

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

EDWARD BRAGGS, et al.,

Plaintiffs,

vs.

CASE NO.: 2:14cv601-MHT

JEFFERSON S. DUNN, in his  
official capacity as  
Commissioner of the  
Alabama Department of  
Corrections, et al.,

Defendants.

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EXCERPT OF BENCH TRIAL PROCEEDINGS

TESTIMONY OF J.W.

\* \* \* \* \*

BEFORE THE HONORABLE MYRON H. THOMPSON, SENIOR UNITED  
STATES DISTRICT JUDGE, at Montgomery, Alabama, on Monday,  
December 5, 2016, commencing at 10:15 a.m.

APPEARANCES:

FOR THE PLAINTIFFS:

Ms. Maria V. Morris  
Ms. Latasha L. McCrary  
Ms. Brooke Menschel  
Ms. Rhonda C. Brownstein  
Ms. Kristi L. Graunke  
Ms. Natalie Lyons  
Ms. Jaqueline Aranda Osorno  
Attorneys at Law  
SOUTHERN POVERTY LAW CENTER  
400 Washington Avenue  
Montgomery, Alabama 36104

## APPEARANCES, Continued:

## FOR THE PLAINTIFFS:

Ms. Lisa W. Borden  
Ms. Patricia Clotfelter  
Mr. William Glassell Somerville III  
Attorneys at Law  
BAKER DONELSON  
1400 Wells Fargo Tower  
420 20th Street North  
Birmingham, Alabama 35023

Mr. William Van Der Pol Jr.  
Staff Attorney  
ALABAMA DISABILITIES ADVOCACY PROGRAM  
P.O. Box 870395  
Tuscaloosa, Alabama 35487

Mr. Gregory Martin Zarzaur  
Mr. Anil A. Mujumdar  
Attorneys at Law  
ZARZAUR MUJUMDAR & DEBROSSE  
2332 Second Avenue North  
Birmingham, Alabama 35205

## FOR THE DEFENDANTS:

Mr. William Richard Lunsford  
Mr. Stephen C. Rogers  
Attorneys at Law  
MAYNARD COOPER & GALE, P.C.  
655 Gallatin Street  
Huntsville, Alabama 35801

Mr. Mitesh Bansilal Shah  
Mr. Luther M. Dorr  
Mr. Evan Patrick Moltz  
Attorneys at Law  
MAYNARD COOPER & GALE, P.C.  
1901 Sixth Avenue North, Suite 2400  
Birmingham, Alabama 35203

Mr. Steven C. Corhern  
Attorney at Law  
BALCH & BINGHAM  
1901 Sixth Avenue North, Suite 1500  
Birmingham, Alabama 35203

Mr. John Garland Smith  
Attorney at Law  
BALCH & BINGHAM  
105 Tallapoosa Street, Suite 200  
Montgomery, Alabama 36104

1 APPEARANCES, Continued:

2 FOR THE DEFENDANTS: Ms. Elizabeth Anne Sees  
 Ms. Anne A. Hill  
 3 Assistant Attorneys General  
 STATE OF ALABAMA  
 4 DEPARTMENT OF CORRECTIONS  
 301 South Ripley Street  
 5 Montgomery, Alabama 36130

6 \* \* \* \* \*

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12 \* \* \* \* \*

13 Proceedings reported stenographically;  
 14 transcript produced by computer.

15 \* \* \* \* \*

16 (The following excerpt of proceedings was heard before the  
 17 Honorable Myron H. Thompson, Senior United States District  
 18 Judge, at Montgomery, Alabama, on Monday, December 5, 2017,  
 19 commencing at 10:10 a.m.:)

1 J.W.

2 The witness, having been duly sworn to speak the truth,  
3 the whole truth and nothing but the truth, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. BORDEN:

6 Q. Good morning. Can you tell the Court your full name,  
7 please.

8 A. J.L.W.

9 Q. How old are you, Mr. W.?

10 A. I'm 24 years old.

11 Q. And where do you currently live?

12 A. Donaldson Correctional Facility on SI, five block.

13 Q. Okay. How long have you been in prison, Mr. Wallace?

14 A. I been in prison six years, ma'am.

15 Q. How old were you when you first went to prison?

16 A. When I first got in prison, 18.

17 Q. Have you always been at Donaldson?

18 A. Yes, ma'am.

19 Q. When you first came to prison, did you go somewhere else  
20 first when you first got there?

21 A. Yes, ma'am. I went to Bullock and Draper.

22 Q. Okay. Did you start off at Kilby when you first --

23 A. Started off at Kilby, went to Draper, and then Bullock.

24 Only reason I went to Draper is because Bullock didn't have no  
25 beds.



1 Q. Okay. Mr. Wallace, do you have some physical disabilities  
2 that you were born with?

3 A. Yes, ma'am.

4 Q. Tell us about that.

5 A. I was born with an imperforate anus and -- I was born with  
6 imperforate anus where I had a rectum that they had to have made  
7 for me because I was born with what they call tethered spinal  
8 cord as well. And I also had esophagus attached to my lung. I  
9 mean, I got -- I've had a lot of surgeries at being born. And  
10 long story short, I do got problems around my body. I got --  
11 caught staph infection being in prison. I mean, I could show  
12 you on my leg today if that is needed.

13 But the mental health treatment, we're not getting at West  
14 Jefferson. We could call for hours on the door, and we wouldn't  
15 never get no help unless they come through the doors. Now, that  
16 as far as the officerswise.

17 Q. Okay. And I'm going to ask you some questions about that in  
18 a little while. Right now I want to ask you about when you were  
19 a kid. Okay?

20 Were you also -- did you also have some treatment for mental  
21 health issues when you were a child?

22 A. Yes. That's right.

23 Q. Okay. How old were you when you first had some mental  
24 health treatment?

25 A. Six years old.

1 Q. Okay. Tell us about the kind of treatment that you got when  
2 you were six years old. What was going on?

3 A. Ma'am, to be honest with you, I can't remember all of it  
4 because I was a little kid at the time. And my mama and my  
5 daddy used to fight like cats and dogs, and I have been took  
6 away from my family before, me and my brother, because of me  
7 coming up with a bruise on my back because of my mom whipping me  
8 with a belt and I moved wrong. And she wasn't trying to beat me  
9 or nothing. She was just trying to give me a whipping.

10 Q. Did you go to see some doctors about mental health when you  
11 were six years old?

12 A. Yes, ma'am. Yes, ma'am.

13 Q. What kind of doctors did you see?

14 A. Psychologists, mental health doctors.

15 Q. How often did you go to see a doctor when you were a child  
16 for your mental health?

17 A. All my life.

18 Q. Did you go every month or every week?

19 A. Every two weeks.

20 Q. Every two weeks? Okay. What happened when you were there  
21 with the doctor every two weeks? What did you do there?

22 A. We would talk about what kind of medicine they could put me  
23 on and level my bipolar and -- ADHD and bipolar and  
24 schizophrenia and problems that I have, like mild retardation,  
25 for one. And I would just try to get by on medication and make

1 it work, but they just kept taking me off and postponing  
2 medication after medication.

3 See, I'm borderline mental retardation. And every medicine  
4 I've been on, that seems not to work. But Wellbutrin, when I  
5 was on Wellbutrin, it stopped the voices and stuff, but it had  
6 me where I wasn't eating as much.

7 Q. Okay. And I'm going to ask you about that in a little while  
8 too.

9 So you mentioned that you were diagnosed with bipolar  
10 disorder; is that right?

11 A. Yes, ma'am.

12 Q. And with ADHD, attention deficit hyperactivity disorder; is  
13 that right?

14 MR. SHAH: Objection. Misquotes what he said earlier.

15 THE COURT: In what way?

16 MR. SHAH: He didn't testify to ADHD.

17 MS. BORDEN: Your Honor, he said ADHD.

18 THE COURT: I thought he did, too.

19 MS. BORDEN: He did, Mitesh.

20 MR. SHAH: The record will reflect.

21 THE COURT: Do you have ADHD?

22 THE WITNESS: Yes, sir, I do.

23 BY MS. BORDEN:

24 Q. And tell me what other things you were diagnosed with when  
25 you were a child.

1 A. Bipolar.

2 Q. And ADHD and what else?

3 A. Schizophrenic.

4 Q. And then you also said mild mental retardation?

5 A. Yes, ma'am.

6 MS. BORDEN: And, Your Honor, in order to keep things  
7 moving a little bit, in light of that, if I could have a little  
8 bit of leeway on leading Mr. Wallace, it may be helpful.

9 THE COURT: I'll give you some leeway.

10 MS. BORDEN: Yes, sir. I understand.

11 THE COURT: But so far, he seems to understand your  
12 questions.

13 MS. BORDEN: In order just to keep things on track is  
14 my point.

15 THE COURT: You can ask him things about testing.

16 MS. BORDEN: Yes, sir.

17 BY MS. BORDEN:

18 Q. Mr. Wallace, did you finish high school?

19 A. No, ma'am.

20 Q. What grade did you go through?

21 A. Tenth grade and dropped out.

22 Q. And when you were in school before you dropped out in tenth  
23 grade, were you in any special education type of programs?

24 A. Yes, ma'am, I was.

25 Q. Did you go to any special schools?



1 A. I just -- I went to regular school, but I was in special ed.

2 Q. Okay. Was there a time when you were at a school in  
3 Memphis?

4 A. Yes, ma'am. I was -- I was at Memphis -- Youth Village of  
5 Memphis, Tennessee, for stealing some cars as a minor. And they  
6 had their own school in there. Yes, ma'am.

7 Q. Okay. When you were going to see doctors about your mental  
8 health when you were a child before you went to prison, you had  
9 mentioned -- you talked about your medication. Were you also  
10 seeing someone for treatment other than medication, like  
11 somebody that you talked to about your mental health issues?

12 A. Yes, ma'am. I was going to see a lady in Jasper named  
13 Ms. Carr, and we used to talk every week or two on needed basis.

14 Q. And how long would you -- how long would you see her? When  
15 you went there, how long would you stay?

16 A. I would stay there about an hour or two.

17 Q. Okay. And was that helpful? Did that help you feel better?

18 A. Yes, ma'am.

19 Q. Were you ever hospitalized because of your mental health?

20 A. Yes, ma'am. I'm a cutter.

21 THE WITNESS: I got cut marks on my arm, Judge, where I  
22 cut myself, where I cut myself and bite on myself when I'm down  
23 in the dump or something.

24 THE COURT: If you need for him to display anything to  
25 the Court, I'll allow the handcuffs to be removed.

- 1 MS. BORDEN: Yes, sir. And I was going to ask him when  
2 we get to that --
- 3 THE COURT: Point?
- 4 MS. BORDEN: -- point to show you. Yes.
- 5 Q. So, Mr. Wallace --
- 6 A. Ma'am?
- 7 Q. -- you said you had been in the hospital concerning your  
8 mental health. About how many times do you think you were  
9 hospitalized for that?
- 10 A. More than once.
- 11 Q. Do you remember being in Children's Hospital --
- 12 A. Yes, ma'am.
- 13 Q. -- for your mental health? Were you there more than once  
14 for your mental health?
- 15 A. Yes, ma'am. I went there for an overdose. I've went there  
16 for cutting myself. I've went there for medicine changes. I've  
17 went there for -- you name it. I've been to Children's for my  
18 surgeries. They been one hundred percent the way.
- 19 Q. Were you also at UAB for your --
- 20 A. Yes, ma'am. I was up there, and I been to Princeton's  
21 mental east for when I cut myself on my neck.
- 22 Q. What about Northwest Alabama Mental Health in Jasper? Were  
23 you there?
- 24 A. Yes, ma'am. That's the one I'm talking about with Ms. Carr.
- 25 Q. Okay. And when you were in the hospital for your mental

1 health concerns, how long did you usually stay?

2 A. I usually stayed a year or two down there.

3 Q. So you were in the hospital for a long time.

4 A. Yes, ma'am.

5 Q. And what kinds of treatment did you get while you were in  
6 the hospital for your mental health?

7 A. I had got medicine, treatment. I got anything -- medical  
8 needs, supposed to be like getting took care of with bipolar and  
9 ADHD, they was doing it for me.

10 Q. Did you get to see a psychiatrist while you were in the  
11 hospital?

12 A. Yes, ma'am, I did.

13 Q. How often did you see them?

14 A. Every week.

15 Q. Okay. And what about -- if you saw the psychiatrist every  
16 week, did you see any other kind of counselors?

17 A. Doctors. Yes, ma'am. I seen doctors, counselors every  
18 week.

19 Q. Okay. And what kinds of things would you talk about with  
20 them?

21 A. We would talk about how not to cut myself, how not to try to  
22 hang myself or OD or something like that.

23 Q. Now, before you went to prison, Mr. Wallace, were you at  
24 Taylor Hardin?

25 A. Yes, ma'am.



- 1 Q. How long were you at Taylor Hardin?
- 2 A. I was at Taylor Hardin about two months.
- 3 Q. What happened while you were at Taylor Hardin?
- 4 A. They said I was fit for trial.
- 5 Q. Okay. Is that why you went there?
- 6 A. Yes, ma'am.
- 7 Q. What kind of treatment did they do while you were at Taylor
- 8 Hardin?
- 9 A. None.
- 10 Q. They just kept you there?
- 11 A. Said I was fit for trial, and that was it.
- 12 Q. Okay. Well, during that two months, what happened, though,
- 13 before they said you were fit for trial?
- 14 A. I was -- I was there for two months, and they was doing
- 15 tests. They were running tests and stuff like that, like on my
- 16 brain, because the way -- the way I function on a level is a
- 17 kindergarten level. I mean, I can barely even read. I mean,
- 18 some of the stuff that I would spell for y'all before the court
- 19 hearing today, y'all couldn't even read it unless I told you.
- 20 Q. Do you know, can you tell us how your mental health problems
- 21 affect you, like affect your behavior?
- 22 A. It makes me feel sad I don't know how to read. And I say
- 23 better knowing and learning how to read. Now, don't get me
- 24 wrong, I can read a little bit, but not good. Spelling is not
- 25 my thing.



- 1 Q. And other than feeling sad and having trouble reading, do  
2 your mental health problems make you feel angry?
- 3 A. Yes, ma'am.
- 4 Q. Does that happen very often?
- 5 A. Sometimes. It sometimes gets me where I destroy stuff.
- 6 Q. And do you ever hear or see anything that's not there?
- 7 A. Yes, ma'am. That's why I'm on the depression medication  
8 called Zoloft. And it's because I hear stuff that people don't  
9 hear, and sometimes I see stuff people don't see.
- 10 Q. When you hear things, tell me what you hear.
- 11 A. Basically, my mama.
- 12 Q. You hear your mom?
- 13 A. Yes, ma'am.
- 14 Q. Okay. Does hearing voices ever cause you to do anything?
- 15 A. Yes, ma'am. It causes me to cut myself.
- 16 Q. When you first went to prison, when you very first got  
17 there, did someone interview you and ask you about your mental  
18 health?
- 19 A. No, ma'am.
- 20 Q. Nobody asked you questions about whether you had mental  
21 health problems?
- 22 A. No, ma'am.
- 23 Q. Okay. Did anybody ask you about any medications you were  
24 taking?
- 25 A. Yes, ma'am, they did ask about medications, but they didn't

1 ask me about my mental health past.

2 Q. Okay. They just asked you about mental -- about medications  
3 for your mental health?

4 A. Yes, ma'am.

5 Q. And what did you tell them?

6 A. I told them I was on Lithium at the time, and I can't  
7 remember the other medications. See, I take Prolixin shot every  
8 seven days, and it makes me forget some of the stuff I used to  
9 take back when I was growing up.

10 Q. Okay. A little while ago, you mentioned about having taken  
11 Wellbutrin. Do you remember that?

12 A. Yes, ma'am.

13 Q. All right. When did you start taking that?

14 A. I started taking that at Taylor Hardin.

15 Q. At Taylor Hardin?

16 A. Yes, ma'am.

17 Q. And you said that it helped you with the hearing things?

18 A. Yes, ma'am.

19 Q. All right. When you arrived at prison, did you talk to  
20 anyone about that?

21 A. Yes, ma'am. They took -- when I was at Donaldson, when I  
22 got to Donaldson from Bullock -- when I first got to Bullock,  
23 they took me off of all medicines except Lithium and restarted  
24 everything new.

25 Q. Okay. Did anybody tell you why they took you off that

1 Wellbutrin?

2 A. No, ma'am. They just said it was -- that they wanted to try  
3 something new.

4 Q. Did anyone tell you -- who did you talk to about the  
5 Wellbutrin?

6 A. I talked to -- it was a black officer. I don't know his  
7 name. I can't remember his name because he had a weird -- weird  
8 name. And he told me that the doctor was going to take me off  
9 of -- he always would say, if it ain't for you, don't take it.  
10 So I told him that I needed to see the doctor to get back on  
11 Wellbutrin.

12 And when I went to see the doctor, doctor said, no, I'm  
13 going to put you on this here and try it for 30 days. Once they  
14 tried it for 30 days, I lost my mind.

15 Q. I'm sorry. You lost what?

16 A. I lost my mind.

17 Q. What happened?

18 A. I flipped out and started throwing shit and piss everywhere.

19 Q. Okay. And what did they do about that?

20 A. They come in there and gave me a shot.

21 Q. Okay. Did they ever try putting you back on Wellbutrin?

22 A. No, ma'am.

23 Q. Did anyone tell you why?

24 A. Told me they couldn't afford it.

25 Q. Now --



1 A. That's what Donaldson told me. Told me they couldn't afford  
2 it.

3 Q. Do you remember who told you that?

4 A. Ma'am?

5 Q. Do you remember who told you that?

6 A. Dr. St-Phard, God rest his soul.

7 Q. And he's the doctor that you were seeing who recently --

8 A. Was.

9 Q. Yes. And he died recently; is that right?

10 A. Yes, ma'am.

11 Q. Mr. Wallace, do you know what your mental health code is at  
12 the prison?

13 A. A 3.

14 Q. Okay. Have you ever been anything else other than a 3?

15 A. No, ma'am.

16 Q. Do you know if you've ever been changed to 5?

17 A. No, ma'am.

18 Q. Now, you said that you had been at Bullock before you went  
19 to Donaldson.

20 A. Yes, ma'am.

21 Q. Okay. How long were you there at Bullock before they sent  
22 you to Donaldson?

23 A. About six months. Six months.

24 Q. Okay. And what part of Bullock prison were you in?

25 A. Mental health, RTU, blue building.



1 Q. And were you in the stabilization unit while you were there?

2 A. Yes, ma'am, I have.

3 Q. Tell us what that was like at Bullock in the stabilization  
4 unit.

5 A. It was better. I could deal with being there more than I  
6 could at West Jefferson, because some of the staff members at  
7 West Jefferson straight up ass holes. Excuse my French. And  
8 some of the officers down there, if you ask them to go get a  
9 nurse -- like Officer Hill, who works on second shift, he'll  
10 tell you he the captain, he the warden, you ain't getting a  
11 goddamn thing. That what he would tell you.

12 Q. You said Bullock was better for you than where you were  
13 before?

14 A. Yes, ma'am, it was.

15 Q. And what was better about it?

16 A. The staff was real nice down there.

17 Q. Okay. So they were --

18 A. They're sort of -- they're sort of like the Kilby staff,  
19 real nice and real easygoing. I mean, Ms. Harris down there at  
20 Kilby, she helped me when I first got there with some of my  
21 problems. And she'll check on you. At least she'll see if  
22 everything's all right with you before she leaves that day.

23 And I notice a lot of people in the audience that I know by  
24 different prisons, like Ms. Harris and the white lady over  
25 there. I forgot her name.

1 But anyway, I'm getting off track.

2 Q. That's okay.

3 So we were talking about when you were at Bullock before you  
4 went to Donaldson. And you said you were there for how long?  
5 Couple months?

6 A. Yes, ma'am.

7 Q. Okay. While you were there at Bullock, do you remember if  
8 you saw some mental health --

9 A. To be exact, I was there six months, and they shipped me to  
10 West Jefferson.

11 Q. Do you remember if you saw some mental health counselors  
12 while you were there?

13 A. I did, but I don't remember their names. But anyway, yes,  
14 ma'am. They -- I saw Turner -- Turner -- ever how you say her  
15 name -- at Bullock, Turner, Dr. Taylor, Turner -- ever how you  
16 say the name. I think it's Turner.

17 Q. Okay. Do you know how often -- do you remember how often  
18 you saw --

19 A. He come by, used to, every day checking on you.

20 Q. While you were in the stabilization unit?

21 A. Yes, ma'am. They don't --

22 See, this is what the jury don't get. At West Jefferson,  
23 they don't check on you like they're supposed to. Now, I don't  
24 give a dang about the little attorneys being up here and  
25 everything. But they want they cell backed up and everything,

1 and they -- and they -- and they act like West Jefferson is so  
2 cut out the way it's supposed to be. But, man, I swear to God,  
3 it ain't none of what it's supposed to be because mental health  
4 patients are not getting their help down there. And the  
5 attorneys is on the right-hand side, man. Bust y'all, man.  
6 Because y'all don't know what y'all getting into for real.

7 Q. When you say "West Jefferson," you're talking about  
8 Donaldson where you are now?

9 A. Yes, ma'am.

10 Q. Now, when you were there at Bullock --  
11 And you've been at Bullock a few other times; right?

12 A. Twice.

13 Q. Okay. When you were there at Bullock --

14 A. First time when I came down, second time for mental health  
15 evaluation.

16 Q. Okay. In the area where you're housed when you're at  
17 Bullock, is everybody in there also mental health people?

18 A. Yes, ma'am.

19 Q. Okay.

20 A. Whole five block is mental health.

21 Q. Are there ever any people housed in there who are  
22 segregation?

23 A. Few of them, yes, ma'am.

24 Q. Okay. Can you -- when you're in the mental health cell  
25 area, can you see the cells where segregation inmates are?



1 A. No, ma'am. We're -- we're -- we sit right above and below  
2 one another. Only way we know if one another is there is if we  
3 see a piece of soap with a string and slide it under somebody's  
4 door, get maybe a cigarette or a shot of coffee. No, we're not  
5 supposed to have it back there, but the officers don't give a  
6 damn.

7 Q. Okay.

8 A. That's also how people coming up with getting cut on the  
9 wrist. Because certain officers, like Hill, will bring in a  
10 knife or razor blade and say, You want to kill yourself? Here  
11 you go. Do it with this.

12 Q. Officers tell you that?

13 A. Officer Hill. He don't give a dang at all.

14 THE COURT: I don't think that was her question.

15 Q. Did officers tell you that?

16 A. Yes, ma'am.

17 THE COURT: Why don't you ask him again what the  
18 officers told him.

19 Q. Mr. Wallace, you were just talking about someone giving you  
20 a razor and saying, if you want to kill yourself. Is that --  
21 who said that to you?

