CALLED AS A WITNESS ON BEHALF OF THE PEOPLE,
22 HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

23 THE BAILIFF: PLEASE APPROACH THE WITNESS STAND.
24 HAVE A SEAT.

25 MS. BRYANT: JUST GOING TO GRAB THE EASELS OUT OF
26 THE BACK.

1 THE BAILIFF: DEPUTY, CAN YOU PLEASE STATE YOUR
2 NAME AND SPELL IT FOR THE RECORD.

3 THE WITNESS: IT'S THOMAS GALLIVAN. T-H-O-M-A-S.
4 G-A-L-L-I-V, AS IN VICTOR, A-N.

5 THE BAILIFF: THANK YOU.

6 DIRECT EXAMINATION

7 BY MS. BRYANT:

8 Q. GOOD AFTERNOON.

9 A. GOOD AFTERNOON.

10 Q. GIVE ME A SECOND HERE.

11 BY WHOM ARE YOU EMPLOYED?

12 A. ORANGE COUNTY SHERIFF'S DEPARTMENT.

13 Q. HOW LONG HAVE YOU BEEN EMPLOYED BY THE
14 ORANGE COUNTY SHERIFF'S DEPARTMENT?

15 A. ABOUT EIGHT YEARS.

16 Q. WHAT IS YOUR CURRENT ASSIGNMENT?

17 A. I'M ASSIGNED TO NORTH OPERATIONS PATROL.

18 Q. AND DID YOU HAVE A DIFFERENT ASSIGNMENT
19 DURING THE PERIOD OF TIME 2009 TO 2011?

20 A. YES, MA'AM.

21 Q. WHAT WAS YOUR ASSIGNMENT DURING THAT TIME
22 PERIOD?

23 A. I WAS ASSIGNED TO THE CENTRAL MEN'S JAIL,
24 SANTA ANA.

25 Q. DID YOU HAVE A PARTICULAR ASSIGNMENT WITHIN
26 THE MEN'S JAIL DURING THAT PERIOD OF TIME?

1 A. YES. I WAS AN ADMINISTRATIVE DEPUTY AT THE
2 CENTRAL MEN'S JAIL.

3 Q. THE ADMINISTRATIVE DEPUTY?

4 A. YES, MA'AM.

5 Q. AND WAS THAT DURING THE ENTIRE PERIOD OF TIME
6 2009 TO 2011?

7 A. YES, MA'AM.

8 Q. WHAT ARE THE PARTICULAR DUTIES OF AN
9 ADMINISTRATIVE DEPUTY OVER AT THE CENTRAL MEN'S JAIL?

10 A. WE DO A VARIETY OF DIFFERENT THINGS. WE DO
11 SCHEDULING FOR -- JUST YOUR BASIC SCHEDULING, SCHEDULING FOR
12 TRAINING, FILLING OVERTIME, MAKING SURE THE FIRE
13 EXTINGUISHERS ARE ALL UP TO DATE. IT'S A WIDE VARIETY OF
14 DIFFERENT THINGS.

15 Q. AND SO DID YOU HAVE ANY TYPE OF MANAGERIAL
16 AUTHORITY OR DUTY OVER ANY OF THE OTHER DEPUTIES THERE AT
17 THAT TIME?

18 A. NO, ABSOLUTELY NOT.

19 Q. WERE YOU FAMILIAR WITH A DEPUTY BY THE NAME
20 OF [REDACTED] DURING THAT PERIOD OF TIME?

21 A. YES, MA'AM.

22 Q. AND WHAT IF ANYTHING WAS YOUR RELATIONSHIP
23 WITH HIM? HOW DID YOU KNOW HIM AND TO WHAT DEGREE?

24 A. HE WAS A COWORKER AS WELL AS A FRIEND.

25 Q. DID YOU KNOW HIM DURING THAT ENTIRE PERIOD OF
26 2009 TO 2011?

1 A. YEAH, BECAUSE I MET HIM WHEN I FIRST STARTED
2 THERE.

3 Q. AND WHEN IS IT THAT YOU FIRST STARTED THERE?

4 A. CLOSE TO 2009. 2009 OR 2008.

5 Q. AND DURING THE PERIOD OF TIME THAT YOU KNEW
6 HIM, WHAT DID YOU UNDERSTAND TO BE HIS ASSIGNMENT?

7 A. HIS ASSIGNMENT WAS DEPUTY AT THE CENTRAL
8 MEN'S JAIL.

9 Q. WAS HE, DURING THAT PERIOD OF TIME, ASSIGNED
10 TO A PARTICULAR AREA OR TO A PARTICULAR TASK YOU WERE AWARE
11 OF?

12 A. NO, MA'AM.

13 Q. DID YOU HAVE DAILY CONTACT WITH HIM?

14 A. NOT NECESSARILY DAILY, BUT OFTENTIMES.

15 Q. ARE YOU FAMILIAR WITH SOMEONE BY THE NAME OF
16 [REDACTED]

17 A. YES, MA'AM.

18 Q. HOW DO YOU KNOW MR. [REDACTED]

19 A. HE WAS AT THE ORANGE COUNTY JAIL, AN INMATE
20 AT THE ORANGE COUNTY JAIL, FOR A LONG PERIOD OF TIME. SO
21 PRIOR TO ME BECOMING AN ADMINISTRATIVE DEPUTY, I WORKED THE
22 MODS, AND HE WAS IN -- I BELIEVE HE WAS IN MY MOD AT ONE
23 POINT.

24 Q. HOW LONG WOULD YOU SAY YOU WERE -- THAT YOU
25 KNEW MR. [REDACTED]

26 A. I DON'T KNOW EXACTLY HOW LONG, BUT IT WAS A

1 LONG PERIOD OF TIME.

2 Q. AND WHAT PERIOD OF TIME DID YOU WORK IN THE
3 MODS?

4 A. I WANT TO SAY FROM AROUND 2007 -- LATE 2007
5 TO 2009.

6 Q. AND THEN AFTER LEAVING THE MODS, YOU THEN
7 WENT AND WORKED AS AN ADMINISTRATIVE DEPUTY OVER AT THE
8 CENTRAL MEN'S JAIL?

9 A. YES, MA'AM.

10 Q. THE MODS THEMSELVES, AREN'T THEY LOCATED IN
11 THE JAIL AS WELL?

12 A. YES, MA'AM.

13 Q. JUST A DIFFERENT FLOOR?

14 A. RIGHT.

15 Q. ALL RIGHT. SO WHEN YOU WERE SAYING YOU'RE
16 THE ADMINISTRATIVE DEPUTY AT THE CENTRAL MEN'S JAIL, WERE
17 YOUR DUTIES LIMITED TO PARTICULAR FLOORS OVER AT THE CENTRAL
18 MEN'S JAIL?

19 A. NO, MA'AM.

20 Q. I'M GONNA SHOW YOU WHAT I'D LIKE TO HAVE
21 MARKED AS PEOPLE'S 1 FOR IDENTIFICATION, THIS BOARD
22 CONTAINING TWO PHOTOGRAPHS. I'M GONNA JUST PUT A "1" IN RED
23 AT THE TOP.

24 DO YOU RECOGNIZE WHAT IS SHOWN --

25 THE TOP PHOTOGRAPH I'M GONNA MARK AS 1-A AND
26 THE BOTTOM AS 1-B, JUST FOR EASE OF REFERENCE. PROBABLY

1 HELP IF I WROTE IT CORRECTLY.

2 (EXHIBIT 1 WAS MARKED FOR IDENTIFICATION.)

3 BY MS. BRYANT:

4 Q. DO YOU RECOGNIZE?

5 A. YEAH. THEY'RE BOOKING -- BOOKING CARDS.

6 Q. ARE THEY SOMETIMES KNOWN, AS WELL, AS "MOD
7 CARDS"?

8 A. YES, MA'AM.

9 Q. AND THESE ARE REFERRED TO RIGHT ON THEM AS
10 "MODULE RECORDS."

11 CAN YOU EXPLAIN -- WELL, FIRST OF ALL, ARE
12 THESE THE MOD CARDS OF SOMEBODY IN PARTICULAR?

13 A. YES, MA'AM.

14 Q. WHO IS THAT?

15 A. [REDACTED]

16 Q. AND WITH REGARD TO THESE MOD CARDS, IN YOUR
17 CAPACITY AS A DEPUTY AT THE MEN'S CENTRAL JAIL, DID YOU HAVE
18 AN OPPORTUNITY TO USE THESE CARDS IN A PARTICULAR WAY?

19 A. YES, MA'AM.

20 Q. AND WHAT WAY IS THAT?

21 A. WE WOULD DO PHYSICAL BODY COUNT, WHICH WE
22 WOULD GO OUT TO THE TIER AND ACTUALLY LOOK AT THE MOD CARD
23 AND ASSOCIATE IT WITH A FACE TO MAKE SURE EVERYBODY WAS
24 ACTUALLY IN THE TANK THEY'RE SUPPOSED TO BE IN.

25 AND WE'D ALSO -- AS WE GOT NEW BODIES FROM
26 ACROSS THE WAY AT THE INTAKE RELEASE CENTER, WE WOULD BE

1 GIVEN THEIR MOD CARDS TO PUT INTO THE MOD BOOK FOR THOSE
2 SAME PURPOSES.

3 Q. AND HOW OFTEN DID THOSE PHYSICAL COUNTS TAKE
4 PLACE?

5 A. THE PHYSICAL ACTUAL PICTURE MATCHING UP TO
6 THE PERSON WOULD BE TWICE A DAY.

7 Q. AND WHICH DEPUTIES WOULD TAKE PART IN THOSE
8 MOD COUNTS OR THOSE INMATE COUNTS?

9 A. ANY DEPUTY THAT WAS ON THE FLOOR AT THE TIME.
10 WASN'T LIMITED.

11 Q. AND THOSE MOD CARDS, THEY CONTAINED
12 INFORMATION -- THEY CONTAINED THE PHOTOGRAPH OF THE INMATE;
13 IS THAT CORRECT?

14 A. YES, MA'AM.

15 Q. AND DO THEY ALSO CONTAIN INFORMATION
16 REGARDING THE NATURE OF THE INMATE'S CHARGES?

17 A. YES, MA'AM.

18 Q. SO IN MR. [REDACTED] CASE, DOES IT SAY RIGHT ON
19 HIS MOD CARD THE CHARGES WITH WHICH --

20 A. YES, IT DOES.

21 Q. -- HE HAS BEEN CHARGED?

22 AND JUST FOR PURPOSES OF REFERENCE, COULD YOU
23 INDICATE TO US WHERE THOSE ARE ON THE CARD.

24 A. ON THIS CARD IT'S RIGHT UP HERE. AND ON THIS
25 CARD IT'S RIGHT THERE.

26 Q. OKAY. SO I'M JUST GOING TO PUT AN ARROW TO

1 WHERE YOU INDICATED THE CHARGES ARE.

2 THAT'S RIGHT HERE YOU SAID?

3 A. YES, MA'AM.

4 Q. AND THEN THE SAME DOWN HERE?

5 A. YES, MA'AM.

6 Q. AND IN MR. [REDACTED]

7 [REDACTED] CASE, THE CHARGES ARE DESCRIBED AS "MURDER" AND
8 "SPECIAL CIRCUMSTANCES MURDER"; IS THAT CORRECT?

9 A. YES, MA'AM.

10 Q. AND AS A DEPUTY, DO YOU HAVE SOME TRAINING OR
11 UNDERSTANDING AS TO WHAT "SPECIAL CIRCUMSTANCES MURDER"
12 MEANS?

13 A. YES.

14 Q. AND WHAT IS THAT?

15 A. FOR THE BENEFIT OF THE GANG.

16 Q. AND THEN, IN FACT, ON THE BOTTOM CARD, IS
17 THERE AN INDICATION THAT THIS PERSON IS PART OF A GANG?

18 A. YES.

19 Q. AND WHERE IS THAT INDICATION?

20 A. UNDERNEATH HIS PHOTOGRAPH, RIGHT HERE.

21 Q. IT REFERS TO -- YOU'RE POINTING TO THE WORD
22 "SATANAS," AND IN QUOTES THE WORD "DRAGON," AND THEN "187."

23 AND BASED ON YOUR UNDERSTANDING OF MR. [REDACTED]
24 WHAT DO THOSE WORDS INDICATE?

25 A. THAT HE WAS A MEMBER OF THE CRIMINAL STREET
26 GANG SATANAS; AND HIS MONIKER OR NICKNAME, EITHER WAY TO GO

1 ABOUT IT, IS "DRAGON."

2 Q. AND THEN THE "187" UNDER THAT, WHAT DOES THAT
3 MEAN?

4 A. THE PENAL CODE SECTION FOR MURDER.

5 Q. OKAY. ALL RIGHT.

6 AND DO YOU -- DO YOU SEE A DATE WHICH --
7 DURING WHICH THIS SECOND CARD CAME INTO -- INTO USE?

8 A. I DO.

9 Q. AND WHERE IS THAT?

10 A. IT'S RIGHT HERE.

11 Q. ALL RIGHT. AND THIS SECOND CARD, THEN, BEGAN
12 BEING USED OCTOBER 1ST, 2004; IS THAT RIGHT?

13 A. YES.

14 Q. OKAY. AND YOU JUST POINTED TO THE FIRST LINE
15 UNDER THE TITLE "MOVEMENT." THERE'S WORDS RIGHT TO THE
16 RIGHT OF THE PICTURE, F-27-65, AND THEN THE DATE 10/1/04; IS
17 THAT CORRECT?

18 A. YES.

19 Q. AND ON AT LEAST THE CARD THAT STARTED BEING
20 USED ON THAT DATE, THERE IS NOW INCLUDED UNDER HIS
21 PHOTOGRAPH HIS GANG AFFILIATION THAT YOU'VE JUST DESCRIBED;
22 IS THAT CORRECT?

23 A. YES, MA'AM.

24 Q. ALL RIGHT. AND AS A DEPUTY INVOLVED IN DOING
25 COUNTS, WOULD IT BE YOUR PRACTICE AT THAT TIME -- AGAIN, THE
26 PERIOD 2009 TO 2011 -- THAT WHEN YOU ARE LOOKING AT THE

1 CARDS, AT LEAST THE FIRST TIME YOU'RE ENCOUNTERING AN INMATE
2 FOR THE FIRST TIME, YOU WOULD -- WOULD YOU TAKE NOTE OF
3 THEIR CHARGES AND ANY INFORMATION ABOUT GANG MEMBERSHIP,
4 ANYTHING LIKE THAT?

5 A. NOT NECESSARILY, NO.

6 Q. WOULD YOU LOOK AT THEIR PICTURE?

7 A. YES.

8 Q. AND THEN IF YOU SPENT A LOT OF TIME AROUND AN
9 INMATE --

10 WELL, IS THAT THE ONLY TIME THAT YOU LOOK AT
11 A MOD CARD, DURING THE COUNT?

12 A. NO.

13 Q. WHEN ELSE WOULD YOU USE A MOD CARD?

14 A. WHEN YOU'RE RECEIVING A NEW BODY TO YOUR --
15 YOUR MODULE OR TANK, YOU WOULD LOOK AT THE MOD CARD BECAUSE
16 YOU INPUT HIS NAME INTO THE SYSTEM AND PUT HIS MOD CARD INTO
17 YOUR MOD BOOK WITH ALL THE OTHER MOD CARDS.

18 Q. AND AS A DEPUTY ASSIGNED IN THE MEN'S JAIL,
19 WOULD YOU TYPICALLY TRY TO BE AWARE OF WHO'S INVOLVED IN
20 GANGS SO AS TO BE AWARE OF WHO SHOULD PERHAPS BE AROUND WHOM
21 AND WHO SHOULD BE SEPARATED FROM WHOM AS FAR AS INMATES GO?

22 A. NOT NECESSARILY AT THE LINE STAFF LEVEL.

23 Q. AT THE LINE STAFF LEVEL?

24 A. RIGHT. THAT'S MORE OF A SPECIAL HANDLING
25 THING.

26 Q. OKAY. AND IN YOUR UNDERSTANDING, ARE THOSE

1 DECISIONS MADE BEFORE THE DEPUTY GETS TO YOU -- OR THE
2 INMATE GETS TO YOUR LEVEL?

3 A. YES, MA'AM.

4 Q. IS THAT WHAT'S KNOWN AS CLASSIFICATION?

5 A. YES, MA'AM.

6 Q. OKAY.

7 THE COURT: PULL THE MICROPHONE TOWARDS YOU.

8 THERE WE GO. THANKS.

9 BY MS. BRYANT:

10 Q. WERE YOU INVOLVED IN A SEARCH OF [REDACTED]
11 [REDACTED] CELL AT ANY TIME?

12 A. YES, MA'AM.

13 Q. AND WERE YOU SPECIFICALLY INVOLVED IN THE
14 SEARCH OF HIS CELL ON AN OCCASION WHEN THERE WAS CONTRABAND
15 FOUND?

16 A. YES, MA'AM.

17 Q. AN WAS THAT ON ONE OCCASION THAT THAT
18 HAPPENED OR MORE THAN ONE OCCASION?

19 A. ONE OCCASION.

20 Q. AND AS YOU SIT HERE, CAN YOU RECALL THE DATE
21 WHEN THAT OCCURRED?

22 A. DECEMBER 31ST, 2011.

23 Q. WERE YOU -- YOU WERE PERSONALLY INVOLVED IN
24 THAT SEARCH?

25 A. YES, MA'AM.

26 Q. WERE YOU THE PERSON WHO DETERMINED TO DO THAT

1 SEARCH, OR WILL YOU EXPLAIN TO US HOW IT WAS DETERMINED, TO
2 YOUR KNOWLEDGE, THAT THAT SEARCH WOULD BE DONE THAT DAY?

3 A. TO MY KNOWLEDGE, IT WAS JUST A RANDOM CELL
4 SEARCH DONE THAT DAY.

5 Q. OKAY.

6 A. ON THAT ENTIRE TANK.

7 Q. ON THE ENTIRE TANK?

8 A. YES.

9 Q. SO WHEN YOU'RE REFERRING TO THE WORD "TANK,"
10 COULD YOU LET US KNOW WHAT THAT MEANS.

11 A. WITHIN THE MOD THERE'S TANKS, AND WITHIN THE
12 TANKS THERE'S CELLS. SO A TANK IS JUST ONE LEVEL OF CELLS.

13 Q. OKAY. AND HOW MANY PERSONS WERE IN
14 [REDACTED] CELL?

15 A. I DON'T RECALL.

16 Q. OKAY. AND WOULD LOOKING AT ANYTHING REFRESH
17 YOUR RECOLLECTION, A REPORT REFRESH YOUR RECOLLECTION IN
18 THAT REGARD?

19 A. YES, MA'AM.

20 Q. OKAY. DO YOU -- DO YOU -- WAS THERE A REPORT
21 THAT WAS WRITTEN REGARDING THIS PARTICULAR EVENT?

22 A. YES, MA'AM.

23 Q. THAT IS, THE SEARCH OF THE CELL?

24 A. YES, MA'AM.

25 Q. ALL RIGHT. I'M GOING TO --

26 AND DO YOU KNOW IF THAT REPORT WAS WRITTEN AT

1 OR AROUND THE TIME THAT THE ACTUAL EVENTS OCCURRED?

2 A. YES, MA'AM.

3 Q. ALL RIGHT. AND HAD YOU EVER SEEN THIS REPORT
4 BEFORE?

5 A. BEFORE TODAY?

6 Q. YES.

7 A. NO.

8 Q. OKAY. HAVE YOU HAD THE OPPORTUNITY TO LOOK
9 AT THIS REPORT EARLIER TODAY?

10 A. YES, MA'AM.

11 Q. AND HAVING LOOKED AT THE REPORT, DO YOU
12 RECOGNIZE IT AS DETAILING THE EVENTS THAT OCCURRED ON THE
13 DATE THAT THE CELL WAS SEARCHED AND THE CONTRABAND WAS
14 FOUND?

15 A. YES, MA'AM.

16 MS. BRYANT: COUNSEL, I'M GOING TO REFER HIM TO
17 PAGES 15 THROUGH 22 OF DISCOVERY.

18 BY MS. BRYANT:

19 Q. WOULD REFERRING TO THE REPORT REFRESH YOUR
20 RECOLLECTION REGARDING THE NUMBER OF PERSONS IN MR. [REDACTED]
21 CELL?

22 A. YES, MA'AM.

23 MS. BRYANT: YOUR HONOR, WITH THE COURT'S
24 PERMISSION.

25 THE COURT: YEAH. YOU DON'T HAVE TO ASK TO
26 APPROACH.

1 BY MS. BRYANT:

2 Q. OKAY. ALL RIGHT. LOOKING AT THAT, DID THAT
3 REFRESH YOUR RECOLLECTION ABOUT THE NUMBER OF INMATES IN
4 MR. [REDACTED] CELL AT THE TIME?

5 A. YES, MA'AM.

6 Q. AND WHAT IS THAT?

7 A. SEVEN.

8 Q. SO THERE WAS SEVEN MEN; WAS THAT INCLUDING
9 MR. [REDACTED]

10 A. YES, MA'AM.

11 Q. SO SEVEN MEN WERE HOUSED IN THAT ONE
12 PARTICULAR CELL?

13 A. CORRECT.

14 Q. AND DID THAT CELL CONSIST OF A NUMBER OF
15 AREAS LIKE A COMMON AREA AND A SLEEPING AREA, OR HOW IS IT
16 LAID OUT?

17 A. IT'S LAID OUT WITH THE BUNK AREA WHERE THE
18 BUNKS ARE LOCATED, AND CONNECTED TO THAT IS THE DAY ROOM OR
19 THE TV, SHOWER --

20 Q. OKAY.

21 A. -- FACILITIES ARE AT.

22 MS. BRYANT: I'M GOING TO HAVE YOU TAKE A LOOK AT
23 WHAT I'D ASK TO HAVE MARKED AS PEOPLE'S 2 FOR
24 IDENTIFICATION. AND THERE ARE TWO PHOTOGRAPHS ON THIS. I
25 WOULD ASK TO HAVE THE TOP PHOTOGRAPH MARKED AS 2-A AND THE
26 BOTTOM AS 2-B.

1 (EXHIBIT 2 WAS MARKED FOR IDENTIFICATION.)

2 BY MS. BRYANT:

3 Q. AND LOOKING AT THESE PHOTOGRAPHS, DO YOU
4 RECOGNIZE WHAT'S IN THEM?

5 A. YES, MA'AM.

6 Q. AND WHAT DO YOU RECOGNIZE TO BE IN THOSE
7 PHOTOS?

8 A. THE TOP PHOTOGRAPH IS A CELL INSIDE THE TANK.
9 ON THE LEFT-HAND SIDE IS THE ACTUAL BUNK AREA. THE
10 RIGHT-HAND SIDE IS THE TV AND DAY ROOM AREA. AND THEN THE
11 BOTTOM PHOTOGRAPH IS THE TV THAT'S LOCATED INSIDE THE DAY
12 ROOM AREA. THIS IS THE AREA THAT THE TV WOULD HAVE BEEN
13 LOCATED.

14 Q. AND IS THE TV ACTUALLY LYING ON THE GROUND IN
15 FRONT OF THE AREA, THE --

16 A. YES, MA'AM.

17 Q. -- THE FRAME?

18 A. THIS IS THE FRONT, THE PLATE THAT'S USUALLY
19 ON THE TV, AND THIS IS THE ACTUAL TUBE TV ITSELF.

20 Q. SO COULD YOU EXPLAIN TO US WHAT HAPPENED ON
21 THAT DATE.

22 THERE WAS A DECISION, RANDOMLY, TO SEARCH
23 THIS PARTICULAR CELL; IS THAT CORRECT?

24 A. YES, MA'AM.

25 Q. WHO WAS INVOLVED IN THAT SEARCH?

26 A. I DO NOT RECALL THE DEPUTIES THAT WERE

1 INVOLVED IN THE SEARCH.

2 Q. AND WOULD REFERRING TO THAT REPORT REFRESH
3 YOUR RECOLLECTION IN THAT REGARD?

4 A. YES, MA'AM.

5 Q. OKAY. AND IF YOU COULD DO THAT AND LET US
6 KNOW WHEN YOU'VE HAD A CHANCE TO READ THAT TO YOURSELF, IF
7 YOUR RECOLLECTION HAS BEEN REFRESHED.

8 (PAUSE IN THE PROCEEDINGS.)

9 THE WITNESS: OKAY.

10 BY MS. BRYANT:

11 Q. ALL RIGHT. AND WHO WERE THE DEPUTIES
12 INVOLVED IN THAT SEARCH?

13 A. THIS REPORT HAS A COUPLE DEPUTIES LISTED, BUT
14 THERE WAS A LOT MORE DEPUTIES THERE THAN WERE ACTUALLY
15 LISTED IN THE REPORT.

16 Q. OKAY. AND HAVING LOOKED AT THAT, IS YOUR
17 MEMORY REFRESHED, AT LEAST AS TO SOME OF THE DEPUTIES THAT
18 WERE THERE?

19 A. YES, MA'AM. YES, MA'AM.

20 Q. AND WHOM DO YOU RECALL BEING THERE?

21 A. DEPUTY GLEASON, AND DEPUTY [REDACTED] AND DEPUTY
22 [REDACTED] WAS ALSO THERE. AND I BELIEVE DEPUTY [REDACTED] HAD A
23 TRAINEE THAT WAS WITH HIM.

24 Q. AND THEN [REDACTED] " FOR SPELLING PURPOSES, IS
25 [REDACTED] RIGHT?

26 A. YES, MA'AM.

1 Q. AND YOU REMEMBERED THERE BEING SOME
2 ADDITIONAL DEPUTIES THERE CONDUCTING THE SEARCH?

3 A. YES, MA'AM.

4 Q. DO YOU HAVE ANY RECOLLECTION OF WHETHER OR
5 NOT DEPUTY [REDACTED] ASSISTED IN THE SEARCH?

6 A. NO, MA'AM.

7 Q. YOU HAVE NO RECOLLECTION EITHER WAY?

8 A. NOT AT ALL. NO.

9 Q. DO YOU RECALL SEEING HIM THERE AT ANY TIME?

10 A. NO.

11 Q. OKAY. AND WHAT WAS THE RESULT OF THE SEARCH?
12 WHAT HAPPENED ONCE YOU GOT INTO THE CELL?

13 A. WE STARTED SEARCHING ALL THE CELLS. WHEN I
14 GOT TO CELL 4, WE WERE -- SEARCHED THE BUNK AREA ALREADY;
15 NORMAL STUFF FOUND INSIDE THE BUNK AREA. THEN WE GOT OVER
16 TO THE DAY ROOM AREA. I REACHED INSIDE THE -- FROM THE
17 FACEPLATE WHERE THE TV WAS BECAUSE SOMETIMES INMATES HIDE
18 LIGHTERS AND DIFFERENT THINGS RIGHT INSIDE THAT FACEPLATE.
19 AND WHEN I TOUCHED IT, IT WAS LOOSE.

20 Q. THE FACEPLATE WAS LOOSE?

21 A. THE FACEPLATE WAS LOOSE. SO I TUGGED ON THE
22 SCREWS, AND ALL THE SCREWS CAME OUT JUST BY TURNING IT WITH
23 MY HAND.

24 Q. SO WHAT HAPPENED NEXT?

25 A. I PULLED THE FACEPLATE OFF AND REMOVED THE
26 TV, TURNED THE TV SIDEWAYS. IT WAS STILL UP THERE, BUT

1 TURNED IT SIDEWAYS. AND I FOUND CONTRABAND INSIDE THE BOX
2 UP HERE THAT WAS LOCATED BACK HERE.

3 Q. OKAY. YOU JUST POINTED TOWARDS THE REAR OF
4 THE BOX.

5 A. YES, MA'AM.

6 Q. AND WHAT DID YOU FIND?

7 A. I FOUND A CELL PHONE, A SMALL EXTENSION CORD,
8 AN EARPIECE FOR THE CELL PHONE, A BUNDLE OF WHAT APPEARED TO
9 BE MARIJUANA, BUNDLE OF TOBACCO, A SMALL BINDLE OF A PURPLE
10 TAR-LIKE SUBSTANCE, A COUPLE LIGHTERS, AND ROLLING PAPERS.

11 MS. BRYANT: OKAY. I'D LIKE TO NOW HAVE THIS NEXT
12 EXHIBIT MARKED AS PEOPLE'S 3 FOR IDENTIFICATION. AND THIS
13 ONE CONTAINS THREE PHOTOS. I'LL ASK TO HAVE THE TOP ONE
14 MARKED 3-A, THE MIDDLE 3-B, AND THE BOTTOM 3-C.

15 (EXHIBIT 3 WAS MARKED FOR IDENTIFICATION.)

16 BY MS. BRYANT:

17 Q. DO YOU RECOGNIZE WHAT'S IN THESE PHOTOS?

18 A. YES, MA'AM.

19 Q. ALL RIGHT. IF YOU COULD GO AHEAD, AND I'M
20 GONNA ASK YOU TO -- YOU HAVE A MARKER THERE.

21 OKAY. YOU'VE IDENTIFIED SOME OBJECTS THAT
22 YOU DISCOVERED. IF YOU COULD WRITE ON THE OUTSIDE THE ITEM
23 AND THEN DRAW AN ARROW TO WHAT YOU'RE DESCRIBING HAVING
24 FOUND.

25 A. (WITNESS COMPLIES.)

26 Q. SO YOU'VE -- ON PEOPLE'S 3-A, ON THE TOP

1 PHOTO, YOU'VE IDENTIFIED A CELL PHONE AND A --

2 A. THAT'S THE POWER CORD FOR THE CELL PHONE.

3 Q. OKAY.

4 A. (WITNESS COMPLIES.)

5 Q. ALL RIGHT. AND IN THE MIDDLE PHOTO, AGAIN,
6 IF YOU WANT TO JUST -- YOU'VE ALREADY WRITTEN OUT "CELL
7 PHONE" AND "POWER CORD." DO YOU SEE THOSE ITEMS AS WELL IN
8 THE MIDDLE PHOTO?

9 A. YES, MA'AM.

10 Q. IF YOU COULD JUST DRAW THE ARROW FROM THE
11 WORDS YOU WROTE AT THE TOP, SAVE YOU SOME TIME.

12 A. (WITNESS COMPLIES.)

13 Q. AND THEN YOU MENTIONED FINDING SOME OTHER
14 ITEMS. IF YOU COULD AGAIN DESCRIBE WHAT THOSE ARE AND DRAW
15 AN ARROW TO THEM.

16 A. (WITNESS COMPLIES.)

17 Q. OKAY. I'M GOING TO GO UP HERE WHERE I CAN
18 SEE A LITTLE BETTER.

19 AND YOU'VE REFERENCED NOW, AGAIN, THE CELL
20 PHONE AND THE POWER CORD THAT YOU NOTED IN PEOPLE'S 3-A.

21 YOU SAID YOU FOUND AN EXTENSION CORD, AN
22 EARPIECE. WAS THAT -- SEEMED TO GO WITH THE CELL PHONE; IS
23 THAT CORRECT?

24 A. YES, MA'AM.

25 Q. AND THEN YOU SAID YOU FOUND SOME TOBACCO.
26 AND THERE APPEAR TO BE -- IS THAT ALL THREE OF THESE

1 PACKAGES --

2 A. YES.

3 Q. -- APPEARED TO BE CONSISTENT WITH TOBACCO?

4 ROLLING PAPER. WHERE DOES THAT GO -- OH, ALL
5 THE WAY OVER HERE. THESE WHITE OBJECTS TO THE RIGHT IS
6 ROLLING PAPER?

7 A. YES.

8 Q. AND THEN MARIJUANA YOU'VE LABELED AS BEING
9 THIS BAGGIE HERE. AND THEN LIGHTERS OVER HERE. AND THEN A
10 PURPLE TAR-LIKE SUBSTANCE I THINK YOU SAID --

11 A. YES.

12 Q. -- IN THERE.

13 AND THEN IN PEOPLE'S 3-C, WHAT'S IN THIS
14 PHOTOGRAPH?

15 A. IT'S --

16 Q. JUST EXPLAIN RIGHT NOW.

17 A. IT'S JUST THESE -- ALL THESE ITEMS ROLLED
18 OUT. THIS IS THE TOBACCO, THESE THREE PACKAGES. AND THEN I
19 BELIEVE IT WAS NINE -- NINE PACKAGES. THESE ARE THE ONES --
20 THE SUBSTANCE THAT APPEARED TO BE MARIJUANA. AND THIS IS
21 THE PURPLE TAR-LIKE SUBSTANCE.

22 Q. OKAY. SO THE BROWN -- THE ITEMS -- THE
23 BAGGIES THAT ARE CONTAINING THE MORE BROWN-LIKE SUBSTANCE,
24 THAT WAS THE TOBACCO. AND THEN --

25 CORRECT?

26 A. YES, MA'AM.

1 Q. AND THEN THIS -- WHAT YOU HAD LABELED
2 "MARIJUANA" IN PEOPLE'S 3-B, I TAKE IT YOU OPENED THAT
3 PACKAGE UP?

4 A. YES, MA'AM.

5 Q. AND INSIDE THAT PACKAGE YOU FOUND, YOU SAID,
6 NINE SMALLER PACKAGES?

7 A. YES, MA'AM.

8 Q. OKAY. SO THE GREEN SUBSTANCE IN THESE NINE
9 SMALLER PACKAGES IS MARIJUANA?

10 A. YES.

11 Q. OR, WELL -- THAT YOU JUST --

12 A. APPEARED TO BE.

13 Q. APPEARED TO BE. OKAY.

14 SO I'M JUST GOING TO CIRCLE THAT IN RED, AND
15 THEN I'M GOING TO WRITE "MARIJUANA" OFF TO THE SIDE.

16 NOW, HAD YOU AT THIS TIME THAT YOU DISCOVERED
17 THIS HAD ANY PARTICULAR TRAINING AND EXPERIENCE WITH REGARD
18 TO MARIJUANA, HAVING SEEN IT OR TESTED IT OR IDENTIFIED IT
19 IN YOUR TRAINING AS A DEPUTY?

