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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Daniel Coble, Circuit Court Judge

Appellate Case No. 2025-002478
Case No. 2018-CP-40-4850

Randle Jackson as the Personal Representative of the
Estate of Dashaun Simmons, ... Respondent,

v.

South Carolina Department of Corrections,..... Appellant.

RECORD ON APPEAL - VOLUME I
(pp. 1-361)

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Dashawn Simmons, Plaintiff, v. The South Carolina Department of Corrections, Defendant.	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT C/A NO. 2018-CP-40-04850 **ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

This matter came before me during the week of December 11, 2023 term of court via WebEx on Plaintiff Dashawn Simmons's Motion for Summary Judgment. Present were counsel for the Plaintiff, Joshua Hawkins, and counsel for the Defendant, Will Davidson. Following oral arguments, I took the matter under advisement.

Plaintiff's Motion for Summary Judgment is denied because the court finds there are genuine, material issues of fact. The fact of the arrest warrant, even if subsequently dismissed, creates an issue of material fact that a jury should consider.

IT IS THEREFORE ORDERED, after a careful review of all applicable cases, statutes, and arguments of counsel, Plaintiff's Motion for Summary Judgment, pursuant to Rule 56, SCRCP, is DENIED.

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]

ELECTRONICALLY FILED - 2023 Dec 27 12:06 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Richland Common Pleas

Case Caption: Dashawn Simmons vs South Carolina Department Of Corrections

Case Number: 2018CP4004850

Type: Order/Other

So Ordered

s/ Daniel Coble, 2774

ELECTRONICALLY FILED - 2024 Jan 02 12:13 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Dashawn Simmons, Plaintiff, v. The South Carolina Department of Corrections, Defendant.	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT C/A NO. 2018-CP-40-04850 **ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

This matter came before this court during the week of December 11, 2023 term of court via WebEx on Plaintiff Dashawn Simmons's Motion for Summary Judgment. Present were counsel for the Plaintiff, Joshua Hawkins, and counsel for the Defendant, Will Davidson. Parties submitted legal memoranda supporting their respective positions, and the same were before me. Following oral arguments, I took the matter under advisement.

As to the issue of vicarious liability, the court finds that there is a genuine issue of material fact as to whether Officer Hall acted intentionally. Officer Hall's actions were the direct cause of the Plaintiff's injuries, and if Officer Hall acted intentionally, summary judgment is not appropriate as to vicarious liability. First, although Officer Hall's arrest warrant was ultimately dismissed, his arrest and charge create a genuine issue of material fact as to whether he acted intentionally. Second, Officer Hall's voluntary statement creates an issue of credibility that more than one conclusion can be drawn as to whether he acted purposefully by opening the cell door and not responding. Third, Exhibit A filed by the Defendant suggests that SCDC investigators believed Officer Hall may have acted intentionally.

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As to direct liability of negligent hiring, supervising, and training, the court finds that the evidence presented by the Plaintiff of the Defendant's failure to train does not overcome the issue of the Defendant's knowledge of the potential acts of Officer Hall. *Kase v. Ebert*, 392 S.C. 57, 64-65, 707 S.E.2d 456, 459-460 (Ct. App. 2011). Plaintiff's evidence of lack of training is rebutted once again by evidence that Officer Hall acted with intent to harm the Plaintiff. Furthermore, the court finds that the training and education requirements that were waived by the Defendant were general in nature in relation to the intentional acts by Officer Hall. Therefore, there is a genuine issue of material fact as to whether the Defendant was negligent in its hiring, supervising, and training, and for purposes of summary judgment, the court does not find a clear nexus that overcomes the knowledge requirement.

IT IS THEREFORE ORDERED, after a careful review of all applicable cases, statutes, and arguments of counsel, Plaintiff's Motion for Summary Judgment, pursuant to Rule 56, SCRCP, is DENIED.

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]

ELECTRONICALLY FILED - 2024 Jan 02 12:13 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Richland Common Pleas

Case Caption: Dashawn Simmons vs South Carolina Department Of Corrections

Case Number: 2018CP4004850

Type: Order/Other

So Ordered

s/ Daniel Coble, 2774

ELECTRONICALLY FILED - 2025 Aug 07 10:10 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Randle Jackson as the Personal Representative of the Estate of Dashaun Simmons, Plaintiff, vs. The South Carolina Department of Corrections, Defendant.	)	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT CASE NO.: 2018-CP-40-04850 **ORDER**

This matter came before Judge Coble on Plaintiff and Defendant's cross Motions for Summary Judgment, and Defendant's Motion for Protection from Discovery. Judge Coble heard the Motions in person on August 4, 2025. Present at the hearing was counsel for the Plaintiff, William Allen Jr. and Joshua Hawkins, and counsel for the Defendant, William Davidson. At the conclusion of arguments from both parties, the Motion for Protection from Discovery was considered RESOLVED and Judge Coble took the remaining matters under advisement.

In a determination of Summary Judgment, the "mere scintilla" standard no longer applies to Rule 56(c). *Kitchen Planners, LLC v. Friedman*, 440 S.C. 456, 463, 892 S.E.2d 297, 301 (2023). Rather, the "genuine issue of material fact" standard set forth in Rule 56(c) is proper. *Id*. Therefore, a Motion for Summary Judgment will be denied where a genuine issue of material fact is found. Alternatively, a Motion for Summary Judgment will be granted where, when viewed in the light most favorable to the non-moving party, there is not found to be a genuine issue of material fact.

After carefully considering arguments of counsel, applicable law, and filings of the parties, the court rules as follows:

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(1) Defendant's Motion for Summary Judgment is DENIED as genuine issues of material fact exist; and

(2) Plaintiff's Motion for Summary Judgment as to the Affirmative Defenses is GRANTED.

a. Comparative Negligence: there is no genuine issue of material fact to support the affirmative defense that the inmate was responsible for his own assault.

b. Intervening Acts: the assault by fellow inmates was clearly a foreseeable consequence of Defendant's actions, and thus there is no genuine issue of material fact as to intervening acts.

c. TCA Exemptions: Defendant demonstrated an utter lack of concern for the safety of Plaintiff before the assault occurred and after Defendant was made aware of the assault. Defendant has numerous policies in place to ensure the safety of the guards and the prisoners in the institution, and many of those policies were completely ignored. This alone is grounds to rule as a matter of law the Defendant was grossly negligent. Further, this Court finds that the Plaintiff is entitled to summary judgment with respect to Defendant's claim of exemptions under the Tort Claims Act, S.C. Code § 15-78-60 (3), (4), (5), (6), (13), (17), (20), and (25).

d. Discretionary Immunity: There is no evidence that Plaintiff's injuries are the result of a discretionary choice conforming to any professional standards.

e. Assumption of the Risk: There is no evidence that the Plaintiff voluntarily exposed himself to assault by other inmates.

f. Joinder: Defendant has identified no necessary or indispensable party that should be named.

(3) The Plaintiff's Motion to Compel is GRANTED. The Defense shall turn over any relevant documents in its possession.

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This case has been pending for nearly seven years, at this point, the facts are what the facts are. Putting aside all claims of discovery abuse[1] and delay by both sides, the evidence, or lack thereof, leads this Court to the decision it has made.

All rulings are based on the oral arguments and written memoranda presented in support of the motions. The prevailing party shall provide a more formal order within ten (10) days.

AND IT IS SO ORDERED.

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]

[1] The Court puts zero credence into the arguments regarding defense counsel's "reputation" and wholly disregards them.

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Richland Common Pleas

Case Caption:	Dashawn Simmons , plaintiff, et al vs South Carolina Department Of Corrections
Case Number:	2018CP4004850
Type:	Order/Other

So Ordered

s/ Daniel Coble, 2774

ELECTRONICALLY FILED - 2025 Aug 25 10:06 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

STATE OF SOUTH CAROLINA **COUNTY OF RICHLAND**	)	IN THE COURT OF COMMON PLEAS Civil Action No. 2018-CP-40-04850
Randle Jackson, as the Personal Representative of the Estate of Dashaun Simmons, Plaintiff, v. The South Carolina Department of Corrections, Defendant.	)	**ORDER**

This matter is before the Court upon Plaintiff's Motion for Summary Judgment or in the Alternative Motion to Strike SCDC's Answer, Plaintiff's Motion to Compel, Defendant's Motion for Summary Judgment, and Defendant's Motion for Protective Order. All outstanding motions were heard during an in-person hearing on August 4, 2025 to resolve all issues prior to trial. The Plaintiff[1] was represented at the hearing by W. Baker Allen, Esq.; Joshua Hawkins, Esq.; and Sulaiman Ahmad, Esq. The South Carolina Department of Corrections (SCDC) was represented by William Davidson, Esq. After careful consideration of the arguments of the parties at the hearing, as well as all written memoranda submitted in support of these matters, Defendant's Motion for Summary Judgment is DENIED, Plaintiff's Motion for Summary Judgment is GRANTED, and Plaintiff's Motion to Compel is GRANTED. Defendant's Motion for Protective Order was considered resolved at the time of the hearing and Plaintiff's request to strike Defendant's Answer in the alternative will not be addressed in light of the Court's grant of summary judgment.

[1] The Court is informed that Plaintiff Simmons was killed in a separate attack at a different institution. For simplicity, rather than reference Mr. Simmons as Plaintiff's decedent, the Court will simply reference Mr. Simmons as the 'Plaintiff.'

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Background

The instant case concerns an assault that occurred within Defendant SCDC's Broad River Correctional Institution (BRCI) located in Columbia, South Carolina. In July 2017, Plaintiff was housed in the Marion unit within BRCI, which is a level 3 or maximum-security dormitory within the institution tasked with housing inmates that are particularly dangerous. To ensure the safety and security of the prison employees, as well as the prisoners themselves, SCDC has developed policies and procedures governing the operation of its facilities and the various jobs within the facilities. Plaintiff submitted exemplar policies and post orders to the Court and described others during the hearing. Given SCDC's challenging and vitally important task to keep incarcerated individuals locked behind the walls of its institutions while at the same time insuring the safety of those living and working within the institutions, it is undoubtedly critical that SCDC's employees follow the department's policies and procedures. Furthermore, at the time of this particular assault, the Marion unit was in a state of "lockdown" during which the unit should have been subject to increased security.