22 A. Officer Hill.

23 Q. And that was at Bullock?

24 A. No, ma'am.

25 Q. That was at Donaldson.



1 A. Donaldson.

2 Q. Okay. We're getting a little -- getting them a little bit  
3 mixed up.

4 Okay. Now, since you've been at Donaldson, what part of  
5 Donaldson are you housed in?

6 A. I'm housed in five block.

7 Q. Okay.

8 A. S side. S-5 was my last cell.

9 Q. Okay. And that's in the mental health residential  
10 treatment?

11 A. Yes, ma'am.

12 Q. Tell us about the cell that you -- that last cell that you  
13 were in. Tell us what that's like. Describe it.

14 A. I went to four cell for trying to hang myself. And the  
15 whole reason why I was trying to hang myself, because they don't  
16 want to get clothes back there to us. And when we try to get  
17 clothes back there, they give us a half so they want -- they  
18 tell us we got to fill out a request slip, something like that.

19 Now, they know I got a bowel problem, true enough. Okay. A  
20 person with bowel problems, you got to keep them with clothes.  
21 And I'm going to tell the whole jury. I wear diapers. And  
22 that's because of my bowels. Now, yes, they don't do they job  
23 down there. And I was in a crisis cell for trying to hang  
24 myself.

25 When you in that crisis cell, you get two sandwiches a day,

1 three times a day. Sometimes on Sundays you don't get but two  
2 because of the two-meal day.

3 I remember when I was at Bullock and I was in crisis cell  
4 when I first got to Bullock, we'd get three sandwiches every  
5 meal, even on Sundays. Donaldson, they don't -- they don't care  
6 about nobody but their paycheck.

7 MS. BORDEN: Your Honor, I'm going to show him a photo,  
8 if I may approach.

9 THE COURT: Yes.

10 Q. Mr. Wallace, I was asking you about the cells at Donaldson  
11 in the RTU. And I want to show you a picture and ask you, is  
12 this what the cell looks like that you stay in --

13 A. Yes, ma'am.

14 Q. -- at Donaldson?

15 A. Yes, ma'am.

16 Q. Okay.

17 THE COURT: But we don't have this admitted?

18 MR. SHAH: Counsel, has this been admitted as an  
19 exhibit yet?

20 THE COURT: It's not yet.

21 MR. SHAH: Your Honor, we don't even know what this is.  
22 She hasn't laid a predicate --

23 THE WITNESS: That's the cell unit where -- that's my  
24 cell.

25 THE COURT: Just a minute. Until a question is asked

1 to you, you don't respond.

2 Yes?

3 MS. BORDEN: Yes. It's demonstrative. I want to ask  
4 him to describe the cell, and I'm just going to --

5 THE COURT: It's not one of your exhibits?

6 MS. BORDEN: I don't think it's on the list, no. It's  
7 not on the exhibit list.

8 THE COURT: Very good.

9 MS. BORDEN: Purely demonstrative.

10 BY MS. BORDEN:

11 Q. So, Mr. Wallace, I was asking you about the cells at  
12 Donaldson.

13 A. Yes, ma'am.

14 Q. And if it's helpful to you, you can look at the picture.

15 Would you describe for us what the cell is like in terms of,  
16 for example, how big is the cell?

17 THE COURT: I can't see the cell picture. Bring it  
18 around here.

19 MS. BORDEN: Can you see it, Judge?

20 THE COURT: Yes.

21 Q. Mr. Wallace, how big is the cell?

22 A. It's an 8 by 8, 5 by 5, 10 by 10 wide cell.

23 Q. And what's in there?

24 A. Just -- basically, nothing.

25 Q. What do you sleep on?



1 A. Hard rock.

2 Q. So it's like concrete?

3 A. Yes, ma'am.

4 THE COURT: There's no bed in the cell?

5 THE WITNESS: No, ma'am -- no, sir, because that's a  
6 crisis cell. That's a crisis cell after they gave you  
7 observation. They let you have soap, toilet paper, stuff like  
8 that.

9 But, see, that's one of my old cells, and that's the  
10 way my cell looks down there, sir. Now, if I pissed the bed,  
11 they'll take my mat and put it outside to dry. They don't want  
12 to give you a new mat. That's how bad it is in living capacity  
13 down there, sir.

14 BY MS. BORDEN:

15 Q. So you have a mat that goes on the concrete? Is that --

16 A. Yes. But when you -- when you do something like shit the  
17 mat or piss the mat, they want to take it outside and clean it  
18 and let it dry. They don't want to give you a new mat. And  
19 you -- sometimes you're on that rock until they give you another  
20 mat. And I'm going to let y'all know, I got a bad hip.

21 Q. When you are -- well, first, I want to ask you about when  
22 you're not in a crisis cell, when you're just in your regular  
23 cell at Donaldson. What do you -- how long do you spend in the  
24 cell on a regular day?

25 A. Sometimes 24 hours.



- 1 Q. Do you get to go out?
- 2 A. Not all the time, no, ma'am.
- 3 Q. When you do get out, for how long do you get to stay out?
- 4 A. Thirty minutes.
- 5 Q. Where do you go?
- 6 A. We go in the yard.
- 7 Q. And what do you do when you go out of the cell?
- 8 A. Walk around in handcuffs to our back.
- 9 Q. What do you do when you're in your cell?
- 10 A. Ain't nothing we can do but pace the floor.
- 11 Q. I'm sorry?
- 12 A. Ain't nothing we can do but pace the floor.
- 13 Q. Do you have any books or --
- 14 A. I got a Bible. That's about the only thing I got. And one
- 15 book about -- it's about Jesus, but I read it so much. And I
- 16 get bored. I'll walk around the cell and I'll rap or I may
- 17 sing. Or if I had a radio, I would listen to a radio, or borrow
- 18 somebody's radio. But if you can't borrow no radio, you ain't
- 19 got nothing to read or nothing in there.
- 20 The living capacity is so bad, as you can see of that cell,
- 21 they do not want to let you clean it. They got a policy down
- 22 there now that they'll tell you, you got to ask them for the
- 23 broom and mop because one of the broom and mop come up broke,
- 24 and somebody ended up got stabbed down there. And it was an
- 25 officer.

- 1 Q. When you're in your cell -- and, again, I'm talking about  
2 not when you're in a crisis cell, but other times -- do  
3 correctional officers come around to --
- 4 A. No, ma'am.
- 5 Q. -- check? Not at all?
- 6 A. No, ma'am. Unless they're doing mail, showers, or feeding,  
7 that's it.
- 8 Q. About how often -- during the day, about how often do you  
9 see an officer?
- 10 A. They come in at nine o'clock. Do chow. Leave out. Pick up  
11 trays. They come back in about 2:30 that afternoon and do trays  
12 and leave back out. We don't even got our own runner on S side  
13 or T side.
- 14 Q. You don't have what?
- 15 A. A runner. We're just -- like supposed to pass out ice and  
16 hot water, use the microwave and stuff like that. We don't got  
17 no runner. So now the officers been coming and doing ice one  
18 time a day. We supposed to get it at least -- mental health  
19 patients supposed to get it at least three times a day.
- 20 Q. When you're -- again, not talking about the crisis cell yet.  
21 When you're in your cell on the RTU at Donaldson, do mental  
22 health staff come back to see you?
- 23 A. No, ma'am.
- 24 Q. How often do you see someone from mental health?
- 25 A. Once a blue moon.

- 1 Q. Would you say it would be every month or every week or --
- 2 A. Every two months.
- 3 Q. Okay. When you see someone, someone from the mental health
- 4 staff, who do you usually see?
- 5 A. One of the counselors. If it ain't -- if it ain't
- 6 Ms. Austin -- we'll go up there every two months and see her,
- 7 but it don't last long. About five, 10 minutes. Then we're
- 8 back out, back in our cells.
- 9 Q. Okay. And when you see the counselor for five or ten
- 10 minutes, what happens during that five or ten minutes? What do
- 11 you talk about?
- 12 A. We talk about treatment, moving to I side, mental health
- 13 population, and then possibly going in regular pop.
- 14 Q. Is that what -- is that what the counselor talks to you
- 15 about, or is that what you say to them?
- 16 A. No. That's what we -- that's what me and her has been
- 17 talking about every time. I seen her for the last -- last time
- 18 I seen her was six months ago, and she don't even come in that
- 19 block no more.
- 20 Q. Do you ever see the psychiatrist?
- 21 A. No, ma'am. He quit.
- 22 Q. Who was that?
- 23 A. Dr. Dearen. He quit.
- 24 Q. How long ago was that?
- 25 A. This month -- this year, I mean.



1 Q. Now, what kind of medications are you taking now?

2 A. I'm taking Lithium, Cogentin, Zoloft, and Prolixin.

3 Prolixin shot, Cogentin pill, which is a side effect for

4 Prolixin so you don't get locked up. And I'm also taking

5 Lithium for mood swings. I'm taking Zoloft for depression.

6 Q. Now, Mr. Wallace, when you first -- well, since you came to  
7 prison, have there been times when you've had visits from family  
8 members?

9 A. Yes, ma'am.

10 Q. All right. Who came to visit you?

11 A. My daddy and my brother and my auntie. That was all that  
12 ever come to see me.

13 Q. How often did they come to see you?

14 A. Every three months, because back on SI you only get a  
15 visitor every three months.

16 Q. And in between your visits, were you able to talk to someone  
17 on the phone?

18 A. No, ma'am, because we ain't got money like that, ma'am.

19 Q. You needed to have money to talk on the phone?

20 A. Yes, ma'am.

21 Q. Okay. Were there ever times that you got to talk to your  
22 family member on the phone?

23 A. No, ma'am.

24 Q. Okay. Now, do you still get visits from family?

25 A. No, ma'am. My daddy died April 18th, right before my



1 birthday. I ain't had no money since April 18th.

2 Q. Since you came to prison, have you gotten some  
3 disciplinaries?

4 A. Yes, ma'am, I have. I've gotten a bunch of security health  
5 hazards and three assault cases.

6 Q. And what -- you said security hazard; is that right?

7 A. Yes, ma'am.

8 Q. Okay. And what kinds of things did you get those  
9 disciplinaries for? What did you do --

10 A. Basically, cutting myself.

11 Q. Mr. Wallace, I'm going to ask you to look at some of your  
12 disciplinary records.

13 THE COURT: I'm getting a little confused here.

14 MS. BORDEN: Yes.

15 THE COURT: I'm a little confused as to where he was  
16 when any of these events he alleges occurred.

17 When you first came into the system, you came in where?

18 THE WITNESS: Kilby.

19 THE COURT: Kilby. And then you went from Kilby to  
20 where?

21 THE WITNESS: I went to Draper, and then I went to --  
22 back to Bullock. Only reason I went to Draper, because they  
23 didn't have no beds at Bullock. But I was held in the lockup  
24 part.

25 THE COURT: So you went to Kilby. Then you went to

1 Draper.

2 THE WITNESS: And then Bullock and then West Jefferson.

3 Yes, sir.

4 THE COURT: And then you went to Bullock, and then  
5 where did you go after that?

6 THE WITNESS: West Jefferson, sir.

7 THE COURT: Westchester?

8 THE WITNESS: West Jefferson, sir.

9 THE COURT: West Jefferson. And then where after that?

10 THE WITNESS: That was it.

11 THE COURT: I know he's jumping around on me a little  
12 bit. What I would like you to do is, perhaps for him and other  
13 inmates, is just -- so that they can understand -- I don't know  
14 if we have a blackboard in here -- just start out with Kilby and  
15 then go to the next place and then go to the next place and go  
16 to the next place. I know he can't read -- he can't write, but  
17 he said he can do some limited reading. And then you can sort  
18 of go down the list. And that way you can also remind him where  
19 you're talking about, so we can ask, for instance, what happened  
20 at Bullock? And then we can ask him, what happened at West  
21 Jefferson?

22 THE WITNESS: Judge, that will get me confused.

23 THE COURT: I think you are confused.

24 And maybe we can bring in a bulletin board or  
25 something. But I think if I can keep the chronology better,

1 I'll know what happened at each facility. Because sometimes I  
2 think he's talking about what happened to him, but it's kind of  
3 unclear which facility he was in when this happened.

4 MS. BORDEN: I think a couple of times he's switched in  
5 the middle.

6 THE COURT: Right. Well, I can understand that. I'm  
7 not blaming him. But if you can give him some demonstrative  
8 aids, it might help him. And we can bring out a bulletin board.  
9 And I have a feeling, we're going to have this with a lot of  
10 inmates.

11 MS. BORDEN: Yes, sir.

12 THE COURT: And if you can stand perhaps somewhere and  
13 say, you know, what happened here at Kilby, what happened here  
14 at Donaldson, and keep pointing at Donaldson, I think it will  
15 keep him on track, too. But the more demonstrative rather than  
16 these sort of open-ended questions, I think it will be better.

17 Q. Yes. And just to make sure that we're clear, when you're --  
18 we're talking about the same thing, when you say West Jefferson,  
19 you're talking about Donaldson.

20 A. Yes, ma'am.

21 THE COURT: Okay. Very good. So when you --

22 Actually, I'm going to take a ten-minute recess. Why  
23 don't we bring out a bulletin board, and why don't you draw it  
24 up there? I think the more demonstrative it is for him, I think  
25 it's going to be better for him to answer your questions.

1 Anything that will help make it clear for him.

2 MS. BORDEN: Yes, sir.

3 THE COURT: We'll take a ten-minute recess while you  
4 try to do this. If you have any other suggestions, I'll  
5 entertain them; but I think the more demonstrative things are  
6 for the inmates, I think the better they'll be able to answer  
7 your questions.

8 MS. BORDEN: Yes, sir.

9 (Recess was taken from 10:54 a.m. until 11:09 a.m., after  
10 which proceedings continued, as follows:)

11 THE COURT: Proceed.

12 MR. SHAH: Your Honor, before counsel starts, may we  
13 place another objection on the record as to the use of the  
14 demonstrative?

15 THE COURT: What's the problem?

16 MR. SHAH: Well, the problem is, Your Honor, that that  
17 was --

18 THE COURT: Which one are we talking about?

19 MR. SHAH: The photograph.

20 THE COURT: Oh, the photograph.

21 MR. SHAH: Yes, Your Honor. Plaintiffs had not  
22 proffered that prior to the use of it to the Court and certainly  
23 before they presented it to the witness. But also, that is --  
24 that's an exhibit. That's not a demonstrative. It's a  
25 photograph. They didn't lay a predicate, and then they --



1 THE WITNESS: And where are you going with this, sir?  
2 Objection.

3 THE COURT: Just a minute. Try to remain real calm.  
4 And what we're going to do is the lawyers will talk first.

5 THE WITNESS: I'm saying, but that's a picture of my  
6 cell, Judge.

7 THE COURT: I know that. But let me decide the  
8 dispute between the lawyers first, and then we'll ask you some  
9 questions. Can you just hold off your testimony until I do  
10 that?

11 THE WITNESS: Yes, sir.

12 THE COURT: Okay. Now, what about you-all?

13 MR. SHAH: So, Your Honor, we would restate that  
14 objection. Ask to move any testimony related -- strike the  
15 testimony related to this photograph. There was no predicate  
16 laid on who took the photograph, where it came from, whether or  
17 not it's actually his cell.

18 THE COURT: Well, he can -- he can lay the predicate by  
19 just identifying it. But I think the question for me is you  
20 didn't know about it, I guess, is your concern.

21 MR. SHAH: Correct. I mean, the point is this was  
22 offered as a demonstrative. It's actually an exhibit. I mean,  
23 a photograph that should have been proffered as an exhibit was  
24 not, so we would move to strike any testimony related to it.

25 THE COURT: Now, there is a distinction between

1 demonstrative exhibits and other exhibits. Are you aware of  
2 that distinction?

3 MR. SHAH: I am, Your Honor. And what I would say is  
4 that this particular exhibit was not used through the witness's  
5 perception to create and capture testimony as a demonstrative.  
6 It was used as an exhibit to state that this was, in fact, the  
7 inmate's cell.

8 THE COURT: That would be -- this one here with the  
9 list of the prisons is more of a demonstrative exhibit.

10 MR. SHAH: Correct.

11 THE COURT: And that's just more of an actual exhibit.

12 MR. SHAH: Correct.

13 THE COURT: Why didn't you show the picture of the cell  
14 to the other side?

15 MS. BORDEN: Yes, sir. I beg your pardon. I certainly  
16 should have done that this morning, and I just -- I just forgot  
17 to do it, to be quite honest.

18 THE COURT: How many more exhibits do we have of  
19 photographs and things like that which might otherwise just come  
20 in as exhibits?

21 MS. BORDEN: I don't have anything else for this  
22 witness. I have another demonstrative for this witness which I  
23 have shared with Mr. Shah, and I think we're fine with that.

24 MR. SHAH: We're fine with that. That's actually a  
25 true demonstrative, as opposed to the photograph, which would be

1 an exhibit proffered into evidence.

2 MS. BORDEN: And my intention with the photograph  
3 really was just to assist Mr. Wallace in describing. But he has  
4 testified that it is his cell, and he has, in fact, been in that  
5 cell. So actually, I would offer it.

6 THE COURT: Was there a rule requiring --

7 MR. SHAH: Your Honor, we would --

8 THE COURT: -- exchange of exhibits?

9 MR. SHAH: We would say that that is not a true and  
10 accurate representation of what he testified to or of his cell.  
11 They didn't lay a foundation as to whether or not --

12 THE COURT: Let me hear your cross on that before I  
13 decide it. Go ahead.

14 MS. BORDEN: Your Honor, for the record, before I  
15 proceed with that line of questioning, I wanted to just, as you  
16 suggested --

17 THE COURT: Why don't you put it over here so I can see  
18 it very clearly and defense counsel can see it.

19 BY MS. BORDEN:

20 Q. Can you see this, J.?

21 A. Yes, ma'am.

22 Q. The judge had mentioned earlier that we wanted to make sure  
23 that we're being real clear about where you were at different  
24 times. I think you told us that when you first came into the  
25 prison system, you were at Kilby for a little while.

1 A. Yes, ma'am.

2 Q. About how long were you there?

3 THE COURT: Can you speak into the mike, please?

4 MS. BORDEN: I'm sorry, Judge.

5 Q. About how long were you at Kilby?

6 A. Six months.

7 Q. And then you said you went to Draper for a little while?

8 A. Yes, ma'am.

9 Q. Did you go to Draper straight from Kilby?

10 A. Yes, ma'am.

11 Q. How long were you at Draper?

12 A. Just a little while, like two or three weeks, and they sent  
13 me to Bullock. They sent me to Bullock after that.

14 Q. You said earlier that you were at Draper while you were  
15 waiting for a bed to be available at Bullock?

16 A. Yes, ma'am. At Bullock.

17 Q. Any of the things that we've talked about so far that you've  
18 told us, things that happened, did those things happen at Kilby  
19 or Draper?

20 A. No, ma'am.

21 Q. So we're talking about things that have happened when you've  
22 been at --

23 A. At Donaldson. Yes, ma'am.

24 Q. -- Bullock and Donaldson?

25 A. No, ma'am. Just at Donaldson.



1 Q. Just at Donaldson.

2 Now, when you went from Draper to Bullock that first time  
3 you were at Bullock, how long were you there?

4 A. Six months.

5 Q. And since you've been at Donaldson, you've been back to  
6 Bullock?

7 A. Yes, ma'am, I have.

8 Q. How many times have you been back?

9 A. One time.

10 Q. And what was the reason that you went back there?

11 A. I went back to Bullock because I cut myself and I was in the  
12 crisis cell, and I was going back and forth to crisis cell  
13 numerous of times. More than once.

14 THE COURT: Where is the crisis cell?

15 THE WITNESS: Right on the -- right there on the S side  
16 unit, sir.

17 THE COURT: Was it at Bullock or Donaldson?

18 THE WITNESS: Donaldson, sir.

19 Q. So just to make sure we understand what you're saying, you  
20 got sent back to Bullock from Donaldson because you were  
21 spending -- you were going to the crisis cell at Donaldson a lot  
22 of times?

23 A. Correct. Yes, ma'am.

24 Q. And then when you got sent back to Bullock because of that,  
25 how long did you stay there?

1 A. I stayed there long enough to get stabilized, like -- to be  
2 honest with you, about six, seven weeks, and then I go back.

3 Q. When was that?

4 A. In June.

5 Q. June of this year?

6 A. Yes, ma'am.

7 Q. Now, before we took the break, we just had started talking  
8 about the fact that you had gotten some disciplinaries for -- I  
9 think you said for cutting yourself; is that right?

10 A. Correct.

11 THE COURT: Before we do that. You mentioned that some  
12 officer told you, if I remember correctly, that if you wanted a  
13 razor blade, you could have one to cut yourself?

14 THE WITNESS: Yes, sir. There's a certain officer --

15 THE COURT: Was that at Bullock or Donaldson?

16 THE WITNESS: Donaldson.

17 There's a certain officer worked down there named  
18 Officer Hill. And I've tried to get him to get the supervisor  
19 back there before or a nurse, and he would tell me, I am a  
20 supervisor. I am a nurse. You not getting shit. Here's a  
21 razor blade. Do what you got to do, and I'll take you to the  
22 infirmary. I swear to God, that's what he told me.

23 THE COURT: Go ahead.

24 BY MS. BORDEN:

25 Q. J., when did that happen?

1 A. This happened in June before I went to Bullock, back to  
2 Bullock.

3 Q. So it was during the time that you were --

4 A. In the crisis. Yes, ma'am.

5 Q. All right.

6 MS. BORDEN: Your Honor, I'm going to show Mr. W. some  
7 of the disciplinaries that we've been talking about. I would  
8 like to give him the paper copies. I think it will be easier  
9 for him.

10 A. I can read them on the screen.

11 Q. You want to try it?

12 A. Yes, ma'am. I'll be all right.

13 Q. Let's do it. I'll have the paper if we need it.

14 THE COURT: Okay.

15 THE WITNESS: Would you raise your glass for me? All  
16 right.

17 MS. BORDEN: And, Judge, these disciplinaries are a  
18 part of his inmate file, which we mentioned this morning was  
19 going to go on the joint exhibit list as Joint Exhibit 467. So  
20 just so we'll have a clear record, I'm just going to read out  
21 the Bates numbers of the particular pages, because that's a very  
22 large file.

23 All right. So first we're going to look at a document  
24 dated June 24th, 2012, and it's ADOC031654.

25 Q. Can you see that okay?

1 A. Yes, ma'am.

2 Q. All right. And you recognize that kind of a document?

3 A. Yes, ma'am. That is my signature at the bottom of the  
4 disciplinary. Yes, ma'am.

5 Q. Okay. And you see the date on there is June 24th, 2012?

6 A. Yes, ma'am. That's before I went to Bullock.

7 Q. Okay.

8 A. I had just did that one in June.

9 Q. Well, this one is from June 24th, 2012. Do you see that?

10 So that's not from --

11 A. That's before I went back to Bullock.

12 Q. Okay. Now, you see where it says number four there, Mr. W.?

13 "On June 24th, you, Inmate J.W., did admit to Officer Davis that  
14 you cut yourself on the neck."

15 Do you see that?

16 A. Yes, ma'am.

17 Q. All right. And is that what happened?

18 A. Yes, ma'am. That's exactly what happened.

19 Q. What did you use to cut yourself on the neck?

20 A. A razor blade.

21 Q. Where did you get that?

22 A. I got it out of barber -- off a barber -- a barber gave it  
23 to me. Told me I could use it to shave my face if I got too  
24 much hair on my face. I usually cut my face, trim my face up,  
25 keep from having so much hair on my face. And I took it upon



1 myself to break the razor blade down and cut myself.