20 A. YES, MA'AM.

21 Q. SO WHEN YOU SAID IT APPEARED TO BE MARIJUANA,
22 WAS THAT BASED ON YOUR PAST TRAINING AND EXPERIENCE WITH
23 THAT SUBSTANCE?

24 A. YES, MA'AM.

25 Q. DID YOU YOURSELF PERFORM ANY TESTS AT THAT
26 TIME?

1 A. NO, MA'AM.

2 Q. DID YOU YOURSELF OBSERVE ANYONE ELSE PERFORM
3 ANY TESTING ON THE SUBSTANCE AT THAT TIME?

4 A. NO, MA'AM.

5 Q. OKAY. WHAT DID -- AFTER YOU COLLECTED ALL OF
6 THAT, WHAT DID YOU DO WITH THE ITEMS?

7 A. I DID NOTHING.

8 Q. OKAY. DID YOU BRING IT TO SOMEONE'S
9 ATTENTION?

10 A. YES, I BROUGHT IT TO THE DEPUTY'S ATTENTION
11 WHOSE MOD IT WAS.

12 Q. OKAY. AND WHO WAS THAT?

13 A. I'M NOT SURE WHO -- THE MOD DEPUTY AT THE
14 TIME.

15 MS. BRYANT: OKAY. MAY I JUST HAVE A MOMENT,
16 YOUR HONOR?

17 (PAUSE IN THE PROCEEDINGS.)

18 BY MS. BRYANT:

19 Q. ALL RIGHT. I'M SORRY. AFTER YOU
20 COMPLETED -- YOU FOUND THESE ITEMS, WHAT DID YOU DO NEXT?

21 A. THERE WAS ALREADY DEPUTIES THAT WERE COMING
22 OVER WHEN I FOUND THESE, AND I BELIEVE THE SERGEANT WAS
23 ALREADY IN THE TANK AS WELL --

24 Q. WHAT SERGEANT?

25 A. -- AND THEY CAME OVER.

26 I BELIEVE IT WAS SERGEANT GUEVARA WAS IN

1 THERE AT THE TIME.

2 Q. AND THEN WHAT DID YOU DO NEXT?

3 A. NOTHING.

4 Q. OKAY. DID YOU LEAVE THE AREA?

5 A. THE DEPUTIES TOOK -- THE OTHER DEPUTIES, WHO
6 ACTUALLY ENDED UP WRITING THIS REPORT, DEPUTY [REDACTED] AND HIS
7 TRAINEE, FOR TRAINING EXPERIENCE THEY TOOK IT AND THEY
8 BOOKED IT INTO EVIDENCE.

9 Q. THE CONTRABAND THAT YOU FOUND?

10 A. YES, MA'AM.

11 Q. I SHOULD ASK YOU THIS: I JUST REFERRED TO IT
12 BY THE TERM "CONTRABAND." AT THAT TIME WHEN THESE ITEMS
13 WERE LOCATED, WAS THE -- WERE THOSE ITEMS CONSIDERED TO BE
14 CONTRABAND INSIDE THE JAIL?

15 A. YES, MA'AM.

16 Q. AND WAS MARIJUANA AT THAT TIME CONSIDERED TO
17 BE A CONTROLLED SUBSTANCE INSIDE THE JAIL?

18 A. YES, MA'AM.

19 Q. I'M GONNA SHOW YOU WHAT I'D ASK TO HAVE
20 MARKED AS PEOPLE'S 4 FOR IDENTIFICATION. AND JUST TELL ME
21 IF YOU RECOGNIZE ANYTHING ON THIS ENVELOPE THAT I HANDED TO
22 YOU.

23 A. I RECOGNIZE THE TAG AS BEING FROM OUR
24 EVIDENCE LOCKERS, 2011 TAG, AND THE DEPUTY THAT SIGNED IT.

25 (EXHIBIT 4 WAS MARKED FOR IDENTIFICATION.)

26

1 BY MS. BRYANT:

2 Q. AND WHO'S THE DEPUTY THAT SIGNED IT?

3 A. DEPUTY [REDACTED]

4 Q. IS THAT DEPUTY [REDACTED] WHO YOU SAID WAS
5 PRESENT AT THE TIME OF THIS INCIDENT AND WHO BOOKED THE
6 EVIDENCE?

7 A. YES, MA'AM.

8 THE COURT: THE SERGEANT'S NAME, CAN YOU SPELL
9 THAT?

10 THE WITNESS: GUEVARA. I BELIEVE IT'S
11 G-U-E-R-V-A.

12 MS. BRYANT: I BELIEVE IT'S G-U-E-V-A-R-A,
13 YOUR HONOR.

14 THE WITNESS: YEAH.

15 MS. BRYANT: AND HE'S ONE OF THE --

16 THE WITNESS: THERE YOU GO.

17 THE COURT: THANK YOU.

18 BY MS. BRYANT:

19 Q. THIS PARTICULAR -- NOW, THIS SEARCH, THIS
20 TOOK PLACE IN -- IS IT MODULE A?

21 A. YES, MA'AM.

22 Q. AND WHAT PARTICULAR TANK IS THIS?

23 A. TANK 1.

24 Q. OKAY. IS THAT A MAXIMUM SECURITY FACILITY?
25 A MINIMUM SECURITY FACILITY?

26 A. CENTRAL MEN'S JAIL IS A MAXIMUM SECURITY

1 FACILITY.

2 Q. DO YOU RECALL WHAT TIME OF DAY THIS SEARCH
3 OCCURRED?

4 A. 0745 IN THE MORNING.

5 Q. SO IN LAYPERSON'S TALK, 7:45 A.M., BASICALLY?

6 A. YES, MA'AM.

7 Q. ALL RIGHT. DURING THE TIME WHEN THE SEARCH
8 WAS OCCURRING, WHAT HAD HAPPENED TO THE DEP- -- THE --
9 EXCUSE ME -- TO THE INMATES?

10 A. I'M NOT SURE THAT --

11 Q. DID THEY STAY RIGHT THERE?

12 A. -- THEY WERE BROUGHT, BUT THEY WERE TAKEN
13 AWAY FROM THE AREA. THEY'RE USUALLY BROUGHT TO THE ROOF.

14 Q. ALL RIGHT. DO THE PHOTOGRAPHS OF THE ITEMS
15 IN PEOPLE'S 3-A, B AND C, DO THOSE ACCURATELY REFLECT THE
16 CONDITION OF THOSE ITEMS AT THE TIME THAT YOU FOUND THEM?

17 A. YES, MA'AM.

18 Q. AND DID YOU YOURSELF DO ANY WEIGHING OF THOSE
19 ITEMS?

20 A. NO, MA'AM.

21 Q. ALL RIGHT. BASED ON YOUR TRAINING AND
22 EXPERIENCE AS A DEPUTY, THE -- WHAT APPEARED TO BE MARIJUANA
23 THAT YOU FOUND, DID THAT APPEAR TO BE IN A USABLE QUANTITY?

24 A. YES, MA'AM.

25 Q. DID YOU YOURSELF REQUEST ANY TESTING TO BE
26 DONE ON THOSE ITEMS OF MARIJUANA OR ANY OF THE CONTROLLED

1 SUBSTANCES?

2 A. NO, MA'AM.

3 Q. OKAY. ALL RIGHT. NOW, PRIOR TO THIS
4 DECEMBER 31ST, 2011, SEARCH OF MR. [REDACTED]
5 CELL, HAD YOU YOURSELF CONDUCTED A SEARCH OF MR. [REDACTED]

6 A. YES.

7 Q. ON ONE OCCASION OR MORE THAN ONE OCCASION?

8 A. JUST ONE THAT I CAN RECALL.

9 Q. AND DID THAT OCCUR BEFORE OR AFTER THE
10 DECEMBER 31ST, 2011, SEARCH?

11 A. BEFORE.

12 Q. AND DO YOU RECALL APPROXIMATELY HOW MUCH
13 BEFORE THAT DECEMBER 31ST, 2011, SEARCH THAT THE SEARCH OF
14 MR. [REDACTED] HAD OCCURRED?

15 A. ABOUT A WEEK PRIOR.

16 Q. THAT'S YOUR RECOLLECTION?

17 A. YES, MA'AM.

18 Q. COULD IT HAVE BEEN A COUPLE OF WEEKS?

19 A. IT COULD HAVE BEEN.

20 Q. SO --

21 A. BEEN A LONG TIME.

22 Q. OKAY. SO IS IT FAIR TO SAY SOMETIME PROBABLY
23 WITHIN AT LEAST THE MONTH BEFORE THIS INCIDENT THAT
24 HAPPENED?

25 A. YES, MA'AM.

26 Q. WAS THERE A PARTICULAR REASON WHY -- WELL,

1 EXPLAIN TO US HOW THAT SEARCH CAME ABOUT.

2 A. I JUST -- I HADN'T TALKED TO [REDACTED] IN AWHILE,
3 AND I HAVEN'T SEARCHED HIM. SO I DECIDED TO SEARCH HIM WHEN
4 HE WAS COMING OUT OF THE ATTORNEY BONDS AREA.

5 Q. AND ON THAT PARTICULAR OCCASION, WAS THERE --
6 WAS THERE ANY PARTICULAR REASON YOU WERE CONCERNED ABOUT
7 MR. [REDACTED] AND WANTING TO SEARCH HIM ON THAT OCCASION?

8 A. NOT NECESSARILY, NO, NOT THAT I --

9 Q. AND HOW DO YOU KNOW THAT HE WAS IN THE
10 ATTORNEY BONDS AREA?

11 A. I BELIEVE I WAS WORKING DOWN THERE THAT DAY,
12 EITHER WORKING DOWN THERE OR HANGING OUT DOWN THERE. ONE OF
13 THE TWO.

14 Q. SO DID YOU SEARCH HIM AS HE WAS LEAVING THE
15 ATTORNEY BONDS AREA?

16 A. YES, MA'AM.

17 Q. AND DID YOU KNOW HOW LONG HE HAD BEEN IN THE
18 ATTORNEY BONDS AREA PRIOR TO YOU SEARCHING HIM?

19 A. I DON'T RECALL.

20 Q. WHEN YOU SEARCHED HIM THAT DAY, DID YOU
21 LOCATE ANYTHING ON HIM?

22 A. NO.

23 Q. DO YOU REMEMBER IF MR. [REDACTED] HAD ANY BELONGINGS
24 WITH HIM THAT DAY OTHER THAN JUST PHYSICALLY WHAT HE WAS
25 WEARING?

26 A. YES.

1 Q. WHAT?

2 A. HE HAD A FILE FOLDER WITH HIM.

3 Q. DID YOU SEARCH INSIDE THAT FILE FOLDER?

4 A. YES.

5 Q. AND THEN, AS FAR AS HIS PERSON, WHAT KIND OF
6 A SEARCH DID YOU DO OF HIS PERSON?

7 A. I DIDN'T SEARCH HIS PERSON, JUST HIS
8 BELONGINGS HE HAD WITH HIM.

9 Q. AND HOW DID MR. [REDACTED] BEHAVE WHEN YOU WERE
10 SEARCHING HIM?

11 A. HE WAS AGITATED, UPSET THAT I WAS SEARCHING
12 HIM.

13 Q. DO YOU RECALL ANY OTHER DEPUTIES BEING
14 PRESENT AT THE TIME THAT YOU SEARCHED MR. [REDACTED] ON THAT PRIOR
15 OCCASION?

16 A. I DO NOT.

17 Q. DO YOU RECALL HOW LONG YOU WERE IN THE
18 ATTORNEY BONDS AREA THAT DAY PRIOR TO SEARCHING MR. [REDACTED]

19 A. NO, I DON'T RECALL THAT.

20 Q. AND I'M SORRY. I DON'T REMEMBER IF I ASKED
21 YOU THIS. BUT ON THE DAY THAT YOU SEARCHED THE CELL ON
22 DECEMBER -- EXCUSE ME -- 31ST, 2011, DO YOU RECALL -- DID
23 YOU RECALL SEEING DEPUTY [REDACTED] ANYWHERE IN THE AREA AT ANY
24 TIME?

25 A. NO, MA'AM.

26 Q. AND ON THE DATE THAT YOU SEARCHED MR. [REDACTED]

1 SOMETIME BEFORE, A WEEK OR SO -- WITHIN THE MONTH BEFORE THE
2 DATE THE CONTRABAND WAS FOUND, YOU SEARCHED HIM WHEN HE WAS
3 LEAVING THE ATTORNEY BONDS AREA, DO YOU REMEMBER SEEING
4 DEPUTY [REDACTED] ANYWHERE IN THE AREA AT THE TIME?

5 A. NOT THAT I CAN RECALL.

6 Q. OKAY. DO YOU SEE HERE IN COURT MR. [REDACTED]

7 A. YES, MA'AM.

8 Q. COULD YOU INDICATE TO US WHERE HE IS AND WHAT
9 HE IS WEARING.

10 A. HE IS SITTING AT DEFENSE COUNSEL TABLE. I
11 BELIEVE IT'S BLACK -- BLACK JACKET AND WHITE SHIRT, TIE.

12 Q. OKAY.

13 A. THEY ARE WEARING A SIMILAR THING SO --
14 BURGUNDY COLOR ON HIS TIE.

15 Q. IS THIS THE GENTLEMAN TO WHOM YOU'RE
16 REFERRING?

17 A. YES, MA'AM.

18 MS. BRYANT: FOR THE RECORD, I AM STANDING BEHIND
19 MR. [REDACTED]

20 AND YOU IDENTIFIED MR. [REDACTED] HERE AS THE
21 DEFENDANT.

22 YOUR HONOR, COULD THE RECORD REFLECT THAT?

23 THE COURT: IT WILL.

24 BY MS. BRYANT:

25 Q. WERE YOU FAMILIAR -- NOW, DID YOU WORK THE
26 ATTORNEY BONDS AREA WITH SOME FREQUENCY DURING THE PERIOD OF

1 2009 TO 2011?

2 A. ON OVERTIME, YES.

3 Q. ON OVERTIME?

4 A. YES.

5 Q. AND DID YOU EVER WORK THAT AREA -- OTHER THAN
6 ON THE DATE YOU'VE JUST MENTIONED THAT YOU SEARCHED MR. [REDACTED]
7 DID YOU EVER WORK THAT AREA ON A DATE WHEN MR. [REDACTED] WAS DOWN
8 THERE VISITING?

9 A. YES.

10 Q. FREQUENTLY? OR HOW OFTEN WOULD YOU SAY THAT
11 HAPPENED?

12 A. FREQUENTLY. I DON'T KNOW EXACTLY HOW OFTEN
13 IT HAPPENED.

14 Q. WERE YOU FAMILIAR WITH A PERSON WHO CAME TO
15 VISIT HIM, A FEMALE?

16 A. YES.

17 Q. AND HOW IS IT THAT YOU WERE FAMILIAR WITH
18 HER?

19 A. SHE WAS SUPPOSEDLY HIS LEGAL RUNNER, I
20 BELIEVE. SHE CLAIMED TO BE.

21 Q. AND DID YOU HAVE ANY CONTACT WITH HER?

22 A. YEAH. YES, MA'AM.

23 Q. AND WHAT KIND OF CONTACT?

24 A. SHE WOULD COME IN FREQUENTLY. AND YOU'D GET
25 TO KNOW PEOPLE, AS YOU'RE SITTING DOWN THERE IN ATTORNEY
26 BONDS, THAT WOULD COME IN AND VISIT THEIR CLIENTS, PUBLIC

1 DEFENDERS, DISTRICT ATTORNEYS, LEGAL RUNNERS. AND THAT'S
2 ABOUT -- THAT'S TO THE EXTENT THAT I KNEW HER.

3 Q. WERE YOUR COMMUNICATIONS WITH HER PLEASANT?

4 A. YES.

5 Q. WAS SHE NICE?

6 A. YES, MA'AM.

7 Q. DID YOU TREAT HER CORDIALLY?

8 A. YES, MA'AM.

9 THE COURT: MS. BRYANT, WE'LL GO AHEAD AND TAKE A
10 15-MINUTE BREAK.

11 IT'S THE DUTY OF THE JURORS DURING
12 THE RECESS OR ADJOURNMENT NOT TO CONVERSE
13 AMONG THEMSELVES OR WITH ANYONE ELSE ON
14 ANY SUBJECT CONNECTED WITH THIS TRIAL OR
15 TO ALLOW ANYONE TO CONVERSE WITH THEM
16 CONCERNING THE TRIAL OR ANY MATTER
17 CONNECTED WITH THE TRIAL.

18 IT IS THE DUTY OF THE JURORS NOT TO
19 FORM OR EXPRESS ANY OPINION THEREON UNTIL
20 THE CAUSE IS FINALLY SUBMITTED TO THEM FOR
21 DECISION.

22 SEE EVERYONE BACK IN 15 MINUTES.

23 (A RECESS IS TAKEN.)

24 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT
25 IN THE PRESENCE OF THE JURY:)

26 THE COURT: OKAY. OUR JURORS ARE ALL PRESENT.

1 COUNSEL IS PRESENT. DEFENDANT IS PRESENT. AND WE HAVE OUR
2 CLERK AND OUR COURT REPORTER.

3 SO WE'RE READY TO GO.

4 MS. BRYANT: ALL RIGHT.

5 BY MS. BRYANT:

6 Q. DEPUTY GALLIVAN, BEFORE I MOVE ON, I JUST
7 WANT TO CLARIFY SOME THINGS FOR THE RECORD BECAUSE THIS DOES
8 FORM THE RECORD.

9 AND YOU HAD -- REFERRING TO PEOPLE'S 1-B --
10 POINTED TO THE WORDS "SATANAS" AND "DRAGON" AND "187" AND
11 HAD INDICATED THAT -- THAT -- "187" IS THE -- GOES TO THE
12 CHARGE OF MURDER, BUT THE OTHER TWO WORDS RELATE TO GANG
13 AFFILIATION; IS THAT CORRECT?

14 A. YES, MA'AM.

15 Q. SO I'M JUST GOING TO CIRCLE THOSE WORDS,
16 "SATANAS" AND "DRAGON," AND I'M GOING TO WRITE THE WORD
17 "GANG" IN THE BORDER AREA JUST TO MAKE THE RECORD AS TO WHAT
18 YOU WERE REFERRING TO.

19 IS THAT ACCURATE?

20 A. YES.

21 Q. AND THEN THE "187" I'M GOING TO CIRCLE. AND
22 THEN I'M GOING TO WRITE IN THE WORD "MURDER" BECAUSE THAT IS
23 ALSO WHAT YOU REFERRED TO; IS THAT CORRECT?

24 A. YES, MA'AM.

25 Q. AND, THEN, AGAIN FOR THE RECORD, YOU REFERRED
26 TO THE DATE THIS WENT INTO USE. AND I'M GOING TO JUST -- I

1 JUST CIRCLED THAT IN BLUE, THE DATE THAT YOU REFERRED TO,
2 OCTOBER 1ST, 2004.

3 AND -- LET'S SEE. THEN, AGAIN, JUST TO
4 CLARIFY SOME THINGS YOU TESTIFIED TO, AS REGARDS TO
5 PEOPLE'S 2-A AND B, YOU HAD TALKED ABOUT THE TV. YOU
6 POINTED TO THIS ITEM ON THE BOTTOM HERE. THIS IS THE TV;
7 CORRECT?

8 A. YES, MA'AM.

9 Q. SO I'M JUST GOING TO CIRCLE THAT IN BLUE AND
10 WRITE "TV" HERE.

11 AND, AGAIN, DO WE SEE THAT SAME ITEM IN
12 PEOPLE'S 2-A?

13 A. YES, MA'AM.

14 Q. IS THAT RIGHT OVER HERE?

15 A. YES, MA'AM.

16 Q. SO I'M GOING TO CIRCLE THAT. AGAIN, THIS IS
17 JUST FOR REFERENCE ON THE RECORD.

18 AND THEN THE TV CASE -- IS THAT AN
19 APPROPRIATE TERM FOR IT?

20 A. YEAH.

21 Q. OR -- THAT IS THIS ITEM RIGHT HERE?

22 A. YES, MA'AM.

23 Q. I'M GOING PUT AN ARROW THERE AND LABEL THAT
24 "CASE." OR "TV CASE."

25 AND YOU PUT -- REFERRED TO A COVER; IS THAT
26 RIGHT?

1 A. YEAH. FACEPLATE.

2 Q. THAT ITEM DOWN HERE? I'M GOING TO CIRCLE
3 THAT.

4 AND WHAT DID YOU SAY IT WAS?

5 A. FACEPLATE.

6 Q. FACEPLATE. SO I WILL WRITE "TV FACEPLATE."
7 JUST SO THERE'S A CLEAR RECORD IF ANYONE IS
8 EVER READING THIS AND TRYING TO REFERENCE AND FOLLOW ALONG
9 YOUR TESTIMONY.

10 AGAIN, THE TV CASE WE SEE UP AT THE TOP AS
11 WELL; CORRECT?

12 A. YES, MA'AM.

13 Q. SO I'M GOING TO -- THAT WHERE THAT WOULD BE?

14 A. YES, MA'AM.

15 Q. AND I DON'T KNOW IF WE CAN SEE THE COVER.
16 THERE'S A LITTLE BIT OF IT WE CAN SEE ON THE FLOOR IN
17 PEOPLE'S 2-A, BUT IT LOOKS TO BE A LITTLE BIT OBSCURED. SO
18 I THINK IF ANYONE WANTS TO LOOK, THEY CAN SEE IF THEY CAN
19 FIND IT. BUT --

20 ALL RIGHT. SO THAT'S ACCURATE?

21 A. YES, MA'AM.

22 Q. AND THEN YOU DID THOROUGHLY LABEL PEOPLE'S 3.

23 OKAY. YOU USED A TERM WHEN I WAS JUST

24 QUESTIONING YOU ABOUT THE DAY YOU SEARCHED [REDACTED]
25 PRIOR TO THIS CONTRABAND BEING FOUND IN THE CELL. YOU SAID
26 THAT ON THAT DAY -- OR I THINK YOU REFERRED TO JUST HANGING

1 OUT IN THE ATTORNEY BONDS AREA.

2 A. YES, MA'AM.

3 Q. YOU USED THE TERM "HANGING OUT." CAN YOU
4 EXPLAIN, ARE -- DO -- DEPUTIES, ARE THEY NOT ASSIGNED TO A
5 PARTICULAR LOCATION?

6 A. WHEN YOU'RE WORKING A DIFFERENT LOCATION -- I
7 COULD HAVE BEEN WORKING FIRST FLOOR THAT DAY. I'M NOT SURE
8 EXACTLY WHERE I WAS WORKING. IF YOU'RE WORKING FOURTH
9 PROWL, THIRD PROWL, THE WAY THE CENTRAL MEN'S JAIL IS --

10 THE REPORTER: I'M SORRY. "IF YOU'RE WORKING" --

11 THE WITNESS: THIRD PROWL OR FOURTH PROWL.

12 THE WAY THE CENTRAL MEN'S JAIL IS SET UP, YOU CAN WALK DOWN,
13 UP THE DIFFERENT FLOORS AND SOMETIMES JUST STOP IN AND SAY
14 HI TO A FRIEND.

15 BY MS. BRYANT:

16 Q. AND WHAT IF YOU'RE ASSIGNED AS A FIRST --
17 FIRST-FLOOR PROWLER?

18 A. THEN THAT'S WHERE YOU SPEND YOUR TIME IS
19 INSIDE ATTORNEY BONDS.

20 Q. SO THE FIRST-FLOOR PLOW- -- SORRY --
21 FIRST-FLOOR PROWLER WOULD SPEND TIME IN ATTORNEY BONDS AREA?

22 A. YES, OR IN MAIN CONTROL. JUST ON THE FIRST
23 FLOOR SOMEWHERE.

24 Q. AND ATTORNEY BONDS, IS THAT LOCATED ON THE
25 FIRST FLOOR?

26 A. YES, MA'AM.

1 Q. AND THEN IF YOU'RE A BASEMENT PROWLER, WHERE
2 MIGHT YOU GO?

3 A. PROBABLY THE SAME SPOT.

4 Q. OKAY. YOU STAY IN THE BASEMENT, OR MIGHT YOU
5 HANG OUT ON OTHER LOCATIONS AS WELL?

6 A. WHEN I WAS THERE, YOU COULD HANG OUT AT OTHER
7 LOCATIONS AS WELL.

8 Q. ALL RIGHT. NOW, RIGHT BEFORE WE BROKE I WAS
9 ASKING YOU ABOUT YOUR KNOWLEDGE OF MR. [REDACTED] LEGAL RUNNER.
10 DID YOU -- DID YOU KNOW HER BY NAME?

11 A. I DON'T RECALL HER NAME.

12 Q. AND DO YOU RECALL HER BEING AN ASIAN WOMAN?

13 A. YES, MA'AM.

14 Q. AND I ASKED YOU IF YOUR RELATIONSHIP WITH
15 HER, YOUR COMMUNICATIONS WITH HER WERE -- WERE PLEASANT.

16 A. YES, MA'AM.

17 Q. THEY WERE?

18 A. YES, MA'AM.

19 Q. AND YOU TREATED EACH OTHER CORDIALLY?

20 A. YES.

21 Q. DID SHE EVER OFFER YOU HOCKEY TICKETS?

22 A. NOT THAT I CAN RECALL, NO.

23 Q. DID SHE EVER OFFER YOU ANY TYPE OF GIFT?

24 A. NO, MA'AM.

25 Q. DID SHE EVER OFFER YOU ANY FOOD GIFT CARDS?

26 A. NOT THAT I CAN RECALL.

1 Q. WOULD -- IS THAT SOMETHING YOU WOULD RECALL?

2 A. MORE THAN LIKELY, YES.

3 Q. WHY IS THAT?

4 A. BECAUSE PEOPLE DON'T USUALLY OFFER YOU GIFT
5 CARDS.

6 Q. DID SHE EVER OFFER YOU ANY BURKE WILLIAMS
7 GIFT CERTIFICATES?

8 A. NO, MA'AM.

9 Q. DID YOU EVER TAKE ANY GIFTS FROM HER?

10 A. NO, MA'AM.

11 Q. DO YOU RECALL HER OFFERING YOU ANY KIND OF
12 GIFTS AT ALL?

13 A. NO, MA'AM.

14 Q. DID SHE EVER OFFER TO SET YOU UP ON DATES
15 WITH ANY FRIENDS OF HERS?

16 A. NO, MA'AM.

17 Q. DID YOU EVER GIVE HER YOUR PHONE NUMBER?

18 A. NO, MA'AM.

19 Q. DID YOU EVER GIVE HER YOUR E-MAIL ADDRESS?

20 A. NO, MA'AM.

21 Q. DID SHE EVER GIVE YOU HER PHONE NUMBER?

22 A. NO, MA'AM.

23 Q. WERE YOU -- AS A DEPUTY, ARE YOU AWARE OF ANY
24 RULES OR REGULATIONS REGARDING TAKING GIFTS FROM PEOPLE?

25 A. YES, MA'AM.

26 Q. WHAT IS YOUR UNDERSTANDING IN THAT REGARD?

1 A. WE'RE NOT TO ACCEPT GRATUITIES. PART OF OUR
2 CODE OF ETHICS.

3 Q. ARE YOU TRAINED IN ANY WAY AS TO WHAT TO DO
4 IN THE EVENT THAT SOMEONE OFFERS YOU ONE?

5 A. WE'RE TOLD NOT TO ACCEPT GRATUITIES; NOT
6 REALLY WHAT TO DO WHEN SOMEONE OFFERS THEM TO YOU.

7 Q. ARE YOU ADVISED OF WHAT CONSEQUENCES OR -- IF
8 ANY THERE WOULD BE IF YOU DID ACCEPT GRATUITIES?

9 A. NOT THAT I CAN RECALL EXACTLY WHAT
10 REPERCUSSIONS. JUST THAT WE'RE NOT -- WE'RE NOT SUPPOSED TO
11 DO IT.

12 Q. NOW, WITH REGARD TO INMATE SEARCHES, YOU
13 TALKED ABOUT A SEARCH THAT YOU DECIDED TO DO OF INMATE [REDACTED]
14 ON THAT PARTICULAR OCCASION PRIOR TO THIS DECEMBER 31ST,
15 2011, CELL SEARCH.

16 NOW, WAS THAT A RANDOM OR PLANNED SEARCH?

17 A. JUST RANDOM SEARCH.

18 Q. OKAY. AND HAD YOU -- WHAT IS THE POINT OF A
19 RANDOM SEARCH?

20 A. JUST TO RANDOMLY SEARCH SOMEBODY, POSSIBLY
21 FIND CONTRABAND.

22 Q. SO THAT TYPE OF A SEARCH, IS THAT TYPE OF
23 SEARCH BEST DONE IF THERE'S NO ADVANCED WARNING TO THE
24 INMATE THAT IT'S GOING TO HAPPEN?

25 A. YES, MA'AM.

26 Q. AND WOULD THERE BE AN ISSUE WITH ANOTHER

1 DEPUTY WARNING AN INMATE IN ADVANCE THAT HE WAS GOING TO BE
2 SEARCHED?

3 A. YES, MA'AM.

4 Q. WHAT ISSUE WOULD THAT CREATE?

5 A. HE WOULD EXPECT IT, AND HE WOULD MORE THAN
6 LIKELY BE INTELLIGENT ENOUGH NOT TO HAVE IT ON HIM AT THAT
7 TIME.

8 MS. BRYANT: THANK YOU. I DON'T HAVE ANYTHING
9 FURTHER OF THE WITNESS AT THIS TIME.

10 THE COURT: MR. ROSENBLUM.

11 MR. ROSENBLUM: THANK YOU.

12 CROSS-EXAMINATION

13 BY MR. ROSENBLUM:

14 Q. GOOD AFTERNOON, DEPUTY GALLIVAN. HOW ARE
15 YOU?

16 A. GOOD AFTERNOON, SIR.

17 Q. I'M GOING TO ASK YOU A NUMBER OF QUESTIONS
18 HERE THIS AFTERNOON. AND IF THERE'S ANYTHING THAT I ASK YOU
19 WHICH IS CONFUSING OR YOU DON'T UNDERSTAND, WOULD YOU LET ME
20 KNOW SO I CAN REPHRASE IT OR REPEAT IT FOR YOU?

21 A. YES, SIR.

22 Q. OKAY. I WANT TO BEGIN BY ASKING, PRIOR TO
23 COMING INTO COURT TO TESTIFY TODAY, DID YOU TALK TO ANYBODY
24 CONCERNING YOUR TESTIMONY?

25 A. I'M SORRY. CAN YOU REPHRASE THE QUESTION?

26 Q. PRIOR TO COMING INTO COURT THIS AFTERNOON TO

1 TESTIFY --

2 A. YES, SIR.

3 Q. -- DID YOU TALK TO ANYONE CONCERNING YOUR
4 TESTIMONY?

5 A. YES, SIR.

6 Q. DID YOU TALK TO THE D.A.?

7 A. NO, SIR.

8 Q. WHO DID YOU SPEAK WITH?

9 A. THE D.A. INVESTIGATOR.

10 Q. WOULD THAT BE MR. [REDACTED] SITTING IN THE BACK?

11 A. YES, SIR.

12 Q. AND DID HE GO OVER YOUR REPORTS WITH YOU AND
13 TALK TO YOU ABOUT --

14 A. NO, SIR.

15 Q. SO YOU DIDN'T HAVE AN OPPORTUNITY TO READ
16 ANYTHING PRIOR TO COMING INTO COURT?

17 A. I READ A REPORT PROVIDED TO ME YESTERDAY.

18 Q. AND WHO GAVE YOU THAT?

19 A. INVESTIGATOR [REDACTED]

20 Q. NOW, LET ME START WITH THE MOST IMPORTANT
21 THING FIRST FOR ME.

22 SO I WANT TO ASK YOU THIS: THIS SEARCH WHICH
23 YOU SAID YOU MADE OF MR. [REDACTED] COMING OUT OF THE ATTORNEY
24 BONDS AREA, DIDN'T THAT OCCUR APPROXIMATELY ONE WEEK BEFORE
25 YOU CHECKED THE CELL?

26 A. I'M NOT EXACTLY SURE THE TIME FRAME. BUT

1 YES, SIR, APPROXIMATELY A WEEK.

2 Q. OKAY. AND WAS YOUR MEMORY BETTER IN 2012
3 THAN IT IS TODAY IN 2014 TO THE EXTENT OF WHEN YOU ACTUALLY
4 DID THE SEARCH?

5 A. YES, SIR.

6 Q. OKAY. AND DO YOU RECALL BEING INTERVIEWED BY
7 DEPUTY [REDACTED] CONCERNING WHEN IT WAS THAT YOU DID THE SEARCH
8 OUT OF ATTORNEY BONDS WITH MR. [REDACTED]

9 A. I REMEMBER TALKING ABOUT IT, YES, SIR.

10 Q. DID ANYBODY SHOW YOU A REPORT PRIOR TO
11 SITTING DOWN HERE TODAY AS TO WHEN IT WAS YOU TOLD HIM YOU
12 DID THAT SEARCH COMING OUT OF -- DID ANYBODY SHOW YOU THAT
13 REPORT YESTERDAY OR TODAY?