On the evening of July 17, 2017, a shift change between the day-shift officer in Marion unit and the night-shift officer occurred around 7:15 pm. The day-shift officer, Matthew Kennedy, was working by himself in the Marion unit and the night-shift officer, Anthony Hall, would also be working alone that night. Both officers testified that when the shift change was completed that evening, the inmates had not been completely locked down. Ofc. Kennedy testified that Ofc. Hall had opened some of the doors when he arrived; Ofc. Hall testified that Ofc. Kennedy already had doors open when he arrived. In either event, the unit had not been locked down for the night as it should have been. Once Ofc. Hall arrived for his shift, Ofc. Kennedy left the Marion unit for the day without completing the evening lockdown and without completing a formal count, which is required

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by SCDC policy. Ofc. Kennedy testified that he told a superior officer about the situation and that the superior officer told him to go home for the day without locking the inmates down. After Ofc. Kennedy left, no superior officer came to the unit to assist Ofc. Hall in getting the inmates under control. It should be noted that due to the lockdown status in Marion unit, inmates should not have been out of their cells without more than one guard present.

The situation in Marion unit was chaotic, and Defendant was well aware of this fact. The police services investigator who issued a report on the assault in this matter testified that "the inmates essentially ran that unit." PL Memo at 3. Despite the fact that this unit was a maximum security facility, the inmates would ignore the cells assigned by SCDC and would stay wherever they pleased. This lack of control over their housing "was fairly common for the unit at that time. . . . they just kind of went to whichever cell they—they almost assigned themselves cells." Dep. of Garris at 141, PL Memo at 2. Investigator Garris testified further that control over cell assignments is essential for the security of the institution. Indeed, following the assault on Plaintiff, he was located in a cell he was not assigned to and on the wrong side of the unit. To gain access to the side where he was found, he would be required to pass through a locked sally port. Thus, SCDC not only lacked control over whereabouts of prisoners within the smaller dorms in the Marion unit, but they also lacked control over the whereabouts of prisoners in the building in its entirety.

At some point during the evening of July 17, 2017, Ofc. Hall managed to lockdown all of the inmates behind cell doors. A logbook for that unit indicates Ofc. Hall started a formal count at 11:30 p.m. and Ofc. Hall testified this may have happened sometime around 9:00 pm.[2] Starting at

[2] The precise timing of these events should have been recorded in the various logbooks that the post orders mandate officers keep at their stations, however counsel for SCDC informed the Court during the hearing that he has searched for them and has been unable to locate all except for the log book on one side of the Marion unit. While they may have provided helpful information, it appears they have either been lost or destroyed.

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around 10:00 p.m., the Shift Lieutenant, Ulysees Collins, testified that the operations center for the prison began receiving calls from inmates within the prison claiming that an inmate had been stabbed and was bleeding out. At some point the operations staff called Ofc. Hall in the Marion unit and Ofc. Hall reported that all was well. However, the calls continued to come in throughout the night. Notably, these calls were made from contraband cellphones possessed by inmates throughout the facility. Eventually, somewhere around 4:00 a.m., Lt. Collins and another officer went to Marion to check for the inmate who had been stabbed hours earlier. They did not find the inmate before they began to leave the unit, but as they were exiting the dorm they heard a banging on one of the cells and discovered the Plaintiff on the floor "full of holes." Pl. Memo at 7. Plaintiff Simmons had been brutally assaulted by assailants armed with makeshift weapons. The inmate who was banging on the door was a different inmate than the Plaintiff. Even though he was locked in a cell with someone who had been brutally stabbed, this inmate has never been identified by SCDC and was never questioned by investigators, despite being in the custody and control of defendants at all times.

During the subsequent police services investigation, an inmate in a cell across the hall from Plaintiff told investigators that Ofc. Hall opened the door to Plaintiff's cell to allow other inmates to attack him. He then locked the cell door back after the assault occurred. Plaintiff himself gave a statement indicating that Ofc. Hall opened the door to allow the attackers in and refused to let Plaintiff out of the dorm until shift change. Notably, because Ofc. Hall was the only officer working in the Marion unit that night, only he could have locked the door closed after the assault. The doors are equipped with a mechanism that prevents locking without the key so that the inmates are not able to lock others in their cells. Ofc. Hall testified that he did not open the cell doors to facilitate the assault.

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Once Lt. Collins discovered Plaintiff on the floor of the cell, he sought medical assistance and had Plaintiff transported to the hospital. Plaintiff was admitted to the hospital for three days and was discharged with antibiotic and pain medication. However, SCDC refused to permit the medication for Plaintiff at the institution, and he was subsequently readmitted to the hospital after complications from infection arose.

I. Summary Judgment

Both Plaintiff and Defendant have moved for summary judgment in this case, with Plaintiff moving for summary judgment as to Defendant's affirmative defenses. Pursuant to Rule 56(c), summary judgment should be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." SCRCP 56(c). When considering a motion for summary judgment, the evidence and its reasonable inferences must be drawn in a light most favorable to the nonmoving party. Dawkins v. Fields, 354 S.C. 58, 580 S.E.2d 433 (2003). "[W]hen plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted." Hackworth v. Greenville County, 371 S.C. 99, 102, 637 S.E.2d 320, 322 (Ct. App. 2006) (citing Hedgepath v. American Tel. & Tel. Co., 348 S.C. 340, 355, 559 S.E.2d 327, 336 (Ct. App. 2001)). For the reasons set forth below, the Court denies Defendant's motion for summary judgment and grants Plaintiff's motion.

i. Comparative Negligence

Defendant has asserted the affirmative defense of comparative negligence. Under the doctrine of comparative negligence, the Plaintiff's negligence will bar recovery if his negligence was greater than the Defendant's negligence. Thomasko v. Poole, 349 S.C. 7, 11, 561 S.E.2d 597,

599 (2002). Defendant argues that Plaintiff was negligent by failing to notify prison officials of death threats he had received and was responsible for his own assault. However, the Court finds that there is no genuine issue of material fact to support the affirmative defense that Plaintiff was responsible for his own assault. Based on the evidence presented, the only reasonable inference that can be drawn by a reasonable jury in this case is that at the time of the assault Plaintiff was asleep in a locked cell. There is no evidence in the record to suggest that even if Plaintiff believed an assault was possible that he had knowledge of the time, place, or manner of an assault. Thus there is no genuine issue of material fact that Plaintiff was responsible for his own assault while sleeping behind a locked door.

ii. Intervening Acts

Defendant has also asserted as an affirmative defense that Plaintiff's damages are the result of intervening acts for which Defendant is not responsible. Where an intervening act is claimed as a bar to liability the test is whether the act of the third party was reasonably foreseeable given the attendant circumstances. Mellen v. Lane, 377 S.C. 261, 283, 659 S.E.2d 236, 247 (Ct. App. 2008) (citations omitted). An act is reasonably foreseeable where it is a natural and probable consequence of the original actor's conduct. Id. at 283, 659 S.E.2d 236, 248 (citation omitted). If the action of the third party was foreseeable, the Defendant is still liable. Id.

The Court finds that there is no genuine issue of material fact regarding this affirmative defense, as the only reasonable inference that could be drawn from the evidence is that an assault on a prisoner by other prisoners is a foreseeable consequence of Defendant's lack of control over the Marion unit. SCDC's failure to follow its own policies with respect to security and control of inmates, as well as supervision of its staff, created a situation in which inmates with the intention to harm other inmates could easily find a way to produce that result, as was the case here. The

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evidence shows that the BRCI and Marion unit house dangerous inmates who are violent offenders and may exhibit behavioral problems. SCDC's own officers testified that "the inmates essentially ran that unit" and that this was "known to police services agents as well." PL Memo at 13. Even in a light most favorable to the Defendant, under these circumstances an assault on another prisoner was clearly foreseeable. Because the assault on Plaintiff was a foreseeable consequence of Defendant's lack of control over the unit, Plaintiff is entitled to judgment as a matter of law.

iii. **Tort Claims Act Exemptions**

The South Carolina Tort Claims Act (hereinafter, the "TCA"), S.C. Code Ann. §§ 15-78-10, et. seq., imposes liability upon State actors "in the same manner and to the same extent as a private individual under like circumstances, subject to the limitations upon liability and damages, and exemptions from liability and damages" contained in the legislation. S.C. Code Ann. §15-78-40.

Defendant's Answer in this matter claims immunity from liability pursuant to subsections (3), (4), (5). (6), (13), (17), (20), and (25) of the enumerated exemptions from liability found in Section 15-78-60. However, subsection (25), which Defendant agrees applies in this case, contains a limitation to the exception when the Defendant's duty to supervise and protect an inmate is done in a negligent manner. The subsection provides:

> The governmental entity is not liable for a loss resulting from:
>
> * * *
>
> (25) responsibility or duty including but not limited to supervision, protection, control, confinement, or custody of any student, patient, prisoner, inmate, or client of any governmental entity, except when the responsibility or duty is exercised in a grossly negligent manner;

S.C. Code Ann. § 15-78-60(25).