2 Q. And this is, again, at Donaldson while you were housed  
3 there?

4 A. Yes, ma'am.

5 Q. While you were in the RTU?

6 A. Yes, ma'am.

7 Q. And as a result of getting this disciplinary, did you get  
8 some discipline imposed?

9 A. Yes, ma'am. I got 30 days loss of store, 30 days loss of  
10 canteen, and also 30 days loss of visit. I couldn't visit my  
11 daddy that month after June.

12 Q. Okay. So when you received the disciplinary, you lost your  
13 visiting privileges; is that right?

14 A. Visit, store, and canteen, which is canteen, store, and  
15 snack line, which is commissary.

16 Q. And at that -- back at that time in 2012, that was when your  
17 father was still visiting with you?

18 A. Yes, ma'am.

19 Q. Did you actually miss visits with your father because of the  
20 discipline?

21 A. Yes, ma'am.

22 Q. Let's now look at June 29th.

23 THE COURT: Before you move, would you go back to that?

24 MS. BORDEN: Yes, sir.

25 THE COURT: Now, where does it say -- oh, I see it.

1 It's hard to read.

2 MS. BORDEN: Yes, sir. It's --

3 THE COURT: I can see it now. That's the part where --

4 Great. Good. He cut himself on the neck. Yes.

5 Somebody knows what they're doing. Good.

6 MS. BORDEN: It's not me, Judge.

7 THE COURT: If you wouldn't mind doing that from now  
8 on, whoever is doing it, it helps.

9 MS. BORDEN: Okay.

10 BY MS. BORDEN:

11 Q. Let's move on to June 29th, 2012. It's ADOC031581. And you  
12 see down at the bottom of that document, that's your signature  
13 there?

14 A. Yes, ma'am, it is.

15 Q. And let's look again at that number four where it says what  
16 you did.

17 A. Yes, ma'am.

18 Q. Okay. And you see it says, "By reopening an old cut on your  
19 left wrist."

20 A. That wasn't reopening. They just did that to cover their  
21 rear end. I didn't reopen nothing. I cut myself beside the old  
22 cut.

23 Q. Okay. So you made another cut on your left wrist?

24 A. Yes, ma'am.

25 Q. Okay.

1 THE WITNESS: Judge, I would like these cuffs off so I  
2 can show you, please.

3 THE COURT: The attorneys will do that in due time if  
4 they want me to see it.

5 Q. I'm going to give you a chance to do that, J. When we get  
6 done with this, I'm going to ask you to show the judge. Okay?

7 A. All right.

8 Q. Okay.

9 MS. BORDEN: Let's go, then, to August 19th, 2012,  
10 ADOC031303.

11 Q. And, again, you've signed that one, haven't you?

12 A. That's not my handwriting, but, yes, I did sign it. Oh, I  
13 see. Okay.

14 Q. You see it down at the bottom?

15 A. Yes, ma'am.

16 Q. Okay.

17 A. I see that. That's where -- I was looking at the other  
18 signature at the bottom. My bad.

19 Q. Okay. Let's look again at the number four where it says  
20 what happened. And you see there that it says you told the  
21 officer that you had cut your wrist?

22 A. Correct.

23 Q. Did you cut your wrist?

24 A. Yes, I did.

25 Q. And then did someone take you to the infirmary?

1 A. No, ma'am, they didn't.

2 Q. Well, you see there it says you told the nurses in the  
3 infirmary something.

4 A. Where at?

5 Q. It says you also stated to the nurses in the infirmary,  
6 Nurse Hammons --

7 A. Can I read it?

8 Q. Okay. Nurse Hammons and Nurse Mitchell that you were going  
9 to cut --

10 A. On August 19th, Correctional Officer Arton verbally was  
11 conducting -- what's that?

12 Q. Security.

13 A. Security rosters on S side. When Officer Voyles --

14 I don't even know who that officer is. Anyway.

15 -- approached your cell, S-3, you, Inmate Wallace, did state  
16 to Officer Voyles that you had cut your wrist. You also stated  
17 to the nurses in the infirmary -- that's a lie -- Nurse Hammons  
18 and nurse medical unit that you were going to cut your neck and  
19 take some --

20 What's it say?

21 Q. Take someone else's pills.

22 A. Yes, ma'am.

23 Q. Okay. And do you remember saying that you were going to do  
24 that?

25 A. I ain't -- I ain't -- I told the nurse on five about that,



1 but I ain't told the nurse in the infirmary that. No, ma'am.

2 They wrote that on there like I said that, but I didn't.

3 Q. Okay.

4 THE COURT: Do you remember seeing any nurses?

5 THE WITNESS: On the unit, yes, sir.

6 THE COURT: And what did you tell them?

7 THE WITNESS: Told her I was going to cut myself.

8 THE COURT: Did you say you were going to cut your  
9 neck?

10 THE WITNESS: Yes, sir, I did.

11 THE COURT: And did you tell them you were going to  
12 take someone else's pills?

13 THE WITNESS: Yes, sir, I did. I'm sorry, Your Honor.  
14 Yes, sir, I did.

15 THE COURT: You just said it wasn't to Nurse Hammons  
16 and Mitchell that you said --

17 THE WITNESS: I'm talking about on the unit part, on  
18 the unit part, right there is the nurse station. They see us  
19 before we go to the infirmary. But that's all I seen was the  
20 nurse. I didn't go to the infirmary. They patched it up right  
21 there and right back in 3 cell, Your Honor.

22 THE COURT: Go ahead.

23 BY MS. BORDEN:

24 Q. Now, those last two that we talked about, did you, in fact,  
25 get some discipline for those?

1 A. Yes, ma'am.

2 Q. What happened?

3 A. I got that write-up.

4 Q. Okay. And did you lose any privileges?

5 A. I lost -- I lost 45 days of everything straight across the  
6 board.

7 Q. Okay. So that's, again, your visitation; is that right?

8 A. Visitation, store.

9 Q. Store privileges, phone privileges?

10 A. Yes, ma'am.

11 Q. Okay. Let's take a look at October 31st, 2012. And that's  
12 ADOC031340.

13 Mr. Wallace, you see on this one, October 31st, 2012, it  
14 says that you were in cell S-3. Do you see that?

15 A. Yes, ma'am.

16 Q. Okay. And it says that you cut yourself with a broken light  
17 bulb on the left side of your neck. Do you see that?

18 A. Yes, ma'am, I did.

19 Q. And is that -- is that what happened on that day?

20 A. Ma'am?

21 Q. Is that what happened?

22 A. Yes, ma'am.

23 Q. How did you -- tell us about how that -- how did you do  
24 that? How did you get that light bulb?

25 A. I opened the light. It was -- it didn't have no bolts in

1 the light. I opened the light fixture, busted the light bulb  
2 that was in there, took the light bulb out, and broke it on the  
3 ground and cut my wrist.

4 Q. You cut your wrist or your neck?

5 A. My neck.

6 Q. Okay.

7 A. My neck and my wrist, but they never did -- they didn't  
8 never do nothing about the wrist because they were more  
9 concerned about the neck because it was real deep.

10 Q. Okay. So you cut both, you're saying?

11 A. Yes, ma'am.

12 Q. Okay. Now, it says on this one and also on the last one  
13 that we looked at that you were in cell S-3 --

14 A. Correct.

15 Q. -- when those things happened.

16 A. Yes, ma'am.

17 Q. What kind of a cell is S-3?

18 A. Suicide cell, ma'am.

19 THE COURT: Which prison are you in?

20 THE WITNESS: Donaldson.

21 Q. So on both of those times when you cut your wrist and on the  
22 second occasion also your neck, you were in a suicide cell?

23 A. Yes, ma'am, I was.

24 Q. When you're in the suicide cell at Donaldson, how often does  
25 someone come to check on you?

- 1 A. They don't.
- 2 Q. Officers don't come by and see what you're --
- 3 A. No, ma'am. I just want to make this clear for the Court.
- 4 No, ma'am. They don't even check on you over there unless it's
- 5 chow call or pill call. That's it.
- 6 Q. Okay.
- 7 A. Only time they come in there is pill call, chow call, and
- 8 that's all.
- 9 Q. When you're in the S block in Donaldson -- we looked at a
- 10 photograph of a cell, and you told us you had been in that cell;
- 11 right?
- 12 A. Yes, ma'am.
- 13 Q. And was that one of the suicide cells?
- 14 A. Yes, ma'am. That's three cell.
- 15 Q. That's the S-3 cell that we're talking about?
- 16 A. Yes, ma'am, it is.
- 17 Q. What's not on that picture and what we haven't talked about
- 18 yet is, what does the front of the cell look like? Like what
- 19 kind of a door is on it?
- 20 A. A sliding door, ma'am. It's a ten-pound door. It slides
- 21 back and has a tray door on it. It's got --
- 22 Q. Is the door solid?
- 23 A. It's closed 24 hours a day.
- 24 Q. Mr. Wallace, is the door solid?
- 25 A. Yes, ma'am, it's solid. You can feel it. Yes, ma'am.



1 Q. Okay. And you said it has a slot?

2 A. Yes, ma'am. It has a slot where they stick your sandwiches  
3 in there when you're on suicide watch.

4 Q. Does it have a window?

5 A. It has a window. Yes, ma'am.

6 Q. How big is the window?

7 A. Half the size -- about from here to here and goes up. I  
8 mean, it's real small.

9 Q. Okay. So when somebody does come by --

10 And you said they come by for chow time?

11 A. Yes, ma'am.

12 Q. And for pill call?

13 A. Yes, ma'am.

14 Q. Okay. And when someone does come by, do they -- do they  
15 look in your window?

16 A. No, ma'am. Most of the people got stuff on their windows,  
17 like a piece of paper on a window or window covered up,  
18 something like that. Not supposed to have it covered up back  
19 there on S side because it's a mental health block, but the  
20 officers don't give a fuck for real. Excuse my language.

21 Q. You're saying that inmates who are in the cells on S block  
22 have something covering their window?

23 A. There's one on S side right now named Michael Oliver, and he  
24 keeps his window covered. He loves to throw shit and piss.

25 Q. What do people cover their window with?

1 A. Paper, cardboard, anything they can get their hands on.

2 Q. When the officers come back there for whatever reason they  
3 come back, do they --

4 A. Tell them to take it down? No, ma'am.

5 Q. They don't? Okay.

6 When the mental health -- do the mental health staff come  
7 back there to talk to people when you're in that cell?

8 A. I need to use the restroom. Can I take a ten-minute break?

9 THE COURT: You need to use the restroom?

10 THE WITNESS: Yes, sir. Just for a minute.

11 THE COURT: No, no. You can have a break. We'll have  
12 to take a break while he goes to the restroom.

13 (Recess was taken from 11:33 a.m. until 11:42 a.m., after  
14 which proceedings continued, as follows:)

15 THE COURT: Continue.

16 BY MS. BORDEN:

17 Q. Mr. Wallace, before we took our break, we were talking about  
18 the disciplinary which you had gotten for cutting your neck with  
19 a light bulb.

20 A. Yes, ma'am.

21 Q. Okay. And --

22 THE COURT: Do you mind talking into the mike?

23 MS. BORDEN: I'm sorry. We keep moving it around.

24 Q. And did you actually receive some discipline for that?

25 A. Yes, ma'am, I did. Like I told you, I had got 30 days

1 restriction and -- on one of them. The other one I got 45  
2 across the board, the last one I had got.

3 Q. And when you say across the board, you mean all the same  
4 privileges that we talked about earlier?

5 A. No, ma'am. 45 loss of store, 45 days loss of canteen, which  
6 is store, 45 loss of visit, 45 loss of telephone rights, and 45  
7 seg days.

8 Q. Okay. When you get -- when somebody placed you on seg, when  
9 you got placed on seg for one of these occasions, did they  
10 actually move you to a different cell?

11 A. No, ma'am.

12 Q. And so what was different while you were on seg?

13 A. It's like seg, but it's -- how do I put this? It's like  
14 seg, but you're doing dog house days.

15 Q. Okay.

16 A. Dog house days is after your disciplinary. And now they do  
17 it -- they start it when you get a disciplinary.

18 Q. Okay. And how does being on seg change anything about what  
19 you -- what your day is like for what you do while you're there?

20 A. Just can't catch no store, you can't use the phone, you  
21 can't go outside.

22 Q. So you don't get to go out of your cell?

23 A. No, ma'am.

24 MS. BORDEN: Now let's look at January 8th, 2013. It's  
25 ADOC031352.

1 A. Can you put that in large print for me, ma'am?

2 Q. Yes. Just a minute. Can you see it?

3 A. Yes, ma'am.

4 Q. Okay. And you see, again, that says you were in cell S-3  
5 when this happened?

6 A. All this can't be happening in S-3. Them officers around  
7 there will write on there anything. But it can't be all  
8 happening in S-3 because I been in every cell there is over  
9 there, ma'am.

10 Q. I know you have.

11 A. I know this didn't take place in S-3 for a fact, because the  
12 last two -- yeah. The last two or three you showed me was S-3.  
13 I can't be going to crisis that much, unless there's something  
14 real wrong with me, ma'am.

15 Q. Okay. Well, we're going to talk about that in a minute.

16 If you look up at number four where it says what happened,  
17 it says that you had cut your neck with the metal top of a Skoal  
18 smokeless tobacco --

19 A. Yes, ma'am. Yes, ma'am. I remember that now. Okay.

20 Q. Okay. And were you in S-3 when that happened?

21 A. No, ma'am. I was upstairs. I cut myself. They put me in  
22 S-3.

23 Q. Okay. Tell me about what happened with that Skoal can. How  
24 did you do that?

25 A. I got it by -- I traded some -- I had did some Skoal, which



1 is a dip, so I could put it in my mouth and keep from smoking  
2 cigarettes. And they wouldn't -- they wouldn't let me -- they  
3 wouldn't let me get my items so I could get some more, so I  
4 broke it down and cut my neck.

5 Q. You say you broke it down. What did you do exactly?

6 A. I took the lid off, the metal lid off the Skoal can, broke  
7 it in two different pieces. Hid one piece up my rectum, and the  
8 other piece I cut my neck. And then later on when I was in the  
9 suicide cell, I cut myself again.

10 Q. Well, when you were -- you said later on when you were in  
11 the suicide cell, you cut yourself again?

12 A. Yes, ma'am.

13 Q. What did you cut yourself with the second time?

14 A. Same stuff. Skoal can lid.

15 Q. When you got in the suicide cell, you still had --

16 A. The Skoal can lid is about like this. A Skoal can --

17 THE WITNESS: I'm sorry, Your Honor.

18 A. Skoal can is like this, just like this. And when you take  
19 that cap off -- now they got plastic tops.

20 And I would like to show for the record, for the Court, they  
21 had stopped us from getting those back there, but there's a few  
22 people that get them back there.

23 And, Judge I've had coffee this morning. I've had some  
24 coffee this morning. I'm sorry, Judge.

25 THE COURT: You've had some what?

1 THE WITNESS: I had some coffee.

2 THE COURT: Coffee?

3 THE WITNESS: Yes.

4 THE COURT: You got kind of excited?

5 THE WITNESS: Kind of jittery.

6 THE COURT: You want to stand up?

7 THE WITNESS: Yes, sir. If you don't mind.

8 THE COURT: You can stand up.

9 THE WITNESS: Can I get a microphone or something?

10 MS. BORDEN: You've got one right there.

11 THE COURT: Just talk into that microphone. Just talk  
12 the way you're talking.

13 THE WITNESS: All right. Another thing is, too, mental  
14 health patients down there don't get what they're supposed to  
15 need and stuff. It's real easy to get ahold of something very  
16 sharp down there. And I don't give a dang who you are. Hill,  
17 he'll give you a razor. He'll give you a knife if you want it.

18 Now, I understand y'all got y'all's lawyers, we got our  
19 lawyers, this and that. But another thing is, too, mental  
20 health patients down there is not getting the treatment they're  
21 supposed to get, Judge.

22 THE COURT: I understand that. Now, what I want you to  
23 do is answer her questions.

24 THE WITNESS: Yes, sir.

25 THE COURT: Okay. We'll get to that in a minute. She

1 has a question for you right now.

2 BY MS. BORDEN:

3 Q. Okay. You said that you cut yourself again with the Skoal  
4 can when you went to the suicide cell; is that right?

5 A. Yes, ma'am.

6 Q. So when you were moved to the suicide cell after you cut  
7 yourself the first time, you still had the Skoal can?

8 A. No, ma'am. I broke -- I made two different parts -- I made  
9 two different parts of the Skoal can. Put one of the Skoal  
10 cans -- see, the Skoal can is round. Broke it in half. You got  
11 one piece, you got another piece. He said, what did you do with  
12 the other piece? I said, I don't got it no more. So they  
13 searched the cell, searched me, but they didn't never find it.  
14 Then when I went to the crisis cell, I went to the restroom. I  
15 forgot about it. I had it in the bag, in the bag, and I seen it  
16 in the toilet. I fished through the manure, and I got it out of  
17 the toilet and I cut my wrist.

18 As the Court can see, I cut my arm on a daily basis,  
19 Judge.

20 THE COURT: Okay. We're going to look at those in just  
21 a minute. Just answer her questions.

22 Q. Okay. So on the one on January 18th when you cut your neck  
23 with the Skoal can, you got the disciplinary. Did you get,  
24 again, some discipline for that?

25 A. Yes, ma'am. I got restrictions for it too.



1 Q. Okay. Now let's look at February 3rd, 2013, ADOC031661.

2 A. That's the same thing. Cut myself, ain't it?

3 Q. Well, let's see. No, it's something different. This is a  
4 different one. So let's take a look at it. Did you see it?

5 A. Yes, ma'am.

6 Q. Okay. And you see it says you were in S-3.

7 A. Yes, ma'am.

8 Q. And you see on number four what it says there? You  
9 attempted to hang yourself.

10 A. Yes, ma'am, I sure did.

11 Q. And that's what happened?

12 A. Yes, ma'am.

13 Q. Okay. How did you do that?

14 A. With a sheet.

15 Q. What did you do with the sheet?

16 A. Made a noose.

17 Q. Did you connect it to something to hang yourself?

18 A. Light fixture.

19 Q. Did you receive some discipline for doing that?

20 A. No, ma'am. It got throwed out.

21 Q. They threw that one out?

22 A. Yes, ma'am.

23 Q. All right. Now let's look at --

24 THE COURT: Now, when you say that you tried to hang  
25 yourself, did someone find you?



1 THE WITNESS: Later on at pill call, yes, sir.

2 THE COURT: At a pill call?

3 THE WITNESS: Yes, sir.

4 THE COURT: And you were hanging between -- how long  
5 were you hanging? Let me ask you that.

6 THE WITNESS: Well, when they came in, I was putting it  
7 up, and they was coming down there that way. They was already  
8 at one cell, and I had tied it up there and tied it to my  
9 throat, and they coaxed me down and got me down. Told me don't  
10 do it.

11 THE COURT: Go ahead.

12 THE WITNESS: Like I said, I tried.

13 Q. Okay. Now I want to get you to look at what happened on  
14 April 21st, 2012, ADOC031510.

15 MR. SMITH: 2012, Ms. Borden?

16 MS. BORDEN: Yes.

17 Can you make that bigger?

18 Q. Okay. Mr. Wallace, can you see that one?

19 A. Yes, ma'am, I can see it.

20 Q. And you see that it says that you were --

21 A. You, Inmate J.W., white male, 281082, did --  
22 Going to blow it up?

23 Q. There you go.

24 A. Something serious. Okay. Contained a security health  
25 hazard by cutting the left wrist on date and time above.

1 Q. Okay.

2 A. Yes, ma'am, I did that.

3 Q. Okay. And that's your signature on that one?

4 A. Yes, it is.

5 Q. Okay. Did you get some discipline for that one?

6 A. Yes, I did. I had got 21 days of everything.

7 Q. Okay. Now let's see. May 25th, 2014. ADOC031528.

8 THE COURT: Is this something else? What do you mean  
9 by 21 days of everything? What does that mean?

10 THE WITNESS: 21 days is the less disciplinary you can  
11 get for a disciplinary, sir. That's like -- 21 days is like a  
12 week or two, mostly like two weeks.

13 THE COURT: And what would be your discipline?

14 THE WITNESS: Store take away, no visit, no phone,  
15 stuff like that. And then sometimes they come back and give  
16 you 15 days dog house. Dog house is where they make you do  
17 segregation days, and you do that from -- say, if I got 30 days  
18 of everything, all three ways, store, loss of visit, telephone,  
19 they give you 15 dog house that runs in with the disciplinary.

20 THE COURT: Go ahead.

21 BY MS. BORDEN:

22 Q. Okay. And, again, when we talked about earlier, when you  
23 said dog house, they don't actually take you to a different  
24 cell; right?

25 A. No, ma'am.

1 Q. So what happens is you don't get to go out?

2 A. If they take outside privileges.

3 Q. Okay. And is that what you mean when you say you're doing  
4 dog house days?

5 A. Yes, ma'am.

6 Q. Okay. Now look at the one that's on your screen now. Do  
7 you see that?

8 A. Yes, ma'am.

9 Q. Okay. And you see that it says that on May 25th, 2014, you  
10 cut your left wrist?

11 A. Correct.

12 Q. And do you remember if you got some discipline for that one?

13 A. 25th, that was Christmas, December. I had cut my wrist  
14 because I wasn't able to see my father because of the  
15 disciplinaries that I had caught in West Jefferson.

16 THE COURT: He said that was Christmas?

17 THE WITNESS: 25th.

18 THE COURT: Of May.

19 Q. Of May. That's May, J.

20 A. Oh, that's May? My bad.

21 Q. Okay.

22 A. I caught one in December too.

23 Q. Okay. A little while ago we looked at one that was from --

24 A. You got the one from December?

25 Q. I've got one -- hold on a second. Let me get back to the

1 one that I think you're talking about. January 8th? Is that  
2 the one?

3 A. Yes, ma'am.

4 Q. So on January 8th, 2013, when you said that you cut both  
5 your wrist and your neck with the Skoal can, is that the one  
6 you're talking about?

7 A. Yes, it is.

8 Q. Okay. And would you tell us again the reason why you said  
9 you did that.

10 A. I did that because I wasn't able to see my daddy that month  
11 because they had put a disciplinary on me.

12 Q. Okay. And that was from like when you told us earlier that  
13 you missed visits when you got disciplinaries; is that right?

14 A. Correct.

15 Q. Now, the last one I want to ask you about, Mr. Wallace, is  
16 from August 23rd, 2016.

17 THE COURT: Well, you had one of May 25. Have you  
18 finished with that one?

19 MS. BORDEN: Yes, I was.

20 THE COURT: Go ahead.

21 Q. ADOC0392477.

22 A. I ain't got nothing with the assaults on it? Assaults?

23 Q. I'm sure someone will probably ask you about those.

24 Okay. Now, you see that this one says that you were putting  
25 feces and water underneath the cell door; right?



1 A. Yes, ma'am. This is the recent one I just caught this --  
2 this last month that just passed, really.

3 Q. Okay. And so it was in August of this year, so not too long  
4 ago; right?

5 A. Yes, ma'am. This is recent.

6 Q. And can you tell the Court what happened on that day.

7 A. They wouldn't get nobody back there so I could see somebody  
8 to talk to somebody about how I was feeling. They told me  
9 wasn't no doctor there that day. So I also -- I got outside the  
10 cell. Lieutenant Thrasher grabbed me by my throat and started  
11 choking me and said, motherfucker, you want to die? I'll kill  
12 you myself.