14 A. YES, SIR.

15 Q. AND DID YOU TELL DETECTIVE [REDACTED] BACK IN
16 2012 -- AUGUST THE 1ST OF 2012, ALMOST TWO YEARS AGO, DID
17 YOU TELL HIM THAT THE INCIDENT WHERE YOU SEARCHED [REDACTED] WAS
18 APPROXIMATELY ONE WEEK BEFORE YOU SEARCHED THE CELL?

19 LET ME FIND IT FOR YOU SO YOU CAN SEE IT.

20 A. RIGHT HERE, SIR.

21 Q. AND COULD YOU READ WHAT IT SAYS.

22 A. YES, SIR. "DEPUTY GALLIVAN SAID HE SEARCHED
23 [REDACTED] OUTSIDE OF THE ATTORNEY BONDS AREA PERHAPS A WEEK BEFORE
24 THE INCIDENT ON 12/31/11."

25 Q. OKAY. SO I WANT TO BE CLEAR BECAUSE WHEN THE
26 D.A. WAS ASKING YOU QUESTIONS, IT SOUNDED LIKE SHE SAID

1 WITHIN A MONTH. BUT WHAT YOU'VE SAID IN THE PAST WAS
2 APPROXIMATELY ONE WEEK BEFORE THE CELL WAS SEARCHED;
3 CORRECT?

4 A. YES, SIR.

5 Q. OKAY. SO I JUST WANT TO GET THIS CORRECT.
6 THE CELL WAS SEARCHED ON 12/31/2011.

7 A. YES, SIR.

8 Q. SO APPROXIMATELY ONE WEEK BEFORE 12/31, IF MY
9 MATH IS CORRECT, IS SOMEWHERE AROUND THE 14TH -- I'M SORRY
10 -- 24TH -- MY MATH WASN'T CORRECT -- 24TH OF DECEMBER.

11 A. YES, SIR.

12 Q. SO IT WOULD -- AT MOST WOULD HAVE BEEN TWO
13 WEEKS. AT MOST.

14 A. I -- YOU KNOW, SIR, TO BE HONEST WITH YOU, I
15 WAS GUESSING. I DON'T KNOW EXACTLY THE TIME FRAME.

16 Q. SO -- BUT IN 2012 YOU SAID IT WAS ABOUT A
17 WEEK; CORRECT?

18 A. CORRECT.

19 Q. ALL RIGHT. NOT A MONTH. NOT THREE WEEKS.
20 YOU SAID ONE WEEK.

21 A. YES, SIR.

22 Q. OKAY. NOW, IN TERMS OF -- LET ME JUST CLEAR
23 UP -- SPEED THINGS UP A LITTLE BIT.

24 THE SUBSTANCE THAT WAS FOUND IN THE SEARCH,
25 THAT CLEARLY WAS MARIJUANA, WASN'T IT?

26 AND YOU KNOW WHAT IT SMELLS LIKE, WHAT IT

1 LOOKS LIKE; RIGHT?

2 A. YES, SIR.

3 Q. THERE'S NO QUESTION IN YOUR MIND THAT'S
4 MARIJUANA; RIGHT?

5 A. YES, SIR.

6 Q. OKAY. AND THERE'S NO QUESTION THIS WAS
7 TOBACCO; RIGHT?

8 A. YES, SIR.

9 Q. OKAY. THIS TURNED OUT TO BE BLUE? DO YOU
10 KNOW?

11 A. I STILL DON'T KNOW WHAT IT IS TO THIS DAY,
12 SIR.

13 Q. BUT CERTAINLY MARIJUANA AND TOBACCO, A PHONE
14 CHARGER, AND A PHONE, AND A COUPLE OF LIGHTERS; CORRECT?

15 A. YES, SIR.

16 Q. ALL RIGHT. LET'S TALK ABOUT THAT FOR A
17 MINUTE.

18 I WANT TO TAKE YOU TO 12/31 AT 7:45 IN THE
19 MORNING WHEN YOU SEARCHED THE CELL.

20 WHEN YOU FOUND THESE ITEMS, DID YOU KNOW WHO
21 THEY BELONGED TO?

22 A. NO, SIR.

23 Q. ON 12/31, ANYTIME DURING THAT SEARCH, DID YOU
24 KNOW WHO THESE ITEMS BELONGED TO?

25 A. NO, SIR.

26 Q. SIX MONTHS LATER DID YOU KNOW WHO THESE ITEMS

1 BELONGED TO?

2 A. NO, SIR.

3 Q. SO WHEN YOU WENT INTO THE CELL, THAT ENTIRE
4 DAY, WAS THERE ANYTHING TO SHOW YOU WHO SMUGGLED THESE INTO
5 THE JAIL?

6 A. NO, SIR.

7 Q. WAS THERE ANY INDICATION WHEN YOU LOOKED THAT
8 DAY WHO THE PHONE BELONGED TO?

9 A. NO, SIR.

10 Q. ANY INDICATION FROM ANYONE, ANY NAMES ON
11 THERE, ANYTHING AT ALL WHICH WOULD HAVE GIVEN YOU AN
12 INDICATION AS TO WHO IT WAS THAT BROUGHT THESE ITEMS INTO
13 THE JAIL?

14 A. NO, SIR.

15 Q. SO AS YOU SIT HERE TODAY, DO YOU KNOW?

16 A. NO, SIR.

17 Q. YOU HAVE NO IDEA WHO BROUGHT THEM IN?

18 A. NO, SIR.

19 Q. OKAY. THERE WAS SEVEN PEOPLE IN THAT CELL
20 YOU SAID THAT DAY; CORRECT?

21 A. YES, SIR.

22 Q. EACH ONE OF THEM WERE INTERVIEWED? IF YOU
23 KNOW. IF YOU DON'T KNOW, THAT'S FINE.

24 A. I'M NOT SURE IF EACH ONE OF THEM, SIR.

25 Q. DID YOU INTERVIEW ANYBODY?

26 A. NO, SIR.

1 Q. OKAY. BUT AS FAR AS YOU KNOW, THAT DAY
2 NOBODY KNEW WHO IT BELONGED TO; CORRECT?

3 A. YES, SIR.

4 Q. NOW, I NOTICED IN THESE PICTURES, IF I COULD
5 TAKE THIS ONE DOWN --

6 I'M SORRY. I WAS POINTING TO EXHIBIT 3,
7 YOUR HONOR.

8 OKAY. NOW, I KIND OF NOTICED SOMETHING ABOUT
9 THESE --

10 I'M SORRY. DO YOU --

11 THE COURT: DO YOU WANT THAT?

12 MR. ROSENBLUM: I'VE NEVER USED ONE OF THESE,
13 YOUR HONOR. YOU JUST POINT AT IT?

14 THE COURT: YEAH. IT'S A HIGH-TECH GADGET.

15 MR. ROSENBLUM: ALL RIGHT.

16 BY MR. ROSENBLUM:

17 Q. THE NUMBER ON HERE IS NUMBER 2. OKAY. I
18 JUST WANT TO TALK A LITTLE BIT ABOUT THESE PHOTOGRAPHS, SOME
19 QUESTIONS YOU WEREN'T ASKED.

20 ON THE RIGHT OF THE TOP PHOTOGRAPH, IS THIS
21 THE DAY ROOM?

22 A. YES, SIR.

23 Q. AND IS THIS WHERE THE INMATES ARE ALLOWED TO
24 GO IN DURING THE DAY TO SIT AND CONGREGATE AND WATCH TV?

25 A. YES, SIR.

26 Q. THE CELL NEXT TO IT, IS THAT THE CELL WHERE

1 THE INMATES WERE HOUSED?

2 A. YES, SIR.

3 Q. SO THERE WERE SEVEN INMATES IN THAT
4 PARTICULAR CELL; IS THAT WHAT YOU RECALL?

5 A. YES, SIR.

6 Q. OKAY. DID YOU TAKE PHOTOS OF ANY -- DID
7 ANYBODY TAKE PHOTOS OF THOSE INMATES?

8 A. NOT TO MY KNOWLEDGE, SIR.

9 Q. NOW, CAN YOU EXPLAIN TO US, IS THERE ANYTHING
10 AT ALL WHICH WOULD HAVE CONNECTED ANY ONE OF THESE INMATES
11 IN THAT CELL WITH THE ITEMS THAT WERE FOUND HIDDEN IN THE
12 TV? ANY INDICATIONS, ANYTHING THAT YOU FOUND TO SUGGEST WHO
13 IT WAS THAT BROUGHT THAT IN?

14 A. NO, SIR.

15 Q. NOW, I NOTICE THERE ISN'T ANY OTHER PHOTOS
16 GOING TO THE LEFT OF THIS AS WE LOOK AT IT. BUT WHEN YOU
17 LOOK AT THE FLOOR, IT LOOKS VERY MESSY THERE FOR SOME
18 REASON. IS THAT THE WAY THE CELLS NORMALLY ARE, THAT MESSY?

19 DO YOU ALLOW INMATES TO HAVE THEIR CELLS THAT
20 MESSY?

21 A. NO, SIR.

22 Q. WHO DID THAT?

23 A. DEPUTIES, WHEN THEY WERE SEARCHING.

24 Q. NOW, IS THAT ONE OF THE TECHNIQUES USED TO
25 HARASS OR STRESS INMATES OUT, SOMETIMES TOSSING THEIR CELLS
26 AND THROWING THINGS ALL AROUND, AND THEN THEY HAVE TO CLEAN

1 IT UP?

2 A. NO, SIR.

3 Q. YOU DON'T DO THAT.

4 A. NO, SIR.

5 Q. DID THE DEPUTIES CLEAN ALL THAT UP?

6 A. I DON'T RECALL WHO CLEANED IT UP.

7 Q. BUT NO PHOTOGRAPHS WERE TAKEN OF THE ACTUAL
8 CELL THAT YOU'RE AWARE OF?

9 A. NOT TO MY KNOWLEDGE, NO, SIR.

10 MR. ROSENBLUM: ALL RIGHT. THANK YOU.

11 THAT'S VERY NICE, BY THE WAY. ALL RIGHT.

12 THE COURT: CAN YOU KEEP THIS DOWN HERE?

13 THE WITNESS: THANK YOU, SIR.

14 BY MR. ROSENBLUM:

15 Q. WAS THAT YOURS?

16 A. NO, NO.

17 Q. ALL RIGHT. I WANT TO TALK TO YOU A LITTLE
18 BIT, IF I CAN, ABOUT YOUR RECOLLECTION OF THESE INCIDENTS.

19 IS IT FAIR TO SAY THAT YOUR MEMORY BACK IN
20 2012 WAS FAR BETTER THAN IT IS TODAY?

21 A. YES, SIR.

22 Q. OKAY. WOULD IT BE FAIR TO SAY THAT WHAT YOU
23 SAID IN 2012 IS MORE LIKELY TO BE ACCURATE THAN WHAT YOU
24 MIGHT BE SAYING TODAY?

25 A. YES, SIR.

26 Q. I'D LIKE TO ASK YOU WHETHER OR NOT YOU WERE

1 INTERVIEWED BY INVESTIGATOR [REDACTED] BACK ON JANUARY -- I'M
2 SORRY -- JULY 11TH, 2012, ABOUT YOUR KNOWLEDGE OF THIS CASE.
3 DO YOU RECALL HAVING AN INTERVIEW?

4 A. YES, SIR.

5 Q. DID YOU KNOW THAT THAT INTERVIEW WAS
6 TAPE-RECORDED?

7 A. YES, SIR.

8 Q. DID ANYBODY ALLOW YOU TO LISTEN TO THAT
9 TAPE-RECORDING BEFORE YOU CAME INTO THIS COURT AND SAT DOWN
10 TO TESTIFY?

11 A. NO, SIR.

12 Q. SO YOU HAVEN'T HEARD THAT CONVERSATION IN TWO
13 YEARS?

14 A. CORRECT, SIR.

15 Q. WOULD IT SURPRISE YOU IF YOU SAID THINGS
16 DIFFERENT IN THAT CONVERSATION THAN YOU JUST TOLD THE JURY
17 TODAY?

18 A. NO, SIR.

19 Q. SO THE TESTIMONY THAT YOU GAVE TODAY TO THIS
20 JURY MIGHT NOT BE TOTALLY ACCURATE?

21 MS. BRYANT: OBJECTION. VAGUE. SPECULATION.

22 THE COURT: OVERRULED.

23 BY MR. ROSENBLUM:

24 Q. IS IT FAIR TO SAY THAT THE INFORMATION THAT
25 YOU JUST GAVE TO THE JURY MIGHT NOT BE TOTALLY ACCURATE?

26 A. IN RELATION TO WHAT, SIR?

1 Q. WHAT YOU TOLD ME, YOUR TESTIMONY.

2 MS. BRYANT: OBJECTION. VAGUE, YOUR HONOR.

3 THE COURT: WELL, SUSTAINED.

4 BY MR. ROSENBLUM:

5 Q. DO YOU HAVE DOUBTS ABOUT WHETHER SOME OF THE
6 THINGS YOU TOLD THIS JURY TODAY IS ACCURATE OR NOT?

7 MS. BRYANT: OBJECTION. RELEVANCE.

8 THE COURT: OVERRULED.

9 THE WITNESS: IN RELATION TO THE TIME FRAME IN
10 SEARCHING [REDACTED] I DO.

11 BY MR. ROSENBLUM:

12 Q. YOU DO HAVE DOUBTS?

13 A. I DON'T KNOW EXACTLY WHEN -- WHEN THAT WAS
14 PRIOR TO THIS SEARCH. THAT'S IT.

15 BY MR. ROSENBLUM:

16 Q. OKAY. ALL RIGHT. I WANT TO ASK YOU ABOUT
17 SOME OF THE THINGS THAT YOU SAID.

18 AND, FIRST OF ALL, IN TERMS OF [REDACTED]

19 [REDACTED] HE -- ACCORDING TO THE CHARTS, HE HAS BEEN IN THE
20 ORANGE COUNTY JAIL FOR OVER SEVEN YEARS, FROM 2004 TILL AT
21 LEAST 2012; CORRECT?

22 A. YES, SIR.

23 Q. ALMOST EIGHT YEARS.

24 IS THAT LONGER THAN JUST ABOUT ANY INMATE
25 THAT YOU CAN REMEMBER IN RECENT HISTORY?

26 A. YES, SIR. DEFINITELY.

1 Q. SO MR. [REDACTED] DURING THOSE EIGHT YEARS, GOT TO
2 KNOW A LOT OF DEPUTIES THERE; TRUE?

3 A. YES, SIR.

4 Q. AND GOT -- DEVELOPED RELATIONSHIPS, KNEW
5 PEOPLE BY NAME, TALKED TO OTHER PEOPLE; CORRECT?

6 MS. BRYANT: OBJECTION. SPECULATION.

7 THE COURT: OVERRULED.

8 THE WITNESS: BY -- BY FIRST NAME OR BY NAME, YOU
9 MEAN?

10 BY MR. ROSENBLUM:

11 Q. JUST TALKING TO THEM. YOU TALK TO INMATES,
12 DON'T YOU?

13 A. YES, SIR.

14 Q. DON'T YOU TALK TO INMATES ABOUT THINGS,
15 SPORTS, THINGS THAT THEY ENJOY, THINGS OF THAT NATURE?

16 A. YES, SIR.

17 Q. OKAY. SO YOU'RE IN THE JAIL; YOU GET TO KNOW
18 SOME OF THE INMATES; CORRECT?

19 A. YES, SIR.

20 Q. THERE ARE SOME INMATES YOU LIKE MORE THAN
21 OTHERS; CORRECT?

22 A. YES, SIR.

23 Q. SOME INMATES YOU'RE AFRAID OF; RIGHT?

24 A. I WOULD SAY -- YES, SIR.

25 Q. YEAH.

26 OKAY. SO OVER TIME YOU GOT TO KNOW

1 [REDACTED] A LITTLE BIT; RIGHT?

2 A. YES, SIR.

3 Q. AND HOW WOULD YOU CATEGORIZE YOUR
4 RELATIONSHIP? WAS IT SOMEWHAT FRIENDLY WITH HIM?

5 A. YES, SIR.

6 Q. OKAY. WAS -- WOULD YOU CATEGORIZE HIM A
7 LITTLE BIT AS A SHOT-CALLER AT THE JAIL?

8 MS. BRYANT: OBJECTION. VAGUE.

9 THE COURT: OVERRULED.

10 THE WITNESS: I'M -- I DON'T HAVE THAT KIND OF
11 KNOWLEDGE.

12 BY MR. ROSENBLUM:

13 Q. OKAY. YOU KNOW WHAT A SHOT-CALLER IS?

14 A. YES, SIR.

15 Q. WHAT'S A SHOT-CALLER?

16 A. SHOT-CALLER IS THE PERSON THAT ESSENTIALLY
17 CALLS THE SHOT WITHIN THE JAIL, WITHIN THE INMATE
18 POPULATION.

19 Q. SO IN EACH COMMUNITY, LIKE WHETHER IT'S
20 HISPANIC OR AFRICAN-AMERICAN OR ASIAN COMMUNITIES, THERE ARE
21 SOME PEOPLE WHO HAVE HIGHER STATUS THAN OTHERS THAT KIND OF
22 KEEP THINGS GOING?

23 A. YES, SIR.

24 Q. AND WHAT DOES THE WORD "PROGRAMMING" MEAN?
25 CAN YOU EXPLAIN TO THE JURY WHAT PROGRAMMING IS.

26 A. PROGRAMMING IS -- A LOOSE DEFINITION BECAUSE

1 I DON'T KNOW EXACT. PROGRAMMING IS, ALL THE DIFFERENT
2 GROUPS THAT HE SPOKE OF, THEY HAVE CERTAIN RULES AND
3 PROGRAMS WITHIN THEIR GROUP THAT PEOPLE ARE SUPPOSED TO GO
4 ALONG WITH. AND THAT WOULD BE PROGRAMMING.

5 Q. SO IS THERE AN ENTIRE JAIL CULTURE IN THERE?
6 IT'S LIKE ITS OWN LITTLE CITY; CORRECT?

7 A. YES, SIR.

8 Q. AND THERE'S LITTLE RULES AND REGULATIONS THAT
9 INMATES FOLLOW AND GETTING ALONG WITH DEPUTIES, THINGS OF
10 THAT NATURE?

11 A. YES, SIR.

12 Q. AND FROM TIME TO TIME DO INMATES GIVE
13 VALUABLE INFORMATION TO POLICE OFFICERS OR SHERIFFS LIKE
14 YOU?

15 A. YES.

16 MS. BRYANT: YOUR HONOR, CAN WE APPROACH SIDEBAR?

17 THE COURT: NO.

18 MS. BRYANT: I'M GOING TO OBJECT -- WELL, THIS
19 HAS -- HAS TO DO WITH AN ISSUE WE -- WE RAISED EARLIER, THE
20 SCOPE OF EXAMINATION. NO?

21 THE COURT: OVERRULED.

22 MS. BRYANT: OKAY.

23 BY MR. ROSENBLUM:

24 Q. SO IN THIS CULTURE IN THE JAIL, IS IT FAIR TO
25 SAY THAT THERE'S SOME INMATES THAT WORK AND PROVIDE
26 INFORMATION, AND IT'S LIKE A SYMBIOTIC RELATIONSHIP; YOU DO

1 FAVORS FOR THEM, THEY DO FAVORS FOR YOU?

2 A. THEY GIVE -- THEY DO GIVE INFORMATION, YES.

3 Q. AND SOMETIMES ARE THINGS DONE TO REWARD THEM
4 FOR THAT; LONGER DAY ROOM PRIVILEGES, PHONE CALLS, THINGS OF
5 THAT NATURE? DOESN'T THAT HAPPEN?

6 A. YES, SIR.

7 Q. OKAY. SO WHAT I'M GETTING AT IS, FROM TIME
8 TO TIME, DO YOU HEAR OF INMATES WHO ACTUALLY GIVE WARNINGS
9 THAT THERE'S A GREEN LIGHT FOR DEPUTIES?

10 A. I'VE NEVER HEARD THAT HAPPENING, BUT I'M SURE
11 IT'S HAPPENED IN THE PAST.

12 Q. OKAY. SO YOU WORK IN ADMINISTRATION. YOU'RE
13 NOT OUT THERE WITH THE DEPUTIES ON THE LINE; IS THAT --

14 A. YES, SIR.

15 Q. SO THAT'S THE DIFFICULTY HERE.

16 A. YES, SIR.

17 Q. I WON'T ASK ANY MORE QUESTIONS IN THAT AREA.

18 BUT -- BUT YOU SAID THAT YOU DID WORK THE A/B
19 AREA, AND YOU WORKED IT IN YOUR OVERTIME AND THINGS LIKE
20 THAT; CORRECT?

21 A. YES, SIR.

22 Q. AND I THINK YOU ALSO SAID, IN THE AREA -- THE
23 A/B AREA IS A PLACE WHERE PEOPLE HANG OUT; IS THAT CORRECT?

24 A. NOT NECESSARILY HANG OUT, BUT CONGREGATE.
25 USE THAT -- BETTER TERM.

26 Q. SO IT'S KIND OF A CENTRAL MEETING PLACE.

1 A. YES, SIR.

2 Q. SO THERE, YOU SAY, DEPUTIES FROM THE BASEMENT
3 PROWLERS, FIRST-FLOOR PROWLERS, SECOND-FLOOR PROWLERS, THIRD
4 FLOOR, MOD DEPUTIES A LOT OF TIMES WILL COME DOWN AND SAY
5 HELLO TO THEIR FRIENDS IN A/B; RIGHT?

6 A. DEPENDING IF THEIR FRIEND IS WORKING DOWN
7 THERE, YES.

8 Q. AND THEY CAN COME BY ANYTIME THEY WANT; JUST
9 SHOW UP WITHOUT GIVING ANY CALL, "HEY, I'M COMING DOWN NOW";
10 RIGHT? THEY JUST SHOW UP.

11 A. YES, SIR.

12 Q. ALL RIGHT. AND HOW MANY DEPUTIES WOULD YOU
13 SUGGEST ON ANY GIVEN SHIFT ARE WORKING THAT AREA OF THE
14 JAIL; PROWLER, BASEMENT, FIRST, SECOND, A/B, MOD DEPUTIES?
15 HOW MANY DEPUTIES WOULD YOU SAY ARE IN THAT BUILDING ON ANY
16 ONE SHIFT?

17 A. DEFINITELY OVER 20. I HAVEN'T BEEN THERE IN
18 A WHILE; SO I'M NOT SURE EXACTLY THE NUMBER.

19 Q. SO THERE ARE 20 DEPUTIES IN THAT AREA OF THE
20 JAIL WHO ESSENTIALLY CAN COME DOWN TO A/B ANYTIME THEY WANT;
21 CORRECT?

22 A. YES, SIR.

23 Q. WITHOUT GIVING ANY ADVANCED NOTICE.

24 A. YES, SIR.

25 Q. THEY JUST WALK DOWN THE HALLWAY AND WALK INTO
26 A/B.

1 A. YES, SIR.

2 Q. AND YOU'VE SEEN THAT BECAUSE YOU'VE WORKED
3 THERE.

4 A. YES, SIR.

5 Q. HAVE YOU EVER WORKED WITH -- WITH MY CLIENT,
6 [REDACTED]

7 A. YES, SIR.

8 Q. HOW MANY OCCASIONS?

9 A. QUITE A FEW TIMES. ALMOST EVERY --

10 Q. HOW MANY IS QUITE A FEW TO YOU? FIVE?
11 SEVEN? FIFTY?

12 A. THERE WAS A PERIOD WHERE THE SPOT, THE FIRST
13 PROWL SPOT, I BELIEVE IT WAS, THAT SPENDS THEIR TIME DOWN
14 THERE IN ATTORNEY BONDS WAS VACANT; SO I'D WORK IT EVERY
15 SATURDAY, EVERY OTHER SATURDAY, FOR AT LEAST THREE OR FOUR
16 MONTHS.

17 Q. SO YOU WERE THERE EVERY OTHER SATURDAY.

18 AND JUST SO WE KNOW, IT'S NOT JUST YOU AND
19 DEPUTY [REDACTED] ALONE; THERE'S A LOT OF DEPUTIES WORKING THERE.

20 A. THERE'S AT LEAST THREE DOWN THERE.

21 Q. THAT'S JUST IN THE A/B AREA.

22 A. YES, SIR.

23 Q. SO THERE'S THREE IN THE A/B AREA, AND THEN
24 YOU HAVE ALL THE PROWLERS AND ALL THE OTHER PEOPLE WORKING
25 DIFFERENT FLOORS THAT CAN COME DOWN ANY TIME.

26 A. YES, SIR.

1 Q. IN ALL THE TIME THAT YOU WERE THERE, DID YOU
2 EVER COME DOWN AND SEE [REDACTED] TURNING OFF AND ON LIGHTS
3 FOR PEOPLE TO HAVE SEX?

4 A. NO, SIR.

5 Q. AND YOU COULD SHOW UP ANYTIME YOU WANTED?

6 A. YES, SIR.

7 Q. DID YOU EVER SEE THE LIGHTS TURNED OFF
8 ANYTIME THAT YOU WERE THERE?

9 A. NOT WITH ANYONE INSIDE, NO, SIR.

10 Q. AND WITH [REDACTED] THERE, DID YOU EVER SEE
11 HIM TURNING ANY LIGHTS ON AND OFF?

12 A. NO, SIR.

13 Q. YOU'RE NOT HERE TO HELP [REDACTED] ARE YOU?

14 I MEAN, YOU'RE NOT HERE TO DO HIM ANY FAVORS.
15 YOU'RE JUST SAYING WHAT YOU KNOW; RIGHT?

16 A. YES, SIR.

17 Q. BUT I'M JUST CURIOUS. HOW CLOSE WERE THE TWO
18 OF YOU? WERE YOU FRIENDS OUTSIDE OF WORK OR --

19 A. YEAH, WE WERE FRIENDS OUTSIDE OF WORK, I
20 WOULD SAY. WE HUNG OUT A FEW TIMES AFTER WORK, OUTSIDE OF
21 WORK.

22 Q. BUT THAT WOULDN'T INFLUENCE YOUR TESTIMONY
23 HERE ONE WAY OR THE OTHER; CORRECT?

24 A. DEFINITELY NOT, SIR.

25 Q. OKAY. NOW, YOU TALKED A LITTLE BIT -- I'M
26 JUST CURIOUS. HOW MANY TIMES IN THE SEVEN YEARS -- YOU

1 STARTED IN 2007, YOU SAID?

2 A. I THINK 2006 AS A SHERIFF'S SPECIAL OFFICER.

3 Q. OKAY. IN THE SIX OR SEVEN YEARS THAT YOU
4 WERE THERE IN MEN'S CENTRAL, HOW MANY OCCASIONS DO YOU THINK
5 YOU HAD AN OPPORTUNITY TO INTERACT WITH [REDACTED]

6 A. I WOULD SAY OVER 50. FIFTY TO A HUNDRED
7 TIMES.

8 Q. FIFTY TO A HUNDRED TIMES?

9 A. YES, SIR.

10 Q. AND HOW WOULD YOU CATEGORIZE YOUR
11 RELATIONSHIP WITH HIM? WAS IT FRIENDLY? UNFRIENDLY?

12 A. FRIENDLY.

13 Q. FRIENDLY?

14 A. UH-HUH.

15 Q. DID YOU THINK HE WAS A LIAR?

16 A. HE'S -- HE'S AN INMATE. SO YES.

17 Q. SO DID YOU THINK YOU COULD TRUST HIM?

18 A. NO.

19 Q. NOW, YOU SAID FOR -- FOR -- THAT IT JUST WAS
20 HAPPENSTANCE THAT YOU SEARCHED THE CELL ON 12/31/11; THAT
21 THERE WAS NO REAL REASON. IT WAS JUST A RANDOM SEARCH. IS
22 THAT WHAT YOU TOLD THE JURY?

23 A. YES, SIR.

24 Q. LET ME ASK IT ANOTHER WAY.

25 IS THE REASON THAT YOU SEARCHED ON 12/31, NEW
26 YEAR'S EVE, DID HAVE -- DID IT HAVE ANYTHING TO DO WITH THE

1 FACT THAT YOU SEARCHED [REDACTED] A WEEK BEFORE AND YOU DIDN'T LIKE
2 HIS ATTITUDE OR YOU FELT HE WAS HIDING SOMETHING? IS THAT
3 WHY YOU WENT BACK A WEEK LATER TO SEARCH HIS CELL?

4 A. NO, SIR.

5 Q. ARE YOU SURE OF THAT?

6 A. POSITIVE.

7 Q. SO YOU NEVER TOLD THAT TO INVESTIGATOR [REDACTED]?

8 A. I DON'T BELIEVE SO.

9 Q. ALL RIGHT. AND ISN'T IT TRUE THE REASON THAT
10 YOU SEARCHED HIM COMING OUT OF A/B WAS BECAUSE YOU WERE --
11 YOU WERE TROUBLED THAT HE SPENT SO MUCH TIME WITH [REDACTED]
12 [REDACTED]

13 DID THAT BOTHER YOU?

14 A. YES, SIR.

15 Q. SO HOW -- WHEN YOU WOULD SEE [REDACTED] IN
16 THE A/B AREA, HOW LONG A PERIOD OF TIME WOULD YOU SEE HER IN
17 THERE WITH HIM?

18 A. BEST OF MY RECOLLECTION, I WOULD SAY HOURS.

19 Q. HOURS; RIGHT?

20 AND DID THAT -- DID YOU DO ANYTHING ABOUT
21 THAT?

22 A. NO, SIR.

23 Q. DO YOU KNOW WHAT THE JAIL RULES ARE IN TERMS
24 OF HOW LONG SHE CAN STAY IN THERE?

25 A. NO, SIR.

26 Q. OKAY. YOU SAID THAT YOU FELT SHE WAS A LEGAL

1 RUNNER; IS THAT CORRECT?

2 A. YES, SIR.

3 Q. DID YOU KNOW -- DO YOU KNOW -- YOU'RE IN
4 ADMIN; SO I IMAGINE YOU WOULD KNOW -- THAT --

5 WELL, ADMIN GUYS ARE SMART; RIGHT?

6 A. NO. NO, SIR. DEFINITELY NOT.

7 Q. BUT YOU KNOW THIS MUCH: THAT ANYBODY WHO'S A
8 LEGAL RUNNER HAS TO GO THROUGH A SECURITY CHECK, A
9 BACKGROUND CHECK; RIGHT?

10 A. YES, SIR.

11 Q. SO THE SHERIFF'S DEPARTMENT ITSELF RUNS A
12 FULL BACKGROUND CHECK BEFORE THEY WILL AUTHORIZE ANYBODY TO
13 BECOME A LEGAL RUNNER.

14 A. YES, SIR.

15 Q. AND NOT ONLY THAT, THE COURT ITSELF HAS TO
16 AUTHORIZE IT AND ISSUE A COURT ORDER ALLOWING THEM TO BE A
17 LEGAL RUNNER; CORRECT?

18 A. YES, SIR.

19 Q. SO WHEN A LEGAL RUNNER COMES AND IS GIVEN
20 LEGAL STATUS, DO YOU SEARCH LEGAL RUNNERS?

21 A. NO, SIR.

22 Q. DO YOU SEARCH ATTORNEYS?

23 A. NO, SIR.

24 Q. DO YOU KNOW OF ANYBODY WHO HAS EVER SEARCHED

25

26 A. NO, SIR.

1 Q. DID YOU SEARCH [REDACTED]
2 A. NO, SIR.
3 Q. AND WAS PART OF THAT REASON BECAUSE SHE WAS A
4 LEGAL RUNNER WITH A COURT-ORDERED, PROTECTED STATUS?
5 A. YES, SIR.
6 Q. SO YOU TRUSTED THAT; CORRECT?
7 A. YES, SIR.
8 Q. AND NOW IT TURNS OUT THAT YOU WERE FOOLED;
9 RIGHT?
10 A. YES, SIR.
11 Q. BUT AT THE TIME YOU DIDN'T KNOW WHAT WAS
12 GOING ON; RIGHT?
13 A. RIGHT.
14 Q. SHE GOT ONE PAST YOU?
15 A. YES, SIR.
16 Q. AND WAS THAT BECAUSE SHE WAS VERY NICE AND
17 POLITE?
18 DID THAT PAY -- IN ANY WAY ENTER INTO THIS;
19 THAT YOU FELT THAT SHE WAS AN HONEST, NICE PERSON?
20 A. NOT NECESSARILY, NO.
21 Q. YOU DIDN'T THINK SHE WAS NICE?
22 A. SHE WAS ALL RIGHT.
23 Q. I THOUGHT YOU SAID ON DIRECT THAT YOU THOUGHT
24 SHE WAS NICE. AM I WRONG ABOUT THAT?
25 A. SHE WAS -- SHE WAS CORDIAL. SHE WASN'T --
26 SHE WAS VERY FRIENDLY TO US, BUT --

1 Q. I'M SORRY. I COULDN'T HEAR THAT.

2 A. SHE WAS VERY FRIENDLY TO US.

3 Q. OKAY. SO SHE WAS NICE AND SHE WAS FRIENDLY.

4 A. YES, SIR.

5 Q. AND SHE WENT OUT OF HER WAY TO BE NICE TO
6 YOU; RIGHT?

7 A. YES, SIR.

8 Q. ALL RIGHT. SO ALL OF THOSE THINGS AND HER
9 PROTECTED LEGAL STATUS MADE YOU FEEL THAT SHE WAS OPERATING
10 UNDER THE LAW -- UNDER THE RULES; THAT SHE WAS DOING NOTHING
11 WRONG; RIGHT?