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Just three years after enactment of the TCA, the Court of Appeals decided a wrongful death and survival case involving Defendant SCDC. Jackson v. S.C. Dep't of Corr., 301 S.C. 125, 390 S.E.2d 467 (Ct. App. 1989), cert. granted, decision aff'd, 302 S.C. 519, 397 S.E.2d 377 (1990). The plaintiff in Jackson was stabbed and killed by another inmate with a history of mental health issues and violent behavior. After the plaintiff prevailed at trial, the trial court granted a JNOV which the Court of Appeals reversed, holding that sufficient evidence existed to find SCDC grossly negligent. On appeal, SCDC argued that even if it was grossly negligent, it would have been immune from liability under subsection (5) concerning exercise of discretion by SCDC. The Court of Appeals rejected this argument, holding that the gross negligence standard found in subsection (25) must be read into any other exceptions. Id. at 128, 390 S.E.2d at 469.

Numerous cases decided after Jackson have reaffirmed the rule that when a TCA exception containing the gross negligence standard applies in a case, that same standard will be read into all other applicable exceptions. Chakrabarti v. City of Orangeburg, 403 S.C. 308, 320, 743 S.E.2d 109, 115 (Ct. App. 2013); see also, Steinke v. S.C. Dep't of Lab., Licensing & Regul., 336 S.C. 373, 395, 520 S.E.2d 142, 153 (1999) ("the correct approach, when a governmental entity asserts various exceptions to the waiver of immunity, is to read exceptions that do not contain the gross negligence standard in light of exceptions that do contain the standard."); Repko v. County of Georgetown, 424 S.C. 494, 506 818 S.E.2d 743, 750 (2018) ("when an exception containing the gross negligence standard applies, that same standard will be read into any other applicable exception."). In the instant case, the application of subsection (25) is obvious, as this case clearly concerns Defendant's duty to supervise, protect, control and confine inmates at BRCI, including Plaintiff. S.C. Code Ann. § 15-78-60(25). Therefore, each of the claimed exceptions in Defendant's

Answer is subject to the gross negligence standard found in subsection (25). If Defendant was grossly negligent, the TCA exemptions may not be invoked to escape liability.

a. Gross Negligence

Gross negligence is the intentional conscious failure to do something which it is incumbent upon one to do or the doing of a thing intentionally that one ought not to do. Jinks v. Richland County, 355 S.C. 341, 345, 585 S.E.2d 281, 283 (2003). It is the failure to exercise slight care. Id. Gross negligence has also been defined as a relative term and means the absence of care that is necessary under the circumstances. Hollins v. Richland County School Dist. 1, 310 S.C. 486, 427 S.E.2d 654 (1993). "Gross negligence ordinarily is a mixed question of law and fact." Clyburn v. Sumter County School Dist. No. 17, 317 S.C. 50, 53, 451 S.E.2d 885, 887 (1994) (citations omitted). However, "[w]hen the evidence supports but one reasonable inference . . . the question becomes a matter of law for the court." Id. at 53, 451 S.E.2d at 888-89 (citations omitted).

Here, the Court finds as a matter of law that the evidence presented supports but one reasonable inference—that Defendant SCDC was grossly negligent. The failure to follow policies and procedures alone is grounds to find gross negligence. See Jinks v. Richland Cnty., 355 S.C. 341, 348, 585 S.E.2d 281, 285 (2003) (detention center officers' failure to follow policy concerning medical observation is evidence of gross negligence). Defendant had numerous policies in place on July 17, 2017 to ensure the protection and safety of the guards and the inmates at BRCI, but the only reasonable inference that can be drawn from the evidence presented is that those policies were completely ignored. On July 17, 2017, Defendant knew that the Marion unit was a particularly problematic unit within BRCI. Defendant knew that "the inmates essentially ran that unit" and chose to reside in whichever cells they pleased, creating a security risk. PL Memo at 2–3. Defendant

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also knew that the inmates in the Marion unit had not been locked down for the evening when Ofc. Kennedy left for the day at the direction of his superior officer. Yet despite the dangerous conditions in that unit, SCDC officers that evening failed to follow basic policies and procedures. Defendant argues that it was short staffed due to difficulties hiring and retaining correctional officers. Def. Memo at 2. However, inadequate staffing does not discharge Defendant's duty to maintain control within the Marion unit. If anything, the lack of staffing heightens the need to strictly follow procedures in place to maintain control.

The only conclusion that can be reasonably drawn from the facts in this matter is that Defendant consciously failed to control the situation in Marion unit. As such, the Court finds as a matter of law that Defendant SCDC was grossly negligent. Because Defendant was grossly negligent, Defendant cannot avail itself of the TCA exemptions and Plaintiff is entitled to judgment as a matter of law with respect to this defense.

iv. Discretionary Immunity

Defendant also asserts discretionary immunity under the TCA pursuant to S.C. Code Ann. § 15-78-60(5). To establish a defense of discretionary immunity, a government entity must establish that its employees were faced with alternatives, that they actually weighed competing considerations, and made a conscious choice utilizing accepted professional standards. Strange v. S.C. Dep't of Highways & Pub. Transp., 314 S.C. 427, 429, 445 S.E.2d 439, 440 (1994). In the instant case, as stated above, subsection (5) does not provide Defendant immunity because Defendant was grossly negligent as a matter of law. Moreover, there is no evidence that an officer or employee of SCDC weighed competing alternatives and made a discretionary choice conforming to any professional standards. As there is no evidence of such a decision, there is no

genuine issue of material fact to support this defense and Plaintiff is entitled to judgment as a matter of law.

v. Assumption of the Risk

Defendant also asserts assumption of the risk as an affirmative defense. "In order for the doctrine of assumption of the risk to apply in a particular case, the injured party must have freely and voluntarily exposed himself to a known danger which he understood and appreciated." Cole v. Raut, 378 S.C. 398, 4095, 663 S.E.2d 30, 33 (2008). The South Carolina Supreme Court has held that "a plaintiff is not barred from recovery by the doctrine of assumption of risk unless the degree of fault arising therefrom is greater than the negligence of the defendant." Davenport v. Cotton Hope Plantation Horizontal Property Regime, 333 S.C. 71, 508 S.E.2d 565 (1998). Subsequently, the Court has recognized that Davenport "effectively abolished the affirmative defense of assumption of the risk . . . holding that the doctrine has been largely subsumed by the law of comparative negligence." Cole, 378 S.C. at 402 n.2.

Thus, assumption of the risk cannot be a complete defense in this case, and as the Court held above regarding comparative negligence, the Court finds that there is no genuine issue of material fact to support the affirmative defense that Plaintiff was responsible for his own assault. As discussed above regarding comparative fault, there is no evidence to suggest that Plaintiff was responsible for being assaulted while sleeping behind a locked door. There is no genuine issue of material fact to suggest that Plaintiff voluntarily exposed himself to the conditions within the unit in which Defendant placed him.

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Defendant cites a federal case from a distant jurisdiction in its brief, arguing that it supports the proposition that inmates are responsible for their own safety. Def. Memo at 10; McGill v. Duckworth, 944 F.2d 344 (7th Cir. 1991). However, in that case the plaintiff left his cell to go to the showers while the specific individuals who had been threatening him were "on his heels." McGill, 944 F.2d at 351. He passed by officers while his assailant was close behind him without making any effort to notify the officer of his impending danger and was subsequently assaulted in the shower. This scenario is clearly distinguishable from the present case where Plaintiff had no reason to believe he was in imminent peril while sleeping in the locked cell.

vi. Joinder

Finally, Defendant's Answer claims Plaintiff has filed to name a necessary and indispensable party. Defendant has not identified any indispensable or necessary party that has not been joined. Therefore, there is no genuine issue of material fact to support such a defense.

II. Motion to Compel

The final matter heard during the August 4, 2025 hearing was Plaintiff's Motion to Compel. Plaintiff argues that witnesses during the numerous Rule 30(b)(6) depositions of Defendant were in possession of documents that appeared to be unproduced. Additionally, Plaintiff has requested items such as logbooks, phone records, policies and procedures, photographs, and other items that may not have been produced in their entirety. During the hearing, Plaintiff's counsel argued that they can only know what they should have received and cannot know what Defendant may have and failed to produce because only Defendant controls those materials.

Counsel for the Defendant argued that he has made inquiries and has provided all of the documents and materials that are available. Defense counsel points out that Defendant is a

sprawling government agency and communicating with all individuals that may have responsive materials is challenging.

This case is now seven years old. Irrespective of the reasons for the delay, the facts are what the facts are. To the extent that Defendant is in possession of discoverable material responsive to Plaintiff's discovery requests that has not yet been produced, Plaintiff's Motion to Compel is GRANTED. Defendant shall provide any materials that have not yet been provided within 30 days of this Order.

Conclusion

Fore the reasons discussed above, Defendant's Motion for Summary Judgment is DENIED, Plaintiff's Motion for Summary Judgment is GRANTED, and Plaintiff's Motion to Compel is GRANTED.

AND IT IS SO ORDERED.

[Judicial e-Signature Page to Follow]

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Richland Common Pleas

Case Caption:	Dashawn Simmons , plaintiff, et al vs South Carolina Department Of Corrections
Case Number:	2018CP4004850
Type:	Order/Summary Judgment

So Ordered

s/ Daniel Coble, 2774

Electronically signed on 2025-08-22 14:29:07 page 14 of 14

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP4004850

Dashawn Simmons et al
PLAINTIFF(S)

South Carolina Department Of Corrections
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

This matter is before the Court on Defendant's Motion for Reconsideration pursuant to Rule 59(e) SCRCP ("the Motion"), which was timely filed on September 5, 2025. The Motion asks this Court to alter, amend, or reconsider its Order granting summary judgment, entered August 25, 2025.
After reviewing the applicable law and considering arguments raised in the Motion, the court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Therefore, the Motion to Alter, Amend, or Reconsider is DENIED.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/13/2025 .