13 Q. Okay. So what started this incident was that you were  
14 trying to ask to see someone?

15 A. Yes, ma'am.

16 Q. Who were you asking for?

17 A. I was asking for Ms. Austin or Ms. Meggitt.

18 Q. And who are they?

19 A. Counselors.

20 Q. Okay. And what happened when you asked to see them?

21 A. They told me, man, leave us alone. Hold on a minute.

22 Q. Okay. How long was it?

23 A. I waited all the way until the last chow call, which was  
24 2:30, ma'am.

25 Q. And why were you asking to see them?

1 A. I was asking to see them because I was trying to figure out  
2 when I was coming out of crisis.

3 Q. So you were in a crisis cell at that time when you were  
4 asking to see mental health?

5 A. Yes, ma'am. They exited me from my cell by Cell Buster.  
6 Big spray can with mace in it. Not only that, he drug me out my  
7 cell and run my face in my own feces, man.

8 Q. You're saying you were pepper sprayed?

9 A. No. Cell Buster. It's a big can, about like that, about  
10 that wide, from here to here. And when they take that tube,  
11 they go underneath your cell and spray underneath your door.  
12 They ain't even got to hit you with it -- in the head with it.  
13 Sprays on their hip.

14 Q. And that was while you were in the suicide cell?

15 A. Yes, ma'am.

16 Q. Did you get any discipline --

17 A. No, ma'am.

18 Q. -- for that?

19 A. I didn't. They threw it out because Sergeant Thrasher, what  
20 he had done.

21 Q. Okay. Now --

22 MS. BORDEN: And Judge, I've been reminded that that  
23 last one, because it was something from a recently produced  
24 record, is part of a different exhibit. It's Joint Exhibit 454.

25 Q. Mr. Wallace, these disciplinaries that we've looked at that

1 you've been written up for when you've done things to hurt  
2 yourself, those are not the only times that you've hurt yourself  
3 while you've been in prison.

4 A. No, ma'am.

5 Q. All right. Do you know about how many times you've hurt  
6 yourself or tried to kill yourself while you've been in prison?

7 A. Numerous of times, ma'am.

8 THE COURT: Why would you hurt yourself?

9 THE WITNESS: Depression problems, sir.

10 THE COURT: What?

11 THE WITNESS: Depression problems. I got bipolar and  
12 ADHD, sir.

13 THE COURT: What about cutting yourself and so forth?

14 THE WITNESS: My mama and my daddy used to fight like  
15 cats and dogs, and I got took away from my father and my mama  
16 when I was six and moved to a foster family.

17 THE COURT: So what does that have to do with your  
18 cutting yourself?

19 THE WITNESS: Because I would miss home, and I wanted  
20 to go back to my daddy's house to see my daddy and my mama and  
21 stuff, and I couldn't do it. So sometimes they would check me  
22 into Children's Hospital to get behavior help or medicine help  
23 or OD. I've OD'd or something like that, Judge.

24 THE COURT: Go ahead.

25 BY MS. BORDEN:



1 Q. Mr. Wallace, you said that you have injured yourself or  
2 tried to kill yourself a number of other times other than the  
3 ones we've talked about; right?

4 A. Yes, ma'am.

5 Q. Okay. And do you know how many times you've been in a  
6 crisis cell?

7 A. More than one time, ma'am.

8 Q. More than one time. Do you think it's more than 20 times?

9 A. About more than 20, more than 30, ma'am.

10 Q. More than 30 times?

11 A. Yes, ma'am.

12 THE COURT: Are we talking about in prison?

13 MS. BORDEN: Yes. In the crisis cell in prison.

14 Q. And those are -- the times that you've been in the crisis  
15 cell, we're talking about at Donaldson; is that right?

16 A. Correct.

17 Q. Okay. And we've talked about some times when you've cut  
18 your wrist, we've talked about some times when you've cut your  
19 neck, and we've talked about at least one time when you tried to  
20 hang yourself.

21 A. That's correct.

22 Q. Have there been some other ways that you've hurt yourself?

23 A. Tried to OD when I was younger.

24 Q. Okay. And what about since you've been in prison?

25 A. I ain't never tried to OD. No, ma'am.



1 Q. Okay.

2 THE COURT: How much longer are you going to be?

3 MS. BORDEN: Probably about 15 minutes.

4 THE COURT: Okay. We'll recess until 1:05.

5 (Recess was taken from 12:05 p.m. until 1:08 p.m., after  
6 which proceedings continued, as follows:)

7 THE COURT: Proceed.

8 MS. BORDEN: Your Honor, before we get started back  
9 with Mr. Wallace, we've had another issue concerning a  
10 demonstrative exhibit, so I wanted to raise it with you.

11 (The court reporter interrupts for clarification)

12 THE COURT: Is it that you don't want the witness to  
13 see it?

14 MR. SHAH: Correct.

15 THE COURT: Could you just hand it up to me.

16 MS. BORDEN: So everything that's on this -- everything  
17 that's on it is something that's reflected in Mr. Wallace's  
18 medical records. And in addition to it already being in  
19 evidence in the medical records, it's also in line with what  
20 Your Honor said this morning about making sure that we draw  
21 things to your attention that are in voluminous records but that  
22 we want you to pay attention to.

23 THE COURT: So this has no independent evidentiary  
24 value, other than it's just a summary?

25 MS. BORDEN: No. It's a compilation. Absolutely.

1 THE COURT: Okay. Well, that's what a demonstrative  
2 exhibit is.

3 MR. SHAH: Your Honor, the witness has not testified to  
4 the majority of the information on the bottom half of that. In  
5 fact, he contradicted some of that information on his prior  
6 direct testimony. So to the extent the witness is going to  
7 provide the evidence through his testimony, that would be fine.  
8 But that hasn't happened yet.

9 THE COURT: How many items at the bottom has he  
10 contradicted?

11 MR. SHAH: I'm sorry?

12 THE COURT: How many items at the bottom --

13 MR. SHAH: Well, at the very least, if you look there  
14 under whether or not he testified on overdosing, he said he  
15 hadn't overdosed at all or attempted to. When you look there  
16 under 8/16/16, overdose of Celexa.

17 THE COURT: Right.

18 MR. SHAH: So to the extent --

19 THE COURT: Well, let me ask you this. Is this  
20 evidence in the medical documents?

21 MS. BORDEN: Yes.

22 THE COURT: Okay. I'll allow it in if it's reflected  
23 in the medical documents.

24 MS. BORDEN: Your Honor, what I can do in addition is  
25 I've made for myself --

1           THE COURT: Let me ask you this just for clarification.  
2 Summary exhibits, if this were a jury trial, would not  
3 necessarily go to the jury because they have no independent  
4 evidentiary value. They're more argument than anything else.  
5 Do the defendants have like summary exhibits, summaries of other  
6 documents that they wish to have introduced?

7           MR. SHAH: Your Honor, at some point we will have some  
8 type. I'm not sure exactly what the demonstratives would be.  
9 What we would say is to the extent that plaintiffs are now  
10 stating on the record the medical records are reliable, we can  
11 base that -- use them not only on examination, but for the  
12 record they state what they state, and that can be used by the  
13 Court in making a decision, you know, I guess this demonstrative  
14 comes in.

15          THE COURT: Yes, it comes in. What I'm really leading  
16 to is it's up to you. I can keep them out, even though they can  
17 be used, or I can bring them in only because if there's an  
18 appeal, you might want to show what I saw in a demonstrative  
19 way. And that's why I was asking if you would have certain  
20 exhibits. We can admit them separate from the exhibits that  
21 we're admitting and just say these are demonstrative exhibits,  
22 and they're just a part of the record in case someone wants to  
23 refer to them in the future, so that no one destroys them.

24          MR. SHAH: Your Honor, defendants would request that  
25 they be admitted. Once the Court has made a decision --

1 THE COURT: Okay. Then the demonstrative exhibits are  
2 admitted, then, but they have no independent value. If  
3 something happened on June 18th, 2013, there must be some  
4 underlying evidence. A demonstrative exhibit is just a summary  
5 of what happened.

6 MS. BORDEN: And, Your Honor, as I mentioned to  
7 Mr. Shah before we got back on the record, I have a listing of  
8 the Bates numbers from that exhibit that are the supporting  
9 evidence.

10 THE COURT: You know, it would be nice if you had the  
11 Bates number on there so that we can go back and verify the  
12 validity of what's on the demonstrative. That's better.

13 MS. BORDEN: Yes, sir.

14 THE WITNESS: Your Honor, some of the things I don't  
15 remember --

16 THE COURT: Just -- yes. That's okay. Don't worry  
17 about it. We're going to ask you some questions in just a  
18 minute.

19 MR. SHAH: Your Honor, will the Court also be admitting  
20 demonstratives to the extent that counsel writes on the board  
21 and introduces that as a demonstrative as well?

22 THE COURT: Now, you understand that this is reflected  
23 in the medical records, but that's all it reflects, is that it's  
24 in the medical records. Whether the medical records are  
25 reliable is a different matter.



1 MS. BORDEN: Yes, sir. And we certainly are not  
2 conceding that they are --

3 THE COURT: Right.

4 MS. BORDEN: -- reliable.

5 THE COURT: Okay. Very good.

6 MR. SHAH: Well, Your Honor, then they are conceding  
7 that they're reliable by placing them on here and using them to  
8 examine the witness to say this event, in fact, occurred.  
9 That's the basis of using the demonstrative, is to say this  
10 particular incident did, in fact, occur, and the -- in the  
11 manner in which it's identified to present to the Court.

12 THE COURT: What's your response to that?

13 MS. BORDEN: I certainly will ask Mr. W. if these items  
14 on this list are reflective of what he recalls happening.  
15 However, that does not mean in any regard that everything in the  
16 medical record is accurate if, in fact, the times that he's hurt  
17 himself aren't accurately recorded.

18 THE COURT: If I have -- have I admitted demonstrative  
19 exhibits -- I mean, medical exhibits?

20 MR. SHAH: Yes, Your Honor.

21 THE COURT: Okay. Demonstrative exhibits only reflect  
22 what's in the medical exhibits. Whether the medical exhibits  
23 can be introduced for any particular purpose, that's up to you  
24 to argue to me later. In other words, the medical records  
25 exist. You know, whether I'm going to rely on them as accurate

1 or not, I'll hear your arguments about that later through your  
2 experts and so forth.

3 MR. SHAH: Your Honor, just for the final point on this  
4 particular objection. The plaintiffs are proffering this  
5 particular demonstrative to show that those individual instances  
6 as identified there did, in fact, occur. So they're conceding  
7 that the medical records in this particular instance are  
8 reliable. To the extent they're not, we need to challenge the  
9 witness and challenge this demonstrative to state that this  
10 didn't occur.

11 MS. BORDEN: They're free to do that on cross.

12 THE COURT: Well, let me ask you this: Are you  
13 contending that all of the things shown on there did, in fact,  
14 occur?

15 MS. BORDEN: I am contending that all of these suicide  
16 attempts, incidents of self-harm, are reflected in the  
17 defendants' records, and that those records reflect the suicide  
18 watch placements. I don't have any reason to dispute that the  
19 times that they say he was on suicide watch, he was. But I  
20 think -- I think it's important that the defendants' records  
21 reflect their awareness of the many instances of self-harm.

22 THE COURT: I think you're asking me to either buy in  
23 that all of these medical records are accurate or all the  
24 medical records are not accurate, and I'm unwilling to do that.

25 MS. BORDEN: I don't think that's accurate. I agree

1 with you.

2 THE COURT: I cannot do that.

3 MR. SHAH: To be clear, Your Honor --

4 THE COURT: I've looked at summary judgment on this.

5 And some of the records may be accurate, some of the records may  
6 not be accurate. And I'll just have to make my own independent  
7 assessment of that. But to the extent that this exhibit  
8 reflects what's in the records and has no demonstrative value,  
9 I'll allow it in for that limited purpose.

10 Now, what you're really complaining about, if I'm  
11 getting it correct, is that on X date of X month, that  
12 demonstrative exhibit shows that he, you know, attempted  
13 suicide. And maybe you're concerned that maybe she's putting it  
14 in his head when, in fact, he may not -- in his mind, he may not  
15 have done it on that date.

16 MR. SHAH: Your Honor, that's a bigger point. That is  
17 certainly part -- the bigger point is this. They're offering  
18 this demonstrative for the Court to rely on. Not for the rest  
19 of us to rely on, but for the Court to rely on.

20 THE COURT: No, I'm not relying on it. As I said, it's  
21 like a brief. It has no evidentiary value. You have to -- they  
22 have to show me -- in fact, I was just asking Ms. Borden, what  
23 she needs to do on there is put for me where these records are  
24 found.

25 MR. SHAH: And Ms. Borden is representing to the Court

1 through this demonstrative that those incidents occurred based  
2 on the reliability of the medical records.

3 THE COURT: No. She can make an argument to me based  
4 on that exhibit that those incidents occurred, but she still has  
5 to show me at some point during this trial that those -- and she  
6 can do it on the exhibit itself by pointing me to the medical  
7 records, or she can do it through testimony or whatever else.  
8 But this is pure argument, and that exhibit is nothing but pure  
9 argument.

10 MR. SHAH: We've got our objection.

11 THE COURT: Okay. And that's what all demonstrative  
12 exhibits are. They're just pure argument. For purposes of this  
13 case, they are. There's some literature out there that clouds  
14 the two; but for purposes of this case, your demonstrative  
15 exhibits have no value other than argument.

16 MR. SHAH: The parties will be allowed to enter them as  
17 an exhibit?

18 THE COURT: Well, only because you want to. I was  
19 going to enter them separately, but they can be entered as an  
20 exhibit. But even if they're entered as exhibits, they're still  
21 argument.

22 MR. VAN DER POL: Your Honor, if I may have like 30  
23 seconds to try to explain to Mr. Wallace what the Court was  
24 doing here.

25 MR. LUNSFORD: Absolutely not.



1 THE COURT: No, I think that they don't -- they're  
2 concerned that --

3 MR. VAN DER POL: Okay.

4 THE COURT: They want to see how he reacts to the  
5 exhibit.

6 MR. VAN DER POL: Okay.

7 BY MS. BORDEN:

8 Q. Mr. Wallace, before we took our break for lunch, we were  
9 talking about some of the times that you have either attempted  
10 suicide or done something to hurt yourself. Do you remember?

11 A. Yes, ma'am.

12 Q. Okay. And you told us about the ones -- we already looked  
13 at the ones where you got disciplinary write-ups for that.

14 A. Correct.

15 Q. I want to ask you about some other ones.

16 THE COURT: Well, you have to tell him where those come  
17 from.

18 MS. BORDEN: Yes.

19 THE COURT: Okay.

20 MS. BORDEN: Yes.

21 THE COURT: He might think that that's accurate, and  
22 it's not necessarily accurate.

23 MS. BORDEN: Yes, sir.

24 Q. Mr. Wallace, what I'm showing you here is a listing of  
25 things that were reflected in your medical records from the DOC.

1 A. Yes, ma'am.

2 MR. SHAH: Your Honor, we object. She's testifying  
3 here as to what's in the medical records. I mean, if she has a  
4 question --

5 THE COURT: Well, if you have -- if you have a problem  
6 with it, we can take it up. That's what a demonstrative exhibit  
7 means. If you have a problem with her summaries, then I'll take  
8 it up and I'll correct it or whatever.

9 MR. SHAH: Your Honor, he's testified that he doesn't  
10 recall, and then she's --

11 THE COURT: Well, she can do it one of two ways, and we  
12 can take forever. She can go and collect all those medical  
13 records and go through each one with him. If you want her to do  
14 that, that's fine. Or she can use this summary exhibit. And if  
15 you think the summary is inaccurate of what's in the medical  
16 records, you know, we can take that up as well.

17 MR. SHAH: Your Honor, our position is we don't have  
18 the Bates numbers. What we have is what they're representing on  
19 that --

20 THE COURT: Well, she needs to get the Bates numbers to  
21 you.

22 MR. SHAH: -- whether or not that, in fact, occurred.

23 MS. BORDEN: I will.

24 THE COURT: She needs to get the Bates numbers to you.  
25 And if that exhibit ends up being inaccurate --

1 MR. SHAH: We'll move to strike his testimony.

2 THE COURT: -- you will move either to strike it,  
3 correct it with the witness, or I'll take whatever curative  
4 measure that's necessary.

5 MR. SHAH: Thank you, Your Honor.

6 BY MS. BORDEN:

7 Q. Mr. Wallace, again, I'm showing you just a summary of things  
8 that are shown in your medical records, and I want to ask you  
9 about some of those. Okay?

10 A. Correct.

11 Q. So you've already told us about a number of times that you  
12 have either cut your wrists or your neck; right?

13 A. Correct.

14 Q. And I think you kind of have already done so, but would you  
15 show the Court your wrists. Show the judge.

16 THE COURT: Okay.

17 Q. And have you also cut your neck? Where have you cut --

18 A. (Witness indicates.)

19 Q. Okay. Have you cut it on both sides or just that side?

20 THE COURT: I can't see his neck. I can't see his  
21 neck. I still can't see it.

22 MS. BORDEN: Not sure how to --

23 THE COURT: Can you just take the handcuffs off so he  
24 can show me? The rest can be maintained, and you can remain  
25 close by.

1           Okay. Now, what do you want me to see? I still don't  
2 see --

3           THE WITNESS: The cut right there on my neck right  
4 there. You can barely see them because it been so long ago.

5           THE COURT: Okay.

6           THE WITNESS: And this one over here is a cut on my  
7 neck recently --

8           THE COURT: I can see something there.

9           THE WITNESS: And them are recently. I bit this and  
10 ripped the skin back. They had to carry me to UAB to do a skin  
11 graft. That didn't work, so they just left it open and let it  
12 close up on its own. I've cut myself numerous of times. Them  
13 are old scars from when I was little, like a dog had scratched  
14 me. Well, you see that one right there, it's about gone. Right  
15 there. Right there. Them little spots are staph infection.

16          THE COURT: Are what?

17          THE WITNESS: Staph infections.

18          THE COURT: Staph infections. Okay.

19          THE WITNESS: And this right here is where officers  
20 threw me down on the ground and started beating me up.

21          THE COURT: Very good. Thank you very much.

22 BY MS. BORDEN:

23 Q. Okay. Now, Mr. Wallace, you've told us about a number of  
24 these things, but I want to ask you about some of the ones we  
25 haven't talked about before.



1        So twice on here, on July 8th, 2013, and again on November  
2 8th, 2013, it says that you cut your arm with a chicken bone; is  
3 that right?

4        A. I sure did.

5        Q. And tell me about how you did that.

6        A. I sharpened it on the floor. See, the floor is made out of  
7 concrete in our cells. You can take a chicken bone, you can  
8 file it to a point and cut yourself or stab yourself. Let it  
9 harden in the window.

10       Q. In the window?

11       A. Yes, ma'am.

12       Q. And then you told us about -- well, you told us about biting  
13 your arm; right? And it also says another time that you bit  
14 your wrist.

15       A. Yes, ma'am. They meant wrist, but it was my arm.

16       Q. So both of those times, you had bit your forearm?

17       A. Yes, ma'am.

18       Q. And one of those times, you had to be taken to the hospital?

19       A. Both times.

20       Q. Both times. Okay.

21       A. Yes, ma'am.

22       Q. And then twice on here it says that you cut your wrist or  
23 your arm with a pencil top.

24       A. Yes, ma'am.

25       Q. Okay. Tell me how you did that.

1 A. I filed the top of the -- where the eraser should be at, I  
2 got a -- took the silver piece and filed it up to a sharp point  
3 and cut my arm.

4 Q. And on June 27th, 2016, it says that you jumped off the  
5 sink.

6 A. I sure did.

7 Q. And what were you -- what happened when you jumped off the  
8 sink?

9 A. I fell and hit my head.

10 Q. You hit your head on the floor?

11 A. Yes, ma'am.

12 Q. Okay. Did you have to go to the infirmary?

13 A. Yes, ma'am, I did.

14 Q. Are there other ways that you've -- since you've been in  
15 prison that you've tried to hurt yourself?

16 A. No, ma'am.

17 Q. I notice on this list that it says that you have banged your  
18 head.

19 A. I banged my head, but what I'm saying is I did that to get  
20 out of the cell.

21 Q. Okay.

22 A. But I wasn't never bloody or none of that.

23 Q. And what about --

24 A. I wasn't really trying to hurt myself, banging my head. I  
25 was trying to get out of the cell.

1 Q. And what about when you set a fire?

2 A. I wasn't trying to hurt myself then. They just use it as a  
3 security health hazard, and they stripped my cell and left me a  
4 mat and a blanket.

5 Q. Okay. Now, when you do things to hurt yourself, you get put  
6 on suicide watch?

7 A. Yes, ma'am.

8 Q. And tell us about what happens in suicide watch. What's it  
9 like in there?

10 A. You're not supposed to have no sharp objects. You're not  
11 supposed to have no coffee, none of that, no -- nothing but a  
12 peanut butter and jelly sandwich and a cheese sandwich or a  
13 peanut butter and cheese and a blanket and a smock, and that's  
14 it.

15 Q. So what about clothes? Do you have clothes?

16 A. No, ma'am.

17 Q. What do you have to sleep on?

18 A. No mat. Just rock or the floor.

19 Q. Sleep on the floor?

20 A. Floor or the rock. See, one cell has no rock. Two, three,  
21 and four has rocks, like exhibit -- on that picture.

22 Q. Okay.

23 A. And that happened to be my old cell.

24 Q. The one in the picture?

25 A. Yes, ma'am. That was actually -- it actually was an

1 upstairs cell. Reason why that black smoke is on the back of  
2 that is because I set a fire in that cell before.

3 Q. Okay. So you're talking about the S side --

4 A. S unit. Yes, ma'am.

5 Q. -- of the RTU at Donaldson?

6 A. Yes, ma'am.

7 Q. Describe what that unit looks like. You said there's an  
8 upstairs and a downstairs?

9 A. Yes, ma'am.

10 Q. All right. And can you describe what the layout is like?

11 A. Objection. I can't describe it because I don't know how. I  
12 don't know how to explain it.

13 Q. You don't know how to explain it?

14 A. No, ma'am.

15 Q. Okay. Let me ask you some questions about it. There's an  
16 upstairs and a downstairs?

17 A. Yes, ma'am.

18 Q. Okay. And where are the -- where are the crisis cells?

19 A. Downstairs.

20 Q. They're downstairs? Okay. But this cell that you're saying  
21 is in the picture, that one is upstairs?

22 A. No, ma'am. It's -- it's -- I think it's upstairs. Yes,  
23 ma'am.

24 Q. Okay. Is there a cube in the S unit where the security  
25 officer is?



1 A. Yes, ma'am.

2 Q. And have you been -- which cells in the S unit have you been  
3 in?

4 A. All of them.

5 Q. You've been in all the cells? Okay. Are there some of  
6 those cells where -- can you see the officer in the cube from  
7 all the cells?