12 A. YES, SIR.

13 Q. DID YOU HAVE ANY SUSPICION WHEN SHE WAS IN
14 THERE FOR THESE HOURS --

15 DID YOU EVER SEE HER WITH A COMPUTER LAPTOP?

16 A. NO, SIR.

17 Q. OKAY. SO YOU WEREN'T -- WHEN YOU SAY YOU
18 DIDN'T SEE IT, THAT MEANS YOU DIDN'T PERSONALLY SEE IT; BUT
19 DO YOU KNOW WHETHER OR NOT SHE WAS PERMITTED TO BRING
20 COMPUTERS IN?

21 A. I DON'T KNOW, SIR.

22 Q. DID YOU EVER CHECK THE ORDER, THE COURT
23 ORDER, IN THE ACTUAL A/B FILES AS TO WHAT SHE WAS ALLOWED TO
24 BRING INTO COURT -- INTO THE A/B?

25 A. NO, SIR.

26 Q. OKAY. ARE YOU AWARE THAT THERE ARE CERTAIN

1 THINGS THAT THE COURT ORDERS PEOPLE TO BE ALLOWED TO BE
2 BROUGHT INTO THE JAIL?

3 A. NO, SIR.

4 Q. YOU'RE NOT AWARE OF THAT?

5 A. NO, SIR.

6 Q. OKAY. ALL RIGHT.

7 SO -- SO DID IT TROUBLE YOU -- SO IS THE
8 REASON THAT YOU SEARCHED [REDACTED] THAT DAY WAS BECAUSE YOU WERE
9 BOTHERED THAT SHE SPENT SO MUCH TIME IN THE A/B AREA?

10 A. NO, SIR.

11 Q. OKAY. LET ME ASK YOU IF YOU SAID THIS TO
12 DETECTIVE [REDACTED] BACK ON JULY 11TH, 2012:

13 [REDACTED] OKAY. SO WHY DID YOU DECIDE TO
14 SEARCH HIM ON THAT DAY?

15 "GALLIVAN: BECAUSE IT'S -- HE COMES INTO
16 ATTORNEY BONDS EVERY SING- -- I -- I ONLY WORK OVERTIME DOWN
17 THERE BECAUSE I'M IN ADMIN. I DON'T WORK ON THE FLOOR AT
18 ALL. EVERY SATURDAY I'M WORKING OVERTIME THERE, HE'S IN
19 THERE WITH THE SAME FEMALE FOR HOURS. AND, I MEAN, IT JUST
20 DIDN'T SEEM RIGHT. SO I HIT HIM UP THAT DAY. AND AFTER
21 TALKING TO HIM THAT DAY, MY SUSPICION GREW. AND THAT'S WHY
22 I SPENT SO MUCH TIME IN HIS CELL LOOKING FOR STUFF."

23 IS THAT WHAT YOU SAID ON JULY THE 11TH, 2012,
24 IN A TAPE-RECORDED INTERVIEW WITH DETECTIVE [REDACTED]

25 A. YES, SIR.

26 Q. OKAY. AND IS THAT --

1 A. NOW IT SOUNDS FAMILIAR.

2 Q. OKAY. IT SOUNDS FAMILIAR?

3 SO THAT'S DIFFERENT FROM WHAT YOU TOLD THE
4 JURY EARLIER; ISN'T THAT TRUE?

5 (DISCUSSION HELD BETWEEN COUNSEL.)

6 BY MR. ROSENBLUM:

7 Q. SO THE INFORMATION THAT YOU GAVE THE JURY
8 ABOUT YOU JUST HAPPENED TO HIT HIM UP THAT DAY, AND IT
9 WAS -- YOU SEARCHED HIS CELL, AND IT WAS JUST A RANDOM
10 SEARCH, THAT'S -- THAT'S VERY DIFFERENT FROM WHAT YOU TOLD
11 INVESTIGATOR [REDACTED]; WOULD YOU AGREE?

12 A. ABSOLUTELY NOT.

13 Q. IT'S NOT?

14 A. NO, SIR.

15 Q. SO YOU WEREN'T -- YOU DIDN'T HIT HIM UP THAT
16 DAY BECAUSE HE WAS SPENDING TOO MUCH TIME WITH HER?

17 A. I SEARCHED HIM THE DAY -- ARE YOU TALKING --
18 REFERRING TO THE DECEMBER 31ST SEARCH OR TO THE --

19 Q. I'M TALKING TO BOTH.

20 THE FIRST SEARCH WE TALKED ABOUT, DID YOU SAY
21 THAT YOU SEARCHED HIM THAT DAY BECAUSE "HE WAS WITH THE SAME
22 FEMALE FOR HOURS, AND IT DIDN'T SEEM RIGHT. SO I HIT HIM UP
23 THAT DAY"? DID YOU MAKE THAT STATEMENT?

24 A. YES, SIR.

25 Q. OKAY. THEN I'M TALKING ABOUT THE SECOND
26 SEARCH. DID YOU SAY, "AND AFTER TALKING WITH HIM THAT DAY,

1 MY SUSPICION GREW, AND THAT'S WHY I SPENT SO MUCH TIME IN
2 HIS CELL -- IN THE CELL LOOKING FOR STUFF"? DID YOU SAY
3 THAT?

4 A. YES, SIR.

5 Q. NOW, IN ADDITION TO THAT, DID YOU KNOW
6 WHETHER OR NOT MR. [REDACTED] AND MS. [REDACTED] HAD ANY KIND OF
7 RELATIONSHIP TOGETHER? DID YOU KNOW THAT?

8 A. I DO NOT.

9 Q. DID YOU KNOW THAT THEY WERE INVOLVED IN A
10 RELATIONSHIP?

11 A. NO.

12 Q. HOW MANY TIMES WOULD YOU SUGGEST DURING THOSE
13 FOUR YEARS DID YOU SEE THEM TOGETHER, HER OR HIM TOGETHER?

14 A. I DON'T RECALL HOW MANY TIMES.

15 Q. WELL, CAN YOU BE A LITTLE MORE HELPFUL?

16 IS IT THREE TIMES? A HUNDRED TIMES? FIVE
17 HUNDRED? HOW MANY TIMES WOULD YOU GUESS?

18 A. MORE THAN 20.

19 Q. SO IN THE MORE THAN 20 TIMES THAT YOU SAW
20 THEM TOGETHER, IS IT FAIR TO SAY YOU HAD NO INCLINATION THAT
21 THOSE TWO WERE INVOLVED IN A RELATIONSHIP?

22 A. YES, SIR.

23 Q. "YES, SIR" MEANING YOU HAD NO IDEA?

24 A. CORRECT.

25 Q. OKAY. DID YOU KNOW THAT THEY GOT SECRETLY
26 MARRIED AT THE JAIL?

1 A. NO, SIR.

2 Q. YOU DIDN'T KNOW THEY WERE HUSBAND AND WIFE
3 EITHER?

4 A. NO.

5 Q. JUST -- ARE YOU SURPRISED TO HEAR THAT?

6 A. YES, SIR.

7 Q. YOU DIDN'T EVEN KNOW THAT AS YOU SIT HERE
8 TODAY?

9 A. NO, SIR.

10 Q. YOU DIDN'T KNOW THEY HAD A SECRET CEREMONY IN
11 THE ATTORNEY BOND AREA ITSELF?

12 A. NO, SIR.

13 Q. NOW, DO YOU RECALL ANY CONVERSATION THAT YOU
14 HAD WITH [REDACTED] WHEN YOU WERE SEARCHING HIM AFTER HE
15 CAME OUT OF THE ATTORNEY BONDS AREA? DO YOU RECALL ANY
16 CONVERSATION AT ALL?

17 A. NO, SIR.

18 Q. DID YOU RECALL ANY CONVERSATION BACK TWO
19 YEARS AGO WHEN HE TALKED TO INVESTIGATOR [REDACTED]

20 A. I DON'T REMEMBER, SIR.

21 Q. IS YOUR MEMORY VERY VAGUE OF THESE INCIDENTS?

22 A. YES, SIR.

23 Q. DO YOU RECALL PRIOR TO SEARCHING HIM BEING IN
24 THE A/B AREA WITH DEPUTY ENRIQUEZ, DEPUTY [REDACTED] AND [REDACTED]
25 [REDACTED]

26 DO YOU RECALL THE FOUR OF YOU SITTING AROUND

1 TALKING IN THE A/B AREA? THINK HARD.

2 A. I'M TRYING. IT'S THREE YEARS AGO ALMOST.

3 I REMEMBER [REDACTED] AND [REDACTED]. I DON'T REMEMBER
4 DEPUTY ENRIQUEZ.

5 Q. DO YOU REMEMBER ENRIQUEZ LEAVING AT A CERTAIN
6 POINT?

7 A. NO, SIR.

8 Q. DO YOU REMEMBER AFTER YOU TALKED ABOUT GOING
9 TO HIT UP [REDACTED] OR SEARCH [REDACTED] THAT ENRIQUEZ LEFT; HE DIDN'T
10 WANT ANY PART OF IT?

11 A. NO, SIR. I DON'T RECALL THAT.

12 Q. YOU DON'T REMEMBER ENRIQUEZ LEAVING?

13 A. NO, SIR.

14 Q. YOU'RE NOT SAYING THAT DIDN'T HAPPEN; YOU
15 JUST DON'T REMEMBER?

16 A. I DON'T EVEN REMEMBER HIM BEING THERE. NO,
17 SIR.

18 Q. BUT YOU DO REMEMBER [REDACTED] AND YOU DO
19 REMEMBER DEPUTY [REDACTED] CORRECT?

20 A. YES, SIR.

21 Q. NOW, WASN'T IT DURING THAT TIME THAT YOU WERE
22 ALL PRESENT IN ATTORNEY BONDS THAT YOU SAID YOU WERE GONNA
23 GO HIT UP [REDACTED] [REDACTED] AND SEARCH HIM?

24 A. YES, SIR.

25 Q. SO YOU TOLD BOTH OF THEM AHEAD OF TIME THAT
26 YOU WERE GONNA SEARCH HIM; RIGHT?

1 A. YES, SIR.

2 Q. AND DID YOU EXPLAIN WHY YOU WERE GONNA SEARCH
3 HIM? DO YOU REMEMBER THAT?

4 A. I DON'T REMEMBER IF I EXPLAINED WHY OR NOT.

5 Q. DO YOU REMEMBER AT THE TIME THAT YOU HAD THIS
6 CONVERSATION THAT [REDACTED] HAD HIS CELL PHONE OUT AND WAS
7 TEXTING? DO YOU REMEMBER THAT?

8 A. I DON'T RECALL.

9 Q. DO YOU RECALL A DISCUSSION BETWEEN YOU AND HE
10 THAT YOU WERE GONNA SEARCH [REDACTED] AND THAT HE WAS
11 GOING TO LET [REDACTED] KNOW SO THAT YOU CAN STRESS HIM OUT
12 ABOUT THE SEARCH; THAT INMATES DON'T LIKE TO BE SEARCHED,
13 AND THAT HE WAS GONNA GIVE HER WARNING?

14 A. NO, SIR.

15 Q. YOU DON'T REMEMBER THAT.

16 A. NO, SIR.

17 Q. OKAY. NOW -- SO AFTERWARDS YOU WENT OUT, AND
18 THEN YOU HIT UP [REDACTED] WITH THE SEARCH. AND DO YOU
19 RECALL ANYTHING THAT YOU TOLD HIM?

20 A. NO, SIR.

21 Q. DID YOU GO THROUGH HIS PERSONAL EFFECTS?

22 A. YES, SIR.

23 Q. WHAT DID YOU GO THROUGH?

24 A. HE HAD A FILE FOLDER WITH HIM CONTAINING
25 MISCELLANEOUS PAPERWORK AND PENCILS.

26 Q. AND DID YOU SEARCH HIM?

1 A. NO, SIR.

2 Q. WHY DIDN'T YOU SEARCH HIM?

3 A. BECAUSE HE WAS ALREADY AGITATED, BECAUSE HE
4 THREW HIS STUFF AT THE GROUND WHEN I TOLD HIM I WAS GONNA
5 SEARCH HIM. AND SO I LET HIM GO AT THAT POINT.

6 Q. ARE YOU SURE THAT'S THE REASON YOU DIDN'T
7 SEARCH HIM?

8 A. POSITIVE.

9 Q. ABSOLUTELY POSITIVE?

10 A. ABSOLUTELY.

11 Q. HAVE YOU EVER TOLD SOME -- ANYONE ANYTHING
12 DIFFERENT THAN THAT?

13 A. NO, SIR.

14 Q. DO YOU RECALL TELLING INVESTIGATOR [REDACTED] THAT
15 THE REASON YOU DIDN'T SEARCH HIM WAS BECAUSE YOU THOUGHT
16 THAT MAYBE SPECIAL -- LET ME GET THE WORDS.

17 A. MAYBE I MISUNDERSTOOD YOUR QUESTION.

18 Q. MAYBE.

19 REMEMBER I TOLD YOU IF THERE'S SOMETHING THAT
20 YOU DON'T UNDERSTAND OR IF YOU'RE UNCLEAR OF --

21 A. YES, SIR.

22 Q. -- WOULD YOU LET ME KNOW?

23 A. YES, SIR.

24 Q. SO YOU TOLD THIS JURY BEFORE THAT THE REASON
25 YOU DIDN'T SEARCH HIM, YOU JUST SAID, WAS BECAUSE HE WAS
26 AGITATED. ISN'T THAT WHAT YOU SAID?

1 A. WHY I DIDN'T SEARCH HIS PERSON?

2 Q. YES.

3 A. YES.

4 Q. AND I ASKED YOU, "WAS THERE ANY OTHER
5 REASON?"

6 AND YOU SAID, "NO"; CORRECT?

7 A. YES.

8 Q. SO I'M ASKING YOU, DID YOU TELL THAT --
9 ANYBODY ANYTHING DIFFERENT ABOUT THAT ON A PRIOR OCCASION?

10 A. YES, SIR.

11 Q. DID YOU EVER SAY THAT THE REASON THAT YOU
12 DIDN'T SEARCH HIM -- "I SENT HIM OFF BECAUSE THE WAY HE WAS
13 ACTING, I KNEW -- I DIDN'T THINK HE HAD ANYTHING ON HIM AT
14 THAT TIME; BUT I KNEW HE WOULD BE BRINGING STUFF IN, AND I
15 DIDN'T WANT TO SCREW UP SOMETHING ELSE IF THEY WERE WORKING
16 ON SOMETHING ELSE. I THOUGHT --

17 [REDACTED] WHO'S 'THEY'?

18 "GALLIVAN: I THOUGHT SPECIAL HANDLING WAS
19 WORKING ON SOMETHING.

20 "OKAY. LET ME ASK YOU THIS: WHEN DID YOU
21 SEARCH HIM ON THAT DAY? DO YOU REMEMBER LIKE ROUGHLY WHEN
22 YOU SEARCHED HIM?

23 "PROBABLY A WEEK BEFORE WE HIT HIS CELL."

24 IS THAT WHAT YOU TOLD INVESTIGATOR [REDACTED] BACK
25 IN 2012?

26 A. YES, SIR.

1 Q. SO YOU TOLD INVESTIGATOR [REDACTED] THAT YOU DIDN'T
2 WANT TO SEARCH HIM BECAUSE YOU FELT THAT HE WAS BRINGING
3 THINGS INTO THE JAIL, BRINGING STUFF IN?

4 WHAT MADE YOU SUSPECT BACK IN DECEMBER,
5 AROUND DECEMBER 24TH, THAT HE WAS BRINGING THINGS INTO THE
6 JAIL? WHY DID YOU SAY THAT?

7 A. BECAUSE HE WAS MEETING WITH THE SAME LEGAL
8 RUNNER, SAME TIME.

9 Q. NOW, HE HAD BEEN MEETING WITH THAT SAME LEGAL
10 RUNNER SINCE 2008, ALMOST THREE YEARS. THREE -- ALMOST FOUR
11 YEARS.

12 WHY -- IF YOU THOUGHT HE WAS SNEAKING THINGS
13 INTO THE JAIL, IF YOU BELIEVED THAT, WHY DID YOU WAIT FOUR
14 YEARS TO SEARCH HIM?

15 A. I RECENTLY JUST STARTED THINKING THAT.
16 BECAUSE, ONCE AGAIN, I WORK ADMINISTRATION. SO I'M OFF THE
17 FLOOR. I DON'T SEE WHAT'S GOING ON UNTIL I START WORKING
18 ATTORNEY BONDS OVERTIME DOWN THERE.

19 Q. SO HOW MANY MONTHS OR YEARS DID YOU HAVE THE
20 SUSPICION THAT HE WAS SNEAKING THINGS IN AND NOT DO ANYTHING
21 ABOUT IT? HOW LONG DID YOU ALLOW THAT TO GO ON?

22 A. AS SOON AS I STARTED GETTING SUSPICIOUS ABOUT
23 IT, I STARTED ASKING OTHER PEOPLE THAT ACTUALLY WORKED THE
24 FLOOR AND ARE WITH HIM.

25 Q. SO MY QUESTION WAS, WHEN DID YOU START TO GET
26 SUSPICIOUS THAT HE WAS SNEAKING THINGS IN?

1 A. I DON'T RECALL.

2 Q. CAN YOU GIVE US AN APPROXIMATE; LIKE 2010,
3 2000 --

4 A. NO, I DON'T RECALL.

5 Q. YOU DON'T RECALL WHEN YOU BECAME SUSPICIOUS?

6 A. NO. I LEFT THE JAIL A WHILE AGO.

7 Q. SO YOU HAVE NO MEMORY OF IT?

8 A. NO, SIR.

9 Q. WELL, BE THAT AS IT MAY, DID YOU REPORT YOUR
10 SUSPICIONS TO ANYBODY THAT YOU FELT HE WAS SNEAKING THINGS
11 INTO THE JAIL?

12 WHICH SUPERVISOR DID YOU TELL?

13 A. NO ONE.

14 Q. YOU DIDN'T TELL ANYONE?

15 A. NO, SIR.

16 Q. ALL RIGHT. NOW, IN RELATION TO HAVING A
17 SUSPICION, DID YOU HAVE A SUSPICION THAT [REDACTED] AND
18 [REDACTED] WERE IN A RELATIONSHIP? DID YOU HAVE A SUSPICION
19 THAT THEY WERE IN A RELATIONSHIP?

20 A. NO, SIR.

21 Q. YOU NEVER DID?

22 A. NOT TO MY RECOLLECTION.

23 Q. DID YOU EVER QUESTION [REDACTED] ABOUT IT?

24 A. NOT TO MY RECOLLECTION, NO.

25 Q. OKAY. DID YOU MAKE THE FOLLOWING STATEMENTS
26 TO INVESTIGATOR [REDACTED] BACK ON JULY 11TH, 2012:

1 [REDACTED] DO YOU KNOW IF MR. [REDACTED] AND HER HAVE
2 ANY KIND OF RELATIONSHIP?

3 "GALLIVAN: I HAD A STRONG SUSPICION. BUT
4 THEIR SECURITY CLEARANCE SAID THAT SHE WAS JUST HER
5 INVESTIGATIVE ASSISTANT.

6 [REDACTED] RIGHT.

7 "GALLIVAN: AND HE SWORE UP AND DOWN THEY
8 DIDN'T KNOW EACH OTHER. OBVIOUSLY, YOU CAN'T TRUST INMATES,
9 BUT --"

10 DID YOU HAVE THAT CONVERSATION WITH MR. --
11 INVESTIGATOR [REDACTED]

12 A. YES. APPARENTLY, YES.

13 Q. SO IF YOU TOLD HIM THAT, WERE YOU BEING
14 TRUTHFUL WITH HIM IN 2012?

15 A. YES, SIR.

16 Q. SO IN 2012 YOU SAID THAT YOU SPECIFICALLY
17 TALKED TO [REDACTED] AND ASKED HIM IF HE WAS IN A
18 RELATIONSHIP WITH HER, AND HE SWORE UP AND DOWN THEY DIDN'T
19 KNOW ONE ANOTHER; IS THAT TRUE?

20 DO YOU WANT TO SEE IT?

21 (PAUSE IN THE PROCEEDINGS.)

22 THE WITNESS: YES, SIR.

23 BY MR. ROSENBLUM:

24 Q. OKAY. SO AM I READING ACCURATELY WHAT YOU
25 TOLD DETECTIVE [REDACTED] BACK ON JULY 11TH, 2012?

26 A. YES, SIR.

1 Q. SO WHICH IS IT NOW; DID YOU NOT KNOW THEY
2 WERE IN A RELATIONSHIP, OR DID YOU HAVE A CONVERSATION WITH
3 HIM ABOUT THE RELATIONSHIP? WHICH ONE IS IT?

4 A. I DON'T RECALL. I DON'T EVEN RECALL THAT
5 CONVERSATION I HAD WITH INVESTIGATOR [REDACTED]

6 Q. YOU DON'T RECALL THIS CONVERSATION?

7 A. NO, SIR.

8 Q. REALLY?

9 A. YES, SIR. IT WAS TWO YEARS AGO.

10 Q. WELL, DID MR. [REDACTED] SWEAR UP AND DOWN TO YOU
11 THAT THEY DIDN'T KNOW ONE ANOTHER?

12 A. I DON'T RECALL.

13 Q. SO YOU DON'T KNOW IF HE LIED TO YOU TO HIDE
14 HIS RELATIONSHIP?

15 A. CORRECT.

16 Q. SO WHEN YOU SAY YOU DON'T RECALL, YOU'RE
17 SAYING HE MIGHT HAVE SAID ALL THIS; YOU JUST DON'T REMEMBER?

18 A. CORRECT.

19 Q. AND WHEN DETECTIVE [REDACTED] SAID -- INVESTIGATOR
20 [REDACTED] SAID -- RIGHT -- "WHY DID YOU THINK HE WAS BRINGING
21 STUFF IN? JUST BECAUSE OF THE VISITS OR --

22 "GALLIVAN: JUST BECAUSE THE VISITS WERE ALL
23 THE TIME, EVERY SINGLE -- SAME TIME EVERY SINGLE WEEK."

24 SO, AT LEAST ACCORDING TO WHAT YOU TOLD [REDACTED]
25 BACK IN 2012, YOU WERE SUSPICIOUS THAT THEY WERE BRINGING
26 THINGS IN. WHICH IS -- WHICH IS IT? YOU WERE SUSPICIOUS OR

1 YOU WEREN'T?

2 A. THAT -- I ALREADY -- DID I NOT SAY THAT HE
3 WAS -- I THOUGHT HE WAS BRINGING STUFF INTO THE JAIL?

4 Q. AND WHEN DID YOU SAY YOU THOUGHT THAT?

5 A. DURING OUR CONVERSATION.

6 Q. NO. WHEN DID YOU START THINKING THAT?

7 A. RECENT.

8 Q. RECENT MEANING WHEN?

9 A. I'M ASSUMING RIGHT BEFORE I SEARCHED HIM AND
10 THEN SEARCHED HIS CELL.

11 Q. YOU'RE ASSUMING, BUT YOU DON'T KNOW.

12 A. CORRECT. IT WAS A LONG TIME AGO.

13 Q. NOW, YOU SAID IN THE ATTORNEY BONDS AREA
14 THERE'S USUALLY THREE DEPUTIES DOWN THERE?

15 A. COULD BE.

16 Q. AND ARE SOME OF THOSE BY THE NAME OF [REDACTED]
17 [REDACTED] RUELAS, [REDACTED] AND WAS THERE ALSO A CSA NAMED
18 DRAEGER?

19 A. AT WHAT POINT?

20 Q. WELL, WHEN YOU WERE TALKING TO INVESTIGATOR
21 [REDACTED] IN JULY 11TH, 2012, DID YOU SAY THAT DEPUTY CSA DRAEGER
22 WAS ONE OF THE ONES WHO WORKED DOWN THERE?

23 A. THAT'S WHAT I SAID. IT'S MISSPELLED. BUT,
24 YEAH, IT'S DRAEGER.

25 Q. SO WHAT YOU'RE TELLING US -- I WANT TO BE
26 CLEAR ABOUT THIS. WE'RE TALKING ABOUT DURING THIS TIME

1 PERIOD 2009 THROUGH -- UP TO 2012. THERE ARE AT LEAST THREE
2 DEPUTIES DOWN THERE. AND THOSE PEOPLE THAT I NAMED --
3 WILLIS, [REDACTED] DRAEGER -- ARE JUST THREE OF THEM;
4 RIGHT? THERE'S MANY MORE.

5 A. THAT COULD HAVE BEEN DOWN THERE AT ANY POINT?
6 I'M SORRY. I'M NOT UNDERSTANDING.

7 Q. OKAY. ON ANY GIVEN DAY THERE ARE AT LEAST
8 THREE DEPUTIES DOWN THERE IN THE A/B AREA.

9 A. NO.

10 Q. OKAY. HOW MANY?

11 A. COULD BE AS MANY AS ONE IF PEOPLE CALL IN
12 SICK OR --

13 Q. GIVEN THAT IT'S NOT PEOPLE CALLING IN SICK,
14 IT'S STAFFED FOR THREE; CORRECT?

15 A. YES, SIR.

16 Q. OKAY. NOW, IN TERMS OF -- WHEN -- WHEN YOU
17 WERE TALK -- INTERVIEWED BY INVESTIGATOR [REDACTED] BACK IN JULY
18 OF 2011, DID YOU INDICATE TO HIM IN TERMS OF THE THINGS THAT
19 WERE FOUND IN THE CELL THAT NOBODY ADMITTED TO ANYTHING? IS
20 THAT WHAT YOU TOLD HIM?

21 A. I DON'T RECALL.

22 Q. OKAY. DIRECTING YOUR ATTENTION TO PAGE 4.
23 I'D LIKE YOU TO READ THESE FOUR LINES.

24 A. YES, SIR.

25 MS. BRYANT: CAN I SEE WHAT COUNSEL IS DIRECTING
26 HIS ATTENTION TO?

1 MR. ROSENBLUM: PAGE 4.

2 MS. BRYANT: THESE ARE NOT NUMBERED. AND I DON'T
3 KNOW WHAT YOU'RE REFERRING HIM TO.

4 MR. ROSENBLUM: IT'S THE FOURTH PAGE. ONE, TWO,
5 THREE, FOUR. RIGHT HERE.

6 MS. BRYANT: OKAY. THANK YOU.

7 BY MR. ROSENBLUM:

8 Q. I'M SORRY.

9 A. NO PROBLEM, SIR.

10 Q. LOOKING AT PAGE 4, STARTING WITH, "OKAY. HAS
11 ANYBODY ELSE," CAN YOU READ THOSE --

12 A. YES, SIR.

13 Q. SEE IF THAT REFRESHES YOUR RECOLLECTION AS TO
14 WHETHER OR NOT ANYBODY ADMITTED TO ANYTHING.

15 A. YES.

16 "OKAY. AND HAS ANYBODY ELSE -- OKAY" --

17 MS. BRYANT: WELL, IS HE READING IT TO REFRESH HIS
18 RECOLLECTION OUT LOUD OR IS HE --

19 THE WITNESS: WHAT DO YOU WANT ME TO --

20 MR. ROSENBLUM: IT'S PROBABLY FASTER DOING IT THIS
21 WAY.

22 THE COURT: JUST READ IT TO YOURSELF.

23 MS. BRYANT: YES.

24 MR. ROSENBLUM: WE CAN DO IT EITHER WAY.

25 MS. BRYANT: I PREFER HE --

26 THE WITNESS: YES, SIR.

1 MS. BRYANT: I PREFER HE READ IT TO HIMSELF,
2 YOUR HONOR. IF HE IS REFRESHING HIS RECOLLECTION, I WOULD
3 PREFER --

4 THE COURT: DID -- ARE YOU REFRESHING --

5 THE WITNESS: IT'S REFRESHED.

6 MS. BRYANT: OKAY.

7 BY MR. ROSENBLUM:

8 Q. OKAY. SO DID YOU -- IN TERMS OF THE THINGS
9 FOUND IN THE -- IN THE JAIL ON -- IN 2012, JULY, DID YOU
10 TELL INVESTIGATOR [REDACTED] THAT NOBODY ADMITTED TO ANYTHING
11 INVOLVING THOSE ITEMS THAT WERE FOUND THERE? DID YOU TELL
12 HIM THAT?

13 A. YES, SIR.

14 Q. AND WAS THAT TRUE?

15 A. YES, SIR.

16 Q. SO NONE OF THE SEVEN INMATES THAT WERE IN
17 THAT CELL, AT LEAST ACCORDING TO WHAT YOU KNEW, ADMITTED TO
18 ANYTHING; YOU HAD NO IDEA WHO SMUGGLED THAT IN AND WHEN.

19 A. YES, SIR.

20 Q. DID YOU KNOW WHEN IT WAS SMUGGLED IN?

21 A. NO, SIR.

22 THE COURT: MR. ROSENBLUM --

23 MR. ROSENBLUM: YES.

24 THE COURT: -- WE'LL GO AHEAD AND TAKE OUR BREAK.

25 MR. ROSENBLUM: OKAY. I'M SORRY. I DIDN'T
26 REALIZE IT WAS THAT LATE.

1 THE COURT: OKAY.

2 IT'S THE DUTY OF THE JURORS DURING
3 THE RECESS OR ADJOURNMENT NOT TO CONVERSE
4 AMONG THEMSELVES OR WITH ANYONE ELSE ON
5 ANY SUBJECT CONNECTED WITH THIS TRIAL OR
6 TO ALLOW ANYONE TO CONVERSE WITH THEM
7 CONCERNING THE TRIAL OR ANY MATTER
8 CONNECTED WITH THE TRIAL.

9 IT IS THE DUTY OF THE JURORS NOT TO
10 FORM OR EXPRESS ANY OPINION THEREON UNTIL
11 THE CAUSE IS FINALLY SUBMITTED TO THEM FOR
12 DECISION.

13 I'LL SEE EVERYONE AT 9:15 TOMORROW. OKAY.
14 SO WE'LL START AT 9:15. HAVE A NICE EVENING.

15 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT
16 OUTSIDE THE PRESENCE OF THE JURY:)

17 THE COURT: THE JURORS HAVE ALL GONE. COUNSEL AND
18 DEFENDANT ARE PRESENT.

19 WHEN I OVERRULED THE OBJECTION AS TO THE
20 SCOPE, YOU KNOW, BASED ON YOUR DIRECT EXAMINATION, IT WAS
21 PRETTY BROAD. AND I KNOW THE DISCUSSION WE HAD ABOUT THE
22 SCOPE OF IT, BUT BASED ON IT, I THINK THERE WAS PROBABLY
23 ENOUGH FOR CROSS-EXAMINATION TO DO IT NOW.

24 MS. BRYANT: OKAY. BECAUSE MY CONCERN JUST WAS,
25 OBVIOUSLY, AS A TIMESAVING DEVICE, MR. ROSENBLUM HAD
26 SUGGESTED THAT HE QUESTION CERTAIN WITNESSES --

1 THE COURT: YEAH.

2 MS. BRYANT: -- AND NOT CALL THEM BACK. BUT IF
3 THAT'S GOING TO HAPPEN, THEN I WOULD HAVE A CONCERN ABOUT
4 LEADING QUESTIONS BEING ASKED AS OPPOSED TO NOT LEADING
5 QUESTIONS. AND THAT IS A CONCERN I HAVE.

6 THE COURT: OKAY. BUT --

7 MS. BRYANT: IF WE'RE GOING TO GO BEYOND MY
8 DIRECT, THEN I DO HAVE A CONCERN ABOUT THAT.

9 THE COURT: I MEAN, YEAH, THAT'S TRUE. AND I WILL
10 CONSIDER THAT. BUT YOUR DIRECT, YOU KNOW, YOU ASKED SOME
11 QUESTIONS ALMOST TO THE POINT OF THE OFFICER BEING AN
12 EXPERT. AND IT GETS PRETTY BROAD WHEN THAT HAPPENS.

13 MS. BRYANT: OKAY. I UNDERSTAND.

14 THE COURT: SO THAT'S THE REASON WHY.

15 MR. ROSENBLUM: AND JUST REAL BRIEFLY, I ALLOWED
16 IT THIS TIME BECAUSE I DIDN'T WANT TO INTERRUPT THE
17 QUESTIONING. BUT I'M GOING TO OBJECT IF SHE'S GOING TO TRY
18 TO ASK EACH WITNESS WHETHER OR NOT [REDACTED] EVER OFFERED
19 THEM TICKETS. I DON'T THINK THAT'S PROPER. I JUST THINK
20 IT'S -- UNDER 352 IT'S VERY PREJUDICIAL TO MY CLIENT. THEY
21 CAN MAKE THE CASE AGAINST HIM, BUT SHE CAN CALL IN EVERY
22 DEPUTY IN THE WORLD TO SAY THEY NEVER OFFERED TICKETS.