Estate Of Dashaun Simmons
Randle Jackson
Randle Jackson Prs
Randle Jackson

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2025 Nov 13 9:43 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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ELECTRONICALLY FILED - 2025 Nov 13 9:43 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Richland Common Pleas

Case Caption:	Dashawn Simmons , plaintiff, et al vs South Carolina Department Of Corrections
Case Number:	2018CP4004850
Type:	Order/Electronic Form 4

So Ordered

s/ Daniel Coble, 2774

ELECTRONICALLY FILED - 2018 Sep 12 5:50 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Dashawn Simmons, Plaintiff, vs. The South Carolina Department of Corrections, Defendant.	)	IN THE COURT OF COMMON PLEAS CASE NO. 2018-CP-40- **COMPLAINT** **(Jury Trial Requested)**

COMES NOW, the plaintiff, alleging and complaining of the defendant as follows:

PARTIES, JURISDICTION, AND VENUE

1. Dashawn Simmons is an inmate under the custody of the South Carolina Department of Corrections ("SCDC").
2. SCDC is operated by the State of South Carolina and oversees and manages the incarceration and housing of inmates serving prison sentences in South Carolina.
3. The events giving rise to this action transpired in Richland County, South Carolina.
4. Jurisdiction and venue are proper for the foregoing reasons.

FACTUAL BACKGROUND

5. The plaintiff incorporates the foregoing paragraphs as if repeated herein, verbatim.
6. During the events described herein, the plaintiff was housed in the Marion Unit of the Broad River Correctional Institution ("Broad River") in Richland County, South Carolina.
7. Upon information and belief, in late June or early July 2017, the Marion Unit was placed on lockdown following a riot between two rival gangs.
8. Approximately three weeks into the lockdown, the plaintiff began to receive threats from his fellow inmates.
9. The plaintiff reported these threats to Captain Reese and Captain Livingstone, telling them he was afraid he would suffer death or serious bodily injury if he remained in Marion Unit. The plaintiff asked Captain Reese and Captain Livingstone to remove him from Marion Unit.
10. Despite the plaintiff's concerns, Captain Reese and Captain Livingstone did not remove the plaintiff from Marion Unit.
11. On or about July 18, 2017, during a shift change, an unknown officer opened the door to the

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plaintiff's cell, as well the as the doors to a number of unknown assailants' cells.

12. The assailants left their cells, entered the plaintiff's cell, and brutally attacked the plaintiff. As a result of this attack, the plaintiff suffered 23 stabs wounds and a broken jaw.
13. The officer who opened the cell doors was present during this attack, did not interfere with the assailants' violent actions, and did not attempt to protect the plaintiff from being assaulted.
14. Upon information and belief, other inmates in Marion Unit witnessed the attack and called for assistance. Other officers on duty responded.
15. After the attack, the plaintiff was transported to Richland Memorial Hospital, where he received medical treatment, including numerous stitches and surgery to repair his broken jaw.
16. The plaintiff remained at Richland Memorial Hospital for approximately four days, after which he was transported back to Broad River, where he was placed in lockup rather than in the medical unit.
17. Less than 24 hours after being transported back to Broad River, the plaintiff was readmitted to Richland Memorial Hospital. Upon information and belief, employees or agents of the Department of Corrections discharged the plaintiff from the hospital too quickly, causing him to experience intense pain for the duration of his time at Broad River between hospital admissions.
18. Approximately one week later, the plaintiff was transferred from Broad River to Perry Correctional Institution, where he is currently housed.
19. As a result of this attack, the plaintiff suffered severe pain, surgery, multiple dental procedures, and mental and psychological distress.
20. Upon information and belief, because Marion Unit was on lockdown, no cell door should have been opened or left open at the time the plaintiff was attacked.
21. Upon information and belief, employees and guards acting for SCDC, Kirkland, and the warden knew that the inmates who attacked the plaintiff would likely fight and attack other inmates, such as the plaintiff.
22. Upon information and belief, an officer facilitated the assailants' attack on the plaintiff, witnessed the attack, and did not attempt to prevent the assailants from injuring the plaintiff.
23. All governmental employees involved caused some of the plaintiff's injuries, and the governmental employees' actions were grossly negligent.
24. The governmental entities related to this action ratified the actions of the individual employees

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involved.

25. The defendant violated policies and procedures, and those violations contributed to the plaintiff's injuries.
26. Some or all of the defendant's actions were motivated by unreasonable financial gain.
27. The plaintiff is therefore informed and believes he is entitled to judgment against the defendant.

FOR A FIRST CAUSE OF ACTION
(Common Law Liability for Negligence, Gross Negligence, and Recklessness)

28. The plaintiff incorporates the foregoing paragraphs as if repeated here, verbatim.
29. The defendant had a duty to exercise that degree of knowledge, skill, and care required of police officers/guards/governmental employees/public officials/municipalities that is ordinarily possessed and exercised by those in their special line of work.
30. Breaches of duties constitute negligence and sometimes recklessness.
31. The defendant, by and through its employees and agents, breached its duties in a negligent, reckless, and grossly negligent manner in some or all of, but not limited to, the following particulars:
    a. by failing to ensure that the officers and others complied with all applicable policies and procedures;
    b. by allowing violent inmates to access the plaintiff's cell;
    c. by failing to provide the plaintiff with immediate and/or appropriate medical care;
    d. by placing extremely dangerous inmates near the plaintiff;
    e. by allowing dangerous inmates to assault, batter, and injure the plaintiff;
    f. by housing the plaintiff in an unreasonably dangerous area where he was likely to be attacked and injured;
    g. by failing to properly assess the danger of inmates, such as those inmates who attacked the plaintiff;
    h. by failing to adequately investigate the employees' conduct prior to tortious actions described herein;
    i. by authorizing, adopting, and ratifying the officers' and guards' conduct toward the plaintiff;
    j. by failing to take reasonable measures to protect inmates such as the plaintiff;
    k. by assaulting the plaintiff;
    l. by battering the plaintiff; and

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m. in other such particulars as the evidence may show.

32. As a direct and proximate result of the negligent, grossly negligent, and reckless acts and omissions of the defendant, the plaintiff sustained injuries and damages, including those set forth above.

33. Governmental entities and employees are liable for injuries caused by their gross negligence.

34. The plaintiff is therefore informed and believes he is entitled to judgment against the defendant pursuant to the South Carolina Tort Claims Act, common law, statutory law, and all other applicable law.

FOR A SECOND CAUSE OF ACTION
(Negligent Hiring, Supervision, and Retention)

35. The plaintiff incorporates the foregoing paragraphs as if repeated here, verbatim.

36. The defendant, by and through its employees and agents, had a duty to adequately supervise competent and fit employees.

37. The defendant, by and through its employees and agents, had a duty to hire persons fit for employment, to perform background checks, and to require appropriate education, experience, and other qualifications.

38. The defendant breached its duties to adequately hire, supervise, and retain employees in a negligent and grossly negligent/reckless manner in some or all of the following particulars:

a. by failing to ensure that officers complied with department procedures regarding incidents such as those described herein;

b. by failing to ensure that officers complied with employment policies and procedures regarding arrests, detention, and interaction with persons such as the plaintiff;

c. by failing to warn the plaintiff and others of the defendant's (including their employees') dangerous propensities toward others;

d. by failing to adequately investigate the conduct of the defendant's employees and agents toward the plaintiff;

e. by failing to appropriately interview candidates or require that candidates be qualified before hiring them;

f. by failing to require sufficient education and training before hiring employees;

g. by failing to properly screen applicants, perform appropriate background checks, check references, and perform sufficient and formal interviews; and,

h. in other such particulars as the evidence may show.

39. As a direct and proximate result of the negligent and grossly negligent/reckless acts and omissions of the defendants, the plaintiff suffered injuries and damages, including those set forth above.

40. The plaintiff is therefore informed and believes he is entitled to judgment against the defendant.

WHEREFORE, the plaintiff requests a jury trial and judgment against the defendant for actual damages, statutory damages, costs, punitive damages where allowed by law, and such other relief the Court deems just and equitable.

Respectfully submitted,

Hawkins & Jedziniak, LLC

s/ Joshua T. Hawkins
Joshua T. Hawkins, S.C. Bar No. 78470
Helena L. Jedziniak, S.C. Bar No. 100825
1225 South Church Street
Greenville, South Carolina 29605
(864) 275-8142 (telephone)
(864) 752-0911 (facsimile)
josh@hjllcsc.com
helena@hjllcsc.com

Attorney for Plaintiff

Greenville, South Carolina
September 13, 2018

Pursuant to Rule 38, *SCRCP*, Plaintiff demands a trial by jury on all issues triable to a jury.

s/ Joshua T. Hawkins
Joshua T. Hawkins

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VERIFICATION

PERSONALLY appeared before me the undersigned, who, after first being duly sworn, states:

He provided the facts and information for the allegations that are the basis for the Complaint. The allegations in the complaint are true to his own knowledge, except those stated therein to be based upon information and belief, and, as to those, he believes them to be true.

DeShawn Simmons

SWORN TO BEFORE ME
this 2nd day of May, 2018.

Notary Public for South Carolina
My commission expires on September 25, 2023.

My Commission Expires

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ELECTRONICALLY FILED - 2023 Mar 08 3:12 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Randle Jackson, as the Personal Representative of the Estate of Dashaun Simmons, Plaintiff, vs. The South Carolina Department of Corrections, Defendant. _____	)))))))))))))	IN THE COURT OF COMMON PLEAS CASE NO. 2018-CP-40-04850 **AMENDED COMPLAINT** **(Jury Trial Requested)**

COMES NOW, the plaintiff, alleging and complaining of the defendant as follows:

PARTIES, JURISDICTION, AND VENUE

1. Randle Jackson is a citizen and resident of Charleston County, South Carolina.
2. Randle Jackson is the Personal Representative of the Estate of Dashaun Simmons.
3. At the time of the events described herein, Dashaun Simmons was an inmate under the custody of the South Carolina Department of Corrections ("SCDC").
4. SCDC is operated by the State of South Carolina and oversees and manages the incarceration and housing of inmates serving prison sentences in South Carolina.
5. The events giving rise to this action occurred in Richland County, South Carolina.
6. Jurisdiction and venue are proper for the foregoing reasons.