8 A. No, ma'am. Six cell and seven cell, you can hardly see the  
9 cube, much less that new TV they put in there, trying to back up  
10 their ass, so to speak. And they put a new TV in there and they  
11 put some tables. Oh, wow, like that's supposed to really do  
12 something. This lawsuit was to help mental health patients, not  
13 for lawyers to push mental health patients around. I'm sorry.

14 Q. Are there any of the cells in the S unit at Donaldson that  
15 are being used for disciplinary seg?

16 A. Yes, ma'am, they are. Because if you're on S side and  
17 you're a mental health patient, you catch a disciplinary, your  
18 cell will be used as a disciplinary.

19 Q. Okay. so there are some segregation inmates in the S  
20 unit --

21 A. No, no, no. There's some in there, but they're mental  
22 health.

23 Q. Okay. Now, when you are in one of the crisis cells when  
24 you're on suicide watch, do the mental health staff come and  
25 talk to you?

1 A. No, ma'am. Nurse come by every pill call and check on you.  
2 That's about it.

3 Q. When they check on you, do they ask you how you're doing?

4 A. No, ma'am. They ask you, "You want to take your  
5 medication?" You say, "No, leave me alone, I don't feel like  
6 talking," they just say, "Okay. We'll come back later on, next  
7 pill call." Last pill call is at three or four o'clock in the  
8 afternoon.

9 Q. Do they come and ask you if you're still feeling like  
10 hurting yourself?

11 A. Yes, ma'am.

12 Q. And sometimes do you say that you're not?

13 A. Sometimes I say I am, and they still -- and they -- they'll  
14 write it down sometimes. Sometimes it's certain nurses don't  
15 give a fuck.

16 Q. Okay. Sometimes you say that you aren't suicidal; right?

17 A. Right.

18 Q. And when you say that you're not you suicidal, do you mean  
19 that?

20 A. Yes, ma'am.

21 Q. You do? You don't feel suicidal anymore?

22 A. No, ma'am. Because some of the things I be going through,  
23 like I said, I lost my father in -- April the 18th of this year.  
24 And everybody like bringing up my family history. If y'all must  
25 know, I didn't have a real good childhood growing up. And

1 that's what specifically the reason why I chose the streets and  
2 got into the streets, which is irrelevant to the Court. But I  
3 think they should know, the court system and the lawyers on the  
4 other side, pondering up a little scheme, trying to back they  
5 ass up.

6 But let me tell you something, Mr. Goody Two Shoes over  
7 there. Yeah, I'm talking to you.

8 THE COURT: Just answer the questions, now.

9 Q. J.? J.?

10 A. I'm getting real agitated.

11 Q. I know. It's okay. Take a deep breath.

12 Do you ever say that you're suicidal -- or that you're not  
13 suicidal anymore because you want to get out of suicide watch?

14 A. Yes, ma'am, I do.

15 Q. Why do you want to get out of the suicide watch?

16 A. Sometimes -- because in the winter it be cold, and they  
17 don't want to turn the heat on.

18 Q. Now, in some of your records, J., in some of your records,  
19 some of the times it says that the reason that you want -- that  
20 you were in suicide watch was because of debt.

21 A. Yes, ma'am.

22 Q. Is that right?

23 A. Yes, ma'am.

24 Q. What kind of debt?

25 A. Coffee and cigarettes.



1 Q. Okay. And does that happen while you're in the RTU? You're  
2 getting in debt?

3 A. Yes, ma'am. Not just that. Marijuana use.

4 Q. Okay. When you're in debt, does that make you feel --

5 A. No. What being in debt makes me feel sad is I can't pay the  
6 people I owe because my dad died on me and I ain't got no money  
7 to get any. And only time I get money is every once in a blue  
8 moon, just Christmas or birthday. Which I know Christmas coming  
9 up, I'm about to get \$456 coming in the mail.

10 Q. I can't see you.

11 MS. BORDEN: I'm sorry. I can't see him over the  
12 monitor, Judge.

13 THE COURT: That's okay. You can push it down.

14 MS. BORDEN: I think we're done with the documents  
15 anyway. Thank you.

16 Q. When you're not in the suicide watch cell, how often do you  
17 see someone from the mental health staff?

18 A. We don't hardly see nobody back there unless we go on  
19 suicide watch, ma'am.

20 Q. Okay. Do you ever see someone from the mental health staff  
21 when you're not either on suicide watch or doing something to  
22 get on it?

23 A. No, ma'am. They stopped coming back there months ago.  
24 Years ago. Like when I first got here, they come back there all  
25 the time. Ever since big girl, Ms. Riggins, left, we don't get



1 no counseling. We don't get nothing back there. No groups. No  
2 walking. Living capacity is horrible.

3 Let me tell you something. We got rats back there crawling  
4 underneath the doors. Big cock roaches, I'm talking about like  
5 that. I mean, like that, coming underneath the doors.

6 MR. SHAH: Your Honor, we object. The witness is way  
7 outside the bounds of relevance.

8 THE COURT: You have to just respond to her questions.

9 MS. BORDEN: Okay.

10 Q. So, J., you're saying that there was a time when the mental  
11 health staff would come back and talk to you?

12 A. No, ma'am. You know what? They don't come back there like  
13 they should.

14 Q. Okay. When somebody does come back to see you, what  
15 happens? Do they talk to you -- do they take you out of your  
16 cell, or do they talk to you at your cell?

17 A. At my cell.

18 Q. Okay. Do they come in the cell?

19 A. No, ma'am.

20 Q. What do they do?

21 A. They stand there and talk to you about five minutes and  
22 leave.

23 Q. They talk to you through the window?

24 A. Yes, ma'am.

25 Q. All right. And what do they talk to you about?

1 A. Calm down. Everything's going to be all right. Chill out.  
2 What's wrong? Do you have any problems? What's going on with  
3 you? Once you tell them they're suicidal, they say, okay, we'll  
4 just put you in a suicide cell and let you see the doctor.

5 Q. When you go to a suicide cell, then you get to see the  
6 doctor?

7 A. Yes, ma'am.

8 Q. And you mentioned about groups. When was the last time that  
9 you went out of your cell to have a group activity?

10 A. Been about four months.

11 Q. Okay. And before four months ago, was that something that  
12 happened a lot or just a few times?

13 A. Once in a while.

14 Q. Thank you, Mr. W. Mr. Shah is going to ask you some  
15 questions now.

16 A. Okay.

17 CROSS-EXAMINATION

18 BY MR. SHAH:

19 Q. Mr. W., we met a while back when I took your deposition in  
20 this case. Do you recall that?

21 A. Yes, sir, I do.

22 Q. All right. And when I talked to you then, you testified --  
23 you said you were going to tell the truth; right?

24 A. Yes, sir, I did.

25 Q. And you've been telling the truth today, too; right?

1 A. Yes, sir.

2 Q. Okay. So when you testified earlier that -- that incident  
3 where you were caught throwing feces and urine, you testified  
4 the reason you did that is because you wanted to see Ms. Meggitt  
5 or Ms. Austin. Do you remember that?

6 A. Yes, sir, I do.

7 Q. And you said nobody would come by to see you, too. Do you  
8 remember that?

9 A. Right.

10 Q. Okay. All right.

11 MR. SHAH: Well, let's pull up -- where's our -- let's  
12 cast 52140.

13 A. Can you put the screen up? I want to hear what this man's  
14 got to say.

15 Q. All right. Mr. Wallace, I want to talk to you about what  
16 you testified to earlier when you said that you wanted to see  
17 one of the nurses, Ms. Meggitt or Ms. Partridge, and that's why  
18 you got in trouble. Do you recall that? But do you remember  
19 seeing the psychologist, Mr. Dearen, right after that incident?

20 A. Objection.

21 Q. Thank you.

22 THE COURT: Just answer the question. Do you remember  
23 seeing the psychologist?

24 THE WITNESS: No, sir, I don't.

25 Q. In fact, you did see him, didn't you? I want you to take a



1 look at your screen right there. At 11:20 on that same day,  
2 August 23rd, 2016, Mr. Dearen came to see you.

3 THE COURT: You said 11:20?

4 MR. SHAH: At 11:20 a.m. Yes, sir. I'm sorry.

5 Q. On August 23rd, 2016, 11:20 a.m., Mr. Dearen came to see  
6 you, didn't he?

7 A. I don't recall him coming to see me. Because I told them  
8 that I needed to see Dr. Dearen, and he never came. So, sir, I  
9 understand you're asking me --

10 Q. Mr. Wallace, I need you to answer the question, please.  
11 Okay? So I'm going to ask you a question, and I need you to  
12 answer it, and I need you to answer it truthfully.

13 And you testified that the reason you threw the urine and  
14 feces -- excuse me -- you stated to Mr. Dearen that you needed a  
15 shot. You wanted to move somewhere because you owed somebody  
16 money, and you wanted to go somewhere where you didn't owe  
17 money. Do you remember telling Mr. Dearen that?

18 A. I told it to an officer. I didn't talk to Mr. Dearen.

19 Q. Okay. So the reason that you ended up getting that incident  
20 report where you threw feces and urine wasn't because you didn't  
21 get a chance to see mental health, was it? It was because --

22 A. I was trying to see mental health. Don't back this up on  
23 your team and act like it's all good, sir. Because I was trying  
24 to see mental health. I don't like what you're doing on the  
25 stand right now, sir.



1 Q. Okay. Mr. Wallace, I need you to answer my question.

2 So let's talk about the day before when you did get a chance  
3 to see mental health and you hadn't thrown any urine and you  
4 hadn't thrown any feces.

5 MR. SHAH: Let's move to 52145, please.

6 Q. All right. Mr. Wallace, do you recall meeting with  
7 Mr. Dearen the day before --

8 MR. SHAH: Your Honor, excuse us while we get through  
9 these technology issues here.

10 THE COURT: That's okay.

11 MR. SHAH: Your Honor, and before we proceed, I want to  
12 notify the Court, like Your Honor mentioned on the call the  
13 other day, that if we go into specifics of their medical records  
14 and what's contained here, to the extent the Court or counsel  
15 would like to take any precautions, given the public nature of  
16 this, we are about to go into a significant amount of his  
17 medical records. So I raised this with Ms. Borden earlier this  
18 morning, that we would be doing this during the  
19 cross-examination.

20 THE COURT: Go ahead.

21 MS. BORDEN: Well, Your Honor, on this particular  
22 issue, I brought that incident up. But if we're going to go  
23 into other issues in his medical record, and I don't know what  
24 they are, I'm not sure how to anticipate what privacy issues  
25 might arise.

1 THE COURT: Well, if he'll just show you where he's  
2 getting ready to go or what particular medical record, we can  
3 make that assessment.

4 MR. SHAH: Okay. Well, I'd like to finish this  
5 particular line of questioning related to the disciplinary  
6 process that Ms. Borden brought up, and then we can move forward  
7 and we can go through there.

8 BY MR. SHAH:

9 Q. Now, Mr. Wallace, you just testified that you threw the  
10 urine and the feces now, you say, because you wanted to get the  
11 attention of mental health, and that you weren't able to do that  
12 before. But I want to direct your attention just to the day  
13 before, when you asked to see someone from mental health and, in  
14 fact, Mr. Dearen came and saw you. If you look at your screen  
15 there, it says: "At inmate request, the psychologist met with  
16 Mr. Wallace from 2:00 to 2:20. He appeared agitated. His mood  
17 was still not okay. He stated, 'I wanted a shot. Anything that  
18 will put me to sleep.' When asked what the shot would help, he  
19 said, 'I can't handle this. I need out of prison.'"

20 So, in fact, you did get an opportunity to meet with a  
21 psychologist on demand when you asked for it just the day  
22 before.

23 A. Okay, but where are you going with this, sir?

24 Q. I need you to answer the question. Did you get a chance to  
25 meet with a psychologist the day before?

1 A. I don't understand the question, sir.

2 Q. Do you understand whether or not you met with a psychologist  
3 the day before?

4 A. Sir, I just told you, I don't understand the question, sir.

5 Q. Sir, do you dispute that this is, in fact, not what  
6 happened? This document that I've put in front of you, your  
7 medical record from August 22nd, 2016, states that you met with  
8 the psychologist after being requested. Do you recall that?

9 A. Yes, sir, I do.

10 Q. Okay. And, in fact, you did meet with him, didn't you?

11 A. Later on the next day, yes, sir.

12 Q. Okay. So you're saying that Mr. Dearen just made this up?  
13 This didn't happen on the 22nd?

14 A. Didn't happen on the 22nd. It happened on the 23rd when I  
15 finally got to meet him.

16 Q. Okay. So it's your testimony that this medical record that  
17 shows that you met with Mr. Dearen on August 22nd, 2016, just  
18 didn't happen?

19 A. No, sir.

20 Q. Okay. And when Mr. Dearen gets up there to testify, are you  
21 going to say that he's going to say it didn't happen as well?

22 A. I know one thing --

23 Q. I withdraw.

24 A. I know one thing. Where you going with this, anyway, sir?

25 Q. Mr. Wallace, if you'll just answer the questions that are



1 posed to you, please, sir.

2 A. Well, right now I'm under a lot of pressure, too, sir. How  
3 would you like to be on the stand with a courtroom full of a  
4 bunch of people?

5 THE COURT: Just answer his questions. Please, just  
6 answer his questions.

7 Q. Now, other than meeting with a psychologist --

8 Let's go back to the date of the 23rd. After meeting with  
9 the psychologist, after talking to them about why you actually  
10 threw the material that you did and the fact that you did it  
11 because you wanted to get a shot and because you owed somebody  
12 money, you still had other members of mental health that came  
13 and visited with you, too, didn't you?

14 A. No, sir, I did not.

15 Q. Okay. Well, let's talk about who else came to see you on  
16 that date. Did you see a psychiatrist on that date,  
17 Mr. Wallace?

18 A. And what psychiatrist would that have been, sir?

19 Q. All right. Well, Mr. Wallace, do you know a Dr. Chen?

20 A. No. I had actually saw Dr. St-Phard the day before that.

21 Q. Day before that. You remember that day.

22 Okay. Well, let's talk about August 23rd. Do you recall  
23 meeting with Dr. Chen?

24 A. And, yes, sir. I was in the crisis cell. I was entitled to  
25 see Dr. Chen, sir.



- 1 Q. Okay. So on that day, you saw a psychologist. You saw  
2 Dr. Chen. You also saw other individuals that came by your cell  
3 to talk to you; right?
- 4 A. Not just me. They was talking to some other people they was  
5 talking to, too, sir.
- 6 Q. Okay. Well, do you recall meeting with Nurse Pickett?
- 7 A. Yes, but she -- she played me off like, okay. You'll see  
8 somebody tomorrow. I ain't got nothing to do with that. I  
9 can't give you no shot.
- 10 Q. Okay. Well, did Nurse Pickett come by and see you that day?
- 11 A. To give me medication. That was it.
- 12 Q. You had a chance to talk to her if you wanted to, too,  
13 didn't you?
- 14 A. She ignored me.
- 15 Q. Okay. So is it your testimony that you don't get a chance  
16 to talk to anyone when they come by your cell?
- 17 A. No, sir, because -- especially her.
- 18 Q. Okay.
- 19 A. Me and her don't get along ever since she worked at the  
20 county jail where I was at. Never got along.
- 21 Q. Okay. Mr. Wallace, did you see another member of the mental  
22 health staff that same day, Nurse Partridge, who you wanted to  
23 see to begin with?
- 24 A. Yes, sir. I sure did see Ms. Partridge.
- 25 Q. So you got to see five members of the mental health staff on

1 that same day, didn't you?

2 A. Because I was in a crisis cell.

3 THE WITNESS: Objection, Your Honor.

4 Q. Is that answer yes? You did, in fact, get to see five --

5 THE WITNESS: May I take a restroom break? Getting a  
6 little agitated. Can I take a restroom break?

7 MR. SHAH: Your Honor, I'd like an answer to the  
8 question.

9 THE COURT: Just a minute. Just a minute.

10 Now, sir, can you look at me? Can you just answer his  
11 questions?

12 THE WITNESS: He is being outrageous, sir.

13 THE COURT: I know, but he just wants to ask you a few  
14 questions.

15 THE WITNESS: No. He is being mean, sir.

16 THE COURT: Just answer his questions, and I'll decide  
17 whether he's being mean or not. Okay? Just, please, answer his  
18 questions, and then I'll decide whether he's being mean or not.

19 Go ahead and ask your questions.

20 BY MR. SHAH:

21 Q. Mr. Wallace, my question is simple. On the date that you  
22 claim you threw urine and feces to get to see mental health,  
23 you, in fact, saw five members of the mental health staff that  
24 day, including --

25 A. I was in crisis cell, sir.

1 Q. Is the answer yes, you did?

2 A. Yes, sir, I did.

3 Q. Okay. And the day before, you also saw a member of the  
4 psychology staff that came by and saw you, and you got to talk  
5 to them about whatever issues you had on your request; correct?

6 A. Wasn't no psychologist. It was basically just counseling  
7 doctors.

8 Q. So you received counseling the day before when you asked for  
9 it, did you not?

10 A. After I had done went to the mental health building, yes,  
11 sir. Because we have to go to mental health building. We go to  
12 crisis cell, we got to go to the mental health building to see a  
13 doctor, sir.

14 Q. Is the answer yes, you did?

15 A. Yes, sir.

16 Q. Okay. Now, Mr. Wallace, you testified that you have not  
17 seen a psychiatrist for over six months at Donaldson. That's  
18 not true, is it?

19 A. Unless I'm in the crisis cell, sir.

20 THE WITNESS: Objection, Your Honor.

21 Q. Mr. Wallace --

22 THE COURT: I understand you're in a crisis cell.

23 THE WITNESS: He's saying I ain't -- and I'm seeing a  
24 psychiatrist and stuff, yes, in the crisis cell when you ain't  
25 supposed to see a fucking doctor and a fucking nurse.



1 THE COURT: We understand you're in a crisis cell.  
2 What we want to know now is who did you see in the crisis cell.  
3 Could you answer his questions now?

4 THE WITNESS: Can I take a break, man?

5 THE COURT: No. We're not going to take a break right  
6 now. Why don't we just try to answer these questions so we can  
7 get this over with, and then you'll be able to go. Okay?

8 Go ahead.

9 MR. SHAH: Your Honor, may I proceed?

10 THE COURT: Yes.

11 Q. Mr. Wallace, you, in fact, have seen a psychiatrist in the  
12 last six months that you've been at Donaldson, haven't you?

13 A. In the crisis cell, yes.

14 Q. The answer is yes.

15 In fact, over the month of September, do you know how many  
16 times you saw a psychiatrist --

17 A. No, sir.

18 Q. -- at Donaldson? Do you know how many times you saw a  
19 member of the mental health staff?

20 A. No, sir.

21 Q. Do you know how many times you saw a nurse?

22 A. No, sir.

23 Q. All right. Mr. Wallace, I'd like to go through the amount  
24 of mental health care you received just in the month of  
25 September of this year. And we'll go over a 30-day snapshot,



1 and let's see if we can talk about the folks that you saw and  
2 the care that you received.

3 Let's start with August 31st of 2016. Now, you talked  
4 earlier about a Ms. Austin.

5 Withdrawn.

6 This is Joint Exhibit 232; is that right? It's the same  
7 exhibit we used earlier. It's just a different set of Bates  
8 stamps for that. Is that right? Is it exhibit -- the Bates is  
9 52121.

10 THE WITNESS: Your Honor, he's getting on my nerves.

11 THE COURT: Okay. Just answer -- pardon me?

12 THE WITNESS: He's getting on my nerves.

13 THE COURT: I understand he's getting on your nerves.

14 THE WITNESS: I'd like to punch him.

15 THE COURT: No, no, no. We can't do that. All I want  
16 you to do is answer his questions. Okay?

17 THE WITNESS: But his questions ain't to the case,  
18 then, sir.

19 THE COURT: Just answer his questions.

20 BY MR. SHAH:

21 Q. Mr. Wallace, you, in fact, have met with psychiatrists and  
22 counselors many, many times at Donaldson in the last six months,  
23 haven't you?

24 A. No, sir.

25 Q. Okay. Are you testifying under oath today that you haven't

1 met with counselors or psychiatrists?

2 A. Objection. Unless I'm in the crisis cell. Then they come  
3 see me. Until I go to a crisis cell, they don't want to come  
4 see me worth a damn, sir. So I don't know who you playing the  
5 little game with, but I ain't your kid.

6 Q. Mr. Wallace, you have, in fact, seen psychiatrists and  
7 counselors at Donaldson. And let's just go through the record  
8 and see how many times you've seen them, even when you're not in  
9 a crisis cell.

10 Let's look at your incident with Ms. Austin on August 31st  
11 of 2016. That's Bates stamp 52129. Do you recall meeting  
12 one-on-one with Ms. Austin on August 31st of 2016?

13 A. Yes, sir.

14 Q. All right. And you recall telling her that you wanted to  
15 get two shots of coffee?

16 A. Yes, sir.

17 MR. SHAH: Your Honor, at this point we're going to go  
18 pretty extensively into his mental health history page by page.  
19 So to the extent the Court wants -- you asked me to provide you  
20 with notice, and I'm providing that to counsel.

21 THE COURT: I don't know the degree to which you want  
22 it public or not.

23 MS. BORDEN: Your Honor, if we're going to look  
24 extensively at records of his medical or mental health  
25 treatment, I think that should be done confidentially.

1 MR. SHAH: Your Honor, the only point we would make is  
2 that they have gone through in some significant detail of  
3 incidents with Mr. Wallace publicly and in prosecuting this  
4 matter in the public. And to the extent that we're going to go  
5 into his care that he received, then the public should see the  
6 type of care he's received over 30 days in just that snapshot of  
7 time. When the allegation of what Mr. Wallace's testimony has  
8 been --

9 THE COURT: Is this all dealing with what he -- what's  
10 been brought out already? I mean, is this something to do with  
11 his childhood or --

12 MR. SHAH: Your Honor, what I can say is that his  
13 records may reflect notes regarding issues that have been raised  
14 in therapy sessions, but it's all within the scope of what was  
15 just brought up and in direct rebuttal to what he's brought up.  
16 We're going to impeach his credibility as well as the veracity  
17 of what he's testified to. And he's done that very publicly.

18 MS. BORDEN: Well, again, there is a difference between  
19 the records that show, you know, for example, as Mr. Shah said,  
20 who he's met with or how many times, and the records that show  
21 what he's discussed with them, which --

22 THE COURT: Oh, I see what you're saying. Yes.

23 MR. SHAH: Your Honor, I disagree. What he's discussed  
24 with them goes to the very heart of the argument.

25 THE COURT: No, no, no. She's talking about whether



1 they should be made public or not.

2 MR. SHAH: Understood.

3 THE COURT: Is there anything else you can go over with  
4 him before we get into that?

5 MR. SHAH: Well, Your Honor, by presenting the record  
6 in chronological order, which is what I think is important for  
7 the Court to see over a 30-day period, it will showcase some of  
8 this. I can't say that I can extrapolate or move weeks, because  
9 there is significant entries in here, I think, that showcase  
10 some of the conversations he's had with his counselors.