23 THE COURT: WELL, I MEAN, THERE IS A QUESTION OF
24 RELEVANCE. IF IT'S THE FOURTH FLOOR PROWLER OR SOMETHING
25 LIKE THAT, I DON'T THINK IT'S PROBABLY RELEVANT. BUT, YOU
26 KNOW, I'LL SEE WHO THE WITNESS IS AND DECIDE WHETHER I'M

1 GOING LET THAT IN OR NOT.

2 MS. BRYANT: IT WAS BASED ON THE WITNESS'S
3 TESTIMONY REGARDING HIS INTERACTIONS, YOUR HONOR.

4 THE COURT: RIGHT. YOU KNOW --

5 MS. BRYANT: IT SEEMED APPROPRIATE.

6 THE COURT: LIKE I SAID, HOW MANY PEOPLE HAVE
7 WORKED DOWN THERE, HOW LONG THEY HAVE HAD, YOU KNOW, A
8 FAMILIARITY WITH EACH OTHER IN THE JAIL, IT ALL GOES TO
9 THAT. IF IT'S SOMEBODY PASSING THROUGH AND WORKS ON THE
10 FOURTH FLOOR, YOU KNOW, PROBABLY NOT.

11 MR. ROSENBLUM: OKAY.

12 THE COURT: BUT, YOU KNOW, I'LL MAKE MY CALL BASED
13 ON EACH INDIVIDUAL PERSON.

14 MS. BRYANT: ALL RIGHT. THANK YOU.

15 MR. ROSENBLUM: YOUR HONOR, DID YOU SAY WHAT TIME
16 TO COME BACK TOMORROW?

17 THE COURT: 9:15.

18 MR. ROSENBLUM: 9:15.

19 THE COURT: YEAH. WE'LL START AT 9:15. END UP --
20 I USUALLY LET THE JURORS GO ABOUT 4:20, 4:25, SOMEWHERE IN
21 THERE.

22 MR. ROSENBLUM: OKAY. THANK YOU, YOUR HONOR.

23 THE COURT: OKAY.

24 MS. BRYANT: AND I WOULD JUST ASK -- I HAVEN'T
25 BEEN PROVIDED WITH ANY TRANSCRIPTS FROM MR. ROSENBLUM. I
26 DON'T KNOW -- I'VE GIVEN HIM ALL OF MINE. BUT TO THE EXTENT

1 IF HE IS GOING TO BE IMPEACHING OR USING THEM TO ADDRESS A
2 WITNESS, I WOULD APPRECIATE COPIES --

3 THE COURT: WELL, I MEAN --

4 MS. BRYANT: -- IN ADVANCE.

5 THE COURT: HE IS DOING IT AS A COURTESY. THIS
6 ISN'T A DISCOVERY ISSUE --

7 MS. BRYANT: I KNOW.

8 THE COURT: -- THAT WAS -- YOU KNOW, YOU
9 DISCOVERED THE TAPES TO HIM. IT'S NOT ONE OF THOSE THINGS
10 WHERE THEY WENT OUT AND INTERVIEWED A WITNESS AND HAVEN'T
11 PROVIDED YOU SOMETHING.

12 MS. BRYANT: NO.

13 THE COURT: BUT I KNOW HE DID IT AS A COURTESY.
14 AND, YOU KNOW, IT PROBABLY WORKS BOTH WAYS.

15 MS. BRYANT: WELL, IT HASN'T YET. BUT I ASSUME IT
16 WILL. I JUST -- IF HE IS GOING -- I JUST WANT TO BE ABLE TO
17 SEE WHAT HE'S --

18 MR. ROSENBLUM: YES.

19 MS. BRYANT: -- SHOWING THE WITNESS. SO --

20 THE COURT: OKAY. AND IF WE NEED TO USE THE COPY
21 MACHINE, WE'LL GLADLY USE OUR COPY MACHINE.

22 MR. ROSENBLUM: OKAY.

23 (PROCEEDINGS CONCLUDED.)

24 (FURTHER TESTIMONY OF THIS WITNESS, HEARD ON
25 JUNE 11, 2014, REPORTED BY ROBERT SULLIVAN.)
26

STATE OF CALIFORNIA)

COUNTY OF ORANGE)

REPORTER'S CERTIFICATE

I, JENNIFER S. CHIARAVALLOTI, CSR NO. 9476,
RPR, CRR, OFFICIAL COURT REPORTER, DO HEREBY CERTIFY THAT
THE FOREGOING REPORTER'S PARTIAL TRANSCRIPT, PAGES 1 THROUGH
81, IS A FULL, TRUE AND CORRECT TRANSCRIPTION OF MY
SHORTHAND NOTES THEREOF, AND A FULL, TRUE AND CORRECT
STATEMENT OF THE PROCEEDINGS HAD IN SAID CAUSE.

DATED AT SANTA ANA, CALIFORNIA, THIS 1ST DAY
OF OCTOBER, 2014.

10-1-14

DATE


JENNIFER S. CHIARAVALLOTI, CSR NO. 9476
OFFICIAL COURT REPORTER

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE - CENTRAL JUSTICE CENTER
DEPARTMENT C-41

THE PEOPLE OF THE STATE
OF CALIFORNIA,

PLAINTIFF,

VS.

NO. [REDACTED]

[REDACTED]
DEFENDANT.

HONORABLE PATRICK H. DONAHUE, JUDGE PRESIDING

REPORTER'S TRANSCRIPT

JUNE 11, 2014

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

ALETA BRYANT
DEPUTY DISTRICT ATTORNEY

FOR THE DEFENDANT:

LEWIS ROSENBLUM
ATTORNEY AT LAW

ROBERT J. SULLIVAN, CSR NO. 5646
PRO TEMPORE COURT REPORTER

W I T N E S S I N D E X

DIRECT CROSS REDIRECT RECROSS

FOR THE PEOPLE:

GALLIVAN, THOMAS	5	27	60
(FURTHER)		68	70
(FURTHER)		72	73

FOR THE DEFENSE:

(NONE CALLED)

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FOR I.D. IN EVIDENCE

FOR THE PEOPLE:

5 - PHOTO	28
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FOR THE DEFENSE:

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1 SANTA ANA, CALIFORNIA - JUNE 11, 2014

2 MORNING SESSION

3

4 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN
5 COURT, OUT OF THE PRESENCE OF THE JURY:)

6 THE COURT: OKAY, WE WILL GO ON THE RECORD. COUNSEL
7 ARE PRESENT, DEFENDANT IS PRESENT, JURORS ARE NOT PRESENT.

8 ONE OF THE JURORS, I DON'T THINK THIS IS A BIG
9 ISSUE, BUT I DO WANT TO PUT IT ON THE RECORD, 149, I AM NOT
10 SURE, ALTERNATE OR?

11 THE BAILIFF: NO, YOUR HONOR, SHE IS IN SEAT 7.

12 THE COURT: SHE SAID YESTERDAY WHAT, BEFORE LUNCH OR
13 AFTER LUNCH?

14 THE BAILIFF: I AM KIND OF UNSURE IF IT WAS BEFORE
15 LUNCH OR JUST AT THE END OF THE LUNCH HOUR, TOWARDS THE
16 LUNCH HOUR, SHE WASN'T VERY SPECIFIC OF THE TIMING, BUT IT
17 WAS SOMETIME DURING THE LUNCH HOUR.

18 THE COURT: OKAY. I GUESS SHE WAS WAITING IN THE
19 HALLWAY AND MR. [REDACTED] SHE WAS USING SOME TYPE OF ELECTRONIC
20 DEVICE OR SOMETHING, I GUESS APPROACHED HER WITH A POWER --

21 THE BAILIFF: POWER CORD OF SOME KIND.

22 THE COURT: POWER CORD AND SAID, IS THIS YOURS? AND I
23 THINK THE JUROR JUST SAID, NO.

24 BUT OUT OF AN ABUNDANCE OF CAUTION, THAT WAS THE
25 EXTENT OF IT, AND I THINK NOTHING ELSE WAS SAID. SO THAT
26 WAS TOLD TO THE BAILIFF, BUT I REALLY DON'T BELIEVE THERE IS

1 ANY ISSUES THERE.

2 MS. BRYANT: NO, YOUR HONOR, I WOULD JUST SUGGEST THAT
3 THE COURT ADVISE MR. [REDACTED] THAT JURORS HAVE BADGES ON AND HE
4 SHOULD NOT BE APPROACHING ANY OF THEM. IF HE FINDS
5 SOMETHING, HE SHOULD APPROACH THE BAILIFF AND LET THE
6 BAILIFF DO IT.

7 THE COURT: THAT'S PROBABLY TRUE, NEXT TIME IF YOU DO,
8 GO THROUGH THE BAILIFF, OKAY.

9 THE DEFENDANT: YES, YOUR HONOR.

10 THE COURT: BUT I AM NOT -- I DON'T PLAN ON INQUIRING
11 OF JUROR 149, I JUST DON'T THINK IT IS AN ISSUE, UNLESS
12 ANYONE WANTS ME TO, BUT IN FACT THE JUROR 149 SAID, I DON'T
13 BELIEVE ANYTHING BAD HAPPENED, JUST OUT OF AN ABUNDANCE OF
14 CAUTION I TOLD, I NEED TO TELL YOU THIS. BUT I JUST DID
15 WANT TO PUT IT ON THE RECORD, BUT I AM NOT EVEN GOING TO
16 INQUIRE, I DON'T THINK THERE IS ANY INDICATION THAT SHE
17 CAN'T BE FAIR OR ANYTHING ELSE.

18 MS. BRYANT: I DON'T HAVE A PROBLEM WITH THAT EITHER, I
19 JUST WANTED THAT ADDITIONAL ADVISEMENT SO THAT JURORS ARE
20 NOT PUT IN THAT POSITION.

21 THE COURT: OKAY.

22 MR. ROSENBLUM: YOU KNOW, ONE THING, MR. [REDACTED] LOOKED
23 THROUGH ALL THIS PAPERWORK, AND I KNOW WE HAVE BEEN TRYING
24 TO WORK DILIGENTLY WITH COUNTY COUNSEL TO FIND OUT THESE
25 MANUALS, AND WAS ABLE TO FIND A MANUAL THAT HE WAS GIVEN
26 WHEN HE STARTED OFF AT THE MEN'S JAIL. I AM HAPPY TO GIVE

1 THAT TO MS. BRYANT TO LOOK AT, IT IS MY ONLY COPY THOUGH, I
2 DIDN'T HAVE A CHANCE TO MAKE COPIES, IF YOU WANT TO COPY IT.

3 MS. BRYANT: I WILL TAKE A LOOK AT IT ON THE BREAK,
4 YOUR HONOR.

5 THE COURT: OKAY.

6 MS. BRYANT: I KNOW THAT THE MANUAL WE ARE LOOKING AT
7 HAS BEEN REDACTED DOWN TO 614 PAGES, SO I THINK THERE IS
8 PROBABLY MORE TO IT THAN THIS, BUT I WILL LOOK AT THE
9 ORIENTATION MANUAL.

10 THE COURT: OKAY, I AM SURE THERE ARE PORTIONS OF THAT
11 THAT IS GOING TO COME IN, BECAUSE THAT IS THE MANUAL THAT HE
12 WAS DEALING WITH.

13 MR. ROSENBLUM: THAT IS CORRECT.

14 MS. BRYANT: MY UNDERSTANDING IS THE OTHER LARGE MANUAL
15 IS ALSO SOMETHING THEY ARE ALL GIVEN IN E-MAIL FORMAT AS
16 WELL.

17 THE COURT: WE ARE GOING TO, I THINK, WHEN THE NEXT
18 WITNESS COMES UP, WE WILL FIND OUT ABOUT ALL THAT.

19 MS. BRYANT: NO DOUBT.

20 (RECESS TAKEN.)

21 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN
22 COURT, IN THE PRESENCE OF THE JURY:)

23 THE COURT: OKAY, ALL OUR JURORS ARE PRESENT, COUNSEL
24 IS PRESENT, DEFENDANT IS PRESENT, OUR WITNESS IS PRESENT.
25 STILL UNDER OATH.

26 AND, MR. ROSENBLUM, I THINK WE WERE ON

1 CROSS-EXAMINATION.

2 MR. ROSENBLUM: YES, THANK YOU, YOUR HONOR.

3 GOOD MORNING.

4 (RESPONSE.)

5 THOMAS GALLIVAN,

6 CALLED AS A WITNESS ON BEHALF OF THE PEOPLE, HAVING BEEN
7 PREVIOUSLY SWORN, WAS FURTHER EXAMINED AND TESTIFIED AS
8 FOLLOWS:

9 CROSS-EXAMINATION (CONTINUED)

10 Q. BY MR. ROSENBLUM: GOOD MORNING, DEPUTY GALLIVAN,
11 HOW ARE YOU?

12 A. GOOD, SIR; HOW ARE YOU?

13 Q. GOOD, THANK YOU.

14 I JUST WANT TO PICK UP WHERE WE LEFT OFF
15 YESTERDAY, I HAD A FEW MORE QUESTIONS, AND THEN I WANT TO
16 MOVE ON TO ANOTHER AREA.

17 I THINK YESTERDAY WHERE WE ENDED OFF, I WAS
18 TALKING TO YOU ABOUT A CONVERSATION THAT YOU MAY HAVE HAD
19 WITH [REDACTED] BACK ON DECEMBER 31ST, 2011.

20 DO YOU RECALL ANY OF THE CONVERSATION WHEN YOU
21 WERE TALKING TO HIM THAT DAY WHEN YOU WERE SEARCHING HIM?

22 A. SIR, THE DAY OF THE DECEMBER 31ST SEARCH?

23 Q. I AM SORRY, I GOT TO GET MY MIND WORKING.

24 A. IT'S OKAY, SIR, IT'S EARLY.

25 Q. GIVE ME A SECOND. I AM SORRY, THANK YOU.

26 THE WEEK BEFORE WHEN HE CAME OUT OF THE

1 ATTORNEY-BONDS AREA, I'M SORRY, THANK YOU, THE ONE WHICH YOU
2 HAD ABOUT A WEEK BEFORE WHEN YOU SEARCHED HIM COMING OUT OF
3 THE A.B. AREA?

4 A. YES, SIR.

5 Q. DO YOU RECALL ANY OF THE CONVERSATION YOU HAD
6 WITH HIM DURING THAT SEARCH?

7 A. NO, SIR.

8 Q. DO YOU RECALL TELLING INVESTIGATOR [REDACTED] IN YOUR
9 JULY 11TH, 2012 INTERVIEW, THAT YOU LOOKED THROUGH HIS STUFF
10 THAT HE THREW DOWN AND HE STARTS GIVING ME THE WHOLE, AH,
11 YOU KNOW ME, DEPUTY GALLIVAN, I WOULDN'T BRING ANYTHING IN,
12 I AM HONESTLY TRYING TO FIGHT MY CASE.

13 DO YOU REMEMBER [REDACTED] TELLING YOU, DON'T
14 WORRY ABOUT ME, DEPUTY GALLIVAN, I WOULDN'T BRING ANYTHING
15 IN LIKE THAT?

16 A. YES, SIR.

17 Q. YOU NOW RECALL THAT CONVERSATION?

18 A. YES, SIR.

19 Q. OKAY. SO [REDACTED] REPRESENTED TO YOU THAT
20 HE WAS HONEST AND HE WOULDN'T TRY TO SMUGGLE ANYTHING IN; IS
21 THAT RIGHT?

22 A. YES, SIR.

23 Q. YOU DIDN'T NECESSARILY BELIEVE THAT, OR DID YOU
24 BELIEVE THAT, OR DID YOU NOT KNOW WHAT TO BELIEVE?

25 A. I DID NOT BELIEVE THAT, NO, SIR.

26 Q. BUT YOU HAD NO PROOF WHATSOEVER AS TO WHETHER OR

1 NOT HE WAS SMUGGLING ANYTHING, CORRECT?

2 A. CORRECT.

3 Q. NOW, ALSO DO YOU RECALL MAKING THIS STATEMENT TO
4 DEPUTY [REDACTED] IN YOUR INTERVIEW ON JULY 11TH, 2012, DO YOU
5 RECALL SAYING, AND MAYBE IT WOULD BE EASIER IF I JUST WALK
6 UP AND READ IT IN FRONT OF YOU SO I DON'T HAVE TO ASK THE
7 SAME QUESTION TWICE.

8 DO YOU RECALL SAYING THAT EVERY SAT, UM, WORKING
9 OVERTIME THERE, HE'S IN THERE WITH THE SAME FEMALE FOR
10 HOURS, AND I MEAN IT JUST DIDN'T SEEM RIGHT, SO I HIT HIM UP
11 THAT DAY.

12 DO YOU RECALL SAYING THAT?

13 A. YES, SIR.

14 Q. AND AFTER TALKING TO HIM THAT DAY, MY SUSPICION
15 JUST GREW, AND THAT'S WHY I SPENT SO MUCH TIME IN THE CELL
16 LOOKING FOR STUFF; IS THAT CORRECT?

17 A. YES, SIR.

18 Q. ALL RIGHT. SO IS IT FAIR TO SAY THAT BECAUSE YOU
19 WERE THERE ON SATURDAYS AND YOU SAW THEM TOGETHER FOR SO
20 LONG, THAT STARTED TO BOTHER YOU A LITTLE BIT?

21 A. IT DIDN'T NECESSARILY BOTHER ME, NO.

22 Q. CAUSED YOU TO BE A LITTLE SUSPICIOUS?

23 A. YES, SIR.

24 Q. I DON'T WANT TO PUT WORDS IN YOUR MOUTH; HOW DID
25 IT MAKE YOU FEEL?

26 A. JUST SUSPICIOUS.

1 Q. ALL RIGHT. BUT WAS THERE ANYTHING THAT YOU COULD
2 POINT TO THAT YOU SAW, ANYTHING THE TWO OF THEM WERE DOING
3 THAT SEEMED INAPPROPRIATE OR PROBLEMATIC FOR YOU?

4 A. NO, SIR.

5 Q. AND THAT'S IN ALL THE TIME THAT YOU EVER SAW THEM
6 TOGETHER, RIGHT?

7 A. YES, SIR.

8 Q. NOW, IN THE AREA OF, I JUST WANT TO TALK TO YOU
9 ABOUT ESCAPE, DID YOU EVER HAVE ANY FEELING OR ANY THOUGHTS
10 THAT [REDACTED] WAS TRYING TO ESCAPE FROM JAIL?

11 A. NO, SIR.

12 Q. THOUGHT NEVER CROSSED YOUR MIND?

13 A. NO, SIR.

14 Q. AND IN FACT YOU NEVER EVEN THOUGHT ABOUT IT; IS
15 THAT TRUE?

16 A. YES, SIR.

17 Q. AND INVESTIGATOR [REDACTED] ASKED YOU THAT SPECIFIC
18 QUESTION -- BY THE WAY, DID YOU HAVE A CHANCE TO REVIEW THIS
19 INTERVIEW SINCE LAST NIGHT AND TODAY?

20 A. YES, SIR.

21 Q. SO MS. BRYANT WENT OVER ALL THIS WITH YOU?

22 A. SHE DIDN'T GO OVER IT, NO, SIR.

23 Q. HER INVESTIGATOR DID?

24 A. NO, SIR.

25 Q. WHO WENT OVER IT; WHO GAVE IT TO YOU?

26 A. NO ONE, I JUST WENT OVER IT TO REFRESH MY

1 RECOLLECTION.

2 Q. NOW YOU LISTENED TO THE TAPE FROM 2012, AND NOW
3 YOU ARE --

4 A. YES, SIR.

5 Q. I WAS WONDERING HOW YOU REMEMBERED SO MUCH THIS
6 MORNING AND NOT YESTERDAY?

7 A. YES, SIR.

8 Q. SO THERE WAS NEVER ANY THOUGHT ABOUT HIM ESCAPING
9 OR ANYTHING THAT YOU EVER SAW THAT CAUSED YOUR ATTENTION?

10 A. NO, SIR.

11 Q. ALL RIGHT. NOW, I WANT TO ASK YOU, YOU TALKED
12 YESTERDAY ON DIRECT ABOUT PROCEDURES AND POLICIES AT THE
13 JAIL, AND I WANT TO JUST TALK TO YOU ABOUT SEARCHING INMATES
14 AND THINGS OF THAT NATURE.

15 SO LET ME ASK YOU THIS, IN TERMS OF POLICIES OR
16 PROCEDURES, ARE THERE ANY PROCEDURES OR POLICIES WHERE IF
17 YOU ARE SEARCHING SOMEBODY, THAT THERE SHOULD BE ANOTHER
18 DEPUTY PRESENT?

19 A. IT HAS BEEN A WHILE SINCE I HAVE BEEN THERE, BUT
20 IT SOUNDS LIKE SOMETHING THAT WOULD BE IN POLICY.

21 Q. IT WOULD BE, I CAN'T HEAR YOU THAT WELL?

22 A. I HAVE NO IDEA, IT HAS BEEN A LONG TIME SINCE I
23 HAVE BEEN IN THE JAIL.

24 Q. NOW, YOU HAVE BEEN A DEPUTY SHERIFF FOR SEVEN
25 YEARS?

26 A. YES, SIR.

1 Q. OKAY. AND I WOULD IMAGINE THAT YOU ARE PRETTY
2 FAMILIAR WITH THE POLICIES, OR NOT?

3 A. NO LONGER IN THE JAILS.

4 Q. OKAY.

5 A. IT IS A WHOLE DIFFERENT SET OF POLICIES IN THE
6 FIELD.

7 Q. LET ME ASK YOU THIS, DEPUTY GALLIVAN, WHEN YOU
8 INITIALLY STARTED AT THE JAIL, DID THEY GIVE YOU A TRAINING
9 MANUAL, AN ORIENTATION POLICY MANUAL?

10 A. YES, SIR.

11 Q. CAN I ASK, WAS IT A POLICY MANUAL SIMILAR TO THIS
12 (INDICATING), ORANGE COUNTY?

13 A. I DON'T EVEN RECALL. THAT DOESN'T LOOK FAMILIAR
14 TO ME.

15 Q. YOU WANT TO TAKE A LOOK THROUGH IT, JUST FLIP
16 THROUGH IT TO SEE IF THAT REFRESHES YOUR MEMORY.

17 A. (WITNESS COMPLIES).

18 NO, SIR, I THINK MINE WAS DIFFERENT. I'M NOT
19 POSITIVE.

20 Q. WAS IT ABOUT THE SAME SIZE; BIGGER, SMALLER?

21 A. (NO RESPONSE).

22 Q. DO YOU STILL HAVE IT?

23 A. NO, SIR.

24 Q. WHAT DID YOU DO WITH IT?

25 A. I BELIEVE EVERYTHING WAS ELECTRONIC WHEN I GOT
26 THERE, I'M NOT POSITIVE ON THAT, BUT.

1 Q. YOU STARTED -- DID YOU START AROUND THE SAME TIME

2 AS [REDACTED]

3 A. NOT -- NO.

4 Q. DIDN'T YOU SAY YOU STARTED IN 2007?

5 A. I DID MY FIRST YEAR HERE AT THE CENTRAL JUSTICE
6 CENTER.

7 Q. OKAY.

8 A. AND THEN I TRANSFERRED OVER TO THE CENTRAL MEN'S
9 JAIL.

10 Q. BUT YOU STARTED AS A SHERIFF IN 2007?

11 A. I DON'T KNOW THE EXACT DATE, 2006, I BELIEVE.

12 Q. AROUND THE SAME TIME AS DEPUTY [REDACTED] IF YOU KNOW?

13 A. AROUND THE SAME TIME, IT WOULD BE MORE SPECIFIC
14 WITH THAT.

15 Q. OKAY. AND WHAT YEAR DID YOU GO TO WORK AT THE
16 JAIL?

17 A. I DON'T RECALL.

18 Q. WELL, CAN YOU GIVE US A GENERAL IDEA?

19 A. I ASSUME 2007. 2008.

20 Q. AND 2007 OR 2008 THEY DIDN'T GIVE YOU A POLICY
21 MANUAL LIKE THIS?

22 A. LIKE I SAID, I DON'T RECALL.

23 Q. DO YOU EVER RECALL READING THE 1500 PAGE POLICY
24 AND PROCEDURE MANUAL ONLINE; DID YOU EVER READ THAT?

25 A. NO, SIR.

26 Q. WHY NOT?

1 A. IT'S A LOT OF PAGES.

2 Q. OKAY. FAIR ENOUGH.

3 SO IN TERMS OF YOUR SAYING WHAT POLICIES ARE AND
4 THINGS OF THAT NATURE, CAN YOU POINT TO ANY POLICY, ANYTHING
5 AS A DEPUTY SHERIFF FOR SEVEN YEARS, THAT DEALS DIRECTLY
6 WITH, OR ANYTHING IN WRITING THAT SAYS WHETHER OR NOT YOU
7 CAN RECEIVE GIFTS FROM A LEGAL RUNNER OR AN ATTORNEY; CAN
8 YOU POINT TO ANYTHING IN WRITING?

9 A. NO, SIR.

10 Q. NOW, IN TERMS OF SEARCHING SOMEONE, DOES IT MAKE
11 SENSE TO YOU THAT THERE WOULD BE A POLICY IF YOU ARE GOING
12 TO SEARCH SOMEONE, THERE NEEDS TO BE ANOTHER DEPUTY STANDING
13 BY IN CASE THERE IS VIOLENCE OR THINGS OF THAT NATURE WHILE
14 YOU ARE SEARCHING PEOPLE; THEY COULD, I IMAGINE, ATTACK YOU,
15 YOU ARE VULNERABLE, CORRECT?

16 A. YES, SIR.

17 Q. SO WOULD IT BE FAIR TO SAY, I AM NOT TRYING TO
18 PUT WORDS IN YOUR MOUTH, I AM JUST ASKING A QUESTION, WOULD
19 IT BE FAIR TO SAY, GENERALLY SPEAKING, IT REQUIRES TWO
20 DEPUTIES TO DO A SEARCH?

21 A. YES, SIR.

22 Q. AND WHAT ABOUT SEARCHING WOMEN, ARE MALE DEPUTIES
23 ALLOWED TO SEARCH WOMEN?

24 A. NO, SIR.

25 Q. WHAT ABOUT A POLICY DEALING WITH SEARCHING LEGAL
26 RUNNERS; IS THERE ANY POLICY THAT YOU ARE AWARE THAT SAYS

1 THAT YOU CAN SEARCH LEGAL RUNNERS?

2 A. NO, SIR.

3 Q. IS THERE ANY POLICY THAT ALLOWS YOU TO -- WELL, I
4 AM TRYING TO ASK THIS IN A DELICATE WAY, I WILL DO THE BEST
5 I CAN. IN ORDER FOR YOU, IF YOU HAD A SUSPICION AS A DEPUTY
6 SHERIFF THAT A WOMAN MIGHT BE HIDING THINGS IN HER PRIVATE
7 PARTS, LET'S SAY, WOULD YOU BE ALLOWED TO LOOK?

8 A. NO, SIR.

9 Q. ARE THERE PROCEDURES THAT YOU HAVE TO GO THROUGH
10 IN ORDER TO DO SOME TYPE OF BODY CAVITY SEARCH ON ANYONE?

11 A. YES, SIR.

12 Q. DO YOU NEED TO GET PRIOR APPROVALS FROM SERGEANTS
13 AND GO THROUGH A LOT OF RED TAPE BEFORE YOU CAN DO A BODY
14 CAVITY SEARCH?

15 A. YES, SIR.

16 Q. THAT'S A PRETTY FAR REACHING THING TO DO?

17 A. (NO RESPONSE) .

18 Q. THAT'S A BAD QUESTION.

19 MS. BRYANT: OBJECTION, VAGUE.

20 MR. ROSENBLUM: THAT IS A BAD QUESTION.

21 THE WITNESS: YES, SIR.

22 Q. BY MR. ROSENBLUM: WHAT I AM SAYING IS THAT IS NOT
23 NORMALLY DONE, CORRECT?

24 A. YES.

25 MS. BRYANT: OBJECTION, VAGUE.

26 Q. BY MR. ROSENBLUM: I MEANT BODY CAVITY SEARCH, IT

1 IS NOT NORMALLY DONE, IS IT?

2 A. NO, SIR.

3 Q. HOW MANY CAN YOU RECALL IN YOUR YEARS AT THE JAIL
4 BODY CAVITY SEARCHES BEEN DONE?

5 A. WHERE I HAVE BEEN THERE?

6 Q. YES.

7 A. ONE.

8 Q. IN ALL THE YEARS?

9 A. YES.

10 Q. HAS THERE EVER BEEN ONE ON AN ATTORNEY OR LEGAL
11 RUNNER OR SOMEBODY WHO HAS BEEN APPROVED BY THE COURT?

12 A. NOT THAT I AM AWARE OF, NO.

13 Q. NOW, IN TERMS OF AN INMATE WANTING TO HIDE DRUGS,
14 AND I AM JUST ASKING HYPOTHETICALLY, LET'S SAY A LEGAL
15 RUNNER SNUCK IN SOME DRUGS IN HER PRIVATE PARTS AND GAVE IT
16 TO AN INDIVIDUAL, AN INMATE IN THE ATTORNEY-BONDS ROOM
17 THERE, AND LET'S JUST SAY THAT INDIVIDUAL HID, LET'S SAY
18 MARIJUANA, WHATEVER IT IS IN MARIJUANA, WHATEVER IT IS, IN
19 HIS REAR, IN HIS ANAL ORIFICE, WOULD YOU BE ABLE, EVEN IF HE
20 IS A MALE, WOULD YOU BE ABLE TO LOOK IN HIS RECTUM?

21 A. NOT WITHOUT APPROVAL.

22 Q. AND THAT'S THE SAME PROCEDURE FOR BODY CAVITY
23 SEARCHES?

24 A. YES, SIR.

25 Q. AND THESE QUESTIONS CAME UP IN YOUR INTERVIEW
26 WITH INVESTIGATOR [REDACTED] DID THEY NOT?

1 A. YES, SIR.

2 Q. OKAY. DID YOU, I WANT TO ASK ABOUT YOUR
3 RESPONSE, AND ASK YOU WHAT YOU MEANT BY THIS.

4 WHEN INVESTIGATOR [REDACTED] SAID:

5 SO YOU ONLY SEARCHED [REDACTED] THE ONE TIME IN
6 ATTORNEY-BONDS, AND THERE WAS NO SPECIFIC REASON FOR IT, YOU
7 JUST THOUGHT HE WAS BRINGING STUFF IN?

8 GALLIVAN: YES. AND THAT'S ANOTHER THING WHY I
9 DIDN'T GO FURTHER, BECAUSE I FIGURED IF HE DID HAVE
10 SOMETHING, HE'S BEEN AROUND AWHILE, HE PROBABLY KEISTERED
11 IT, AND THERE WASN'T ENOUGH FOR ME TO JUSTIFY GOING IN.

12 CAN YOU EXPLAIN TO THE JURY WHAT IT IS THAT YOU
13 MEANT BY THAT STATEMENT.

14 A. INMATES THAT HAVE BEEN AROUND FOR A WHILE AND
15 KNOW HOW TO TRANSPORT NARCOTICS SEEMINGLY UNDETECTED, THEY
16 CAN HIDE SAID NARCOTICS IN CERTAIN AREAS THAT WE ARE NOT,
17 MORE THAN LIKELY NOT GOING TO SEARCH, INSIDE THEIR PERSON.

18 Q. OKAY. NOW, I AM A NOVICE SO I HAVEN'T DONE YOUR
19 JOB, BUT I JUST WANT TO KNOW, IF IT IS COMMON KNOWLEDGE
20 THAT'S WHERE PEOPLE HIDE THINGS, THEN WHY DON'T YOU JUST
21 LOOK THERE?

22 A. BECAUSE WE ARE NOT ALLOWED TO.

23 Q. WHY NOT?

24 A. THE POWERS THAT BE SAID IT SO.

25 Q. WHO ARE THE POWERS THAT BE, JUST SO WE KNOW?

26 A. THE PEOPLE THAT WRITE POLICY AND PROCEDURE IN OUR

1 DEPARTMENT.

2 Q. SO THAT'S ONE OF THE REASONS DEPUTIES SUCH AS
3 YOURSELF AND OTHER DEPUTIES DON'T BOTHER TO GO THAT ROUTE?

4 A. YES, SIR.

5 Q. AND WHEN YOU SAY THAT YOU FIGURED HE HAS BEEN
6 AROUND FOR A WHILE, YOU WERE TALKING ABOUT [REDACTED]
7 CORRECT?

8 A. YES.

9 Q. AND [REDACTED] HAS BEEN AROUND LONGER THAN
10 ANY OTHER INMATE THAT YOU ARE AWARE OF?

11 A. YES, SIR.

12 Q. HE IS A SMART GUY, WASN'T HE?

13 A. VERY SMART.

14 Q. ALL RIGHT. ARE THERE COMMISSARIES IN THE JAIL
15 WHERE INMATES ARE ALLOWED TO BUY FOOD?

16 A. YES, SIR.

17 Q. ARE THEY ALLOWED TO HAVE FOOD IN THEIR CELLS IF
18 THEY BUY IT FROM THE COMMISSARY?

19 A. YES, SIR.

20 Q. AND ARE PEOPLE ALLOWED TO PUT MONEY ON THEIR
21 BOOKS OVER AT THE JAIL SO THAT INMATES CAN GO AND USE
22 COMMISSARY PRIVILEGES?