FACTUAL BACKGROUND

7. The plaintiff incorporates the foregoing paragraphs as if repeated herein, verbatim.
8. During the events described herein, the plaintiff was housed in the Marion Unit of the Broad River Correctional Institution ("Broad River") in Richland County, South Carolina.
9. Upon information and belief, in late June or early July 2017, the Marion Unit was placed on lockdown following a riot between two rival gangs.

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10. Approximately three weeks into the lockdown, the plaintiff began to receive threats from his fellow inmates.
11. The plaintiff reported these threats to Captain Reese and Captain Livingstone, telling them he was afraid he would suffer death or serious bodily injury if he remained in Marion Unit. The plaintiff asked Captain Reese and Captain Livingstone to remove him from Marion Unit.
12. Despite the plaintiff's concerns, Captain Reese and Captain Livingstone did not remove the plaintiff from Marion Unit.
13. On or about July 18, 2017, during a shift change, an unknown officer opened the door to the plaintiff's cell, as well as the doors to a number of unknown assailants' cells.
14. The assailants left their cells, entered the plaintiff's cell, and brutally attacked the plaintiff. As a result of this attack, the plaintiff suffered 23 stabs wounds and a broken jaw.
15. The officer who opened the cell doors was present during this attack, did not interfere with the assailants' violent actions, and did not attempt to protect the plaintiff from being assaulted.
16. Upon information and belief, other inmates in Marion Unit witnessed the attack and called for assistance. Other officers on duty responded.
17. After the attack, the plaintiff was transported to Richland Memorial Hospital, where he received medical treatment, including numerous stitches and surgery to repair his broken jaw.
18. The plaintiff remained at Richland Memorial Hospital for approximately four days, after which he was transported back to Broad River, where he was placed in lockup rather than in the medical unit.
19. Less than 24 hours after being transported back to Broad River, the plaintiff was readmitted to Richland Memorial Hospital. Upon information and belief, employees or agents of the Department of Corrections discharged the plaintiff from the hospital too quickly, causing him

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to experience intense pain for the duration of his time at Broad River between hospital admissions.

20. Approximately one week later, the plaintiff was transferred from Broad River to Perry Correctional Institution, where he is currently housed.
21. As a result of this attack, the plaintiff suffered severe pain, surgery, multiple dental procedures, and mental and psychological distress.
22. Upon information and belief, because Marion Unit was on lockdown, no cell door should have been opened or left open at the time the plaintiff was attacked.
23. Upon information and belief, employees and guards acting for SCDC, Kirkland, and the warden knew that the inmates who attacked the plaintiff would likely fight and attack other inmates, such as the plaintiff.
24. Upon information and belief, an officer facilitated the assailants' attack on the plaintiff, witnessed the attack, and did not attempt to prevent the assailants from injuring the plaintiff.
25. All governmental employees involved caused some of the plaintiff's injuries, and the governmental employees' actions were grossly negligent.
26. The governmental entities related to this action ratified the actions of the individual employees involved.
27. The defendant violated policies and procedures, and those violations contributed to the plaintiff's injuries.
28. Some or all of the defendant's actions were motivated by unreasonable financial gain.
29. The plaintiff is therefore informed and believes that he is entitled to judgment against the defendant.

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FOR A FIRST CAUSE OF ACTION
(Common Law Liability for Negligence, Gross Negligence, and Recklessness)

30. The plaintiff incorporates the foregoing paragraphs as if repeated here, verbatim.

31. The defendant had a duty to exercise that degree of knowledge, skill, and care required of police officers/guards/governmental employees/public officials/municipalities that is ordinarily possessed and exercised by those in their special line of work.

32. Breaches of duties constitute negligence and sometimes recklessness.

33. The defendant, by and through its employees and agents, breached its duties in a negligent, reckless, and grossly negligent manner in some or all of, but not limited to, the following particulars:

    a. by failing to ensure that the officers and others complied with all applicable policies and procedures;

    b. by allowing violent inmates to access the plaintiff's cell;

    c. by failing to provide the plaintiff with immediate and/or appropriate medical care;

    d. by placing extremely dangerous inmates near the plaintiff;

    e. by allowing dangerous inmates to assault, batter, and injure the plaintiff;

    f. by housing the plaintiff in an unreasonably dangerous area where he was likely to be attacked and injured;

    g. by failing to properly assess the danger of inmates, such as those inmates who attacked the plaintiff;

    h. by failing to adequately investigate the employees' conduct prior to tortious actions described herein;

    i. by authorizing, adopting, and ratifying the officers' and guards' conduct toward the plaintiff;

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j. by failing to take reasonable measures to protect inmates such as the plaintiff;

k. by assaulting the plaintiff;

l. by battering the plaintiff; and,

m. in other such particulars as the evidence may show.

34. As a direct and proximate result of the negligent, grossly negligent, and reckless acts and omissions of the defendant, the plaintiff sustained injuries and damages, including those set forth above.

35. Governmental entities and employees are liable for injuries caused by their gross negligence.

36. The plaintiff is therefore informed and believes he is entitled to judgment against the defendant pursuant to the South Carolina Tort Claims Act, common law, statutory law, and all other applicable law.

FOR A SECOND CAUSE OF ACTION
(Negligent Hiring, Supervision, and Retention)

37. The plaintiff incorporates the foregoing paragraphs as if repeated here, verbatim.

38. The defendant, by and through its employees and agents, had a duty to adequately supervise competent and fit employees.

39. The defendant, by and through its employees and agents, had a duty to hire persons fit for employment, to perform background checks, and to require appropriate education, experience, and other qualifications.

40. The defendant breached its duties to adequately hire, supervise, and retain employees in a negligent and grossly negligent/reckless manner in some or all of the following particulars:

a. by failing to ensure that officers complied with department procedures regarding incidents such as those described herein;

b. by failing to ensure that officers complied with employment policies and procedures

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regarding arrests, detention, and interaction with persons such as the plaintiff;

c. by failing to warn the plaintiff and others of the defendant's (including their employees') dangerous propensities toward others;

d. by failing to adequately investigate the conduct of the defendant's employees and agents toward the plaintiff;

e. by failing to appropriately interview candidates or require that candidates be qualified before hiring them;

f. by failing to require sufficient education and training before hiring employees;

g. by failing to properly screen applicants, perform appropriate background checks, check references, and perform sufficient and formal interviews; and,

h. in other such particulars as the evidence may show.

41. As a direct and proximate result of the negligent and grossly negligent/reckless acts and omissions of the defendants, the plaintiff suffered injuries and damages, including those set forth above.

42. The plaintiff is therefore informed and believes he is entitled to judgment against the defendant.

WHEREFORE, the plaintiff requests a jury trial and judgment against the defendant for actual damages, statutory damages, costs, punitive damages where allowed by law, and such other relief the Court deems just and equitable.

** space intentionally left blank – signature block on following page **

Respectfully submitted,

Hawkins & Jedziniak, LLC

s/ Helena L. Jedziniak
Joshua T. Hawkins, S.C. Bar No. 78470
Helena L. Jedziniak, S.C. Bar No. 100825
1225 South Church Street
Greenville, South Carolina 29605
(864) 275-8142 (telephone)
(864) 752-0911 (facsimile)
josh@hjllcsc.com
helena@hjllcsc.com

Attorney for Plaintiff

Greenville, South Carolina
March 8, 2023

Pursuant to Rule 38, *SCRCP*, Plaintiff demands a trial by jury on all issues triable to a jury.

s/ Helena L. Jedziniak
Helena L. Jedziniak

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ELECTRONICALLY FILED - 2023 Apr 07 2:50 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	Civil Action No. 2018-CP-40-04850
	)	
	)	
Randle Jackson, as the Personal Representative of the Estate of Dashaun Simmons,	)	**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AS TO LIABILITY**
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
The South Carolina Department of Corrections,	)	
	)	
Defendant.	)	
_____	)	

YOU WILL PLEASE TAKE NOTICE that Plaintiff, by and through his undersigned counsel, will move before the Presiding Judge of the Fifth Judicial Circuit, at such time and place to be set by the Court, for summary judgment as to liability against the South Carolina Department of Corrections ("SCDC"), and, based upon said motion, for a damages trial to be scheduled.

FACTUAL BACKGROUND

In late June 2017, Decedent Dashaun Simmons ("Simmons") was housed in the Marion Unit of the Broad River Correctional Institution. During this time, Simmons began to receive threats from other inmates. The decedent reported these threats to SCDC guards and staff, telling them that he was afraid he would be killed or suffer serious bodily injury if he remained in Marion Unit and asking to be removed from that Unit. Simmons was previously attacked in 2016, and SCDC was aware that threats to Simmons' safety were serious and should be immediately addressed. Despite the decedent's reports and actual knowledge of the previous attack upon him, SCDC officers, employees, and agents refused to remove Simmons from Marion Unit.

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On July 18, 2017, during a shift change, SCDC Officer Anthony Howard Hall, II opened the door to Simmons' cell, as well as the doors to a number of unknown assailants' cells in violation of policy. (EXHIBIT A, p. 35). The assailants left their cells, entered Simmons' cell, and brutally attacked Simmons. The decedent suffered 23 stab wounds and a broken jaw as a result of the assault. Once the violent attack was finished, Hall locked the door, preventing Simmons from obtaining necessary medical treatment. (EXHIBIT A, p. 33).

After the stabbing, Hall failed to seek aid for Simmons as required by policy. As a result, Simmons remained in his cell, bloody, injured, and in excruciating pain for several hours. During that time, SCDC officers received multiple phone calls from inmates on illegal cell phones stating that an inmate (Simmons) was stabbed, lying on the floor, and would bleed out if he did not receive help (EXHIBIT A, p. 19-20). Officer Collins inspected the unit but did not find Simmons for several hours. Simmons was finally taken to receive medical care five hours after the attack.