11 THE COURT: I'll allow you to use some examples, but I  
12 don't think I need to hear everything he's discussed with his  
13 counselors. But I think we probably should have an in camera  
14 session of the discussions with his counselors. The difficulty  
15 now is where.

16 MR. SHAH: Your Honor, Mr. Lunsford makes a good point.  
17 We can go through the appointments to put on the record that he,  
18 in fact, met with a member of the mental health staff. And to  
19 the extent that we want to go in further into what's contained  
20 in the record, we can do that piece in camera to the extent we  
21 need to do that.

22 THE COURT: Why don't we do that, then.

23 MR. SHAH: All right.

24 MS. MORRIS: I think if you're going to be using the  
25 medical records, I think we should --



1 MR. SHAH: All right. I'm sorry. You don't want to  
2 showcase the medical records at all?

3 MS. MORRIS: This is the contents --

4 MR. SHAH: Correct. I plan to use them to showcase --

5 MR. LUNSFORD: Mitesh, they're not being shown to the  
6 gallery.

7 THE WITNESS: Objection. You cannot show my medical  
8 records. I don't know where y'all jokers get that shit from.  
9 That's private.

10 THE COURT: Just a minute, sir.

11 MR. SHAH: Your Honor, we need to be able to show the  
12 records to Mr. Wallace as we go through this examination. And I  
13 understand that the screens here are being -- you know, the  
14 folks in the gallery are able to see them, but we need the  
15 ability to examine our witness using these records. You know,  
16 they've published information publicly. We feel like we should  
17 be able to do the same. I appreciate the concern over the  
18 contents, but at the same time we need to be able to go through  
19 the records with him as well.

20 THE COURT: How much longer are you going to be?

21 MR. SHAH: I've got probably 45 minutes.

22 THE COURT: Another 45 minutes?

23 MR. SHAH: At least.

24 THE COURT: Who's your next witness?

25 MS. MORRIS: C.C.

1 THE COURT: Ms. C.? Okay. And where is Ms. C.?  
2 MS. MORRIS: She is in the attorney lounge.  
3 THE COURT: Pardon me?  
4 MS. MORRIS: She's here.  
5 THE COURT: She's here? Okay. Is she in custody?  
6 MS. MORRIS: No, she's not.  
7 THE COURT: Okay, then. I'm actually going to excuse  
8 this witness for just a few minutes before you continue with  
9 your examination of him. I think we need to move on to another  
10 witness, and we'll bring him back.  
11 So if you'll just step down for just a minute. Do you  
12 mind?  
13 MR. LUNSFORD: Your Honor, if I may. I mean, we object  
14 to the middle of our cross-examination being interrupted --  
15 THE COURT: I will explain to you in a minute.  
16 MR. LUNSFORD: Yes, sir. Thank you.  
17 (Witness J.W. was excused)  
18 THE COURT: He needs to calm down so you can proceed  
19 with your examination. Let's move to Ms. C., and then we'll  
20 bring him back. Otherwise, we're not going to get anywhere.  
21 MR. LUNSFORD: Thank you, Your Honor. I appreciate  
22 that.  
23 (Testimony of J.W. was recessed at 2:00 p.m. and was  
24 reconvened in the library at 4:40 p.m.)  
25 THE COURT: How are you doing, Mr. W.?

1 THE WITNESS: I'm doing pretty good.

2 THE COURT: We want to finish this this afternoon if we  
3 can. And what I'd like you to do is just, as best you can, just  
4 try to answer Mr. Shah's questions. He's here because I've  
5 asked him to be here. And I know you find some of his questions  
6 troubling, but just really do your best to answer them as best  
7 you can. And I know you have feelings about him, but it's  
8 really important for me, so I can decide what's going on, that  
9 you just try to answer his questions.

10 THE WITNESS: Yes, sir.

11 THE COURT: Okay. And if you feel like you're getting  
12 agitated or something like that, tell me, and we'll stop for  
13 just a minute and let you gain your composure and then go back  
14 to the question. Okay? Can you promise me you'll do that?

15 THE WITNESS: Yes, sir.

16 THE COURT: Very good. Go ahead, Mr. Shah.

17 FURTHER CROSS-EXAMINATION

18 BY MR. SHAH:

19 Q. Mr. Wallace, my intent here today is not to agitate you or  
20 to be mean. I have questions that I would like to proceed with  
21 related to your mental health care that you've received at  
22 Donaldson, and I want to talk about those instances where you  
23 received care this year. Okay? So I would like to start  
24 talking about some of your prior testimony.

25 You have received mental health care at the Donaldson



1 facility in the last six months, have you not?

2 A. Yes, sir.

3 Q. And, in fact, you've seen a psychiatrist in the last six  
4 months, have you not?

5 A. Yes, sir.

6 Q. And, in fact, you see psychiatrists regardless of whether or  
7 not you're in the crisis cell, don't you?

8 A. No, sir.

9 Q. All right. So when you go and have medication reviewed, is  
10 it your testimony that you don't see a psychiatrist or a nurse  
11 practitioner --

12 A. Correct.

13 Q. -- to review your medication? All right.

14 Mr. Wallace, do you recall seeing Dr. Chen in August of this  
15 year, August of 2016?

16 A. I was in a crisis cell at that time, sir.

17 Q. If the records reflect that you were not in a crisis cell,  
18 are you saying the records are wrong?

19 A. I went to a crisis cell right after I saw him, sir.

20 Q. Well, if the records show that you were not in a crisis cell  
21 on August 9th or August 8th, but, in fact, saw Dr. Chen, you had  
22 a one-on-one visit with Nurse Austin, and you had another visit  
23 with a mental health professional --

24 A. She's not a nurse, sir. She is a counselor.

25 Q. All right. Mr. Wallace, if you'll just answer my questions,



1 please. All right?

2 THE COURT: I think he was clarifying. You said a  
3 nurse, and he's saying it wasn't a nurse. It was a counselor.

4 Q. Do you recall on August 8th seeing Mr. Dearen when you  
5 requested to see him, and you weren't in a crisis cell? You  
6 were just in the RTU? Do you recall seeing him that day?

7 A. Yes, sir.

8 Q. Okay. And do you recall talking to Mr. Dearen after you  
9 asked to see him to talk specifically about feeling tired with  
10 your medication and changing your security level so you could be  
11 transferred to Bibb? Do you remember talking to him about that?

12 A. Yes, sir.

13 Q. Okay. And you weren't in a crisis cell, were you?

14 A. No, sir.

15 Q. You talked to him because you asked to see him, and he came  
16 to see you, did he not?

17 A. Yes, sir, but he no longer works there, sir.

18 Q. I'm sorry. I didn't catch that.

19 A. I say, he don't no longer work there.

20 Q. I understand that. But you did, in fact, see Mr. Dearen and  
21 get a chance to talk to him about reducing your security level,  
22 about your medication, and about anything else you wanted to  
23 talk to him about, because he came to see you because you  
24 requested him; correct?

25 A. Yes, sir.

1 Q. Okay. And the following day, you still weren't in a crisis  
2 cell, and Dr. Chen came and saw you and talked about the  
3 medication that you were on after you asked Dr. Dearen to talk  
4 about lowering your medication. Do you remember that?

5 A. Yes, sir.

6 Q. Okay. And right after that, you also had a visit with  
7 Ms. Austin where she talked to you about issues that you were  
8 having in missing family members. Do you recall talking to  
9 Ms. Austin about things like that?

10 A. Yes, sir.

11 Q. And you weren't in a crisis cell, were you?

12 A. No, sir.

13 Q. And you had a conversation with her one-on-one to discuss  
14 anything you wanted to talk about related to your mental health  
15 care; correct?

16 A. Yes, sir.

17 Q. All right. So let's talk a little bit, Mr. Wallace, about  
18 the fact that you received multiple instances of care. And I  
19 just want to pick a 30-day window of this year, and we're going  
20 to look at September of 2016. And what I want to do is I want  
21 to count how many times you met with somebody from mental  
22 health. Okay?

23 Do you recall meeting with Ms. Austin on August 31st, 2016,  
24 and talking to her about getting something to calm your nerves,  
25 maybe like two shots of coffee? Is that some kind of

1 conversation you remember having with Ms. Austin?

2 A. Yes, sir.

3 Q. Okay. Is that a yes?

4 A. Yes, sir.

5 Q. Okay. All right. And do you recall Ms. Austin giving you  
6 words of encouragement to try to eliminate your negative  
7 thoughts?

8 A. Yes, sir.

9 Q. All right. On September 1st, you met with Ms. Partridge,  
10 didn't you?

11 A. Yes, sir.

12 Q. She asked you how you were doing. And she, in fact, came by  
13 to visit you about 11 o'clock, before lunch, and saw you at your  
14 cell; isn't that right?

15 A. Yes, sir. I get my shot that day anyway.

16 Q. So when they come by to give you your shot, somebody from  
17 mental health comes by and talks to you, don't they?

18 A. Yes, sir.

19 Q. Okay.

20 THE COURT: What shot were you given?

21 THE WITNESS: Prolixin.

22 Q. All right. And when they come by and talk to you to take  
23 your shot, you can talk to them, can't you, when they're giving  
24 you your shot?

25 A. It would just be the nurse. I could talk to the nurse, but



1 it just be her.

2 Q. Okay. All right. September 3rd, you were in the RTU. Do  
3 you recall telling the nurse that you felt frustrated, you were  
4 suicidal, and you wanted a Bible? Do you remember that?

5 A. Yes, sir.

6 Q. Okay. And what happened? They put you in a suicide cell,  
7 didn't they?

8 A. Yes, sir.

9 Q. And when you tell folks that you feel suicidal, shouldn't  
10 they put you in a suicide cell?

11 A. Yes, sir. Not all the time they take me seriously, though,  
12 sir.

13 Q. Okay. So is it your testimony that when you tell them  
14 you're suicidal, they don't put you in a cell?

15 A. Not all the time, no, sir.

16 Q. Okay. All right. Well, do you know of an instance right  
17 now, sitting here today, where you told them you were suicidal  
18 and you did not get placed in a suicide cell?

19 A. Correct.

20 Q. When was that?

21 A. Just last month, really, sir.

22 Q. Okay. And who did you tell you were suicidal?

23 A. I told Officer Hill on second shift. And he told me to wait  
24 until first shift, that I'll be all right, I'm just lying, I  
25 ain't suicidal and stuff like that.



1 He does not want to do his job, sir.

2 Q. Okay. Have you ever --

3 THE COURT: You told this to whom, now?

4 THE WITNESS: Officer Hill.

5 THE COURT: Officer Hill?

6 THE WITNESS: Yes, sir. Officer Hill.

7 THE COURT: Was he a correctional officer?

8 THE WITNESS: Yes, sir, at Donaldson. He's night  
9 shift.

10 THE COURT: Okay.

11 THE WITNESS: Second shift, I think, A or B-A. I can't  
12 remember.

13 BY MR. SHAH:

14 Q. Okay. Have you ever lied about being suicidal?

15 A. No, sir.

16 Q. Never?

17 A. No, sir.

18 Q. Okay. All right. Well, let's talk about that.

19 September 4th, 2016. This is after you've told Ms. Austin  
20 that you -- excuse me -- Ms. Thomas that you're suicidal. You  
21 got placed in a suicide cell, didn't you?

22 A. Yes, sir.

23 THE COURT: Now, would you clarify? When you say  
24 Ms. Thomas, is she with mental health or is she --

25 MR. SHAH: With mental health.

1 THE COURT: Just clarify.

2 MR. SHAH: Absolutely, Your Honor.

3 Q. And that same day, you met with Ms. Thomas again. And she  
4 put you in a safety smock and put you in the crisis cell, didn't  
5 she?

6 A. Yes, sir.

7 Q. She took you seriously, didn't she?

8 A. Yes, sir.

9 Q. And she checked on you, didn't she?

10 A. Yes, sir.

11 Q. All right. The next day you again met with Ms. Tate. You  
12 know Ms. Tate?

13 A. Yes, sir.

14 Q. Okay. Ms. Tate checked on you again. You were in a suicide  
15 cell, and you had on a safety smock; right?

16 A. Yes, sir.

17 Q. Okay.

18 THE COURT: Had on a what?

19 MR. SHAH: Safety smock. Suicide smock to prevent  
20 further injury.

21 Q. Now, Mr. Wallace, from September 5th to September 6th when  
22 Ms. Stephens came to see you, you said, "I'm just taking a time  
23 out." Have you ever said something like that?

24 A. Yes, sir.

25 Q. Do you want to get out of the RTU and go somewhere by

1 yourself?

2 A. Yes, sir.

3 Q. Okay. And do you say you're suicidal in order to do that?

4 A. No. No, sir.

5 Q. No, you don't. Okay. All right. Well, let's talk about  
6 September 6th when you visited with Dr. Chen. You remember  
7 Dr. Chen; right?

8 A. Yes.

9 Q. And on September 6th, do you recall telling Dr. Chen, "I  
10 wanted a time out, but they wouldn't let me go." Do you  
11 remember talking to him about that?

12 A. Yes, sir.

13 Q. Okay. And were you telling Dr. Chen that you said you were  
14 suicidal just to get out of your cell and go to the crisis cell?

15 A. I told him that, but I was actually really suicidal. I  
16 needed a time out away from everybody back there. They was  
17 making fun of me because, see, I wear what they call a diaper  
18 because of my bowel problem.

19 See, I was never supposed to be put in prison anyway.

20 Q. Mr. Wallace, I'm just asking you a very simple question. My  
21 question is this: Did you say you were suicidal to get that  
22 time out?

23 A. No, sir.

24 Q. Okay. Well, do you know Ms. Partridge?

25 A. Yes, sir.

1 Q. Okay. Do you recall telling Ms. Partridge on September 6th,  
2 "I needed a time out, I really wasn't suicidal"? Do you recall  
3 telling her that?

4 A. I was trying to -- it was cold that night, and she was  
5 trying to help me keep from going to crisis cell. And I told  
6 her that because I didn't want to go to crisis.

7 Q. Okay.

8 THE COURT: What's the difference between suicidal and  
9 crisis?

10 THE WITNESS: Suicide is where you got on no clothes,  
11 just a smock and a blanket, two sandwiches three meals a day.  
12 And then Sundays -- Saturday, three meals a day, two, Sundays  
13 you get two meals. You get two sandwiches twice a day. And  
14 it's got to hold you until breakfast.

15 THE COURT: And what is crisis? How does that differ  
16 from suicide?

17 THE WITNESS: I don't know, sir.

18 THE COURT: Well, sometimes you were in crisis; right?

19 THE WITNESS: Yes, sir. I was -- sometimes I was --  
20 not sometimes. I've been there 66 times.

21 THE COURT: Okay. What does it mean when you go into  
22 crisis, from your understanding? You said you were going from  
23 suicide to crisis. I don't understand the difference.

24 THE WITNESS: It's the same thing. Crisis is the same  
25 thing as saying, oh, I'm suicidal and I'm going to kill myself,



1 they put you on crisis. That's the same thing.

2 THE COURT: So when you say you're going to kill  
3 yourself, they'll put you on crisis?

4 THE WITNESS: Yes, sir.

5 THE COURT: But sometimes they'll put you in suicide?

6 THE WITNESS: Yes, sir.

7 THE COURT: Is there any difference between the two?

8 THE WITNESS: No, sir.

9 THE COURT: Okay.

10 MR. SHAH: All right. Your Honor, may I proceed?

11 THE COURT: Yes.

12 BY MR. SHAH:

13 Q. You know Nurse -- Ms. Meggitt. You know Ms. Meggitt?

14 A. She's not a nurse. She's a counselor, sir.

15 Q. All right. You know Ms. Meggitt, though, don't you?

16 A. Yes, sir.

17 Q. Do you remember meeting with her on September 6th and  
18 telling her, "I wanted a time out in the crisis cell with my  
19 clothes, but they wouldn't let me. So I said I was suicidal,  
20 but I really wasn't suicidal."

21 A. I ain't tell her I wanted my clothes. I told her I took a  
22 time out in the crisis cell because I need some clothes. And I  
23 don't know who worded that like that. That's all wrong.

24 Q. Okay. So what Ms. Meggitt wrote in your medical record is  
25 just wrong. She got that wrong.

- 1 A. Yes, sir.
- 2 Q. And she's just not being accurate when she says that you  
3 told her you weren't suicidal. You didn't make that up.
- 4 A. I was suicidal.
- 5 Q. So you were suicidal.
- 6 A. Yes, sir.
- 7 Q. Okay. But you told Ms. Meggitt that you weren't. Which one  
8 was it?
- 9 A. I was trying to get out of the crisis cell.
- 10 Q. Okay. So you said it to get out of the crisis cell.
- 11 A. Yes, sir.
- 12 Q. You just made it up.
- 13 A. No.
- 14 THE COURT: Why did you want to get out of crisis cell?
- 15 THE WITNESS: Because during September and anywhere  
16 close to November, it was starting to get real cold and I wanted  
17 out of crisis, and I wanted my clothes back. And then I would  
18 go through these little outbursts where I would cut my wrist or  
19 something and go to crisis cell to take a time out because  
20 people were picking on me.
- 21 THE COURT: Go ahead.
- 22 BY MR. SHAH:
- 23 Q. Now, Mr. Wallace, you've testified earlier that you hadn't  
24 seen psychiatrists in months while you've been at Donaldson. Do  
25 you recall on September 6th actually meeting with your entire

1 treatment team, including a psychiatrist, to talk about mental  
2 health treatment that they were going to provide to you?

3 A. No, sir, I don't.

4 Q. All right.

5 MR. SHAH: Lisa, how do you want to do this? I've got  
6 a copy of the record. This is evidence that's already been  
7 admitted. Do you want to show him your copy? Because all I  
8 have is mine right here.

9 MS. BORDEN: What number is it?

10 MR. SHAH: The Bates number is -- this is Joint  
11 Exhibit 233.

12 MS. BORDEN: What's the Bates number?

13 MR. SHAH: 51902.

14 MS. BORDEN: I've got it here. I just need to get it  
15 out. This one?

16 MR. SHAH: That is correct.

17 MS. BORDEN: This is what he's going to ask you about.  
18 BY MR. SHAH:

19 Q. Mr. Wallace, do you see your signature on that page?

20 A. Yes, sir.

21 Q. Now, Mr. Wallace, even though you said you weren't suicidal,  
22 a psychiatrist, a psychologist, and a mental health professional  
23 got together with you to still go through whatever mental health  
24 issues you may have had and wanted to discuss, didn't they?

25 A. Yes, sir.

1 Q. And, in fact, that's your signature on that document  
2 attesting to that, isn't it?

3 A. Yes, sir.

4 Q. And during that visit, they went through with you how to  
5 cope with issues that you may have and how to remain free of  
6 suicidal thoughts, didn't they?

7 A. Yes, sir.

8 Q. And you signed that acknowledging that that's what they did,  
9 even though you're telling us today you really weren't suicidal.  
10 So did they waste their time, or did they actually give you some  
11 care that day?

12 A. They did.

13 Q. All right. September 7th. Do you recall meeting with  
14 Ms. Stephens? She came by to see you. And you told her, "You  
15 done me wrong. You put me in the crisis cell, and I was trying  
16 to get my shot." Do you remember having a conversation like  
17 that with Ms. Stephens?

18 A. Yes, sir.

19 Q. Have you ever told someone you were suicidal because you  
20 wanted to get another shot of Haldol or Prolixin?

21 A. No, sir. I ain't never got Haldol. I got Prolixin before.  
22 I get my -- sir, I get every seven days Prolixin shots due to my  
23 behavior that I have displayed in that jail -- I mean, in that  
24 prison. I get it because of my disability and my mental health  
25 status.



- 1 Q. Mr. Wallace, earlier you were shown a photograph during your  
2 testimony with Ms. Borden. Do you recall that?
- 3 A. Yes, sir.
- 4 Q. What was that a photograph of?
- 5 A. My cell.
- 6 Q. Your crisis cell?
- 7 A. No. My regular cell.
- 8 Q. Okay. Who took that photograph?
- 9 A. I don't even know, sir.
- 10 Q. Did you take that picture?
- 11 A. No, sir.
- 12 Q. Do you know who did?
- 13 A. No, sir.
- 14 Q. Do you know when it was taken?
- 15 A. No, sir.
- 16 Q. Did the picture actually show the whole cell?
- 17 A. Yes, sir.
- 18 Q. Who made the mess in the photograph there?
- 19 A. I did.
- 20 Q. And was that a picture of you in that cell?
- 21 A. Yes, sir.
- 22 Q. So that was your arm that we see in that photograph?
- 23 A. Yes, sir.
- 24 Q. All right. Do you recall on September 7th seeing Nurse  
25 Coogan? Do you know Nurse Coogan?

1 A. Yes, sir.

2 Q. And Nurse Coogan is somebody that you go to see to talk  
3 about your medicine, isn't she?

4 A. We wasn't talking about my medicine. Yes, sir.

5 Q. And you can talk to Ms. Coogan about whatever you want to,  
6 can't you?

7 A. I don't like talking to that lady.

8 Q. Okay. But you can if you wanted to, can't you?

9 A. Right.

10 Q. All right. And do you recall telling her on September 7th,  
11 after you've met with the treatment team, after you've met with  
12 a psychiatrist, a psychologist, a mental health nurse, and a  
13 treatment professional, and after having all these folks visit  
14 with you, even though you said you weren't suicidal, telling  
15 Ms. Coogan, "I'm not suicidal. I wanted to get off my shot. I  
16 did it the wrong way. I ain't going to do nothing." Do you  
17 recall telling her that?

18 A. Yes, sir.

19 Q. Okay. But they still saw you, didn't they?

20 A. Yes, sir.

21 Q. And mental health saw you, didn't they?

22 A. Yes, sir.

23 Q. And Nurse Coogan saw you, didn't she?

24 A. Yes, sir.

25 Q. And on that same day, September 7th, Ms. Meggitt,

1 Ms. Coogan, Nurse Partridge, and Ms. Jones and Psychologist  
2 Dearen came by and they came to talk to you. Do you remember  
3 that?

4 A. Yes, sir.

5 Q. You said, "I was trying to get the shot. I figured out  
6 that's not the way to do it. I'm not suicidal. I don't know  
7 what I want. I'm not in crisis every week."

8 Do you remember telling them that?

9 A. Yes, sir.

10 Q. All right. So you really didn't have suicidal thoughts.  
11 You just said it in order to get a shot, didn't you?

12 A. No, sir. I actually said it, sir, trying to get some help.

13 Q. Okay. And you got help, didn't you? You met with a nurse,  
14 you met with a psychiatrist, you met with a psychologist, and  
15 you met with a mental health professional, all in a period of  
16 two days. And according to these records, you did at least  
17 twice in that two-day period.

18 A. Yes, sir.

19 THE COURT: What help were you looking for?

20 THE WITNESS: I need someone that I can sit down and  
21 just sit there and talk to about what's going on in my mind and  
22 on my chest and stuff. And West Jefferson, where -- how many  
23 times they see me, they change up so many folks on us. Like  
24 this Dearen, he was my counselor. Then he all of a sudden just  
25 stopped working there. He don't work there no more. I mean,



1 you can ask anybody in that facility. He does not work there no  
2 more, Judge.