23 A. YES, SIR.

24 Q. AND IS MR. [REDACTED] ONE OF THOSE PEOPLE WHO WAS
25 ALLOWED TO BUY THINGS AT THE COMMISSARY?

26 A. YES, SIR.

1 Q. AND DID HE HAVE FOOD IN HIS CELL?

2 A. YES, SIR.

3 Q. AND THEY ARE ALLOWED TO HAVE CANDY AND THINGS OF
4 THAT NATURE?

5 A. YES, SIR.

6 Q. NOW, IN TERMS OF IN THE ATTORNEY-BONDS AREA, ARE
7 INMATES REQUIRED UNDER LAW TO BE GIVEN THREE MEALS A DAY?

8 A. I AM SORRY?

9 Q. ARE INMATES REQUIRED UNDER FEDERAL LAW TO BE
10 GIVEN THREE MEALS A DAY?

11 A. YES, SIR.

12 Q. SO YOU ARE NOT ALLOWED TO SKIP GIVING INMATES
13 MEALS, RIGHT?

14 A. CORRECT.

15 Q. LET'S SAY AN INMATE IS IN THE ATTORNEY-BONDS AREA
16 FOR HOURS WITH HIS LAWYER GOING OVER TRANSCRIPTS AND TAPES;
17 IF AN INMATE IS IN THE A.B. AREA FOR HOURS, IS HE ALLOWED TO
18 EAT IN THE ATTORNEY-BONDS AREA?

19 A. I'M NOT SURE ON THAT.

20 Q. YOU DON'T KNOW?

21 A. NO, SIR.

22 Q. YOU DON'T KNOW THAT THEY BRING BAG LUNCHES TO
23 THEM; YOU ARE NOT AWARE OF THAT?

24 A. NO, SIR.

25 Q. OKAY. WOULD YOU THINK THAT JUST FROM YOUR OWN
26 COMMON SENSE, WOULD YOU THINK THAT THEY ARE ALLOWED TO HAVE

1 MEALS IF THEY ARE ENTITLED TO THEM?

2 MS. BRYANT: OBJECTION, YOUR HONOR, SPECULATION,
3 IRRELEVANT.

4 THE COURT: IT IS.

5 MR. ROSENBLUM: ALL RIGHT.

6 Q. BY MR. ROSENBLUM: SO YOU JUST DON'T KNOW ABOUT
7 INMATES BEING ALLOWED TO EAT IN THE ATTORNEY-BONDS AREA?

8 A. YES, SIR, I DON'T KNOW.

9 Q. ALL RIGHT. BUT CERTAINLY THERE IS NOTHING THAT
10 YOU CAN RECALL IN ANY POLICY MANUAL THAT SAYS INMATES ARE
11 NOT ALLOWED TO EAT IN THE ATTORNEY-BONDS AREA?

12 A. (NO RESPONSE).

13 Q. ARE YOU LOOKING AT HER?

14 A. NO, BECAUSE I HAVE BEEN YELLED AT IN THE PAST FOR
15 ANSWERING TOO QUICKLY, I WANT TO MAKE SURE I DON'T ANSWER
16 TOO QUICKLY.

17 Q. I WON'T LET HER YELL AT YOU, AND YOU CAN TAKE AS
18 MUCH TIME AS YOU WENT.

19 A. YES, SIR.

20 Q. SO THE QUESTION I AM ASKING YOU, AS A DEPUTY WITH
21 SEVEN YEARS EXPERIENCE, 2007, SEVEN YEARS EXPERIENCE, ARE
22 YOU AWARE OF ANY POLICY THAT SAYS AN INMATE CANNOT EAT IN
23 THE ATTORNEY-BONDS AREA?

24 A. NO, SIR.

25 Q. YOU ARE NOT AWARE OF THAT?

26 A. NO.

1 Q. IN THAT STATEMENT THAT WE READ EARLIER, WHEN YOU
2 SAID HE PROBABLY KEISTERED IT AND THERE WASN'T ENOUGH FOR ME
3 TO JUSTIFY GOING IN, WHAT DID YOU MEAN BY THAT COMMENT, THAT
4 THERE WASN'T ENOUGH FOR ME TO JUSTIFY GOING IN?

5 A. I COULDN'T ARTICULATE A PARTICULAR REASON TO
6 SEARCH HIM FURTHER.

7 Q. AND, AGAIN, I AM NOT TRYING TO PUT WORDS IN YOUR
8 MOUTH, BUT DO YOU MEAN THAT THERE ARE CERTAIN POLICIES AND
9 RULES AND LEGAL TECHNICALITIES THAT YOU NEED CERTAIN TYPE OF
10 PROBABLE CAUSE BEFORE YOU ARE ALLOWED TO SEARCH AN
11 INDIVIDUAL; YOU HAVE TO BE ABLE TO JUSTIFY IT?

12 A. TO SEARCH TO THAT EXTENT, YES.

13 MR. ROSENBLUM: ALL RIGHT. NOW, LET ME JUST CHECK MY
14 NOTES, I THINK THAT THERE IS ONE OTHER AREA I WANT TO GO
15 INTO.

16 LAST AREA. YOU TALKED ABOUT YOUR RELATIONSHIP
17 WITH [REDACTED] A LITTLE BIT, AND [REDACTED] AND
18 FIRST I WANT TO IDENTIFY WE ARE TALKING ABOUT THE SAME
19 PEOPLE BEFORE I ASK YOU THE QUESTION.

20 AND, YOUR HONOR, I JUST HAVE SOME D.M.V. PHOTOS
21 THAT I AM JUST GOING TO MARK AS DEFENSE A AND B, IF THAT'S
22 OKAY.

23 THE COURT: OKAY.

24 (FOR I.D. = DEFENSE EXHIBITS A & B)

25 Q. BY MR. ROSENBLUM: I JUST WANT TO LAY A FOUNDATION
26 BEFORE I ASK YOU THE NEXT GROUP OF QUESTIONS.

1 THE PERSON THAT WE ARE TALKING ABOUT AS

2 [REDACTED] IS THAT THE PERSON DEPICTED IN DEFENSE A?

3 A. YES, SIR.

4 Q. AND IT HAS HIS NAME ON IT?

5 A. YES, SIR.

6 Q. OKAY. AND THE WOMAN, THE LEGAL RUNNER THAT YOU

7 SAW, HER NAME WAS [REDACTED] IS THAT CORRECT?

8 A. I KNEW HER AS [REDACTED]

9 Q. I AM SORRY, THANK YOU.

10 A. NO PROBLEM.

11 Q. [REDACTED] IS THAT A PHOTOGRAPH OF HER?

12 A. YES, SIR.

13 Q. THAT IS A D.M.V. PHOTO, AND I AM SHOWING YOU

14 DEFENSE B AND IT SHOWS [REDACTED] THAT'S THE SAME PERSON

15 WE ARE TALKING ABOUT?

16 A. YES, SIR.

17 Q. SO I AM GOING TO ASK YOU SOME QUESTIONS ABOUT

18 THESE TWO PEOPLE.

19 NOW, DEPUTY GALLIVAN, IN TERMS OF YOUR

20 RELATIONSHIP, WE TALKED ABOUT YOUR RELATIONSHIP WITH

21 [REDACTED] AND [REDACTED] DID YOU EVER GIVE

22 [REDACTED] CHEWING TOBACCO?

23 A. NO.

24 Q. ARE YOU SURE?

25 A. YES, SIR.

26 Q. DID YOU EVER TELL [REDACTED] OR SOLICIT HIM

1 TO STAB MEXICANS?

2 A. NO.

3 Q. ARE YOU AWARE OF THE FACT THAT [REDACTED]
4 CLAIMED THAT YOU TOLD HIM TO SHANK UP THE MEXICANS; ARE YOU
5 AWARE OF THAT?

6 A. NO, SIR.

7 Q. DO YOU FIND THAT FUNNY THAT HE WOULD SAY THAT?

8 A. YES, SIR.

9 Q. OKAY. WOULD YOU BE ABLE TO RECOGNIZE HIS VOICE
10 IF YOU HEARD IT AGAIN, IF YOU HEARD IT ON A TAPE?

11 A. I HAVEN'T HEARD IT IN A WHILE, BUT I MIGHT BE
12 ABLE TO, SIR.

13 MR. ROSENBLUM: YOUR HONOR, WOULD LIKE TO PLAY A TAPE,
14 A TWO-MINUTE TAPE, A 1 MINUTE 51 SECOND TAPE OF CONVERSATION
15 WITH MR. [REDACTED] AND [REDACTED] CONCERNING DEPUTY GALLIVAN.

16 MS. BRYANT: YOUR HONOR, WE NEED TO SEE A TRANSCRIPT
17 AND KNOW WHAT SECTION WE ARE TALKING ABOUT.

18 MR. ROSENBLUM: WELL, I WENT TO KINKO'S THIS MORNING
19 AND I MADE COPIES.

20 THE COURT: OKAY.

21 MR. ROSENBLUM: AND I HAVE COPIES FOR -- IT IS ONE
22 PAGE, AND I HAVE COPIES FOR THE JURY, THE JUDGE AND THE
23 COURT REPORTER.

24 AND I HAVE C.D.'S I MADE THIS MORNING, I DIDN'T
25 TRY THEM TO MAKE SURE THEY WORK, BUT I HAVE THEM ON MY
26 PHONE. I THINK THEY WILL WORK. I DON'T KNOW HOW TO WORK

1 THIS EQUIPMENT UNFORTUNATELY.

2 THE BAILIFF: YOUR HONOR, WOULD YOU LIKE ME TO PASS OUT
3 THE TRANSCRIPTS?

4 THE COURT: YES, GO AHEAD AND PASS OUT THE TRANSCRIPTS.

5 MR. ROSENBLUM: I WOULD LIKE TO MARK THIS DEFENSE C, I
6 DIDN'T WRITE ANYTHING ON IT, I DIDN'T HAVE A SHARPEE.

7 THE COURT: THE C.D. WILL BE C.

8 MR. ROSENBLUM: YES.

9 THE COURT: AND THE TRANSCRIPT WILL BE D.

10 MR. ROSENBLUM: HOWEVER YOU LIKE TO DO IT.

11 THE COURT: OKAY, WE WILL DO IT THAT WAY.

12 (FOR I.D. = DEFENSE EXHIBITS C & D)

13 MS. BRYANT: DO WE HAVE A COPY OF THIS FOR THE DEPUTY?

14 THE COURT: YES.

15 MR. ROSENBLUM: I WILL GIVE HIM ONE, YOUR HONOR.

16 Q. BY MR. ROSENBLUM: SO, DEPUTY GALLIVAN, IN A MOMENT
17 THIS TAPE IS GOING TO BE PLAYED, AND WHEN IT IS PLAYED I AM
18 JUST GOING TO ASK YOU AFTERWARDS TO IDENTIFY THE VOICES ON
19 THERE, AND THEN I AM GOING TO ASK YOU SOME QUESTIONS.

20 I WOULD BE WILLING TO STIPULATE THE REPORTER
21 DOESN'T NEED TO TRANSCRIBE WHAT IS HERE.

22 THE COURT: OKAY.

23 MS. BRYANT: THAT'S FINE.

24 Q. BY MR. ROSENBLUM: AND BEFORE WE PLAY THIS, YOU ARE
25 THE ONLY DEPUTY GALLIVAN THAT WORKS IN ADMIN, CORRECT?

26 A. YES, SIR.

1 Q. THERE IS NO OTHER DEPUTY GALLIVAN THAN YOU?

2 A. NO, SIR.

3 MR. ROSENBLUM: IT IS JUST AN AUDIO C.D.

4 THE BAILIFF: OKAY.

5 MR. ROSENBLUM: AS I SAY, IF IT DOESN'T WORK, I CAN
6 PLAY IT ON THE PHONE.

7 THE COURT: I AM NOT SURE YOU WANT TO PUT YOUR PHONE
8 INTO EVIDENCE.

9 MR. ROSENBLUM: NO, I CAN GIVE AN EXTRA COPY DURING
10 LUNCH. I HAVE A FEELING IT IS NOT PLAYING. I HAVE AN APPLE
11 COMPUTER AND THIS IS A DIFFERENT KIND OF COMPUTER, BUT I
12 HAVE IT ON HERE (INDICATING). CAN I JUST HOLD THIS UP NEXT
13 TO THE MICROPHONE?

14 THE COURT: YES. LATER ON WE WILL GET A DISK AND PUT
15 IT IN.

16 MR. ROSENBLUM: OKAY.

17 SO I AM JUST GOING TO PLAY THIS FROM START TO
18 FINISH, AND THEN AFTERWARDS I WILL ASK YOU SOME QUESTIONS
19 ABOUT IT.

20 (WHEREUPON DEFENSE EXHIBIT C WAS PLAYED IN OPEN
21 COURT).

22 THE COURT: OKAY. THE SOUND THAT YOU HEARD, THE
23 RECORDING ITSELF IS THE EVIDENCE, THE TRANSCRIPT IS JUST TO
24 HELP YOU FOLLOW ALONG WITH THAT. SO IF YOU HEAR SOMETHING
25 THAT IS DIFFERENT, WHAT YOU HEAR ON THE DISK IS WHAT THE
26 EVIDENCE IS. OKAY.

1 Q. BY MR. ROSENBLUM: DEPUTY GALLIVAN, NOW THAT YOU
2 HEARD THAT, DO YOU RECOGNIZE THE VOICE OF [REDACTED] AND
3 [REDACTED]

4 A. YES, SIR.

5 Q. ARE YOU SURPRISED THAT THEY TOLD YOU THAT THEY
6 SAID THAT YOU SOLICITED [REDACTED] TO COMMIT MURDER ON
7 MEXICANS?

8 A. YES, SIR, ABSOLUTELY.

9 Q. DID YOU EVER SAY THIS TO HIM?

10 A. NO, SIR.

11 Q. IS THIS A COMPLETE FABRICATION?

12 A. YES, SIR.

13 Q. SO WHAT HE IS TELLING HIS [REDACTED] EVEN THOUGH IT'S
14 NOT TRUE?

15 A. CORRECT.

16 Q. EVEN THOUGH IT IS ON TAPE IT IS NOT TRUE?

17 A. YES, SIR.

18 Q. NOW, ARE YOU SAYING IT IS NOT TRUE TO HELP DEPUTY
19 [REDACTED] IN SOME WAY?

20 A. NO, SIR.

21 Q. NOW, I AM CURIOUS, DID INVESTIGATOR [REDACTED] EVER
22 TALK TO YOU ABOUT THE ACCUSATION THAT YOU WANTED [REDACTED] TO KILL
23 MEXICANS?

24 A. NO, SIR.

25 Q. DO YOU DISLIKE MEXICANS?

26 A. NO, SIR.

1 Q. DO YOU KNOW OF ANY REASON WHY [REDACTED]
2 WOULD TELL HIS [REDACTED] THAT YOU WANTED HIM TO STAB AND SHANK
3 MEXICANS; DO YOU KNOW ANY REASON WHY HE WOULD DO THAT?

4 A. NO, SIR.

5 Q. ARE YOU SURE YOU NEVER SAID THAT?

6 A. POSITIVE.

7 Q. NOT EVEN JOKING AROUND?

8 A. NO, SIR.

9 Q. SO IS IT YOUR TESTIMONY THAT WHAT [REDACTED]
10 WAS TELLING HIS [REDACTED] IS A TOTAL AND COMPLETE FABRICATION?

11 A. YES, SIR.

12 Q. DID ANYBODY EVER COME; DID INVESTIGATOR [REDACTED] EVER
13 INVESTIGATE YOU AND ASK YOU WHETHER OR NOT YOU COMMITTED
14 THESE CRIMES?

15 A. NO, SIR.

16 Q. NO ONE EVER CHARGED YOU WITH SOLICITATION TO
17 COMMIT MURDER, OR CONSPIRACY TO COMMIT MURDER?

18 A. NO, SIR.

19 Q. WERE YOU AWARE OF THIS UNTIL JUST A FEW SECONDS
20 AGO UNTIL I BROUGHT IT UP?

21 A. NO, SIR.

22 Q. NOBODY EVER TOLD YOU THIS EXISTED?

23 A. NO, SIR.

24 Q. THE D.A. DIDN'T TELL YOU THIS EXISTED?

25 A. NO, SIR.

26 Q. THE D.A. INVESTIGATOR NEVER TOLD YOU IT EXISTED?

1 A. NO, SIR.

2 Q. YOU HAD NO IDEA UNTIL NOW?

3 A. CORRECT.

4 Q. WELL, CAN I ASK YOU THIS, HOW CAN YOU PROVE YOU
5 DIDN'T SAY THIS?

6 A. JUST BASED UPON MY MORAL CHARACTER THUS FAR IN MY
7 CAREER.

8 Q. SO IT'S YOUR WORD AGAINST HIS?

9 A. YES, SIR.

10 MR. ROSENBLUM: ALL RIGHT. I HAVE NOTHING FURTHER,
11 YOUR HONOR.

12 THE COURT: MS. BRYANT.

13 Q. BY MR. ROSENBLUM: WELL, I GUESS I SHOULD ASK,
14 THERE IS JUST A COUPLE OF OTHER THINGS HE SAID ON THERE IN
15 THE ALLEGED CONVERSATION, WHAT YOU GOT IN THE FOLDER, NO
16 POT, ALL THAT, LET ME CHECK, IS THAT TRUE, DID YOU HAVE THAT
17 CONVERSATION?

18 A. NO, SIR, NOT AT ALL.

19 Q. THAT'S TOTALLY FABRICATED AS WELL?

20 A. YES, SIR.

21 Q. DO YOU KNOW ANY REASON WHY HE WOULD TELL THESE
22 LIES TO HIS [REDACTED]

23 A. NO, SIR.

24 MR. ROSENBLUM: THAT'S ALL I HAVE.

25 THE COURT: OKAY. MS. BRYANT, REDIRECT.

26 MS. BRYANT: OKAY, THANKS.

1 REDIRECT EXAMINATION

2 Q. BY MS. BRYANT: DID YOU EVER GIVE YOUR E-MAIL
3 ADDRESS TO [REDACTED]

4 A. NO, MA'AM.

5 Q. DID YOU EVER GIVE YOUR PHONE NUMBER TO [REDACTED]

6 [REDACTED]

7 A. NO, SIR -- NO, MA'AM.

8 Q. DID YOU EVER GIVE YOUR E-MAIL ADDRESS -- EXCUSE
9 ME, DID YOU EVER GIVE [REDACTED] INFORMATION ABOUT WHERE
10 YOU LIVE?

11 A. NO, MA'AM.

12 Q. WOULD YOU EVER HAVE DONE THAT?

13 A. NO, MA'AM.

14 Q. WHY NOT?

15 A. JUST OUT OF CONCERN FOR MY SAFETY, MY FAMILY'S
16 SAFETY.

17 Q. HAVE YOU EVER GIVEN ANY INMATE YOUR PERSONAL
18 E-MAIL ADDRESS?

19 A. NO, SIR -- NO, MA'AM, SORRY.

20 Q. THAT'S ALL RIGHT.

21 YOUR PERSONAL PHONE NUMBER?

22 A. NO, SIR -- NO, MA'AM.

23 Q. INFORMATION ABOUT WHERE YOU LIVE?

24 A. NO, MA'AM.

25 Q. WHY NOT?

26 A. THE SAME REASON, FEAR OF SAFETY FOR MY FAMILY AND

1 MYSELF.

2 MS. BRYANT: I'D LIKE TO SHOW YOU WHAT I WOULD ASK TO
3 HAVE MARKED AS PEOPLE'S 4 FOR IDENTIFICATION.

4 THE CLERK: 5.

5 MS. BRYANT: 5 FOR IDENTIFICATION.

6 (FOR I.D. = PEOPLE'S EXHIBIT 5)

7 Q. BY MS. BRYANT: ARE YOU FAMILIAR WITH THIS SIGN;
8 HAVE YOU EVER SEEN IT?

9 A. YES, MA'AM.

10 Q. IS THIS A SIGN LOCATED IN THE ATTORNEY-BONDS
11 VISITING AREA?

12 A. YES, MA'AM, WHERE THEY CHECK IN.

13 Q. AND WHAT DOES THIS SIGN SET FORTH ON IT?

14 A. RULES AND REGULATIONS, VISITING REGULATIONS.

15 Q. AND ARE THESE VISITING REGULATIONS THAT THE
16 VISITORS TO THE ATTORNEY-BONDS AREA ARE EXPECTED TO FOLLOW?

17 A. YES, MA'AM.

18 Q. AND ARE THESE RULES AND REGULATIONS THAT THE
19 INMATES WHO VISIT WITH THEIR ATTORNEYS OR OTHER LEGAL
20 VISITORS ARE EXPECTED TO FOLLOW?

21 A. YES, MA'AM.

22 Q. AND IS ONE OF THE RULES, NO FOOD OR BEVERAGES?

23 A. YES, MA'AM, NO FOOD OR BEVERAGES.

24 Q. ARE YOU AWARE OF THERE BEING ANY RULES AND
25 REGULATIONS AGAINST VISITORS BRINGING IN FOOD FOR THE
26 INMATES?

1 A. JUST WHAT THE SIGN SAYS. OH, BRINGING IN FOOD
2 FOR THE INMATES? I THOUGHT YOU MEAN FOR THEMSELVES.

3 Q. FOR THE INMATES?

4 A. RIGHT, YOU CAN'T.

5 Q. ARE YOU AWARE OF ANY RULE?

6 A. YES, MA'AM.

7 Q. WHAT ARE YOU AWARE OF?

8 A. THAT THEY ARE NOT ALLOWED TO BRING FOOD, OUTSIDE
9 FOOD INTO THE VISITING AREA FOR THE INMATE.

10 Q. ARE THEY ALLOWED TO GIVE INMATES, YOU WERE ASKED
11 QUESTIONS ABOUT WHETHER THE INMATES CAN GO TO THE JAIL
12 COMMISSARY AND PURCHASE FOOD, ARE VISITORS ALLOWED TO BRING
13 IN FOOD FOR THE INMATES TO TAKE BACK TO THEIR CELL?

14 A. NO.

15 Q. ARE VISITORS ALLOWED TO GIVE INMATES RAZORS TO
16 TAKE BACK TO THEIR CELL?

17 A. NO, MA'AM.

18 Q. LONG PENCILS?

19 A. IF THERE IS A COURT ORDER, I'M NOT SURE ON THAT,
20 I DON'T WANT TO ANSWER THAT.

21 Q. LIGHTERS?

22 A. NO.

23 Q. TOBACCO?

24 A. NO.

25 Q. MARIJUANA?

26 A. NO.

1 Q. NONPRESCRIPTION DRUGS LIKE BENEDRYL, COLD
2 TABLETS?

3 A. NO, MA'AM.

4 Q. I WANT TO CLARIFY A COUPLE OF THINGS.

5 YOU HAD THE OPPORTUNITY THIS MORNING TO SIT AND
6 LISTEN TO YOUR INTERVIEW WITH DEPUTY, OR INVESTIGATOR [REDACTED]
7 IS THAT CORRECT?

8 A. YES, MA'AM.

9 Q. THAT'S ABOUT AN EIGHT MINUTE, IT WAS ABOUT AN
10 EIGHT-MINUTE INTERVIEW?

11 A. YES, MA'AM.

12 Q. PRIOR TO THIS MORNING HAD YOU EVER HAD THE
13 OPPORTUNITY TO LISTEN TO THAT RECORDING?

14 A. NO, MA'AM.

15 Q. PRIOR TO YESTERDAY AFTERNOON, WHEN THE DEFENSE
16 ATTORNEY REFERRED YOU TO PORTIONS OF A TRANSCRIPT OF THAT
17 INTERVIEW, HAD YOU EVER HAD THE OPPORTUNITY TO REVIEW THAT
18 TRANSCRIPT?

19 A. NO, MA'AM.

20 Q. HAD YOU EVER SEEN THAT TRANSCRIPT BEFORE?

21 A. NO, MA'AM.

22 Q. THIS MORNING DID YOU HAVE THE OPPORTUNITY TO SIT
23 AT A COMPUTER TO LISTEN TO THE INTERVIEW AT THE SAME TIME
24 YOU WERE REVIEWING THE WRITTEN TRANSCRIPT THAT WAS PREPARED?

25 A. YES, MA'AM.

26 Q. AND IN REVIEWING THAT INTERVIEW, DID YOU NOTICE

1 THAT THERE WERE ANY INCORRECT WORDS, OR ANY WORDS THAT WERE
2 LEFT OUT?

3 A. YES, MA'AM.

4 Q. AND IN PARTICULAR I WANT TO DRAW YOUR ATTENTION
5 TO THE QUESTIONS YOU WERE ASKED ABOUT, THE TIME FRAME WHEN
6 THAT PRIOR INTERVIEW OR THAT PRIOR SEARCH OF MR. [REDACTED] HAD
7 TAKEN PLACE. FIRST OF ALL THOUGH, THE INTERVIEW YOU HAD
8 WITH INVESTIGATOR [REDACTED] WAS THAT IN PERSON OR OVER THE
9 PHONE?

10 A. IN PERSON.

11 Q. AND WERE YOU AWARE THAT THE INTERVIEW WAS BEING
12 RECORDED?

13 A. YES, MA'AM.

14 Q. WHEN YOU WERE BEING INTERVIEWED AND ASKED
15 QUESTIONS ABOUT WHEN THE PRIOR SEARCH OF MR. [REDACTED] HAD TAKEN
16 PLACE, AND WHEN I AM REFERRING TO THE PRIOR SEARCH, I MEAN
17 THE SEARCH THAT YOU PERSONALLY DID OF HIM WHEN HE WAS
18 LEAVING THE ATTORNEY-BONDS AREA AND NOT RETURNED TO HIS CELL
19 ON SEPTEMBER 31ST, 2011, I AM NOT REFERRING TO THE ONE WHERE
20 YOU SEARCHED HIM AS HE LEFT THE ATTORNEY-BONDS AREA AS THE
21 PRIOR SEARCH, OKAY, DO YOU REMEMBER THAT?

22 A. YES, MA'AM.

23 Q. SO WHEN YOU WERE ASKED QUESTIONS BY INVESTIGATOR
24 [REDACTED] ABOUT THE TIMING OF THAT PRIOR SEARCH, DID INVESTIGATOR
25 [REDACTED] GIVE YOU THE OPPORTUNITY TO GO CHECK ANY OTHER
26 CALENDARS OR ANY SCHEDULES THAT MIGHT REFRESH YOUR

1 RECOLLECTION ABOUT THE EXACT TIME?

2 A. NO, MA'AM.

3 Q. AND WHEN YOU WERE BEING INTERVIEWED BY HIM, IT
4 WAS APPROXIMATELY SEVEN MONTHS AFTER THE INCIDENT HAD
5 ACTUALLY TAKEN PLACE?

6 A. YES, MA'AM.

7 Q. I KNOW YOU SAID YESTERDAY THAT YOUR MEMORY IN
8 JULY DURING THAT INTERVIEW OF 2011 IS BETTER THAN IT IS AS
9 YOU ARE SITTING HERE IN COURT TODAY, BUT ON JULY, I THINK IT
10 WAS 11TH, 2011, OR 12TH WHEN THE INVESTIGATOR INTERVIEWED
11 YOU, DID YOU HAVE A SPECIFIC RECOLLECTION OF THE EXACT DATE
12 THAT THAT PRIOR SEARCH OF [REDACTED] HAD TAKEN PLACE?

13 A. NO, MA'AM.

14 Q. SO WHEN HE ASKED YOU THAT QUESTION, DO YOU RECALL
15 WHAT YOUR ANSWER TO HIM WAS?

16 A. IN THE INTERVIEW WITH INVESTIGATOR [REDACTED]

17 Q. YES.

18 A. IT WAS A WEEK OR TWO.

19 Q. THE TRANSCRIPT THAT YOU WERE SHOWN, WELL,
20 ACTUALLY WHEN YOU LISTENED TO THE TAPE THIS MORNING IN
21 RESPONSE TO THAT QUESTION, DO YOU REMEMBER THE TRANSCRIPT
22 YOU WERE SHOWN YESTERDAY HAD YOUR ANSWER AS PROBABLY A WEEK
23 BEFORE WE DID THE CELL?

24 A. YES, MA'AM.

25 Q. BUT THERE WERE SOME WORDS AFTER THAT, CORRECT?

26 A. YES, MA'AM.

1 Q. AND THOSE WORDS ARE NOT ON THE TRANSCRIPT, WERE
2 THEY?

3 A. NO, MA'AM.

4 Q. AND THOSE WORDS WERE, AS YOU CONTINUED ON IN YOUR
5 ANSWER, YOU SAYING A WEEK OR TWO?

6 A. YES, MA'AM.

7 Q. AND THEN YOU WERE CONTINUING ON WITH YOUR ANSWER
8 AND YOU SAID, IN DECEMBER SOMETIME?

9 A. I DON'T REMEMBER.

10 Q. OKAY. WOULD LOOKING AT THAT TRANSCRIPT REFRESH
11 YOUR RECOLLECTION?

12 A. YES, MA'AM.

13 Q. JUST REFERRING YOU TO THAT SECTION (INDICATING).

14 A. (WITNESS COMPLIES).

15 OH, I APOLOGIZE, ARE YOU TALKING ABOUT THE CELL
16 SEARCH.

17 Q. NO, I WAS TALKING ABOUT -- NO, WHEN YOU WERE
18 RESPONDING TO INVESTIGATOR [REDACTED] QUESTION ABOUT WHEN THE
19 SEARCH OCCURRED, WERE YOU ANSWERING HIS QUESTION AS BEST YOU
20 COULD?

21 A. YES, MA'AM.

22 Q. AND THEN DID HE START TO TALK OVER YOU, WAS THERE
23 A PERIOD WHEN YOU WERE TALKING OVER EACH OTHER?

24 A. YES, MA'AM.

25 Q. AND WHILE HE IS TALKING OVER YOU, ARE YOU
26 CONTINUING TO ANSWER HIS PRIOR QUESTION ABOUT WHEN THE PRIOR

1 SEARCH TOOK PLACE?

2 A. YES, MA'AM.

3 Q. AND WHEN YOU ARE ANSWERING HIS QUESTION ABOUT

4 WHEN THE PRIOR SEARCH TOOK PLACE, WHAT DO YOU RESPOND TO

5 HIM?

6 A. A WEEK OR TWO.

7 Q. AND THEN DO YOU CONTINUE ON RESPONDING WHILE HE

8 IS TALKING OVER YOU, DO YOU CONTINUE RESPONDING, IN DECEMBER

9 SOMETIME?

10 A. YES.

11 Q. AND THEN YOU RESPOND TO HIS QUESTION ABOUT THE

12 CELL SEARCH, CORRECT?

13 A. YES, MA'AM.

14 Q. SO AT THE TIME YOU ARE ANSWERING HIS QUESTION,

15 YOU INITIALLY SAID, PROBABLY A WEEK BEFORE WE DID HIS CELL,

16 AND THEN YOU SAID, A WEEK OR TWO, AND THEN YOU SAID, IN

17 DECEMBER SOMETIME.

18 AS YOU ARE ANSWERING THAT QUESTION, DID YOU KNOW

19 A SPECIFIC DATE IN DECEMBER WHEN THAT TOOK PLACE?

20 A. NO, MA'AM.

21 Q. DID YOU HAVE IN YOUR MIND, HOWEVER, A SPECIFIC

22 MONTH DURING WHICH THAT SEARCH TOOK PLACE?

23 A. I DON'T RECALL.

24 Q. WELL, DID YOU SAY, IN DECEMBER?

25 A. YES, MA'AM. YES, MA'AM.

26 Q. SO DID YOU HAVE A RECOLLECTION OF WHAT MONTH IT

1 TOOK PLACE?

2 A. YES, MA'AM.

3 Q. AND WHEN WAS THAT?

4 A. DECEMBER.

5 Q. I HAVE A FEW MORE QUESTIONS FOR YOU.

6 YOU WERE ASKED ABOUT AN INMATE, HAD YOU EVER
7 HEARD ABOUT AN INMATE GIVING SOMEBODY A GREEN LIGHT, AND
8 HAVE YOU EVER HEARD OF THAT HAPPENING PERSONALLY?

9 A. IN RELATION TO WHAT, I AM SORRY?

10 Q. YOU WERE ASKED A QUESTION YESTERDAY ABOUT HAVE
11 YOU EVER HEARD OF AN INMATE GIVING A GREEN LIGHT, AND MY
12 QUESTION IS, HAVE YOU EVER PERSONALLY HEARD ABOUT THAT
13 HAPPENING?

14 A. YES.

15 Q. AND HAVE YOU EVER HEARD ABOUT THAT HAPPENING TO
16 DEPUTY [REDACTED]

17 A. NO, MA'AM.

18 Q. THE ATTORNEY-BONDS AREA, YOU TALKED A LITTLE BIT
19 ABOUT THE STAFFING OF THAT AREA; ISN'T IT FAIR TO SAY THAT
20 THE ATTORNEY-BONDS AREA, THAT'S ON THE FIRST FLOOR, CORRECT?