SCDC Police Services investigated Hall's actions. Evan Garris, an SCDC employee, obtained an arrest warrant charging Hall with Accessory Before the Fact to Attempted Murder and Misconduct in Office. According to the probable cause statement contained within the arrest warrant:

> On July 18, 2017, the defendant Anthony Howard Hall, a sworn officer with the South Carolina Department of Correction [*sic*] . . . commit[ed] acts in violation of his duty of good faith, honesty and public accountability of public trust as a State Correctional Officer. These acts include unlocking inmate cell doors during a lock down period and compromising the security of the assigned facility. *The defendant did admit to these acts.* (Emphasis added). (EXHIBIT B).

After Hall was arrested, SCDC terminated his employment. Corrie Unthank, an SCDC employee, wrote in a letter to Hall that she was "informed that on July 18, 2017, you [Hall] unlocked an inmate's (victim) cell door and allowed 2 other inmates to go into that cell. The inmates assaulted

the victim and stabbed him multiple times with homemade weapons." (EXHIBIT C). Unthank continued by stating that, because of the seriousness of his actions, Hall had violated SCDC Policy, ADM-11.17, Employee Conduct, and as a result, was terminated.

Based upon the evidence and discovery conducted at the time of this motion, these facts are undisputed.

STANDARD OF REVIEW

The South Carolina Rules of Civil Procedure "shall be construed to secure the just, speedy, and inexpensive determination of every action." SCRCP 1. Pursuant to Rule 56(c), summary judgment should be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." SCRCP 56(c). When considering a motion for summary judgment, the evidence and its reasonable inferences must be drawn in a light most favorable to the nonmoving party. *Dawkins v. Fields*, 354 S.C. 58, 580 S.E.2d 433 (2003). "[W]hen plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted." *Hackworth v. Greenville County*, 371 S.C. 99, 102, 637 S.E.2d 320, 322 (Ct. App. 2006) (citing *Hedgepath v. American Tel. & Tel. Co.*, 348 S.C. 340, 355, 559 S.E.2d 327, 336 (Ct. App. 2001)).

"Summary judgment is completely appropriate when a properly supported motion sets forth facts that remain undisputed or are contested in a deficient manner." *Davis v. McLeon Reg'l Med. Center*, 367 S.C. 242, 250, 626 S.E.2d 1, 5 (2006). As discussed in *Hancock v. Mid-South Mgmt. Co.*, "in cases applying the preponderance of the evidence burden of proof, the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment." 381 S.C. 326, 331, 673 S.E.2d 801, 803 (2009). Regardless, even a scintilla

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of evidence must meet the prerequisite of being probative. *See McDowell v. Stilley Plywood Co.*, 210 S.C. 173, 41 S.E.2d 872 (1947) (holding that although there was a scintilla of testimony that could be used to support the claimants' position, when the entire testimony of the witnesses was viewed as a whole, it was obvious the testimony in support of claimants' position rested on speculation and thus had no probative value). Therefore, to survive a motion for summary judgment, the nonmoving party must present a scintilla of probative evidence that does not rest on mere speculation alone.

ARGUMENT

Gross negligence is the intentional conscious failure to do something which it is incumbent upon one to do or the doing of a thing intentionally that one ought not to do. *Jinks v. Richland County*. 355 S.C. 341, 345, 585 S.E.2d 281, 283 (2003). It is the failure to exercise slight care. *Id.* Gross negligence has also been defined as a relative term and means the absence of care that is necessary under the circumstances. *Hollins v. Richland County School Dist.* 1, 310 S.C. 486, 427 S.E.2d 654 (1993). "Gross negligence ordinarily is a mixed question of law and fact." *Clyburn v. Sumter County School Dist. No. 17*, 317 S.C. 50, 53, 451 S.E.2d 885, 887 (1994) (citing *Rogers v. Atlantic Coast Line R.R. Co.*, 222 S.C. 66, 71 S.E.2d 585 (1952)). "When the evidence supports but one reasonable inference, however, the question becomes a matter of law for the court." *Id.* at 53, 888-89 (citing *Foster v. South Carolina Dep't of Highway and Pub. Transp.*, 306 S.C. 519, 413 S.E.2d 31 (1992)).

In this case, the only reasonable inference that can be drawn from the evidence is that SCDC was grossly negligent. SCDC has not – and cannot – set forth even a scintilla of evidence to rebut the plaintiff's allegations concerning Hall's actions. Uncontroverted testimony proves that SCDC, by and through its employees, was grossly negligent. It is also uncontroverted that SCDC

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waived training and education requirements so that Hall could begin working before undergoing required training. (EXHIBIT D). The only inference that can be drawn – that must be drawn – is that SCDC was negligent in the hiring and supervision of Hall because SCDC literally refused to properly train Hall.

The investigation conducted by SCDC established that, on July 18, 2017, during a shift change, SCDC Officer Anthony Howard Hall, II opened the door to the decedent's cell, as well as the doors to a number of assailants. (EXHIBIT A, p. 1-4). The investigation further revealed that Hall not only opened Simmons' cell door, but also failed to use even slight care as inmates used homemade weapons to repeatedly stab Simmons. Hall then closed and locked Simmons' cell door, which left Simmons trapped and mangled in his cell. (EXHIBIT A, p. 1-4). The evidence proves that SCDC not only did not provide the care that was necessary under the circumstances, but also failed to provide even slight care.

While Simmons was bleeding and calling for help on the floor of his cell, no SCDC employees monitored the Unit. This is documented, uncontroverted, and another example of SCDC's failure to exercise slight care. It was not until several hours later, when multiple inmates with illegal cell phones began calling the control unit for help, that officers conducted a check. (EXHIBIT A, p. 13). The only inference that can be drawn from this initial check is that, during that check, Collins failed to exercise slight care under the circumstances to locate the injured inmate. It was not until a later check of the Unit, hours after the stabbing, that SCDC officers finally found Simmons and took him to receive medical care. (EXHIBIT A, p. 10).

Hall's criminal charges were later dismissed, so SCDC cannot raise any criminal act exception under the Tort Claims Act. Similarly, SCDC cannot raise an intentional act defense because Hall stated in his July 18, 2017 voluntary statement, "I had no clue [Simmons] was out,

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thought I had lock (*sic*) all doors, but I missed some. Then around two am I got a call saying that someone called and said I had a (*sic*) inmate out and he was bleeding." (EXHIBIT A, p. 10). The only inference that can be drawn is that Hall did not commit an intentional tort but violated policies and failed to exercise even slight care, and that those policy violations caused Simmons' injuries. Hall further admitted in his statement, "In the past I have let inmates out to warm up there (*sic*) food, and also let them take a shower during lockdown." (EXHIBIT A, p. 11). It is undisputed that the actions Hall admits to are violations of policy and evidence that Hall acted in a grossly negligent manner on occasions prior to the attack on Simmons. The only reasonable inference is that SCDC was grossly negligent through Hall's actions, and that this gross negligence caused Simmons' injuries.

Every statement, every piece of evidence, and every witness in this case, ranging from inmates to SCDC employees to Hall's coworkers the night of the stabbing, establish SCDC's gross negligence and liability. It cannot be argued, in good faith, that SCDC's gross negligence failed to cause Simmons' injuries. This is true for SCDC's direct liability in the negligent hiring and supervision of Hall and for its vicarious liability for Hall's gross negligence. But for SCDC's gross negligence, Simmons would not have been severely injured. Simmons' injuries were the natural and probable consequences of SCDC's gross negligence. No genuine issue of material facts remains as to whether SCDC was grossly negligent, and the only disputes that remain are the number of occurrences that contributed to Simmons' damages and the monetary value of the damages.

Conclusion

Because there is no genuine issue of material fact as to SCDC's gross negligence, or even a scintilla of evidence that SCDC can offer to rebut the plaintiff's motion for summary judgment,

the plaintiff respectfully requests that this Court enter summary judgment in favor of the plaintiff as to liability, leaving for trial by jury only the issues of 1) the number of occurrences and 2) damages.[1]

Respectfully submitted,

HAWKINS & JEDZINIAK, LLC

s/ Joshua T. Hawkins
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Attorney for Plaintiff

[1] The plaintiff filed an offer of judgment. Accepting that offer would allow SCDC to escape without the cost of trial for a compromise value of roughly two occurrences. The plaintiff believes that a jury will return a verdict of at least three occurrence and possibly six or more. Should SCDC accept the offer of judgment by April 12, 2023, this motion will become moot.

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ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

STATE OF SOUTH CAROLINA **COUNTY OF RICHLAND**	)	**IN THE COURT OF COMMON PLEAS** Civil Action Number: 2018-CP-40-04850
Dashawn Simmons, Plaintiff, v. The South Carolina Department of Corrections, Defendant.	)	**DEFENDANT'S NOTICE OF FILING EXHIBITS**

Defendant hereby gives notice of filing the exhibits listed below for the Court's consideration with regard to Plaintiff's motion for summary judgment.