3 Ms. Austin is my counselor. She barely comes back  
4 there unless I say I'm suicidal or I kick the door down or  
5 something. We have to actually raise hell back there just to  
6 get somebody back there, sir.

7 THE COURT: Are you --

8 THE WITNESS: I don't care how this lawyer right here  
9 telling you what's going on. I don't know how they got it  
10 documented in his paperwork. But, sir, I swear to God, we can't  
11 get nobody back there unless we beat on the door.

12 THE COURT: Go ahead.

13 BY MR. SHAH:

14 Q. Mr. Wallace, now, we've shown you -- or we've talked about  
15 at least two instances where you've made a request to see  
16 somebody, and Mr. Dearen, psychologist, comes by and sees you,  
17 and in one instance saw you for 40 minutes. So you are actually  
18 getting to see people when you ask for it, aren't you?

19 A. Excuse me a minute. I would like to let the Court --

20 Can you scoot this up?

21 I'd like to let the Court know that we don't always get help  
22 back there like we want to get. If we're kicking on the door,  
23 then they'll come see us.

24 This gentleman right here does not know what he's in for  
25 with West Jefferson. We have to kick on the door. We have to



1 beat on the door just to get them to pop the door. They got a  
2 TV in the cube, and we actually have to beat that door down so  
3 they hear us.

4 MR. SHAH: Your Honor, this isn't responsive to any  
5 question.

6 THE COURT: Overruled.

7 Go ahead.

8 THE WITNESS: And we don't get no help back there  
9 unless we beat on the door. I don't understand these questions  
10 that he's asking me about my mental health file. And I'd  
11 appreciate it if this stay confidential about my mental health  
12 file, because I'm a mental patient. I should never have came to  
13 prison, Judge.

14 THE COURT: I understand about whether you should be in  
15 prison or not. But he's listed times you've seen professionals.

16 THE WITNESS: Yes, after I beat the door down and had  
17 to get them back there.

18 THE COURT: Okay. So you're saying you did see these  
19 people, but to do it you had to beat the door down every time or  
20 most of the time?

21 THE WITNESS: Every time.

22 THE COURT: Okay. Go ahead.

23 BY MR. SHAH:

24 Q. Now, Mr. Wallace, you have already admitted that at least on  
25 two occasions that we talked about today, you weren't in crisis,

1 and you asked to see mental health, and a psychologist came and  
2 spent time with you to talk over any issues that you wanted to  
3 talk over.

4 A. Right.

5 Q. Including getting a lower security level and in trying to  
6 get your medication changed. That does happen, doesn't it?

7 A. Yes, sir.

8 Q. You didn't have to kick the door. You asked for it and he  
9 came --

10 A. No. You trying to turn that against me. But what I'm  
11 telling you is, sir, we have to kick the door just to get them  
12 in there. Like I said, you do not know how Donaldson works.

13 Q. All right. So you're saying --

14 A. Because you're a lawyer for them. And I'm hearing these  
15 questions, and I got a question for you. Do you believe the  
16 shit they tell you?

17 THE COURT: Just a minute, now. All you need to do is  
18 answer his questions.

19 THE WITNESS: I'm asking him a question, does he  
20 believe them.

21 THE COURT: Actually, you can't ask him any questions.  
22 Unfortunately, that's the way the law works. You just have to  
23 answer his questions. Okay? I know that doesn't sound right to  
24 you, but that's, unfortunately, the way things are. So all you  
25 need to do is just answer his questions. Okay? And then I'll

1 hear what you have to say as well.

2 BY MR. SHAH:

3 Q. Mr. Wallace, are you saying that you need to kick on the  
4 door to get someone's attention?

5 A. Yes, sir.

6 Q. And then you're able to tell them what you want, can't you?

7 A. Once they come back there, if they come back there.

8 Q. Okay. When they hear you knocking on the door, kicking on  
9 the door, and they come see you, you ask for mental health and  
10 you've seen mental health. And that's something we've talked  
11 about already, haven't we?

12 A. Unless it's too late in the day. About this time, we don't  
13 get to see nobody. They go home at 4:30.

14 Q. Okay. Well, let's talk about the records we were discussing  
15 earlier, the care that you received just in the month of  
16 September. All right? And so far you've been seen 14 times,  
17 and it's only September 8th.

18 Ms. Partridge came by to see you on September 8th. Talked  
19 about you had no -- you weren't having any kind of  
20 hallucinations. You had the opportunity to speak with her, and  
21 she gave you medication on that day, didn't she?

22 A. Yes, sir.

23 Q. And on September 11th, you had another member of mental  
24 health come by to see you. And at this point, you said, "I'm  
25 feeling suicidal again. I feel like killing myself," because



1 you didn't feel like anyone was trying to help you get in touch  
2 with a member of your family. Do you remember that?

3 A. Yes, sir.

4 Q. All right. And they placed you back in suicide watch,  
5 didn't they?

6 A. Yes, sir.

7 Q. All right. And, in fact, once you got placed back in  
8 suicide watch, you came through -- on September 12th, you had  
9 Ms. Tate come by, check on you, give you your medication, and  
10 you had an opportunity to talk with her, didn't you?

11 A. Yes, sir.

12 Q. And then on September 12th, you met again with Nurse Coogan,  
13 a nurse practitioner, didn't you?

14 A. Yes, sir.

15 Q. And you told her, "I'm tired. I need a shot." And you  
16 again asked for a shot and said you were suicidal; correct?

17 A. Yes, sir.

18 Q. And on September 12th, you still got to see mental health.  
19 You saw Nurse Coogan, and you had already seen someone else that  
20 day as well; correct?

21 A. Yes, sir.

22 Q. All right. And on September 12th, again, you met with  
23 Ms. Austin where you had a one-on-one session with her just like  
24 you wanted. You got a one-on-one opportunity to talk to a  
25 member of mental health, and you told her that you were tired of



1 life because things weren't going the way that you planned. Do  
2 you remember having a conversation like that?

3 A. Yes, sir.

4 Q. And you had an opportunity to talk to her, and she put you  
5 in a safe environment, and she tried to help you with coping  
6 skills to try to deal with some of these thoughts, did she not?

7 A. Yes, sir.

8 Q. All right. September 12th, again, you come through --  
9 Ms. Partridge comes by to give you your shot. These nurses,  
10 they come by and they see you and give you a shot, and you have  
11 a chance to talk to them, don't you?

12 A. Yes, sir.

13 Q. Again, on September 12th, you have another visit with a  
14 nurse, Nurse Scott. You said you're tired. "I want some more  
15 medication. I can't do this no more." And she went through and  
16 gave you medication again; correct?

17 A. Yes, sir.

18 Q. And she's given you medication when you've asked for it, but  
19 you're also getting an opportunity to talk with mental health;  
20 correct?

21 A. No, sir. Just her.

22 Q. Well, you certainly got a chance to talk to her on September  
23 12th, didn't you?

24 A. Her, yes, sir, but not mental health folks, because it was  
25 late in the evening.

1 Q. Okay. Well, now, September 13th, we go through again. You  
2 see Ms. Stephens and you tell her, "I'm not doing good. I'm  
3 still having some suicidal thoughts this time. I'm just tired."  
4 And she came by and checked on you, and you had the opportunity  
5 to talk to her, didn't you?

6 A. I didn't feel like talking to her.

7 Sir, I just lost my fucking father.

8 THE COURT: You lost your what?

9 THE WITNESS: My fucking father. I lost my daddy.  
10 Being in this thing, in this camp -- and, sir, I don't know if  
11 you've ever known how it would feel to lose a family member that  
12 took care of you from birth and was there every step of the way.  
13 Sir, when I lost him, I lost all hope until I -- I found my  
14 brother later on as hope. But that hadn't touched my brother in  
15 eight months. And that's part of my depression. I'm on  
16 depression pills now called Zoloft.

17 BY MR. SHAH:

18 Q. Mr. Wallace, I am sorry for your loss. And I'm not in any  
19 means trying to say that you shouldn't be upset or that there is  
20 anything related to the death of your father that's at issue  
21 here. All I want to do is ask you --

22 A. Well, can we stop asking about how many times I been in the  
23 crisis? I get the drift. Okay?

24 Q. Well, I understand that you do. But at the same time, you  
25 have had interactions with mental health that I would like to go

1 through with you.

2 A. Okay. You've made your point, sir.

3 MR. SHAH: Your Honor.

4 THE COURT: Okay. I know this is painful for you and I  
5 know it's hard for you, but we're going to -- let's just try to  
6 finish this up today, and then no one's going to ask you any  
7 more questions in this case. Can you bear with me just a little  
8 while longer?

9 THE WITNESS: Yes, sir.

10 THE COURT: Thank you. Very good.

11 Q. Mr. Wallace, I'll be done shortly. Okay?

12 September 13th, Nurse Partridge came by to see you again  
13 early that morning. "I figured out it ain't the way to do  
14 things. I'll think better thoughts."

15 Do you remember saying something like that to Ms. Partridge  
16 on September 13th?

17 A. Yes, sir.

18 Q. All right. And the very same day, you had another visit  
19 with the psychiatrist, Dr. Chen, where you told Dr. Chen, "I  
20 will figure out the right way to do things now. I'm ready to go  
21 for some observation."

22 You wanted to change out, didn't you?

23 A. Yes, sir.

24 Q. And you told that to Dr. Chen. And on that same day, again,  
25 you had a one-on-one counseling session with Ms. Austin, and you



1 said, "I'm ready to get out of that cell, because I figured that  
2 ain't the right way."

3 A. Yes, sir.

4 Q. September 13th, again, you meet with Ms. Pickett. And you  
5 testified earlier, sometimes you just don't want to talk to  
6 folks; right?

7 A. Right.

8 Q. And that's your choice, isn't it?

9 A. Yes, sir.

10 Q. And they're there, ready to be talked to, ready to discuss  
11 things with you, and you choose not to speak with them; correct?

12 A. Correct.

13 Q. All right. And if you wanted to have an interaction with  
14 them or discussion with them about something, you could; right?

15 A. Correct.

16 Q. And it looks like on September 13th, you didn't want to  
17 speak with Ms. Pickett. She still came by to see you, didn't  
18 she?

19 A. Yes.

20 Q. September 14th, Ms. Stephens comes by. You tell her you're  
21 feeling better. That you're not suicidal anymore. And they had  
22 been taking you seriously the whole time. They've kept you in  
23 this cell. And even though you want to get out, they still come  
24 by and they give you the mental health care through  
25 psychiatrists or other professionals, don't they?



1 A. Correct.

2 Q. September 14, you see Ms. Partridge. Told her you were in a  
3 good mood yesterday. They wouldn't let you go. And you  
4 actually told her, "It reminds me of that song, you can't always  
5 get what you want." You remember telling her something like  
6 that?

7 A. Yes, sir.

8 Q. Okay. You did have an opportunity to talk to Ms. Partridge  
9 on that day, didn't you?

10 A. Yes, sir.

11 Q. All right. And on the 14th --

12 A. Okay. Can I say something to the Court? The whole time at  
13 that time, I had a friend that was helping me out upstairs,  
14 giving me hot chocolate, things I needed, because he know I  
15 didn't get no money. I don't get no money right now. I won't  
16 have no money until Christmas. If I get back to the right  
17 facility and get my feet stable, I'll have some money by  
18 Christmas. About \$456. I'm not going to lie to you. If it  
19 ain't that much, it's going to be about \$56 if he can't afford  
20 it.

21 Q. All right. Mr. Wallace, I want to talk to you about  
22 September 14. You got to see a psychiatrist again.

23 A. Yes, sir.

24 Q. Dr. St-Phard. You liked Dr. St-Phard, didn't you?

25 A. Yes, sir.

1 Q. And you told Dr. St-Phard, "I'm doing fine. I'm not  
2 suicidal anymore." And you had a chance to talk to him about  
3 whatever you wanted to talk to him about, didn't you?

4 A. And I did.

5 Q. All right. And this is an opportunity for you to meet with  
6 the psychiatrist, to talk about any mental health concerns that  
7 you have; isn't that right?

8 A. Yes, sir.

9 Q. All right. September 14, you also had a one-on-one visit  
10 with Ms. Austin. You told her you were doing good. She talked  
11 to you about how to learn to accept the word no.

12 A. Yes, sir.

13 Q. She had conversations with you like that before?

14 A. Yes, sir.

15 Q. And you could talk to her about whatever you wanted to in  
16 that counseling session, couldn't you?

17 A. Yes, sir.

18 Q. And this is on the same day that you've already met with  
19 Dr. St-Phard and had a chance to visit with him and talk about  
20 any mental health -- any type of thing you want to talk about,  
21 right?

22 A. Yes, sir.

23 Q. Next day, on September 15th, met with Ms. Pickett. She saw  
24 you about 5:30. You told her you were upset that you couldn't  
25 catch the store. She spent some time visiting with you on that

1 day, didn't she?

2 A. Yes, sir.

3 Q. Same day, September 15th, you go through Ms. Partridge  
4 again. She comes by to see you at the cell front. You tell her  
5 you're ready to take your shot; correct?

6 A. Yes, sir.

7 Q. September 16th, Ms. Stephens. "They put me in here and they  
8 gave me a gown. I'm on the floor. Will you please tell them to  
9 give me a new one?"

10 A. No. I told them my -- it's not saying what I said in there.  
11 I said, I messed up my smock because I have a bowel problem. If  
12 you don't believe me, I can show you the diaper I'm wearing  
13 right now, sir. I have bowel problems, and I'm not scared to  
14 let the Court know I do shit myself. Because I have what they  
15 call imperforate anus, tethered spinal cord, esophagus attached  
16 to my lungs when I was born. I'm really not supposed to be in  
17 prison because of my mental health -- of health -- not mental,  
18 mental health, but health reasons keeping me in society.

19 THE COURT: What's your next question?

20 Q. Now, when you saw Dr. St-Phard on the 14th of September, he  
21 pulled you out of the crisis cell and you got to still see  
22 him --

23 THE COURT: What do you want to do?

24 THE WITNESS: I want to sit up. My back's hurting.

25 THE COURT: You can sit up. Go ahead. You want to

1 stand up?

2 THE WITNESS: Please.

3 THE COURT: Go ahead and stand up. Can you help him  
4 stand up? Go ahead. That's fine.

5 THE WITNESS: I just want to stand up because my back's  
6 hurting.

7 BY MR. SHAH:

8 Q. Two days after seeing Dr. St-Phard, your psychiatrist, you  
9 got to see him again on September 16th.

10 A. Yes, sir.

11 Q. And you got to talk to him about whatever you wanted to talk  
12 about with Dr. St-Phard, didn't you?

13 A. Yes, sir.

14 Q. And you told him, "I'm sick and tired of being at Donaldson  
15 camp."

16 A. Yes, sir.

17 Q. Were you ready to get out of Donaldson camp?

18 A. Yes, sir.

19 Q. And that was a visit with Dr. St-Phard where he had an  
20 opportunity to talk to you as well; right?

21 A. Yes, sir.

22 Q. And you liked Dr. St-Phard, didn't you?

23 A. Yes, sir, I did.

24 Q. Good psychiatrist?

25 A. Yes, sir. Best one they had up there.



1 Q. Ms. Thomas saw you on September 16th, didn't she?

2 A. Thomas is a nurse.

3 Q. All right. And when Ms. Thomas saw you on the 16th, you had  
4 an opportunity to talk with her, and you told her you wanted to  
5 be moved to Bullock; isn't that right?

6 A. Yes, sir.

7 Q. Is that what you wanted to do?

8 A. Yes, sir.

9 Q. Move to Bullock?

10 A. See, as a matter of fact, before I was coming to this  
11 hearing, I was supposed to go to Bullock, but they called the  
12 last minute and told them, no, take him to Kilby because he's  
13 got a court hearing Monday.

14 Q. Mr. Wallace, do you sometimes threaten suicide or say things  
15 to the mental health professionals because you just want to move  
16 to Bullock?

17 A. No, sir.

18 Q. Okay. And so instances in here where you've said, "I'm  
19 really not suicidal, I just want to change camps," that's just  
20 not true?

21 A. No. It's -- I say that because I want to go to another --  
22 back to Bullock because it's easier at Bullock for me.

23 THE COURT: Why is it easier?

24 THE WITNESS: Because the staff there, they got a nurse  
25 docket right outside of the RTU there. They got a nurse -- see,

1 this is the cube. It sits here. Nurse docket is here. Our  
2 cells are here and here. Everything sits on a unit.

3 Our nurse station at Donaldson sits on the outside of  
4 the door. Cube up above. Now, they just put a TV in there.  
5 Well, TV ain't my thing. I just want to get a radio, listen to  
6 some music, calm on down, and just do my time. But as far as  
7 just being in there in the cell all day, it's getting to me. I  
8 can't do it.

9 THE COURT: This is at Donaldson?

10 THE WITNESS: Donaldson.

11 THE COURT: Whereas at Bullock, what? You --

12 THE WITNESS: It's in Bullock County.

13 THE COURT: I know that. But at Bullock, you say the  
14 facility has the nurses --

15 THE WITNESS: It's got cells, but we get to come out  
16 more.

17 THE COURT: Okay.

18 BY MR. SHAH:

19 Q. September 17th, you remember meeting again with Ms. Tate,  
20 telling her that you were doing just fine, and you just wanted  
21 your coffee this morning? Is that the kind of conversations you  
22 had with Ms. Tate?

23 A. Yes, sir.

24 Q. You could talk to her about anything you wanted to; right?

25 A. Yes, sir.

- 1 Q. All right. Looks like one of my dates is out of order.  
2 September 16th, you actually had another one-on-one session  
3 with Ms. Austin. You told her, "I'm at my wit's end with this  
4 camp. I can't move around like I want to. I want to go to  
5 Bullock."
- 6 A. That's going back to what I just told the judge. We can't  
7 move around like we want to down there.
- 8 Q. So you told them that you were suicidal, and you wanted to  
9 move to Bullock because you can move around better. Is that  
10 what you told them?
- 11 A. Correct.
- 12 Q. So, again, Mr. Wallace, you're telling mental health that  
13 you're suicidal to get what you want, not because you're  
14 actually suicidal.
- 15 A. No. I be suicidal.
- 16 Q. So when you tell them that you're not, you're not telling  
17 the truth?
- 18 A. No, I'm telling the truth. Now, don't get me wrong. When I  
19 do say I'm suicidal, I go cut on myself. I showed my arm. I  
20 mean, take a look at them cuts. You think I'm not suicidal?  
21 Come on, now.
- 22 Q. Mr. Wallace, have you told members of the mental health  
23 staff that you are not suicidal in order to get out of the camp,  
24 out of the crisis cell?
- 25 A. Yes, sir.



1 Q. All right. September 17th, you say that you're still having  
2 suicidal thoughts. You meet again with another member of the  
3 mental health staff; is that right?

4 A. Yes, sir.

5 Q. September 18th, you meet again with Ms. Stephens. You like  
6 Ms. Stephens?

7 A. Yes, sir.

8 Q. And you have a visit with Ms. Stephens?

9 A. That's just her doing rounds.

10 Q. All right. But you can talk to Ms. Stephens about whatever  
11 you want to, can't you?

12 A. Not -- not -- not long, because she has other people she has  
13 to give medication to.

14 Q. But if you want to talk with Ms. Stephens, you can talk to  
15 Ms. Stephens. And you also can ask to see someone else like  
16 you've done before; right?

17 A. Not really, because she come in in the morning time, sir.

18 Q. Okay. But you can still ask her to see someone like you've  
19 done before, and Mr. Dearen has come to see you, hasn't he?

20 A. Yes, sir.

21 Q. All right. September 18th, you again see Ms. Scott. 10:30  
22 in the morning. You told her you're not feeling so good.  
23 You're not sleeping and eating so good.

24 Do you remember having some issues like that in September?

25 A. Yes, sir.



1 Q. Saw Ms. Tate, September 19th. And you had an opportunity at  
2 three o'clock on September 19th to visit with Ms. Tate and ask  
3 her about any issues that you may have; correct?

4 A. Yes, sir.

5 Q. Now, Mr. Wallace, I want to show you, again, on September  
6 19th, another instance where you got a chance to meet with your  
7 nurse practitioner, psychologist, and other members of the  
8 mental health staff to talk about your treatment.

9 MR. SHAH: This is document 51877.

10 THE COURT: How much longer are you going to be?

11 MR. SHAH: About 15 minutes.

12 MR. SMITH: Your Honor, I have about 15 minutes myself.

13 THE COURT: You do? Let's just see if we can speed it  
14 up just a little bit.

15 MR. SHAH: All right.

16 BY MR. SHAH:

17 Q. Mr. Wallace, is that your signature on that document?

18 A. Yes, it is.

19 Q. And on September 19th, you had an opportunity to meet with  
20 members of your treatment team, did you not?

21 A. Correct.

22 Q. And that's after you've already had an independent meeting  
23 with Ms. Coogan as well; isn't that right?

24 A. Correct, sir.

25 Q. All right. So on September 19th, you had the opportunity to

1 visit with Ms. Tate, Ms. Coogan, and you also had a visit with  
2 your treatment team; correct?

3 A. Correct.

4 Q. All right. And then you also had a visit at 8:30 that  
5 morning with Ms. Partridge where you told her you were throwing  
6 urine on the walls.

7 A. Feces.

8 Q. All right. And, again, on September 19th, you had a visit  
9 with Mr. Dearen. And on this particular date you were in a  
10 suicide smock, and you had thrown urine on another inmate. Told  
11 him, "I thought I could avoid the ass whipping."

12 Did you think the other inmate was going to come after you?

13 A. Yes, sir.

14 Q. All right. And so you told them that you were suicidal so  
15 you could get in a crisis cell and get away from him, didn't  
16 you?

17 A. No. I told them I was suicidal because I was tired of being  
18 in the block with him.

19 Q. So you made up that you were suicidal so you could get away  
20 from him, didn't you?

21 A. No. I was suicidal, now.

22 Q. But you said whatever you wanted to to get out of that cell,  
23 didn't you?

24 A. No. I was suicidal.

25 Q. Okay. So when you told them that you really said you were

1 suicidal just to get out of that cell, is that accurate?

2 A. Correct.

3 Q. And you also on that same day had another opportunity to  
4 visit with Mr. Dearen to talk through methods of communicating  
5 your needs for motivating factors to reduce the use of crisis  
6 cell. Do you remember Mr. Dearen sitting down and talking to  
7 you about how not to go into the crisis cell?

8 A. Yes, sir.

9 Q. And he came and saw you that same -- that very same day, on  
10 the 19th?

11 A. He didn't come to see me. I went to see him.

12 Q. So you went to go see Mr. Dearen. You got out of the cell  
13 to go see him.

14 A. Yes, sir.

15 Q. All right.

16 A. I was in crisis at that time.

17 Q. And, again, you got out on the 19th to see Nurse Pickett as  
18 well; correct?

19 A. Yes, sir.

20 Q. September 20th, you saw Ms. Stephens, 2:40 in the afternoon.  
21 She came by. You had a chance to talk to her and discuss any  
22 issues or request any help that you wanted; right?

23 A. Correct.

24 Q. September 20th, you again saw Mr. Dearen, who again had a  
25 one-on-one session with you about ways you could avoid being in

1 suicide and how to avoid situations where you felt slighted and  
2 avoid revenge. Do you remember having conversations with him  
3 like that?