21 A. YES, MA'AM.

22 Q. AND IT IS KIND OF AT THE END OF A LONG HALLWAY,
23 ISN'T IT?

24 A. YES, MA'AM.

25 Q. AND THERE IS NOTHING ELSE DOWN THAT END OF THE
26 HALLWAY EXCEPT FOR THE ENTRANCE TO WHAT WE CALL C.J.C., THE

1 CENTRAL JUSTICE COURT WHERE PEOPLE ARE ARRAIGNED; IS THAT

2 CORRECT?

3 A. AND VISITING, REGULAR VISITING.

4 Q. AND HOW MUCH FURTHER DOWN REGULAR VISITING IS

5 THAT?

6 A. IT IS ON, DIRECTLY ACROSS THE HALLWAY, PROBABLY

7 ABOUT SIX FEET.

8 Q. BUT THE REGULAR VISITORS DON'T COME IN THAT WAY,

9 DO THEY?

10 A. NO, JUST INMATES.

11 Q. AND ON WEEKDAYS, THERE IS SOME ACTIVITY IN THAT

12 HALLWAY RELATED TO THE ARRAIGNMENT COURT THAT IS DOWN THERE,

13 CORRECT?

14 A. YES, MA'AM.

15 Q. BUT ON SATURDAYS THERE IS NO ARRAIGNMENT COURT,

16 IS THERE?

17 A. NO, MA'AM.

18 Q. WITH REGARD TO THE SATURDAYS, YOU SAID THAT YOU

19 WORKED -- YOU DIDN'T WORK EVERY SATURDAY, DID YOU?

20 A. NO, MA'AM.

21 Q. AND ON EVERY SATURDAY THAT YOU WORKED, YOU DIDN'T

22 NECESSARILY WORK IN ATTORNEY-BONDS, DID YOU?

23 A. NO, MA'AM.

24 Q. I WANT TO ASK YOU ABOUT SOME SPECIFIC SATURDAYS,

25 AND WHETHER YOU WORKED THEM OR NOT.

26 DO YOU RECALL WHETHER OR NOT YOU WORKED ON

1 SATURDAY, AUGUST 6TH, 2011?

2 A. I DON'T RECALL.

3 Q. AND ARE YOU FAMILIAR WITH A TIME SHEET PROGRAM
4 CALLED, IN-TIME?

5 A. YES, MA'AM.

6 Q. WOULD LOOKING AT THE IN-TIME PROGRAM FOR THAT
7 DATE REFRESH YOUR RECOLLECTION AS TO WHETHER OR NOT YOU
8 WORKED ON THAT PARTICULAR SATURDAY?

9 A. YES, MA'AM.

10 MS. BRYANT: JUST FOR REFERENCE, COUNSEL, PAGE 1131 OF
11 DISCOVERY.

12 MR. ROSENBLUM: TO SAVE TIME I AM WILLING TO STIPULATE
13 TO WHATEVER IS IN THE DOCUMENT, THOSE ARE THE DATES HE
14 WORKED.

15 THE COURT: IT IS HER SHOW.

16 Q. BY MS. BRYANT: TAKE A LOOK AT THAT AND SEE IF THAT
17 SPECIFICALLY REFRESHES YOUR RECOLLECTION ABOUT WHETHER YOU
18 WORKED THAT SATURDAY.

19 A. YES, IT REFRESHES MY RECOLLECTION.

20 Q. AND DID YOU WORK THAT SATURDAY?

21 A. NO, MA'AM.

22 Q. I AM GOING TO BE ASKING YOU ABOUT QUITE A FEW
23 OTHER DAYS THOUGH, IF YOU NEED TO REFRESH YOUR RECOLLECTION,
24 LET ME KNOW.

25 DID YOU WORK SATURDAY, SEPTEMBER 17TH, 2011?

26 A. I DON'T RECALL.

1 Q. AGAIN, WOULD LOOKING AT THAT IN-TIME REPORT
2 REFRESH YOUR RECOLLECTION IN THAT REGARD?

3 A. YES, MA'AM.

4 YES.

5 Q. HAVING LOOKED AT THAT, DID IT REFRESH YOUR
6 RECOLLECTION ABOUT WHETHER YOU WORKED SEPTEMBER 17TH, 2011?

7 A. YES, MA'AM.

8 Q. DID YOU WORK THAT DAY?

9 A. NO, MA'AM.

10 Q. OKAY. DID YOU WORK SATURDAY, SEPTEMBER 24TH,
11 2011?

12 A. I DON'T RECALL.

13 Q. WOULD LOOKING AT THE IN-TIME FOR THAT DAY REFRESH
14 YOUR RECOLLECTION IN THAT REGARD?

15 A. YES.

16 YES, MA'AM.

17 Q. HAVE YOU HAD A CHANCE TO LOOK AT THAT?

18 A. YES, MA'AM.

19 Q. DID LOOKING AT THAT REFRESH YOUR RECOLLECTION AS
20 TO WHETHER YOU WORKED SEPTEMBER 24, 2011?

21 A. YES, MA'AM.

22 Q. DID YOU WORK THAT DAY?

23 A. NO, MA'AM.

24 Q. DID YOU WORK SATURDAY, OCTOBER 1ST, 2011?

25 A. I DON'T RECALL.

26 Q. WOULD LOOKING AT THE IN-TIME REPORT FOR THAT DAY

1 REFRESH YOUR RECOLLECTION?

2 A. YES, MA'AM.

3 YES, MA'AM.

4 Q. LOOKING AT THAT, DOES THAT REFRESH YOUR

5 RECOLLECTION AS TO WHETHER YOU WORKED ON SATURDAY, OCTOBER

6 1ST, 2011?

7 A. YES, MA'AM.

8 Q. DID YOU WORK ON THAT DAY?

9 A. NO, MA'AM.

10 Q. DO YOU RECALL IF YOU WORKED ON SATURDAY, OCTOBER

11 15TH, 2011?

12 A. I DON'T RECALL.

13 Q. WOULD REVIEWING THE IN-TIME REPORT FOR THAT DAY

14 REFRESH YOUR RECOLLECTION?

15 A. YES, MA'AM.

16 Q. WOULD YOU GO AHEAD AND DO THAT, PLEASE.

17 A. (WITNESS COMPLIES).

18 YES, MA'AM.

19 Q. DID YOU WORK ON OCTOBER 15TH, 2011?

20 A. NO, MA'AM.

21 Q. DID YOU WORK ON SATURDAY, OCTOBER 29TH, 2011?

22 A. I DON'T RECALL.

23 Q. WOULD REVIEWING THE IN-TIME REPORT FOR THAT DAY

24 REFRESH YOUR RECOLLECTION?

25 A. YES, MA'AM.

26 YES, MA'AM.

1 Q. HAVING REVIEWED THAT, WOULD IT REFRESH YOUR
2 RECOLLECTION AS TO WHETHER YOU WORKED ON OCTOBER 29TH, 2011?

3 A. YES, MA'AM.

4 Q. DID YOU WORK THAT DATE?

5 A. NO, MA'AM.

6 Q. DID YOU WORK ON SATURDAY, NOVEMBER 5TH, 2011?

7 A. I DON'T RECALL.

8 Q. WOULD LOOKING AT THE IN-TIME REPORT FOR THAT DAY
9 REFRESH YOUR RECOLLECTION?

10 A. YES, MA'AM.

11 Q. WOULD YOU TAKE A LOOK AT THAT.

12 A. (WITNESS COMPLIES).

13 YES, MA'AM.

14 Q. REVIEWING THAT, DID IT REFRESH YOUR RECOLLECTION
15 AS TO WHETHER YOU WORKED SATURDAY, NOVEMBER 5TH, 2011?

16 A. YES, MA'AM.

17 Q. DID YOU WORK THAT SATURDAY?

18 A. NO, MA'AM.

19 Q. DID YOU WORK SATURDAY, NOVEMBER 12TH, 2011?

20 A. NO, MA'AM.

21 Q. I AM SORRY?

22 A. NO -- I DON'T RECALL, MA'AM.

23 Q. AND WOULD LOOKING AT THE IN-TIME REPORT FOR THAT
24 DAY REFRESH YOUR RECOLLECTION IN THAT REGARD?

25 A. YES, MA'AM.

26 YES, MA'AM.

1 Q. HAVING LOOKED AT THAT, DOES THAT REFRESH YOUR
2 RECOLLECTION AS TO WHETHER YOU WORKED SATURDAY, NOVEMBER
3 12TH, 2011?

4 A. YES, MA'AM.

5 Q. DID YOU WORK THAT DAY?

6 A. NO, MA'AM.

7 Q. DID YOU WORK SATURDAY, FEBRUARY 26TH, 2011?

8 A. NOT TO MY RECOLLECTION.

9 Q. AND WOULD LOOKING AT THE IN-TIME REPORT FOR THAT
10 DAY REFRESH YOUR RECOLLECTION IN THAT REGARD?

11 A. YES, MA'AM.

12 YES, MA'AM.

13 Q. HAVING LOOKED AT THAT, DID THAT REFRESH YOUR
14 RECOLLECTION AS TO WHETHER YOU WORKED SATURDAY, FEBRUARY 26,
15 2011?

16 A. YES, MA'AM.

17 Q. DID YOU WORK THAT DAY?

18 A. NO, MA'AM.

19 Q. DID YOU WORK SATURDAY, MARCH 12TH, 2011?

20 A. NOT TO MY RECOLLECTION.

21 Q. WOULD LOOKING AT THE IN-TIME REPORT FOR THAT DATE
22 ASSIST YOU IN REFRESHING YOUR RECOLLECTION?

23 A. YES, MA'AM.

24 YES, MA'AM.

25 Q. HAVING LOOKED AT THAT, DID IT REFRESH YOUR
26 RECOLLECTION AS TO WHETHER YOU WORKED SATURDAY, MARCH 12TH,

1 2011?

2 A. YES, MA'AM.

3 Q. DID YOU WORK ON THAT DATE?

4 A. NO, MA'AM.

5 Q. DID YOU WORK SATURDAY, APRIL 2ND, 2011?

6 A. NOT TO MY RECOLLECTION.

7 Q. WOULD LOOKING AT THE IN-TIME REPORT FOR THAT DATE

8 REFRESH YOUR RECOLLECTION IN THAT REGARD?

9 A. YES, MA'AM.

10 YES, MA'AM.

11 Q. HAVING LOOKED AT THAT, DID IT REFRESH YOUR

12 RECOLLECTION AS TO WHETHER OR NOT YOU WORKED ON SATURDAY,

13 APRIL 2ND, 2011?

14 A. YES, MA'AM.

15 Q. DID YOU WORK THAT DAY?

16 A. NO, MA'AM.

17 Q. DID YOU WORK SATURDAY, MAY 14TH, 2011?

18 A. NOT TO MY RECOLLECTION.

19 Q. WOULD LOOKING AT THE IN-TIME REPORT FOR THAT DAY

20 REFRESH YOUR RECOLLECTION IN THAT REGARD?

21 A. YES, MA'AM.

22 YES, MA'AM.

23 Q. HAVING LOOKED AT THAT, DID THAT REFRESH YOUR

24 RECOLLECTION AS TO WHETHER YOU WORKED SATURDAY, MAY 14TH,

25 2011?

26 A. YES, MA'AM.

1 Q. DID YOU WORK THAT DAY?

2 A. NO, MA'AM.

3 Q. DID YOU WORK SATURDAY, JUNE 25TH, 2011?

4 A. NOT TO MY RECOLLECTION.

5 Q. WOULD LOOKING AT THE IN-TIME REPORT FOR THAT DAY
6 REFRESH YOUR RECOLLECTION IN THAT REGARD?

7 A. YES, MA'AM.

8 YES, MA'AM.

9 Q. HAVING LOOKED AT THAT DOCUMENT, DID IT REFRESH
10 YOUR RECOLLECTION AS TO WHETHER YOU WORKED SATURDAY, JUNE
11 25TH, 2011?

12 A. YES, MA'AM.

13 Q. DID YOU WORK ON THAT DATE?

14 A. NO, MA'AM.

15 Q. DID YOU WORK SATURDAY, JULY 9TH, 2011?

16 A. NOT TO MY RECOLLECTION.

17 Q. WOULD LOOKING AT THE IN-TIME REPORT FOR THAT DATE
18 REFRESH YOUR RECOLLECTION IN THAT REGARD?

19 A. YES, MA'AM.

20 YES, MA'AM.

21 Q. HAVING LOOKED AT THAT, DID IT REFRESH YOUR
22 RECOLLECTION AS TO WHETHER YOU WORKED SATURDAY, JULY 9TH,
23 2011?

24 A. YES, MA'AM.

25 Q. DID YOU WORK ON THAT SATURDAY?

26 A. NO, MA'AM.

1 Q. DID YOU WORK ON SATURDAY, JULY 16TH, 2011?

2 A. NOT TO MY RECOLLECTION.

3 Q. WOULD LOOKING AT THE IN-TIME REPORT FOR THAT DATE
4 REFRESH YOUR RECOLLECTION IN THAT REGARD?

5 A. YES, MA'AM.

6 YES, MA'AM.

7 Q. HAVING LOOKED AT THAT, DID IT REFRESH YOUR
8 RECOLLECTION AS TO WHETHER YOU WORKED SATURDAY, JULY 16TH,
9 2011?

10 A. YES, MA'AM.

11 Q. DID YOU WORK THAT DAY?

12 A. NO, I DID NOT.

13 Q. ON THE DAYS THAT YOU DID WORK ON SATURDAYS, YOU
14 SAID THERE WERE OCCASIONS YOU WERE DOING OVERTIME YOU WOULD
15 BE ASSIGNED TO THE ATTORNEY-BONDS AREA; IS THAT CORRECT?

16 A. YES, MA'AM.

17 Q. AND YOU MENTIONED YESTERDAY THERE WERE OCCASIONS
18 WHEN YOU WERE DOWN IN THAT AREA AND YOU WOULD BE WORKING
19 WITH ONE OR MORE OTHER DEPUTIES AT THE SAME TIME; IS THAT
20 CORRECT?

21 A. YES, MA'AM.

22 Q. APPROXIMATELY HOW LONG WOULD YOUR SHIFT BE AT THE
23 ATTORNEY-BONDS AREA?

24 A. IN THE JAIL I THINK THEY ARE 11 AND A HALF OR
25 12-HOUR SHIFTS.

26 Q. AND WOULD YOU STAY IN THE ATTORNEY-BONDS AREA THE

1 ENTIRE TIME?

2 A. NO.

3 Q. WHERE WOULD YOU GO?

4 A. GO TO MAIN CONTROL, DEPENDING ON THE DAY, ON

5 SATURDAYS WE ARE TALKING ABOUT?

6 Q. ON SATURDAYS.

7 A. GO UP TO CHOW HALL. ASSIST IN THE SEARCHES. GO
8 TO MAIN CONTROL. PRETTY MUCH AS LONG AS THERE IS ONE PERSON
9 DOWN THERE, YOU CAN GO WHENEVER YOU WANT.

10 Q. SO AS LONG AS THERE WAS ONE PERSON DOWN THERE,
11 THE OTHER DEPUTIES THAT WERE ASSIGNED COULD GO TO OTHER
12 PLACES?

13 A. YES, MA'AM.

14 Q. AND SO JUST CLARIFYING YOUR TESTIMONY YESTERDAY,
15 WERE THERE ALWAYS THREE ATTORNEYS IN THE ATTORNEY-BONDS AREA
16 AT THE TIME?

17 A. THREE DEPUTIES?

18 Q. THREE DEPUTIES, EXCUSE ME.

19 A. NO, MA'AM.

20 Q. WERE THERE SOMETIMES JUST ONE ATTORNEY, EXCUSE
21 ME, I KEPT SAYING ATTORNEY, ONE DEPUTY IN THE ATTORNEY-BONDS
22 AREA?

23 A. YES, MA'AM.

24 Q. SOMETIMES IS IT FAIR TO SAY THERE WOULD BE TWO OR
25 MORE AT A GIVEN TIME, THAT ONE OR TWO OF THOSE DEPUTIES MAY
26 GO OFF TO LUNCH OR GO ON A BREAK?

1 A. YES, MA'AM.

2 Q. YOU MENTIONED CHOW HALL, DOES THAT MEAN WHEN THE
3 INMATES WERE EATING IN CHOW HALL, IF IT WERE QUIETER YOU
4 WEREN'T NEEDED IN ATTORNEY-BONDS, YOU WOULD BE RELOCATED TO
5 THE CHOW HALL AREA?

6 A. YES, MA'AM.

7 Q. IF THERE WAS ONLY ONE INMATE AND ONE VISITOR, ONE
8 INMATE AND HIS VISITOR ALONE IN THE ATTORNEY-BONDS AREA,
9 WOULD THERE BE A STAFFING NEED FOR THERE TO BE MORE THAN ONE
10 DEPUTY AT THAT TIME?

11 A. NO.

12 Q. HAD YOU YOURSELF EVER SAT ALONE IN THE
13 ATTORNEY-BONDS AREA?

14 A. YES.

15 Q. ON DUTY THERE?

16 A. YES, VERY LONELY.

17 Q. IT IS VERY LONELY?

18 A. YES.

19 Q. AND WOULD THERE BE TIMES WHEN YOU WOULD BE
20 SITTING THERE FOR AN HOUR OR MORE BY YOURSELF?

21 A. YES, MA'AM.

22 Q. IF THERE WERE NO VISITORS, LET'S SAY IF THERE
23 WERE NO VISITORS, NO INMATES, NOBODY IS IN THE
24 ATTORNEY-BONDS AREA, WOULD IT BE UNUSUAL FOR THAT TO BE
25 UNSTAFFED AT THAT TIME?

26 A. USUALLY IT IS ALWAYS STAFFED, EXCEPT ON MIDNIGHTS

1 SOMETIMES, THEY WILL LEAVE IT VACANT ON MIDNIGHTS.

2 Q. YOU MEAN LATE AT NIGHT?

3 A. RIGHT.

4 Q. BECAUSE YOU ARE NOT REALLY EXPECTING VISITORS AT
5 THAT POINT?

6 A. RIGHT.

7 Q. WERE YOU AWARE THAT DURING THE TIME FRAME, 2009
8 TO 2011, WERE YOU AWARE THAT DEPUTY [REDACTED] WAS GOING TO SCHOOL
9 DURING ANY PORTION OF THAT TIME?

10 A. SOUNDS VAGUELY FAMILIAR, BUT I AM NOT POSITIVE.

11 Q. WERE YOU AWARE OF HIM ENJOYING STAFFING THAT AREA
12 BY HIMSELF SO THAT HE COULD GET HOMEWORK DONE?

13 A. I DON'T RECALL.

14 Q. OKAY. WHEN YOU WERE STAFFING THE ATTORNEY-BONDS
15 AREA, WAS THERE EVER A TIME WHEN YOU WOULD TURN THE LIGHTS
16 OFF?

17 A. YES.

18 Q. AND WHEN WOULD YOU DO THAT?

19 A. WHEN NO ONE WAS IN THERE.

20 Q. DID YOU EVER TURN THE LIGHTS OFF WHEN THERE WERE
21 AN INMATE AND A VISITOR IN THE BOOTH?

22 A. NO, MA'AM.

23 Q. AS FAR AS THE ABILITY TO TURN THE LIGHTS OFF, ARE
24 THERE LIGHT SWITCHES IN ANY OF THOSE BOOTHS?

25 A. NOT IN THE BOOTHS.

26 Q. SO FOR THE LIGHTS TO BE TURNED OFF IN THE

1 ATTORNEY-BONDS AREA, WHO HAS TO DO THAT?

2 A. THE DEPUTY INSIDE, OR C.S.A. INSIDE

3 ATTORNEY-BONDS.

4 Q. IS THERE LIKE A CENTRAL AREA THAT IS CALLED A

5 BUBBLE, THE GLASS AREA WHERE THE DEPUTY SITS?

6 A. YES, MA'AM.

7 Q. AND THAT OVERLOOKS THE VISITING AREA?

8 A. YES, MA'AM.

9 Q. SO IF YOU CAME AROUND THE CORNER AND SAW THAT THE
10 LIGHTS WERE OFF IN THE ATTORNEY-BONDS AREA, DURING THAT
11 PERIOD OF TIME IS IT FAIR TO SAY YOU WOULD MAKE AN
12 ASSUMPTION THERE IS NOBODY IN THERE VISITING?

13 A. YES, MA'AM.

14 Q. DURING THE PERIOD OF TIME, 2009 TO 2011, WERE
15 THERE SOME -- WERE YOU AWARE OF THERE BEING ANY STAFFING
16 SHORTAGES AT THE JAIL DURING THAT PERIOD?

17 A. YES.

18 Q. SO WAS IT TYPICAL FOR AN AREA LIKE ATTORNEY-BONDS
19 NOT TO BE HEAVILY STAFFED BECAUSE THOSE FEW BODIES OF
20 DEPUTIES WERE NEEDED IN OTHER LOCATIONS?

21 A. DEPENDING ON THE DAY, YES.

22 MS. BRYANT: JUST THE DEFENSE ATTORNEY CLARIFIED A FEW
23 THINGS THIS MORNING ABOUT THE TRANSCRIPT, AND I JUST WANTED
24 TO CLARIFY A FEW OTHERS. IF I CAN FIND MY COPY. YOU KNOW
25 WHAT, I HAD IT HERE.

26 YOUR HONOR, I AM SORRY, I JUST NEED A MOMENT, I

1 SEEM TO HAVE MISPLACED MY MARKED UP COPY. I SWEAR IT WAS ON
2 THE TABLE.

3 Q. BY MS. BRYANT: ALL RIGHT. LET ME SEE IF I CAN DO
4 THIS FROM MEMORY.

5 YOU MENTIONED SOMETHING YESTERDAY ABOUT YOU HAD
6 SOME SUSPICIONS REGARDING MR. [REDACTED] AND HIS ACTIVITIES WITH
7 THIS WOMAN WHO VISITED HIM WITH SOME FREQUENCY. AND YOU
8 SAID YOU WENT AND YOU CHECKED TO SEE WHAT HER STATUS WAS.

9 DO YOU REMEMBER SAYING THAT?

10 A. NO.

11 Q. OKAY. YOU SAID IN THE INTERVIEW YESTERDAY, I HAD
12 A STRONG, OR YOU SAID IN THE INTERVIEW, YOU WERE QUESTIONED
13 ABOUT THIS YESTERDAY, IN THE INTERVIEW YOU SAID, I HAD A
14 STRONG SUSPICION BUT THEIR SECURITY CLEARANCE SAID SHE WAS
15 JUST AN INVESTIGATOR ASSISTANT; DO YOU REMEMBER SAYING THAT
16 TO INVESTIGATOR [REDACTED]

17 A. YES, MA'AM.

18 Q. SO WHEN YOU HAD THIS SUSPICION, DID YOU GO
19 SOMEPLACE TO CHECK TO SEE WHAT HER STATUS WAS?

20 A. NO, MA'AM.

21 Q. WHEN YOU SAID, SECURITY CLEARANCE SAID SHE WAS
22 JUST AN INVESTIGATIVE ASSISTANT, WHERE DID YOU CHECK THE
23 SECURITY CLEARANCE; IS THERE SOME RESOURCE YOU WENT TO TO
24 CHECK THAT?

25 A. THERE IS A DATABASE, I JUST WENT ON WORD OF
26 MOUTH, I DIDN'T GO CHECK IT MYSELF.

1 Q. OKAY. SO WHO DID YOU ASK, DO YOU REMEMBER?

2 A. I DON'T REMEMBER.

3 Q. AND THEN WHEN YOU WERE TALKING JUST NOW THIS
4 MORNING CLARIFYING, I GUESS THEY ARE CALLED FULL BODY CAVITY
5 SEARCHES OR STRIP SEARCHES, THEY ARE MORE INTRUSIVE SEARCHES
6 OF INMATES, CORRECT?

7 A. YES, MA'AM.

8 Q. AND YOU WERE ASKED SOME QUESTIONS ABOUT THE
9 DEGREE TO WHICH YOU SEARCHED MR. [REDACTED] ON THAT PRIOR SEARCH,
10 THE ONE YOU GOT HIM AS HE WAS LEAVING ATTORNEY-BONDS.

11 YOU HAD SOME SUSPICIONS, I GUESS, THAT IF HE WAS
12 CARRYING SOMETHING THAT DAY IT LIKELY WOULD HAVE BEEN, I
13 THINK THE WORD YOU USED WAS KEISTERED?

14 A. YES, MA'AM.

15 Q. THAT MEANS BASICALLY PUT INTO HIS ANAL CAVITY?

16 A. YES, MA'AM.

17 Q. AND WAS THERE ANYTHING ALSO ABOUT WHAT HE WAS
18 SAYING TO YOU OR HIS ATTITUDE THAT CAUSES YOU ON THAT
19 PARTICULAR DAY NOT TO SEARCH HIS BODY FURTHER, EVEN DOING A
20 PAT-DOWN SEARCH OF HIS BODY?

21 A. HE WAS AGITATED.

22 Q. SO GIVEN -- AND YOU SENSED HE WAS AGITATED
23 BECAUSE OF WHAT, WAS IT HIS WORDS, WAS IT HIS ACTIONS?

24 A. HIS ACTIONS, HE THREW HIS FOLDER DOWN ON THE
25 GROUND.

26 Q. SO YOU RESTRAINED FROM AT THAT POINT EVEN DOING A

1 PAT-DOWN SEARCH OF HIM?

2 A. YES, MA'AM.

3 Q. BUT TO CLARIFY, YOUR TESTIMONY THIS MORNING IS
4 WHAT YOU ARE SAYING THAT YOU DIDN'T EVEN NECESSARILY KNOW IF
5 A PAT-DOWN SEARCH WOULD ACCOMPLISH ANYTHING WITH HIM,
6 BECAUSE IT WOULD BE MORE LIKELY HE WOULD BE BRINGING
7 SOMETHING IN IN A DIFFERENT PLACE, RIGHT?

8 A. YES, MA'AM.

9 Q. SO IF YOU HAD MORE, I THINK THE WORD YOU USED WAS
10 ARTICULATE, THAT YOU WERE ABLE TO ARTICULATE, IF YOU HAD THE
11 ABILITY TO ARTICULATE A MORE REASONABLE SUSPICION OR BASIS
12 FOR BELIEVING THERE WAS A NEED TO DO A STRIP SEARCH OF
13 MR. [REDACTED] AT SOME POINT, WAS THERE A PROCEDURE OR POLICY IN
14 PLACE FOR YOU TO GO AND GET PERMISSION FOR THAT TO HAPPEN?

15 A. YES, MA'AM.

16 Q. BUT ON THIS PARTICULAR DAY, WHEN YOU SAID ON THE
17 PRIOR OCCASION YOU JUST DECIDED TO TRY TO SEARCH HIM, YOU
18 HADN'T GONE THROUGH THOSE CHANNELS IN ORDER TO DO A MORE
19 INTRUSIVE SEARCH ON THAT DAY, CORRECT?

20 A. CORRECT.

21 Q. NOW, YOU ALSO HAD MENTIONED, I BELIEVE, THAT YOU
22 DIDN'T HAVE MUCH MORE INVOLVEMENT IN THE SEARCH OF THE CELL
23 ON DECEMBER 31ST, 2011, BEYOND HAVING FOUND THE CONTRABAND;
24 IS THAT RIGHT?

25 A. YES, MA'AM.

26 Q. DID YOU ALSO -- BUT I THINK YOU SAID THAT AT THAT

1 POINT THE INMATES WERE NOT IN THE CELL, CORRECT?

2 A. CORRECT.

3 Q. THEY HAD BEEN TAKEN SOMEPLACE ELSE; IS THAT
4 RIGHT?

5 A. YES, MA'AM.

6 Q. AND AT SOME POINT THEY WERE -- WERE THEY BROUGHT
7 BACK DOWN?

8 A. YES.

9 Q. AND WERE YOU STILL THERE WHEN THEY WERE BROUGHT
10 BACK DOWN?

11 A. I DON'T RECALL.

12 Q. OKAY. DO YOU RECALL HAVING ANY FURTHER
13 INVOLVEMENT WHEN THEY WERE BROUGHT BACK DOWN?

14 A. NO.

15 Q. AND WOULD REVIEWING THE TRANSCRIPT REFRESH YOUR
16 RECOLLECTION IN THAT REGARD?

17 A. YES, MA'AM.

18 THE COURT: OKAY, WHILE THE WITNESS IS REVIEWING THAT,
19 WE ARE GOING TO TAKE OUR MORNING BREAK.

20 IT IS THE DUTY FOR A JUROR NOT TO CONVERSE AMONG
21 YOURSELVES OR ANYONE ELSE ON ANY SUBJECT CONNECTED WITH THIS
22 TRIAL, OR ALLOW ANYONE TO CONVERSE WITH THEM CONCERNING THE
23 TRIAL OR ANY MATTER CONNECTED TO THE TRIAL.

24 IT IS THE DUTY OF THE JURORS NOT TO FORM OR
25 EXPRESS ANY OPINION ABOUT THE CASE UNTIL IT IS FINALLY
26 SUBMITTED TO THEM FOR DECISION.

1 WE WILL SEE YOU BACK IN 15 MINUTES.

2 (RECESS TAKEN.)

3 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN
4 COURT, IN THE PRESENCE OF THE JURY:)

5 THE COURT: OKAY. ALL JURORS ARE PRESENT, COUNSEL ARE
6 PRESENT, DEFENDANT IS PRESENT, OUR WITNESS IS PRESENT.

7 MS. BRYANT.

8 MS. BRYANT: THANK YOU, YOUR HONOR.

9 Q. BY MS. BRYANT: ALL RIGHT. YOU HAD BEEN REFERRED
10 TO A PORTION OF THE TRANSCRIPT TO SEE IF IT REFRESHED YOUR
11 RECOLLECTION REGARDING IF YOU HAD ANY FURTHER INVOLVEMENT IN
12 THE POST SEARCH ACTIVITY ON DECEMBER 31ST, 2011. HAVING
13 LOOKED AT THAT, DOES THAT REFRESH YOUR RECOLLECTION IN THAT
14 REGARD?

15 A. YES, MA'AM.

16 Q. DID YOU DO ANYTHING BEYOND FINDING THE
17 CONTRABAND?

18 A. WHEN THE INMATES CAME BACK DOWN, ALL THE INMATES
19 WERE SEPARATED, AND I BELIEVE I ESCORTED ONE INMATE, I
20 DIDN'T KNOW HIS NAME.

21 Q. AND WAS THE INMATE THAT YOU ESCORTED [REDACTED]

22 A. NO.

23 Q. I DID FIND MY NOTES, SO I AM GOING TO DO A LITTLE
24 BIT OF BACKING UP AND FOLLOW-UP.

25 YOU MENTIONED IN YOUR INTERVIEW WITH INVESTIGATOR

26 [REDACTED] IN THE PORTION THAT THE DEFENSE ATTORNEY WENT OVER

1 WITH YOU THIS MORNING, THAT YOU WENT THROUGH [REDACTED] STUFF,
2 HANDED IT BACK TO HIM. YOU THEN SAID, I DIDN'T SEARCH HIS
3 PERSON THAT DAY, I AM PRETTY SURE I DIDN'T SEARCH HIS PERSON
4 THAT DAY, AND I SENT HIM OFF BECAUSE THE WAY HE WAS ACTING,
5 I KNEW, I DIDN'T THINK HE HAD ANYTHING ON HIM THAT TIME.

6 WAS THERE SOMETHING ABOUT HIS CONDUCT OR WHAT HE
7 WAS SAYING THAT MADE YOU THINK HE DIDN'T HAVE ANYTHING ON
8 HIM THAT DAY?

9 A. JUST THE WAY HE REACTED, THROWING HIS STUFF DOWN,
10 ACTING AGITATED.

11 Q. EXPLAIN THAT TO US; WHY WOULD AN INMATE DOING
12 THAT TYPE OF BEHAVIOR CAUSE YOU TO THINK HE PROBABLY DOESN'T
13 HAVE ANYTHING ON HIM THAT DAY?

14 A. I CAN'T REALLY EXPLAIN IT, IT'S JUST SOMETHING I
15 FELT AT THAT TIME.

16 Q. OKAY. AND I JUST WANT TO CLARIFY, YESTERDAY YOU
17 WERE ASKED ON CROSS-EXAMINATION IF BECAUSE OF YOUR
18 SUSPICIONS THAT CAUSED YOU TO DO THE PRIOR SEARCH, YOU HAD
19 TARGETED [REDACTED] CELL ON DECEMBER 31ST, 2011; DO YOU REMEMBER
20 BEING ASKED ABOUT THAT?

21 A. YES, MA'AM.

22 Q. DID YOU TARGET ANY CELLS; CAN YOU EXPLAIN THAT?

23 A. NO, MA'AM.

24 Q. EXPLAIN THAT.

25 A. I SPENT MORE TIME IN HIS CELL AFTER WE WERE
26 ALREADY -- SOMEONE HAD MADE A DECISION TO SEARCH TANKS 1 AND

1 2, AND WHEN I CAME UP AND SAW WE WERE SEARCHING TANKS 1 AND
2 2, I SPENT A LITTLE MORE TIME IN THAT CELL.

3 Q. BECAUSE YOU HAD THOSE SUSPICIONS ABOUT [REDACTED]

4 A. YES, MA'AM. YES, MA'AM.

5 Q. AND YESTERDAY, WELL, ACTUALLY WHEN YOU WERE
6 INTERVIEWED BY INVESTIGATOR [REDACTED] AND YOU WERE TALKING ABOUT
7 YOUR SUSPICIONS ABOUT THE RELATIONSHIP BETWEEN [REDACTED] AND
8 MR. [REDACTED] AND THAT YOU HAD APPARENTLY CHECKED, AND EITHER BY
9 TALKING TO PEOPLE OR HOWEVER YOU DETERMINED THAT THEIR
10 SECURITY CLEARANCE WAS SUCH THAT SHE WAS AN INVESTIGATIVE
11 ASSISTANT, AND THEN IN THE INTERVIEW YOU SAY, AND HE SWORE
12 UP AND DOWN THEY DIDN'T KNOW EACH OTHER; DO YOU KNOW TO WHOM
13 YOU WERE REFERRING WHEN YOU SAID, THEY SWORE UP AND DOWN
14 THEY DIDN'T KNOW EACH OTHER?