A) SCDC investigative file (bates stamped 10448-F-00001 to 00051)

B) Excerpts from deposition of Anthony Hall taken on May 1, 2023

Respectfully submitted,

DAVIDSON & WREN, P.A.

s/William H. Davidson, II

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Counsel for Defendant

Columbia, South Carolina
October 9, 2023

EXHIBIT A

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

TO: 33-2017-130

FROM: EVAN GARRIS

RE: ASSAULT (INMATE ON INMATE)
PERSONNEL INVESTIGATIONS

HALL II, ANTHONY H (EMPLOYEE), 058120, (S)
MONTFORD, TAQUAN (INMATE), 00335593, (S)
RANSOM, HASIEN MARKEESE (INMATE), 00359100, (S)
SCOTT, JQUAN MARQUEL (INMATE), 00365229, (S)
HEMINGWAY, XAVIER RAYSHAWN (INMATE), 00362315, (S)
SIMMONS, DESHAWN LIVAUGHN (INMATE), 00362125, (V)

LOCATION: BROAD RIVER

INCIDENT DATE: 07/18/2017

Introduction

On July 18, 2017, the South Carolina Department of Corrections (SCDC) Division of Police Services (DoPS) received verbal notification from the Emergency Action Center (EAC) regarding an inmate on inmate assault at Broad River Correctional Institution (BRCI). According to Associate Warden (AW) Gregory Washington (EMPL ID 017623) and BRCI Incident Reports **(Attachment 1)**, on July 18, 2017, inmate Deshawn Simmons (SCDC ID 362125) was stabbed multiple times by other inmates. AW Washington stated that since the Marin Unit was on lock down, Corporal (Cpl.) Anthony Hall (EMPL ID 058120) may have opened the cell door to allow the assault. SCDC Region 3 Assistant Chief (AC) Rayford Miller assigned Agent Evan Garris to investigate the inmate on inmate assault and the personnel investigation.

Summary

On July 18, 2017, Agent Garris interviewed Cpl. Anthony Hall at BRCI. Cpl. Hall was advised and acknowledged his Miranda Rights and provided a voluntary written statement **(Attachment 2)**. Cpl. Hall provided the following information: He was assigned to the Marion Unit. At around 12:00 AM, Lieutenant (Lt.) Ulysses Collins Jr. (EMPL ID 059635) came to check the unit and discovered inmates out and doors unlocked. Cpl. Hall missed locking some doors when he took over the unit at shift change. At around 2:00 AM, he received notice that an inmate was out and bleeding. He conducted a security check of his unit, but was unable to locate anything. Lt. Collins

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and a nurse came down and located Simmons in his cell. Cpl. Hall admitted that he has let inmates out in the past to warm up food and let them shower during lockdown.

On July 18, 2017, Agent Garris interviewed Correctional Officer (CO) Brittany Livingston at BRCI and obtained a voluntary written statement **(Attachment 3)**. CO Livingston provided the following information: She was assigned to the Control Room. She received a call stating that an inmate was stabbed in the Marion Unit. She notified Lt. Collins.

On July 18, 2017, A/C Miller interviewed inmate Deshawn Simmons at Palmetto Richland Memorial Hospital. A/C Miller prepared a Report of Interview (ROI) **(Attachment 4)** documenting the following information provided by Simmons: He was asleep in his bunk when Cpl. Hall opened the cell door. Several inmates entered the cell and attacked him with an axe type weapon. The inmates are all members of the Bloods and are only know by their nicknames: "Shoe String", "Maserati", "Red", and "Ray Ray". Inmate Simmons stated that the cell were he was sleeping was not his assigned cell. That his assigned cell was on the other wing in the Marion Unit.

On August 23, 2017, Agent Garris interviewed inmate Timothy Rainey at BRCI. Agent Garris prepared a ROI **(Attachment 5)** documenting the following information provided by Rainey: He was living on the right side of the Marion Unit on July 18, 2017. He observed Cpl. Hall standing in front of inmate Simmons' cell with four inmates that had weapons. He observed Cpl. Hall open the door to allow the inmates to assault Simmons. He observed Cpl. Hall lock the door back after the assault had ended.

On September 18, 2017, Agent Garris interviewed Lt. Ulysses Collins Jr. at Police Services and obtained a voluntary written statement **(Attachment 6)**. Lt. Collins provided the following information: On July 18, 2017, sometime after the 9 PM count had cleared, he was notified by CO Livingston, who was working in the control room, that she was receiving calls from an unknown male stating that an inmate had been stabbed in the Marion unit. At around 12:15 AM, Lt. Collins conducted a security check on the Marion unit and located 20-30 doors that were not secured. He ordered Cpl. Hall, who was the officer working in that unit, to secure the

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doors. He watched Cpl. Hall lock about twenty doors. Later on in the morning, he went on the right side of the unit and heard an inmate beating on his cell door. He observed Simmons sitting on the bottom bunk bleeding. Simmons had lacerations to his neck, head, right and left hands, as well as multiple stab wounds. Simmons was immediately escorted from the Marion Unit to medical. While being escorted, Simmons stated that Cpl. Hall had allowed inmates into his room, by unlocking the door and allowing the suspects to enter and attack him.

On August 7, 2017, Agent Garris interviewed inmate Deshawn Simmons at Perry Correctional Institution (PCI) and obtained a voluntary written statement **(Attachment 7)**. Simmons provided the following information: His unit was locked down because of a gang riot. He began receiving threats several days before the incident stating that he was going to be killed. Cpl. Hall opened his door and let a bunch of guys in to try and kill him. He remembers "Shoestring", "Maserati", and "Ray Ray" were the first ones in before there were too many to see. Cpl. Hall refused to let him out of the dorm to go to medical after he witnessed the stabbing. Simmons asked Cpl. Hall to send him to medical and was told to wait until shift change. They were waiting for him to bleed out in his room. Cpl. Hall locked him (Simmons) in his room after the stabbing. He was found by medical, because an inmate called the Control Room with their cell phone and notified them of the stabbing.

On August 7, 2017, Agent Garris presented Simmons with four photo line ups prepared by South Carolina Law Enforcement Division (SLED). Simmons positively identified inmate Taquan Montford (SCDC ID 335593) **(Attachment 8)** and inmate Hasien Ransom (SCDC ID 359100) **(Attachment 9)** as who had stabbed him.

On September 26, 2017, Agent Garris presented Simmons with two additional photo line ups prepared by SLED based on additional information. Simmons positively identified inmate Jquon Scott (SCDC ID 365229) **(Attachment 10)** and inmate Xavier Hemingway (SCDC ID 362315) **(Attachment 11)** as other inmates who had stabbed him.

On September 29, 2017, Agent Garris interviewed inmate Timothy Rainey at BRCI and obtained a voluntary written statement **(Attachment 12)**. Rainey provided the following information: Cpl. Hall opened the cell door to allow an inmate to get beaten

by other inmates who are bloods. Cpl. Hall was aware that these inmates meant to harm the victim. The Timothy Rainey watched Cpl. Hall unlock the cell door and walk off the wing and come back after the assault was complete.

On October 2, 2017, Agent Garris interviewed CO Matthew Kennedy (EMPL ID 059168) at 1705 Old Orangeburg Road Lexington SC and obtained a voluntary written statement **(Attachment 13)**. Kennedy provided the following information: On July 17, 2017, he worked day shift in the Marion Unit. He was relieved by Cpl. Hall. He was locking inmates down for the night and observed Cpl. Hall opening a few doors behind him. He reported this to Lt. Clinton Parker III (EMPL ID 043661).

On October 5, 2017, Agent Garris interviewed Lt. Parker at BRCI. Lt. Parker could not remember the events that occurred on July 17, 2017.

Agent Garris obtained arrest warrants charging Cpl. Anthony Hall for Accessory Before the Fact to Attempted Murder and Misconduct in Office and inmates Montford, Ransom, Hemingway and Scott were charged with Attempted Murder **(Attachment 14)**.

The following documents were obtained pertinent to this investigation:

- SCDC Disciplinary Record for inmate Taquan Montford **(Attachment 15)**.
- SCDC Disciplinary Record for inmate Hasien Ransom **(Attachment 16)**.
- SCDC Disciplinary Record for inmate Xavier Hemingway **(Attachment 17)**.
- SCDC Disciplinary Record for inmate Jquan Scott **(Attachment 18)**

This investigative report will be submitted to the proper authority for review and any necessary action.

AGENT'S SIGNATURE:

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Attachments

1 Incident Report

2 Miranda and Written Statement of Anthony Hall

3 Written Statement of Brittany Livingston

4 Report of Interview Deshawn Simmons

5 Report of Interview-Rainey, Timothy

6 Written Statement of Lt. Ulysses Collins Jr.

7 Written Statement of Deshawn Simmons

8 Photo Line Up for Taquan Montford

9 Photo Line Up for Hasien Ransom

10 Photo Line Up for Jquan Scott

11 Photo Line Up for Xavier Hemingway

12 Written Statement of inmate Timothy Rainey

13 Written Statement of CO Matthew Kennedy

14 Arrest Warrants

15 SCDC Disiplinary for inmate Taquon Montford

16 SCDC Disiplinary for inmate Hasien Ransom

17 SCDC Disiplinary for inmate Xavier Hemingway

18 SCDC Disiplinary for inmate Jquan Scott

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Incident Report

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

Institution/Center: Broad River Correctional Institution	Date of Report: 7/18/17
Reporting Official (Full Name): Ulysses Collins Jr.	Time of Report: 10:00AM
Employee ID #: 059635	Date of Incident: 7/18/17
Location of Incident: BRCI Marion Dorm	Time of Incident: 4:00AM

Inmate(s)/Resident:	SCDC #	Age:	Sex:	Race:	Employee(s)/Witnesses Involved:
1. Simmons, Deshawn	362125		Male	Black	1. Ulysses Collins Jr. Lt.
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time:

On Tuesday, July 18, 2017 at Broad River Correctional Institution at approx. 4:00am I/M Simmons, Deshawn SCDC# 362125 was physically assaulted by inmate (s) in Marion Unit. I/M Simmons received multiple stab wounds to his neck, head, right-side, right arm and left hand and a possible fractured jaw. Nurse Walters, G. medically assessed I/M Simmons and Dr. Meyer, H. authorized the transport of I/M Simmons to Palmetto Health Richland Hospital. Officer Alnatas, Johnny was inmate escort and Tarte, Jerry occupied the escort vehicle #1160.