4 A. Yes, sir.

5 Q. And you could have had any conversations you wanted to with  
6 Mr. Dearen in that period of time; right?

7 A. Yes, sir.

8 Q. Okay. You again saw Dr. Chen on the 20th, a psychiatrist at  
9 this point, where you could have discussed anything with him  
10 during your session with him; correct?

11 A. Yes, sir.

12 Q. September 20th, you had a second visit with Mr. Dearen.

13 A. Excuse me. Hold on.

14 THE WITNESS: Hey, Judge, please hurry up.

15 THE COURT: We're going to try to move as quickly as we  
16 can.

17 THE WITNESS: I mean, he's asking -- he's going through  
18 every single treatment plan there is.

19 THE COURT: I realize that.

20 THE WITNESS: I'm asking him to quit going through my  
21 treatment plan like that. He's got a point across.

22 THE COURT: Well, he has a right to do that. And I'm  
23 tired, too, let me assure you. So let's bear up together; okay?

24 THE WITNESS: Yes, sir.

25 THE COURT: Okay. We'll make it through this together.



1 THE WITNESS: I know you ready to go home.

2 THE COURT: You're definitely right. I agree with you  
3 on that one. So let's try -- I'm as eager as you are to get  
4 this over. So let's take it together. Okay?

5 THE WITNESS: Yes, sir.

6 THE COURT: Go ahead.

7 BY MR. SHAH:

8 Q. You saw Mr. Dearen twice on that day and had another  
9 intervention with him and a one-on-one session at 4:30 in the  
10 afternoon on September 20th. Do you recall having an  
11 opportunity to visit with Mr. Dearen?

12 A. Yes, sir.

13 Q. And discuss any issue you wanted to with him; right?

14 A. Yes, sir.

15 Q. All right. You said earlier that you would have a nurse  
16 come by, and if you didn't want to talk to her, you didn't talk  
17 to her; right? And on September 20th, Ms. Pickett came by. And  
18 you asked Officer Rogers for a cigarette. You told Nurse  
19 Pickett that you didn't have anything to talk to her about.

20 Is that another chance you could have talked to her but  
21 chose not to?

22 A. Yes, sir.

23 Q. Okay. September 21st, you refused your shot from  
24 Ms. Stephens. Have you done that before, said you don't want to  
25 take your medicine?

- 1 A. I ain't never refused my shot. That's got it wrong.
- 2 Q. Okay. So when you refused your shot, said, "I don't want
- 3 it" --
- 4 A. I ain't never refused my shot, sir.
- 5 Q. Let me clarify that. You ever refused pills?
- 6 A. Yes, sir.
- 7 Q. Okay. So it's possible that you refused your pills on this
- 8 day, September 21st. Ms. Stephens came by, you said, "I don't
- 9 want it," and you refused to take your morning medication. That
- 10 could have been a pill.
- 11 A. Medicine --
- 12 Q. Okay. But you chose not to take it; right?
- 13 A. Yes, sir.
- 14 Q. All right. The next day -- excuse me. That very same day
- 15 you saw Dr. St-Phard again, your psychiatrist, and you had an
- 16 opportunity to talk to him about whatever you wanted to; right?
- 17 A. Yes, sir.
- 18 Q. You also had another one-on-one session with Mr. Dearen, the
- 19 psychologist. Again, you could talk to Mr. Dearen about
- 20 whatever you wanted to talk about with Mr. Dearen; correct?
- 21 A. Yes, sir.
- 22 Q. September 21st. You also saw Ms. Partridge again on
- 23 September 21st and, again, another opportunity to visit with
- 24 Ms. Partridge if you needed to talk about anything; correct?
- 25 A. Correct.

1 Q. Is that correct?

2 You saw Mr. Dearen again later that afternoon, your daily  
3 crisis intervention. You said you were no longer suicidal and  
4 that your coping skills are working and that you're reading the  
5 Bible.

6 A. Yes, sir.

7 Q. Do you remember having an opportunity to talk to Mr. Dearen  
8 on that day?

9 A. Yes, sir.

10 Q. You saw Ms. Pickett on the 21st again. Had an opportunity  
11 to talk to Ms. Pickett about any issues that you may have if you  
12 wanted to talk about requesting additional help; right?

13 A. Yes, sir.

14 Q. Saw Ms. Stephens on September 22nd. Same visit where they  
15 come by to give you your medication. You had a chance to talk  
16 to them, discuss anything --

17 A. Yes, sir.

18 Q. All right. September 22nd, you also had a visit with  
19 Ms. Meggitt where you told her, I'm feeling all right. I've  
20 been working out. I've been sleeping a lot. I feel like  
21 working out helps me deal with my anger. I know I can't just  
22 say I'm suicidal to get my way.

23 Had you been doing that, saying you were suicidal to get  
24 your way?

25 A. Yes, sir.

1 Q. Again, on the 22nd, you saw Ms. Pickett. Got your  
2 medication. Had a chance to talk to her. You also saw  
3 Ms. Thomas; is that right?

4 A. Correct.

5 Q. Again, on September 22nd, you met with Ms. Meggitt. And she  
6 tried to get you to identify at least one way to communicate two  
7 factors to help motivate you to reduce returning to the crisis  
8 cell. You had a visit with Ms. Meggitt; isn't that right?

9 A. Yes, sir.

10 Q. And you could talk to Ms. Meggitt about whatever you'd like  
11 to talk to her about?

12 A. Yes, sir.

13 Q. All right. September 23rd you again met with a member of  
14 mental health where you refused -- looks like your morning  
15 medications again. Is that something that you tend to do?

16 A. Yes, sir, because it would be so cold down there in that  
17 unit.

18 Q. Again, you chose to refuse the medication; right?

19 A. Yes, sir.

20 Q. All right. September 23rd, again, Ms. Meggitt meets with  
21 you. You said you're feeling all right. Not suicidal.

22 "Getting to make a phone call or read a magazine may help take  
23 me out of crisis. I know I can't get revenge on people."

24 Were you trying to get revenge on folks? Is that why you  
25 were ending up in the crisis cell?



- 1 A. No, sir. I'm talking about people on the street.
- 2 Q. Okay. But you had an opportunity to visit with Ms. Meggitt
- 3 on September 23rd; isn't that right?
- 4 THE COURT: Do you remember meeting with her then?
- 5 THE WITNESS: Yes, sir.
- 6 THE COURT: He's almost through.
- 7 MR. SHAH: Almost through.
- 8 THE COURT: Is that it?
- 9 BY MR. SHAH:
- 10 Q. Mr. Wallace, you testified earlier that in the free world,
- 11 you had a psychiatrist that you saw; isn't that right?
- 12 A. Yes, sir.
- 13 Q. You saw your psychiatrist twice a month; isn't that right?
- 14 A. Yes, sir.
- 15 Q. All right. Did you ever see mental health professionals
- 16 over 61 times in one month when you were out in the free world?
- 17 A. Yes, sir.
- 18 Q. When did that happen?
- 19 A. Ever since I was little, sir.
- 20 Q. You saw people 61 times a month?
- 21 A. Yes, sir.
- 22 Q. So when you testified earlier that you only saw a
- 23 psychiatrist twice a month and that --
- 24 A. In one month, it was 66 times. Yes, sir.
- 25 Q. Okay. Mr. Wallace, I think you may be confused about

1 something that you read earlier that Ms. Borden showed you.

2 A. No, sir. No, sir.

3 Q. It's your testimony under oath that you saw somebody 66  
4 times in the free world in one month for mental health care?

5 A. Yes.

6 Q. Where was that, Mr. Wallace?

7 A. Mental Health East.

8 Q. All right. And if the records show that you didn't see  
9 them 66 times, do you have any reason to dispute that?

10 A. Yes, I do.

11 Q. Okay. We need to take your word for it.

12 A. Yes, sir.

13 Q. Okay. All right. Mr. Wallace, when Ms. Borden was  
14 examining you this morning, how long did she talk to you?

15 A. She ain't come see me this morning. We just got here this  
16 morning.

17 Q. I know. When she talked to you in the courtroom, how long  
18 did that take?

19 A. A good ten -- five, ten minutes.

20 Q. Okay.

21 MR. SHAH: We have nothing further, Your Honor.

22 MR. SMITH: May I exchange places with Mr. Moltz, Your  
23 Honor?

24 THE COURT: Yes.

25 Almost through. Just one more lawyer, and then maybe

1 Ms. Borden.

2 THE WITNESS: I'm gone, man.

3 MR. VAN DER POL: J., J. --

4 THE COURT: Please bear with me.

5 MS. BORDEN: Almost done, J. Almost done.

6 THE COURT: I'm tired too. We're going to let you go.

7 Otherwise, we'll have to come back tomorrow. We don't want to

8 do that. Let's finish it up tonight. He's almost through.

9 He's not going to ask you much.

10 CROSS-EXAMINATION

11 BY MR. SMITH:

12 Q. Mr. Wallace, you give me ten minutes, I think I'll be done.

13 Okay?

14 A. Yes, sir.

15 Q. Can you do that?

16 A. Yes, sir.

17 Q. And I've got Mr. Van Der Pol with a watch on me. Okay?

18 All right. Mr. Wallace, I'm John Smith. I'm one of the

19 lawyers who also represents Commissioner Dunn and Associate

20 Commissioner Naglich.

21 You had a little bit of time when you were at Kilby and then

22 a little bit of time at Staton; right?

23 A. Yes, sir.

24 Q. Otherwise, you've either been at Donaldson, that you

25 sometimes call West Jefferson; right?

1 A. Yes, sir.

2 Q. Or at Bullock; correct?

3 A. Yes, sir.

4 Q. You liked being incarcerated at Bullock better than you  
5 liked being incarcerated at Donaldson; right?

6 A. Correct.

7 Q. You've tried to get transferred to Bullock several times;  
8 right?

9 A. Yes, sir.

10 Q. And when you were at Bullock, you did not have the problems  
11 you say occurred at Donaldson where you have to kick on the door  
12 to get officers to do things for you.

13 A. Yes, sir.

14 Q. You didn't have those problems at Bullock, did you?

15 A. No, sir.

16 Q. There were plenty of officers there to get you to  
17 appointments; right?

18 A. Plus, it was right there. Had nurses right there on duty.

19 Q. Yes, sir, I understand, but let me make sure I'm clear on my  
20 question. There were plenty of officers at Bullock to get you  
21 to mental health appointments; right?

22 A. Yes, sir.

23 Q. All right. Now, you told Dr. St-Phard that you wanted to be  
24 moved back to Bullock because you believed the treatment was  
25 better?



1 A. Yes, sir.

2 Q. Because the correctional officers paid more attention to  
3 you?

4 A. Yes, sir.

5 Q. And because you had issues with other inmates at Donaldson;  
6 right?

7 A. Correct, sir.

8 Q. All right. Now, do you recall when Mr. Shah and my partner,  
9 Mike Edwards, an older gentlemen, took your deposition back in  
10 April of 2015?

11 A. Yes, sir.

12 Q. And they asked you a series of questions about what you had  
13 to do to get officers at Donaldson to pay attention to you;  
14 right?

15 A. Yes, sir.

16 Q. Okay. Now, you told them, didn't you, back in your  
17 deposition of April of 2015 --

18 Oh, and by the way. You raised your hand and swore to tell  
19 the truth in that deposition, didn't you?

20 A. Yes, sir.

21 Q. And you told the truth then the best you could; right?

22 A. Yes, sir.

23 Q. Just like you're doing today; right?

24 A. Yes, sir.

25 Q. You told the lawyers in your deposition in April of '15 that

1 you had to do things to get officers' attention; right?

2 A. Yes, sir.

3 Q. Because you said sometimes they keep on walking; right?

4 A. Yes, sir.

5 Q. They would act like -- this is what you said, that officers  
6 would act like they're busy and not pay any attention to you;  
7 right?

8 A. Right.

9 Q. Okay. Now, you're familiar with the grievance process for  
10 medical grievances; right?

11 A. Yes, sir, but I didn't know how to fill them out because I  
12 can't read and write that good.

13 Q. I understand. But you didn't do that, did you?

14 A. No, sir.

15 Q. And you didn't ask for any assistance to do that, did you?  
16 Anybody to help you?

17 A. No, sir.

18 Q. Now, isn't it true that you were asked in your deposition:  
19 "How often do you have this issue of an officer that won't take  
20 you to get your mental health treatment?"

21 Do you remember that question?

22 A. Yes, sir.

23 Q. And wasn't your answer, "Once out of a blue moon"?

24 A. Yes, sir.

25 Q. That was true then?

1 A. Yes, sir.

2 Q. And that's true today?

3 THE COURT: Is that at Donaldson or Bullock?

4 THE WITNESS: Donaldson.

5 Q. That's true today, isn't it?

6 A. Yes, sir.

7 Q. All right. Now, I made a note to myself. You have never  
8 been in the cube, have you, at Donaldson?

9 A. No, sir.

10 Q. You don't know what the officers can see from the cube, do  
11 you?

12 A. No, sir.

13 Q. You don't know what the TV monitors that have been installed  
14 show, do you?

15 A. Yes, sir, I do, sir.

16 Q. Wait, now. Let's make sure we're talking about the same  
17 thing.

18 A. Because sometimes we'll come out, we'll wait in the hall,  
19 and they've leave the door open. Now they got a TV in the cube.  
20 They also got new computerized cameras and stuff in the cube.

21 Q. Yes, sir. But you don't know what all those show; right?

22 A. No, sir.

23 Q. Because you've never seen them, have you?

24 A. I've seen them, but I ain't never seen what they show.

25 Q. I'm sorry. That's a fair point. You don't know what the

1 video monitors that those cameras show, do you?

2 A. No, sir.

3 Q. Now, here's my final point that I want to try to cover as  
4 quickly as I can. You testified in response to Ms. Borden's  
5 questions this morning about disciplinary actions when you tried  
6 to hurt yourself; right?

7 A. Yes, sir.

8 Q. And I think, if I wrote this down right, you told Judge  
9 Thompson this morning that there were times when you weren't  
10 really trying to hurt yourself, you were just trying to get  
11 attention. Do you recall that?

12 A. Yes, sir.

13 Q. And that's true, isn't it?

14 A. Yes, sir.

15 Q. Do you think that it's appropriate to discipline you in  
16 these instances when you're not really trying to hurt yourself,  
17 but when you're just trying to get attention?

18 A. No, sir.

19 Q. You don't think discipline is appropriate?

20 A. No, because -- simple reason is because I don't think it's  
21 appropriate to my family because we don't get a chance to see  
22 one another. And I don't think it's appropriate to me because  
23 of --

24 Let me get ten minutes with the lawyer real quick, please.

25 THE COURT: I don't quite know what you mean, you need



1 ten minutes with the lawyer.

2 THE WITNESS: I need to talk to him.

3 Q. Mr. Wallace, if you can just bear with me, I'm almost done.  
4 Okay?

5 THE COURT: He's almost done. Just answer this one  
6 question.

7 Q. I've got about five more minutes, and I'll be through.  
8 Okay? Five minutes.

9 You told us this morning that you used a Skoal can sometimes  
10 to cut yourself; right?

11 A. Yes, sir.

12 Q. Now, that's a plastic can?

13 A. No, it's a metal can.

14 Q. Metal can. Got a metal top on it?

15 A. Yes, sir.

16 THE COURT: He said it later was plastic.

17 MR. SMITH: Thank you, Your Honor.

18 Q. There have been times when you cut yourself with the metal  
19 top on the Skoal can?

20 A. Yes, sir.

21 Q. And you said you broke it down?

22 A. And filed it down. Yes, sir.

23 Q. Yes, sir. And that's contraband, isn't it?

24 A. Yes, sir.

25 Q. And then when you had the plastic Skoal can that you used to

1 cut yourself --

2 A. No. You can't cut yourself with it.

3 Q. I see. You didn't try to break it apart and cut yourself  
4 with it?

5 A. No, sir. I never got one of them. Before they started the  
6 new -- selling the new cans, they had old cans they were selling  
7 that had hard tops, and we was getting them off R and U side.

8 Q. I got you. You also talked about having a razor blade to  
9 cut yourself.

10 A. Yes, sir. We was getting them from barbers and officers.

11 Q. And those were the safety razor kind?

12 A. Yes, sir. Orange style.

13 Q. Orange disposal kind; right?

14 A. Yes, sir.

15 Q. And you would break those apart to get the little blade out;  
16 right?

17 A. Take the blade and --

18 Q. Flick it?

19 A. -- flick it and make it pop out.

20 Q. That's contraband, too, when you do that, isn't it?

21 A. Yes, sir.

22 Q. And it's against the rules to have contraband.

23 A. Yes, sir.

24 Q. Do you think it's appropriate to discipline you when you  
25 have contraband such as --

1 A. Yes, sir.

2 Q. Okay. That's what I need to know.

3 Now, very quickly -- and, again, I think I'm almost done.  
4 Ms. Borden asked you about being disciplined as a result of  
5 cutting yourself with a Skoal can on April 21, 2012. Do you  
6 remember that?

7 A. Yes, sir.

8 Q. And she was looking at -- and you may not know this, but I'm  
9 going to tell you. She was looking at what's called Joint  
10 Exhibit 467, page 31510.

11 Now, again, you didn't always get disciplined when you cut  
12 yourself, did you?

13 A. No, sir.

14 Q. Sometimes they would do incident reports; right?

15 A. Yes, sir. They doing me favors. They wouldn't write me up.

16 Q. For instance, on May 31, 2012 -- and this is reflected on  
17 Joint Exhibit 467, page 31444 through 31446 -- you cut yourself  
18 and an incident report was done, but there was no discipline;  
19 right?

20 A. Right.

21 Q. And on June 16th, 2012, you cut your right wrist, but you  
22 were not disciplined; correct?

23 A. Correct.

24 Q. And that's --

25 MR. SMITH: Counsel, that's on Joint Exhibit 467, page

1 31644 through 31645.

2 Q. And on August 3rd, 2012, you cut yourself on the side of  
3 your neck; isn't that right?

4 A. Yes, sir.

5 Q. And just an incident report was done; correct?

6 A. Correct, sir.

7 Q. No disciplinary report; right? As far as you know?

8 A. No, sir.

9 MR. SMITH: And that's on Joint Exhibit 467, page 31658  
10 through 31659.

11 Q. When you take apart things in your cell like the light  
12 fixtures, is that promoting contraband?

13 A. Yes, sir.

14 Q. And that's against the rules; right?

15 A. Yes, sir.

16 Q. So do you think you should be disciplined for taking apart  
17 things in your cell?

18 A. Yes, sir.

19 Q. What about breaking light bulbs? Is that promoting  
20 contraband as well?

21 A. Yes, sir.

22 Q. And do you think you should be disciplined for doing that?

23 A. Yes, sir.

24 Q. On October 8th of 2012 -- I tell you what. I'm not going to  
25 go through each and every one of these. Let me cut to this



1 point. Do you recall in May of 2014, May 25th of 2014, you  
2 intentionally cut your left wrist?

3 A. Yes, sir.

4 MR. SMITH: Counsel, this is reflected in Joint Exhibit  
5 467, page 31481 through 31488 and 31528 through 31529.

6 Q. You got a disciplinary report for cutting your left wrist;  
7 correct?

8 A. Yes, sir.

9 Q. That was the last disciplinary you got for cutting yourself;  
10 isn't that right?

11 A. Yes, sir.

12 Q. So in over a year and a half now, you have not had a  
13 disciplinary report for cutting your wrist; correct?

14 A. Correct.

15 Q. And, in fact, Ms. Borden pointed out that on August 23rd of  
16 this year, you were written up for harming yourself, weren't  
17 you?

18 A. Yes, sir.

19 Q. But no discipline was imposed; correct?

20 A. Correct.

21 Q. Because when you went to the hearing, they determined that  
22 was due to your mental health condition.

23 A. Yes, sir.

24 Q. Okay. So you would agree with me that at least in the last  
25 year and a half --

1 A. I've had a disciplinary in the last year and a half, but it  
2 wasn't for cutting myself.

3 Q. That's what my point is. Can we agree that at least in the  
4 last year and a half, when you have injured yourself, you have  
5 not received a disciplinary for that?

6 A. Yes, sir.

7 Q. Because of your mental health condition; correct?

8 A. Yes, sir.

9 Q. Mr. Wallace, thank you very much.

10 THE COURT: Ms. Borden?

11 MS. BORDEN: Yes, I have --

12 THE COURT: Just one more minute.

13 REDIRECT EXAMINATION

14 BY MS. BORDEN:

15 Q. I'm going to ask you just a few things. Okay?

16 When you were at Bullock, Mr. Smith asked you about whether  
17 or not you were able to be taken to mental health appointments  
18 and have mental health people come and see you while you were at  
19 Bullock; right?

20 A. Yes, ma'am.

21 Q. Were you in the stabilization unit at Bullock?

22 A. Yes, ma'am.

23 Q. You weren't just in the RTU?

24 A. I was in the RTU, stabilization.

25 Q. Stabilization. Okay.

1 Now, Mr. Shah asked you a lot of questions about all the  
2 times that you saw some people from mental health during  
3 September of this year. Do you remember?

4 A. Yes, ma'am.

5 Q. Okay. Now, a little bit earlier in 2016 and over the  
6 summer, you had been at Bullock in the SU; right?

7 A. Yes, ma'am.

8 Q. And then when you came back from Bullock, you were on  
9 suicide watch quite a few times back at Donaldson; right?

10 A. I just come off of crisis cell before I went on this  
11 destribution (phonetic).

12 Q. Okay. So when Mr. Shah was asking you questions about from  
13 September 2nd to September 23rd, when he gave up on the month,  
14 you pretty much were in a crisis cell that whole time, weren't  
15 you?

16 A. Yes, ma'am.

17 Q. All right. But on September 23rd, you were released from  
18 the crisis cell, weren't you?

19 A. Yes, ma'am.

20 Q. And then after that, do you know when the next time you saw  
21 somebody?

22 A. No, ma'am.

23 MS. BORDEN: And just for y'all's record, on the 23rd  
24 he was released. MR-052067 is that record.

25 Q. And according to the records on MR-052066, the next time

1 there's a record of you seeing someone was not until the 29th;  
2 is that right?

3 A. Yes, ma'am.

4 Q. And on the 29th, you saw Ms. Partridge; right?

5 A. Yes, ma'am.

6 Q. And what did Ms. Partridge come to do?

7 A. Came to see me.

8 Q. Okay. She came to give you a shot?

9 A. Yes, ma'am.

10 MS. BORDEN: Judge, rather than go through all of those  
11 records, I think it would be best, if I may, if I can just  
12 provide the Bates numbers that we talked about this morning  
13 about all the ins and outs of these records rather than continue  
14 to question him about them.

15 THE COURT: Very good, then. Thank you very much.

16 MR. SHAH: Thank you, Mr. Wallace.

17 THE WITNESS: Can I talk to Ms. Jackie for a minute?

18 MS. BORDEN: She's one of the attorneys. Yes.

19 THE COURT: Yes, you can talk to her. Why don't we  
20 wait for him to talk to her?

21 (Witness was excused from the library)

22 (End of excerpt)

23 \* \* \* \* \*

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