15 A. INMATE [REDACTED]

16 Q. SO DO YOU RECALL ACTUALLY HAVING ASKED MR. [REDACTED]
17 ABOUT HIS RELATIONSHIP WITH HER?

18 A. I STILL DON'T RECALL THAT CONVERSATION, NO.

19 Q. OKAY. WITH REGARD TO YOUR SUSPICIONS OF MR. [REDACTED]
20 DID YOU SHARE YOUR SUSPICIONS WITH ANYONE ELSE?

21 A. YES.

22 Q. WITH WHOM DID YOU SHARE YOUR SUSPICIONS?

23 A. I KNOW DEPUTY ATKINSON AND [REDACTED] FOR SURE.

24 Q. DO YOU REMEMBER EVER SHARING THEM WITH DEPUTY

25 [REDACTED]

26 A. I BELIEVE HE WAS IN THERE ONE OF THE TIMES WHEN I

1 WAS TALKING ABOUT IT.

2 Q. YOU WERE ASKED THIS MORNING ABOUT WHETHER OR NOT
3 YOU COULD HAVE SEARCHED [REDACTED] IF YOU HAD VERY STRONG
4 SUSPICIONS BASED ON OBSERVATIONS YOU HAD MADE, OR
5 INTELLIGENCE YOU HAD RECEIVED, THAT [REDACTED] WAS IN FACT
6 BRINGING IN CONTRABAND THAT MR. [REDACTED] WAS THEN SMUGGLING INTO
7 THE JAIL, SO IF YOU HAD SOME ARTICULABLE SUSPICIONS ABOUT
8 HER BEING INVOLVED IN THAT CONDUCT, WAS THERE SOME CHANNEL,
9 OR SOME POLICY OR PROCEDURE IN PLACE BY WHICH THERE COULD
10 HAVE BEEN A SEARCH OF HER DONE?

11 A. YES.

12 Q. AND JUST EXPLAIN BRIEFLY WHAT THAT WOULD HAVE
13 BEEN.

14 A. IT IS NO DIFFERENT THAN IN THE FIELD IF WE HAVE
15 ARTICULABLE SUSPICION TO SEARCH SOMEBODY, WE CAN SEARCH
16 THEM.

17 Q. OKAY. SO, AGAIN, IT IS POSSIBLE TO DO, YOU JUST
18 HAVE TO HAVE REACHED A CERTAIN LEVEL OF SUSPICION?

19 A. YES, MA'AM.

20 Q. I TAKE IT SINCE YOU SAID A MALE TYPICALLY WOULD
21 NOT SEARCH A FEMALE, IF YOU HAD THAT ARTICULABLE SUSPICION,
22 YOU WOULD HAVE ENGAGED THE HELP OF ANOTHER FEMALE DEPUTY TO
23 HELP YOU IN THAT REGARD?

24 A. YES, MA'AM.

25 Q. DID DEPUTY [REDACTED] EVER TELL YOU THAT INMATE [REDACTED] OR
26 [REDACTED] HAD GIVEN HIM HOCKEY TICKETS?

1 A. NO, MA'AM.

2 Q. DID HE EVER TELL YOU THAT THEY HAD GIVEN HIM A
3 BURKE WILLIAMS GIFT CERTIFICATE?

4 A. NO, MA'AM.

5 Q. YOU WERE ASKED SOME QUESTIONS ABOUT A MANUAL,
6 POLICY MANUAL. I THINK YOU SAID YOU RECALLED THERE BEING
7 SOMETHING ELECTRONIC ON LINE; IS THAT CORRECT?

8 A. YES, MA'AM.

9 Q. IS THAT SOMETHING THAT YOU RECEIVED A COPY OF
10 ONLINE?

11 A. YES, MA'AM.

12 Q. DO YOU RECALL HOW LONG THAT DOCUMENT WAS?

13 A. NO, MA'AM.

14 Q. DID YOU REVIEW ANY PORTION OF THAT DOCUMENT?

15 A. BRIEFLY.

16 Q. WAS IT YOUR UNDERSTANDING THAT YOU WERE SUPPOSED
17 TO REVIEW THAT DOCUMENT?

18 A. YES, MA'AM.

19 Q. AND WHEN YOU REVIEWED IT BRIEFLY, DID YOU LOOK
20 FOR CERTAIN PORTIONS OF IT THAT WERE RELEVANT TO YOU?

21 A. YES, MA'AM.

22 Q. AND DO YOU RECALL ANY SPECIFIC PORTIONS OF IT
23 THAT YOU DID LOOK AT?

24 A. NO, MA'AM, I DON'T RECALL.

25 Q. YESTERDAY HOWEVER YOU TESTIFIED THAT YOU
26 UNDERSTOOD AS DEPUTIES YOU WERE NOT TO TAKE ANY GRATUITIES

1 OR GIFTS FROM PEOPLE; IS THAT CORRECT?

2 A. YES, MA'AM.

3 Q. DO YOU REMEMBER IF YOU HAD THAT UNDERSTANDING
4 BASED ON ANYTHING YOU READ IN THAT MANUAL?

5 A. I DON'T RECALL.

6 Q. DO YOU RECALL WHERE THAT UNDERSTANDING CAME FROM?

7 A. OUR LAW ENFORCEMENT CODE OF ETHICS THAT WE HAD TO
8 MEMORIZE PRIOR TO GOING TO THE ACADEMY.

9 Q. AND THERE IS ONLY ONE OR TWO OTHER AREAS I WANTED
10 TO ASK YOU ABOUT.

11 DURING THE INTERVIEW WITH INVESTIGATOR [REDACTED] DO
12 YOU RECALL DISCUSSING WITH HIM WHETHER OR NOT THERE HAD EVER
13 BEEN ANY DISCUSSION AMONG THE DEPUTIES REGARDING ESCAPING,
14 INMATES ESCAPING?

15 A. YES, MA'AM.

16 Q. ALL RIGHT. AND DISCUSSION IN PARTICULAR ABOUT
17 WHERE THE EASIEST PLACE FROM THE JAIL WOULD BE FOR INMATES
18 TO ESCAPE?

19 A. YES, MA'AM.

20 Q. AND DO YOU RECALL WHAT AREA THAT WAS DISCUSSED AS
21 BEING THE EASIEST PLACE FOR INMATES TO ESCAPE FROM?

22 A. ATTORNEY-BONDS.

23 Q. AND THAT DISCUSSION, I THINK YOU MENTIONED WAS
24 PART OF AN E.R.T. TRAINING, IT CAME UP DURING E.R.T.
25 TRAINING?

26 A. YES, MA'AM.

1 Q. WHAT IS E.R.T. TRAINING?

2 A. EMERGENCY RESPONSE TEAM, IT IS MORE OF A
3 DISCUSSION THAN A TRAINING.

4 Q. MORE OF A DISCUSSION?

5 A. YES, MA'AM.

6 Q. DID THAT PARTICULAR DISCUSSION TAKE PLACE ON ONE
7 OCCASION OR MORE THAN ONE OCCASION?

8 A. MORE THAN ONE OCCASION.

9 Q. AND WERE ALL THE DEPUTIES PART OF THAT TRAINING
10 OR THAT DISCUSSION?

11 A. I DON'T RECALL.

12 Q. AND DO YOU RECALL IF DEPUTY [REDACTED] WAS PART OF THAT
13 DISCUSSION?

14 A. I KNOW DEPUTY [REDACTED] WAS AN E.R.T. TEAM LEADER, SO
15 I AM SURE AT SOME POINT HE WAS PART OF THAT DISCUSSION, BUT
16 I DON'T RECALL THE DISCUSSION.

17 Q. OKAY. SO HE WAS AN E.R.T. TEAM LEADER, AND THAT
18 DISCUSSION YOU RECALL TAKING PLACE AS PART OF AN E.R.T.
19 MEETING OR TRAINING?

20 A. YES, MA'AM.

21 MS. BRYANT: I THINK I HAVE COVERED EVERYTHING, BUT IF
22 I CAN HAVE JUST ONE MOMENT?

23 THANK YOU, YOUR HONOR, I HAVE NO FURTHER
24 QUESTIONS OF THIS WITNESS.

25 THE COURT: OKAY, RECROSS?

26 MR. ROSENBLUM: THANK YOU, YOUR HONOR.

RE CROSS-EXAMINATION

1

2 Q. BY MR. ROSENBLUM: GOOD MORNING AGAIN, DEPUTY
3 GALLIVAN.

4 A. GOOD MORNING, SIR.

5 Q. I WILL TRY TO MAKE THIS BRIEF AND TRY TO GET
6 RIGHT TO THE POINT.

7 A. I APPRECIATE IT.

8 Q. FIRST OF ALL, HOW MANY DEPUTIES WORK OVER AT MENS
9 CENTRAL JAIL?

10 A. I WOULD ESTIMATE APPROXIMATELY OVER 80.

11 Q. AND YOU DON'T KNOW ALL THEIR PERSONAL LIVES AND
12 WHAT'S GOING ON IN THEIR LIVES, THINGS OF THAT NATURE, DO
13 YOU?

14 A. NO, SIR.

15 Q. IN TERMS OF THIS PARTICULAR CASE, HOW MANY
16 INMATES ALSO ARE OVER THERE AT THE JAIL, HOW MANY INMATES
17 ARE BEING SUPERVISED AND WATCHED BY THE GROUP OVER THERE
18 THAT YOU KNOW?

19 A. THROUGHOUT THE ENTIRE CENTRAL MENS JAIL?

20 Q. NO, THE AREA WHERE YOU AND DEPUTY [REDACTED] WORKED, AT
21 THE MENS CENTRAL?

22 A. OH, I THINK AROUND 1200.

23 Q. 1200. SO THERE ARE HOW MANY DEPUTIES RESPONSIBLE
24 FOR SUPERVISING 1200 INMATES ON ANY GIVEN SHIFT?

25 A. PROBABLY AROUND 30.

26 Q. SO 30 DEPUTIES SUPERVISING 1200 PEOPLE; THAT'S A

1 Q. DID YOU TELL DEPUTY [REDACTED] INVESTIGATOR [REDACTED] AND
2 THIS IS ON PAGE 4:

3 DO YOU REMEMBER, DID YOU, WERE YOU A PART OF
4 THAT?

5 GALLIVAN: SEPARATING THEM, YES, I WAS.

6 KARR: WHO DID YOU SPEAK WITH, WHO DID YOU GRAB,
7 WHICH INMATE?

8 I THINK IT WAS AN ASIAN GUY, I DON'T KNOW, IT
9 WASN'T [REDACTED]

10 DO YOU RECALL INTERVIEWING ANY ASIAN GUY THAT
11 DAY?

12 A. NO, SIR.

13 Q. OKAY. THAT'S REFERRING TO SOMETHING ELSE?

14 A. YES, SIR, IT IS LIKE A THREE-PART QUESTION BEFORE
15 I ANSWERED.

16 Q. OKAY. SO WHAT ARE YOU REFERRING TO?

17 A. HE ASKED, WHO DID YOU SPEAK WITH, WHO DID YOU
18 GRAB, WHICH INMATE? I, WHEN WE WERE SEPARATING THE INMATES
19 I SEPARATED HIM, I DIDN'T SPEAK WITH HIM.

20 Q. OKAY. NOW, IN TERMS OF THE NUMBER OF TIMES YOU
21 WORKED ON SATURDAY, IS IT FAIR TO SAY THAT IN YOUR INTERVIEW
22 WHEN YOU TALKED TO DETECTIVE [REDACTED] YOU SAID YOU WORKED EVERY
23 SATURDAY, CORRECT?

24 A. NO, SIR.

25 Q. YOU DIDN'T SAY EVERY SATURDAY?

26 A. NO, SIR, THAT'S JUST PART OF THE SENTENCE, THE

1 STATEMENT THAT I MADE. I SAID EVERY SATURDAY I'M WORKING
2 OVERTIME THERE.

3 Q. ALL RIGHT. SO EVERY SATURDAY THAT YOU ARE
4 WORKING THERE, YOU WOULD SEE [REDACTED] AND [REDACTED] TOGETHER, CORRECT?

5 A. YES, SIR.

6 Q. AND YOU SAW NOTHING UNUSUAL?

7 A. YES, SIR.

8 Q. NOW, IN TERMS OF THE LIGHTS, YOU WERE ASKED A
9 BUNCH OF QUESTIONS ABOUT LIGHTS AND WHATNOT. IS IT TRUE ON
10 SATURDAY, THE DAYS THAT YOU WERE THERE AND SAW THEM, THAT'S
11 A PUBLIC VISITING DAY, FRIDAY, SATURDAY AND SUNDAY, PUBLIC,
12 I AM NOT TALKING ABOUT THE ATTORNEY-BONDS, BUT PEOPLE ARE
13 ALLOWED TO VISIT INMATES ON FRIDAY, SATURDAY AND SUNDAY?

14 A. YES, SIR.

15 Q. SO ON THE SATURDAYS THAT YOU ARE THERE, THERE IS
16 A BACK HALLWAY WHERE PEOPLE ARE WALKING BY CONSTANTLY PAST
17 ATTORNEY-BONDS, TRUE?

18 A. YES.

19 Q. SO DURING SATURDAYS WHEN SHE IS THERE, [REDACTED]
20 AND [REDACTED] THERE ARE A CONSTANT MOVEMENT OF DEPUTIES AND
21 PEOPLE WALKING BY THE ATTORNEY-BONDS AREA TO GO TO OTHER
22 PARTS OF THE JAIL, CORRECT?

23 A. YES, SIR.

24 Q. AND YOU HAVE NO IDEA WHEN PEOPLE ARE COMING AND
25 GOING, CORRECT?

26 A. YES, SIR.

1 Q. THEY JUST COME THROUGHOUT THE DAY?

2 A. CORRECT.

3 Q. AND THAT'S ONE OF THE BUSIEST DAYS AT THE JAIL?

4 A. I WOULD SAY SO, SIR.

5 Q. HOW MANY PEOPLE WOULD YOU ESTIMATE WALK THROUGH

6 THERE ON ANY GIVEN SATURDAY, HUNDREDS?

7 A. HALF THE INMATE POPULATION I WOULD SAY.

8 Q. A THOUSAND?

9 A. NOT NECESSARILY A THOUSAND, PROBABLY AROUND 500.

10 Q. SORRY.

11 A. AROUND 3 TO 500.

12 Q. SO ON ANY GIVEN SATURDAY THERE ARE AS MANY AS 500

13 PEOPLE WALKING WITHIN SIX FEET OF THE ATTORNEY-BONDS AREA?

14 A. YES, SIR.

15 Q. AND NOBODY KNOWS WHEN THEY ARE GOING TO COME AND

16 GO, THEY JUST COME AND GO THROUGHOUT THE DAY?

17 A. WELL, THEY GET VISITING PASSES SENT TO THEIR MOD

18 AND THEY GET SENT DOWN, BUT OTHER THAN THAT.

19 Q. SO WHEN YOU ARE SITTING THERE IN ATTORNEY-BONDS

20 THERE ARE PEOPLE WALKING BY ALL THE TIME?

21 A. CORRECT.

22 Q. AND IS IT ALSO A PLACE WHERE DEPUTIES GO TO

23 CONGREGATE TO WATCH SPORTS ON T.V., IS THERE A T.V. DOWN

24 THERE?

25 A. THERE WAS.

26 Q. SO PEOPLE USED TO HANG AROUND AND WATCH T.V. IN

1 THERE TOO?

2 A. YES, SIR.

3 Q. NOW, IN TERMS OF THESE RULES, IF [REDACTED] WAS
4 BRINGING IN FOOD INSIDE OF HER BRIEFCASE OR INSIDE OF HER
5 BOXES THAT SHE IS CARRYING IN, WOULD YOU HAVE ANY WAY OF
6 KNOWING THAT?

7 A. NO, SIR.

8 Q. WOULD ANYBODY HAVE ANY WAY OF KNOWING THAT?

9 A. NO, SIR.

10 Q. NO ONE WOULD SEARCH HER?

11 A. NO, SIR.

12 Q. SO YOU PRETTY MUCH TAKE PEOPLE AT THEIR WORD THAT
13 THEY ARE NOT GOING TO VIOLATE THESE THINGS?

14 A. YES, SIR.

15 Q. NOW, THE LAST AREA I WANT TO ASK YOU ABOUT, IS IT
16 FAIR TO SAY, AND I DON'T WANT TO MISCHARACTERIZE, JUST YOUR
17 OWN WORDS, IS IT FAIR TO SAY THAT YOUR MEMORY OF THESE
18 EVENTS BACK IN 2009, 2010, 2011, AND EVEN UP TO 2012 IS
19 SOMEWHAT VAGUE?

20 A. YES, SIR.

21 Q. SO AS YOU SIT HERE RIGHT NOW, IS IT FAIR TO SAY
22 THAT SOME THINGS YOU REMEMBER, SOME THINGS YOU DON'T?

23 A. YES, SIR.

24 Q. NOW, I WANT TO ASK YOU SPECIFICALLY, JUST SO
25 THERE IS NO QUESTION, THIS TAPE WHICH I PLAYED WHERE IT IS
26 ATTRIBUTED TO YOU BY [REDACTED] THAT YOU GAVE HIM

1 CHEWING TOBACCO, THAT YOU WERE GIVING HIM FAVORS, IS THERE
2 ANY WAY THAT THAT COULD POSSIBLY BE TRUE?

3 A. NO.

4 MS. BRYANT: OBJECTION, BEYOND THE SCOPE.

5 THE COURT: IT IS.

6 THE WITNESS: NO, SIR.

7 Q. BY MR. ROSENBLUM: YOU ARE SURE YOU ARE NOT MAYBE
8 FORGETTING YOU GAVE HIM CHEWING TOBACCO?

9 A. YES, SIR.

10 Q. SO EVEN THOUGH HE SAID YOU WERE GIVING HIM GIFTS,
11 YOU SAY THAT NEVER HAPPENED, HE IS LYING?

12 A. YES, SIR.

13 Q. WHAT ABOUT THIS FACT HIM TELLING HIS [REDACTED] THAT
14 YOU WERE ALWAYS TELLING HIM TO SHANK UP MEXICANS, COULD YOU
15 BE FORGETTING THAT?

16 A. NO, SIR.

17 Q. ARE YOU ABSOLUTELY SURE?

18 A. YES, SIR.

19 Q. THAT NEVER HAPPENED?

20 A. YES, SIR.

21 Q. SO WHEN HE IS TELLING HIS [REDACTED], NOT JUST ONCE,
22 THAT YOU ARE ALWAYS TELLING HIM TO KILL MEXICANS, IS IT
23 POSSIBLE MAYBE YOU ARE JUST FORGETTING IT?

24 MS. BRYANT: OBJECTION, ASKED AND ANSWERED, YOUR HONOR.

25 THE COURT: OVERRULED.

26 Q. BY MR. ROSENBLUM: IS IT POSSIBLE MAYBE YOU ARE

1 JUST FORGETTING IT?

2 A. NO, SIR.

3 Q. IN YOUR OPINION IS THAT AN ABSOLUTE LIE THAT HE
4 IS TELLING HIS [REDACTED]

5 A. ABSOLUTELY, SIR.

6 Q. DO YOU KNOW WHY HE WOULD SAY THAT?

7 MS. BRYANT: OBJECTION, SPECULATION.

8 THE COURT: SUSTAINED.

9 Q. BY MR. ROSENBLUM: DO YOU KNOW ANY REASON
10 PERSONALLY WHY HE WOULD SAY THAT?

11 MS. BRYANT: OBJECTION, SPECULATION, RELEVANCE,
12 FOUNDATION.

13 THE COURT: SUSTAINED.

14 Q. BY MR. ROSENBLUM: THE FACT YOU ARE HERE AND
15 HEARING THIS FOR THE FIRST TIME THAT HE SAID YOU ARE ALWAYS
16 TELLING HIM TO SHANK UP MEXICANS, HOW DOES THAT MAKE YOU
17 FEEL?

18 MS. BRYANT: OBJECTION, RELEVANCE.

19 THE COURT: SUSTAINED.

20 MR. ROSENBLUM: GOES TO HIS BIAS.

21 MS. BRYANT: OBJECTION, RELEVANCE.

22 THE COURT: SUSTAINED.

23 Q. BY MR. ROSENBLUM: BUT YOU DENY EVERY SAYING ANY OF
24 THOSE THINGS?

25 A. YES, SIR.

26 MR. ROSENBLUM: THAT'S ALL I HAVE.

1 THE COURT: MS. BRYANT?

2 REDIRECT EXAMINATION

3 Q. BY MS. BRYANT: I JUST WANTED TO CLARIFY SOME
4 THINGS REGARDING THE AMOUNT OF TRAFFIC. THOSE INMATES GOING
5 TO THE GENERAL VISITATION AREA, THEY DON'T GO INTO THE
6 ATTORNEY-BONDS AREA, DO THEY? I MEAN YOU DON'T GO INTO THE
7 ACTUAL ATTORNEY-BONDS AREA TO GET TO THE GENERAL VISITING
8 AREA, DO YOU?

9 A. NO.

10 Q. IT IS A TOTALLY SEPARATE ENTRANCE, CORRECT?

11 A. YES, MA'AM.

12 Q. IN FACT, WHEN YOU ARE GOING DOWN THE HALLWAY, THE
13 ENTRANCE TO THE ATTORNEY-BONDS AREA IS ON THE RIGHT-HAND
14 SIDE, CORRECT?

15 A. YES, MA'AM.

16 Q. THERE IS A BUBBLE, CORRECT?

17 A. YES, MA'AM.

18 Q. BUBBLE MEANING A PORTION WHERE THE DEPUTIES ARE
19 IN THE CONTROL TOWER, THAT AREA?

20 A. YES, MA'AM.

21 Q. AND THE INMATES HAVE TO ACTUALLY WAIT FOR A GATE
22 TO OPEN, AND THEY HAVE TO ENTER A GATED AREA IN FRONT OF
23 THAT BUBBLE, CORRECT?

24 A. YES, MA'AM.

25 Q. BEFORE THEY CAN EVEN GET INTO THE VISITING AREA?

26 A. CORRECT.

1 Q. MORE THAN SIX FEET IN LENGTH, ISN'T IT?

2 A. THE WAITING AREA INSIDE ATTORNEY-BONDS?

3 Q. FOR THE INMATES?

4 A. YES.

5 Q. AND ONLY THEN DO THE INMATES THEN GET TO GO
6 THROUGH ANOTHER GATE THAT PASSES THEM INTO AN ADJACENT ROOM
7 WHICH IS THE ATTORNEY-BONDS VISITING ROOM, CORRECT?

8 A. YES, MA'AM.

9 Q. AND YOU CAN'T SEE INTO THE ATTORNEY-BONDS
10 VISITING ROOM ITSELF PROPER FROM THAT HALLWAY THE INMATES
11 WALK DOWN, CAN YOU?

12 A. NO, MA'AM.

13 Q. AND, IN FACT, IN PARTICULAR FROM THE HALLWAY THAT
14 THE INMATES WALK DOWN, ARE YOU ABLE TO SEE INTO ANY OF THE
15 VISITING BOOTHS?

16 A. NO, NOT INSIDE ATTORNEY-BONDS, NO.

17 Q. AND IF INMATES WHO WERE BEING WALKED DOWN TO THE
18 GENERAL VISITATION AREA BY DEPUTIES PASSED BY THE
19 ATTORNEY-BONDS AREA, AND THE LIGHTS WERE OUT IN THE
20 ATTORNEY-BONDS AREA FOR WHATEVER REASON, THE LIGHTS WERE
21 TURNED OUT, COULD THOSE PEOPLE WALKING DOWN THE HALL SEE
22 ANYTHING THAT IS TAKING PLACE INSIDE THE ATTORNEY-BONDS
23 AREA?

24 A. I HAVE NO IDEA.

25 Q. ALL RIGHT. AND JUST TO CLARIFY THEN, PERSONS
26 GOING TO THE GENERAL VISITATION AREA WOULD NOT IN ANY WAY

1 ENTER THE ATTORNEY-BONDS AREA; IS THAT CORRECT?

2 A. EXCEPT FOR WHEN WE HAVE SPECIAL HANDLING INMATES,
3 SOMETIMES THEY WILL GO INTO ATTORNEY-BONDS FOR VISITING.

4 Q. IF YOU HAVE SPECIAL HANDLING INMATES WHO GO INTO
5 THE ATTORNEY-BONDS AREA FOR VISITING, IS A CALL TYPICALLY
6 MADE DOWN TO THE DEPUTY IN THE ATTORNEY-BONDS CONTROL AREA
7 LETTING THEM KNOW WHAT'S HAPPENING?

8 A. YES, MA'AM.

9 Q. IN FACT, IF A DEPUTY IS ON DUTY IN THE
10 ATTORNEY-BONDS AREA, LET'S SAY BY HIM OR HERSELF, AND A
11 VISITATION IS GOING TO BE HAPPENING IN THE ATTORNEY-BONDS
12 AREA, IS THAT DEPUTY NOTIFIED IN SOME WAY THAT A VISITATION
13 IS GOING TO BE TAKING PLACE?

14 A. YES, MA'AM.

15 Q. AND HOW DOES THAT OCCUR?

16 A. MOD DEPUTY OR GUARD STATION DEPUTY CALLS DOWN TO
17 THE ATTORNEY-BONDS AREA.

18 Q. SO THE DEPUTY IN THE ATTORNEY-BONDS AREA IS GIVEN
19 SOME WARNING THAT PEOPLE ARE GOING TO BE COMING INTO THE
20 ATTORNEY-BONDS AREA; IS THAT CORRECT?

21 A. YES, MA'AM.

22 MS. BRYANT: NOTHING FURTHER, THANK YOU.

23 MR. ROSENBLUM: IF I COULD JUST CLARIFY ONE THING.

24 RECROSS-EXAMINATION

25 Q. BY MR. ROSENBLUM: DEPUTY GALLIVAN, WHEN I WAS
26 ASKING YOU THAT QUESTION ABOUT HOW FAR AWAY, YOU UNDERSTOOD

1 THAT I WAS TALKING ABOUT THE PLACE, THE BUBBLE WHERE THE
2 ACTUAL DEPUTY SITS, THAT'S SIX FEET AWAY, CORRECT?

3 A. YES, SIR.

4 Q. I WASN'T TALKING ABOUT THE ATTORNEY-BONDS AREA
5 WHERE THE ATTORNEYS ARE IN THE VISITING ROOM, YOU UNDERSTOOD
6 ME TO MEAN THE PLACE WHERE THE DEPUTY SITS, THE BUBBLE?

7 A. CORRECT.

8 Q. SO LET ME ASK THE QUESTION AGAIN, THE BUBBLE
9 WHERE THE DEPUTY SITS, WHEN YOU AND DEPUTY [REDACTED] WOULD SIT IN
10 THERE TO CONTROL THINGS, THAT IS ABOUT SIX FEET AWAY FROM
11 THAT HALLWAY, CORRECT, WHERE THE PEOPLE WALK BY?

12 A. YES, SIR.

13 Q. SO THE PLACE WHERE THE DEPUTIES SIT, YOU AND
14 DEPUTY [REDACTED] WHEN YOU WERE WALKING BY, DOWN THAT HALLWAY,
15 YOU CAN SEE, IF YOU ARE A DEPUTY, IF THE LIGHTS ARE TURNED
16 OFF IN THE ATTORNEY-BONDS AREA, YOU CAN SEE THAT AS YOU ARE
17 WALKING BY, CAN'T YOU?

18 A. YOU WOULD HAVE TO LOOK THROUGH, THERE IS A PEEK
19 HOLE BECAUSE THEY HAVE TINT, I GUESS YOU WOULD CALL IT, ON
20 THE WINDOW.

21 Q. BUT YOU COULD SEE IN THERE IF YOU LOOKED?

22 A. YES.

23 Q. AND WHEN THE LIGHTS ARE OFF, IT IS PITCH DARK IN
24 THERE, CORRECT?

25 A. YES.

26 Q. SO IT IS SOMETHING THAT YOU COULD EASILY NOTICE?

1 A. YES.

2 Q. AND I WANT TO JUST BE CLEAR ABOUT THAT, SO THAT
3 AREA WHICH IS WALKING BY WHERE THE DEPUTIES SIT AND WHERE
4 YOU COULD SEE INTO THE ATTORNEY-BONDS AREA, ALMOST 500
5 PEOPLE ON ANY SATURDAY COULD BE WALKING BY THAT AREA,
6 INCLUDING DEPUTIES, INMATES, THERE IS A CONSTANT FLOW OF
7 PEOPLE?

8 A. YES, SIR.

9 MR. ROSENBLUM: THAT'S ALL I HAVE, YOUR HONOR.

10 THE COURT: MS. BRYANT, ANYTHING ELSE?

11 REDIRECT EXAMINATION

12 Q. BY MS. BRYANT: I JUST WANTED TO CLARIFY, THE
13 ATTORNEY-BONDS AREA IS OPEN 24 HOURS A DAY; IS THAT CORRECT?

14 A. YES, MA'AM.

15 Q. ALL RIGHT. AND THE GENERAL VISITING, IS THERE A
16 TIME PERIOD DURING THE DAY WHEN THAT TENDS TO BE THE BUSIEST
17 ON SATURDAYS?

18 A. THROUGHOUT THE DAY. 8:00 TO 5:00.

19 Q. 8:00 TO 5:00?

20 A. I BELIEVE THAT'S THE TIME THAT IT WAS.

21 Q. SO INTO THE EVENING, IS IT FAIR TO SAY THERE ARE
22 FEWER VISITORS IN THE EVENING?

23 A. YES.

24 Q. AND JUST TO CLARIFY, IS IT ACCURATE THAT IF THERE
25 ARE NO VISITORS OSTENSIBLY IN THE ATTORNEY-BONDS AREA, THAT
26 WOULD IT BE UNUSUAL FOR THE LIGHTS TO BE OFF, IF THERE IS

1 NOBODY IN THERE?

2 A. IF THERE IS NOBODY IN THERE?

3 Q. CORRECT.

4 A. NO, IT WOULDN'T BE UNUSUAL.

5 Q. SO WOULD THE FACT THE LIGHTS ARE OFF CAUSE YOU,
6 AS A DEPUTY WALKING DOWN THE HALL, TO BE SUSPICIOUS THAT
7 SOMETHING IS GOING ON IN THE ATTORNEY-BONDS AREA JUST
8 BECAUSE THE LIGHTS ARE OFF?

9 A. NO.

10 MS. BRYANT: OKAY, NOTHING FURTHER.

11 RECROSS-EXAMINATION

12 Q. BY MR. ROSENBLUM: THE QUESTIONS YOU WERE ASKED
13 ABOUT AT NIGHT, YOU KNOW DEPUTY [REDACTED] JUST WORKS DURING THE
14 DAYS, CORRECT?

15 A. YES, SIR.

16 Q. HE NEVER WORKS AT NIGHT?

17 A. YES, SIR.

18 MR. ROSENBLUM: THAT'S ALL I HAVE.

19 THE COURT: OKAY. MAY THE WITNESS BE EXCUSED?

20 MR. ROSENBLUM: YES, YOUR HONOR.

21 THE COURT: MS. BRYANT?

22 MS. BRYANT: YES, YOUR HONOR, CAN I KEEP HIM SUBJECT TO
23 RECALL.

24 THE COURT: OKAY, THANK YOU VERY MUCH, OFFICER.

25 THE WITNESS: THANK YOU, SIR.

26 (END OF REPORTER'S PARTIAL TRANSCRIPT.)

REPORTER'S CERTIFICATE

I, ROBERT J. SULLIVAN, CSR NO. 5646, PRO TEMPORE COURT REPORTER, DO HEREBY CERTIFY THAT THE FOREGOING REPORTER'S TRANSCRIPT IN THE CASE OF THE PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, VERSUS [REDACTED] DEFENDANT, CASE NO. [REDACTED] CONSISTING OF PAGES 2 THROUGH 73, INCLUSIVE, IS A FULL, TRUE AND CORRECT TRANSCRIPTION OF MY SHORTHAND NOTES THEREOF, AND A FULL, TRUE AND CORRECT STATEMENT OF THE PROCEEDINGS HAD IN SAID CAUSE.

DATED AT SANTA ANA, CALIFORNIA, THIS 25TH DAY OF SEPTEMBER, 2014.

ROBERT J. SULLIVAN, CSR NO. 5646
PRO TEMPORE COURT REPORTER

Email from Jan Christie to DA's Office

Bryant, Aleta

From: Beard, Ted
Sent: Friday, August 01, 2014 11:18 AM
To: Jan Christie
Cc: Bryant, Aleta; Beard, Ted
Subject: RE: [REDACTED]

Jan, thank you for this information. I cc'd Senior Deputy District Attorney Aleta Bryant on this email for purposes of discovery.

Ted

-----Original Message-----

From: Jan Christie [<mailto:jenchristie1@icloud.com>]
Sent: Thursday, July 31, 2014 5:41 PM
To: Beard, Ted
Subject: [REDACTED]

Ted,

FYI- Deputy Gallavan contacted me to say that he thinks he gave [REDACTED] some chewing tobacco. He just remembered this. He previously stated that he never did any favors for [REDACTED]

Please communicate this to the DDA for discovery purposes.

Thanks,
Jan Christie

Sent from my iPhone