Signature: Ulysses Collins Jr. Title: Lieutenant

Evidence:

Disposition of Evidence:

Supervisor's Comments: Forwarded to A/W Washington

Printed Name:

Signature: Title: Date/Time: 7/19/17 @ 12:57pm

Major/Responsible Authority:

Printed Name:

Signature: Title: Date/Time:

STG Related - Refer to STG Committee

☐ Yes ☑ No ☑ Unknown

This incident is DRUG related

☐ Yes ☐ No ☑ Unknown

Responsible Authority Action Taken

☐ Informal Resolution

☐ Administrative Resolution

☐ Refer to Disciplinary Hearing

SCDC Form 19-29A (Rev. January 2005)

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Miranda and Written Statement of Anthony Hall

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South Carolina Department of Corrections
Division of Police Services

CASE NUMBER: 33-2017-130

MIRANDA RIGHTS

PLACE: BRCI DATE: 07-18-2017 TIME: 0645

BEFORE WE ASK YOU QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.

AH You have the right to remain silent.

AH Anything you say can be used in court as evidence against you.

AH You have the right to talk to an attorney before answering questions and have the attorney present during questioning.

AH If you cannot afford an attorney, one will be appointed by the court to represent you free of charge.

AH If you decide to answer questions now, without an attorney present, you still have the right to stop answering questions at any time and remain silent.

AH I have read this statement, or have had it read to me, and I fully understand what my rights are.

Witness: _____ Signature: S/ A. Hall II

Witness: _____

WAIVER OF RIGHTS

AH I fully understand each of these rights which have been explained to me, having these rights in mind, I wish to waive these rights and answer questions or make a statement. No threats, force or promises of any kind have been made to me by anyone to induce or cause me to waive these rights and answer questions.

Witness: _____ Signature: S/ A. Hall II

Witness: _____

SCDC Form 23-3 (Rev. April, 2017)

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South Carolina Department of Corrections
Office of Inspector General
Division of Police Services

Case No: 33-2017-130

VOLUNTARY STATEMENT

I, Anthony Hall II, ID Number 055120, do hereby voluntarily provide this statement to Agent Garris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Division of Police Services.

Around 12 am My Lt came into Heaven to check the unit and saw there was a few doors unlock, as we went to the left side there was a inmate out and he was in the shower. I had no clue he was out, thought I had lock all doors, but I missed some. Then around two am I got a call saying that, someone called and said I had a inmate out and he was bleeding. I then told My Lt that I would do a Security check of My Unit did not notice nothing. Not until my Lt and Sgt, also Nurse came down to do Pill line on both Side, that when I saw the inmate.

End of Statement

I have read this statement consisting of _____ pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: A Hall II Witness: [signature]

Date: 7-18-17 Time: 7:25 Witness: [illegible]

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South Carolina Department of Corrections
Office of Inspector General
Division of Police Services

Case No: 33-2017-030

VOLUNTARY STATEMENT

I, Arthur Hall II, ID Number 058120, do hereby voluntarily provide this statement to Agent Gerris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Division of Police Services.

In the past I have let inmates out to warm up their food, and also let them take a shower during lockdown.

End of Statement

I have read this statement consisting of _____ pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: Arthur Hall II Witness: E G

Date: 7-18-17 Time: 11:10 Wit...

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Written Statement of Brittany Livingston

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South Carolina Department of Corrections
Office of Inspector General
Division of Police Services

Page 1 of 1
Case No: 33-2017-130

VOLUNTARY STATEMENT

I, Brittany Livingston, ID Number 051271, do hereby voluntarily provide this statement to Agent Garris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Division of Police Services.

At approx 3:50 am an anonymous phone call came in stating an inmate was stabbed in the Marion Unit on the rock and staff needed to get down their soon because he could die. I Cpl Livingston then contacted my Supervisor Lt Collins.

I have read this statement consisting of 1 pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: [signature] Witness: _____

Date: Time: Hour:

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Report of Interview Deshawn Simmons

South Carolina Department of Corrections
Division of Police Services

REPORT OF INTERVIEW
33-2017-130

INTERVIEWEE: SIMMONS, DESHAWN LIVAUGHN (I), 00362125, B/M
INTERVIEW DATE: 07/18/2017
LOCATION: OTHER
AGENT: MILLER, RAYFORD L

On July 18, 2017, Assistant Chief (AC) Rayford Miller interviewed inmate Deshawn Simmons (SCDC ID 362125) at Palmetto Richland Memorial Hospital. AC Miller prepared a Report of Interview (ROI) documenting the following information provided by inmate Simmons: he was asleep in his bunk when Cpl. Hall opened the cell door. He was standing at the door, not allowing him to leave. Several inmates came into his cell and assaulted him with an axe type weapon. The inmates were all members of the gang "Bloods". He does not know their real names, just their nicknames as follows: Shoelace or She String, Maserati, Red, and Ray Ray. Simmons sustained a laceration to his fore head and top of his head, a laceration to his left palm and a possible broken jaw.

Inmate Simmons stated that the cell were he was sleeping was not his assigned cell. That his assigned cell was on the other wing in the Marion Unit.

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Report of Interview-Rainey, Timothy

South Carolina Department of Corrections
Division of Police Services

REPORT OF INTERVIEW
33-2017-130

INTERVIEWEE: RAINEY, TIMOTHY R. (I), 00263244, B/M
INTERVIEW DATE: 08/23/2017
LOCATION: BROAD RIVER
AGENT: GARRIS, EVAN M

He was living on the right side of the Marion Unit on July 18, 2017. He observed CO Hall standing in front of inmate Simmons' cell with four inmates with weapons. He then observed CO Hall open the door to allow the inmates to assault Simmons. He then observed CO Hall lock the door back after the assault had ended.

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Written Statement of Lt. Ulysses Collins Jr.

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South Carolina Department of Corrections
Division of Police Services

Case No: 33-2017-130

VOLUNTARY STATEMENT

I, ULYSSES Collins JR, ID Number 059635, do hereby voluntarily provide this statement to Agent Harris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Division of Police Services.

ON JULY 18, 2017 Sometime After the 9pm Count was Clear, the Control Room Officer Cpl. Livingston, B. Stated that she was Receiving phone Calls from An unknown male. The male made statements to Cpl. Livingston that A inmate in Marion Unit had been stabbed and may be bleeding out. if he does not get help soon. After about a few of those phone calls I, Lt. Collins went to Marion Unit. AT Approximately 1215Am I, Lt. Collins while conducting A Security Checks in Marion Unit I observed 20 to 30 room Doors not Secured on the Left Side of Marion Unit AT that Time I instructed Officer Hall to Secure those room doors And I observed Officer Hall Secure at least 20 of those Doors. I did not found A victim on the left Side of Marion Unit. I then waited on Officer Hall

I have read this statement consisting of 2 pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: Ulysses Collins Witness:
Date: 9-18-17 Time: 1125 Am Witness: Ag.

SCDC Form 23-56 (Rev. April, 2017)

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

VOLUNTARY STATEMENT CONTINUATION

To come to the right side of Marion unit. A inmate started beating on a room door, so I instructed officer Hall to open said door. At this time I observed inmate Simmons, Deshawn SCDC# 362125 sitting on the bottom rack with bleed all over his uniform. I instructed inmate to stand up and I looked under his short observed multiple stab wounds to his neck, head, right and left hands. Inmate Simmons was removed from Marion unit and escorted to medical to be medically assessed. During that time Inmate Simmons stated to this officer that officer Hall had allowed other inmates into his room (unlocking his door) so that they could attack him.

Initials

SCDC Form 23-56B (Revised July, 2015)

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Written Statement of Deshawn Simmons

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

South Carolina Department of Corrections
Office of Inspector General
Division of Police Services

Case No: 33-2017-18

VOLUNTARY STATEMENT

I, Dashaun Simmons, ID Number 362125, do hereby voluntarily provide this statement to Agent Corris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Division of Police Services.

My unit was locked down because of a Gang riot. There is a lot of money on me to be killed from my understanding and on 7-18-2017 and a couple days before I was reciving threats from people saying I was going to be killed. I didn't take it seriously and on 7-18-17 officer Hall opened my door and let a bunch of guys try to kill me. I don't remember too much but I remember a couple of the faces of the guys who tried to kill me. I remember Shoe String, Mazariti and Ray Ray were the first ones I saw before It was too many to make out. officer Hall refused to let me out of the dorm after he witnessed the Stabbing. I ask him and he told me to wait until Shift change they were waiting for me

I have read this statement consisting of 2 pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: Dashaun Simmons Witness: [signature]

Date: 08-07-2017 Time: 1:00 Pm Witness: _____

South Carolina Department of Corrections, Division of Police Services
4444 Broad River Road, PO Box 21787
Telephone 803-896-5214 Fax 803-896-5234
SCDC Form 23-56 (Created July, 2015)

VOLUNTARY STATEMENT CONTINUATION

To bleed out and die in my room. Officer Hall locked me in my room AFTER the Stabbing and the only reason I didn't ~~did~~ died was because Somebody Call the front off their Cell phone and told operations what was happening. The Yard officer (Female) then Came to the unit and opened my door and escorted me to Medical, then I went to the hospital.

D. S.

D. S.

D. S.

D. S.

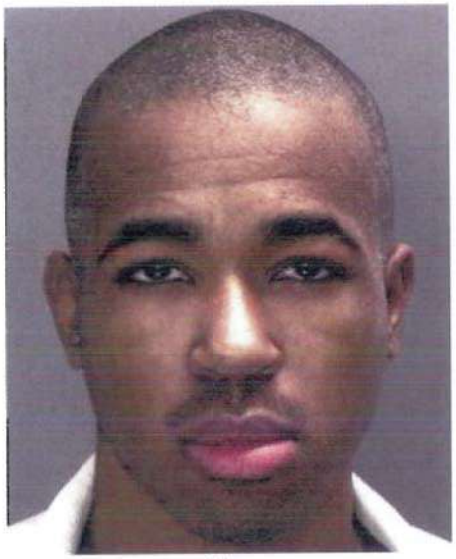
Initials D. S.

SCDC Form 23-56B (Revised July, 2015)

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Photo Line Up for Taquan Montford



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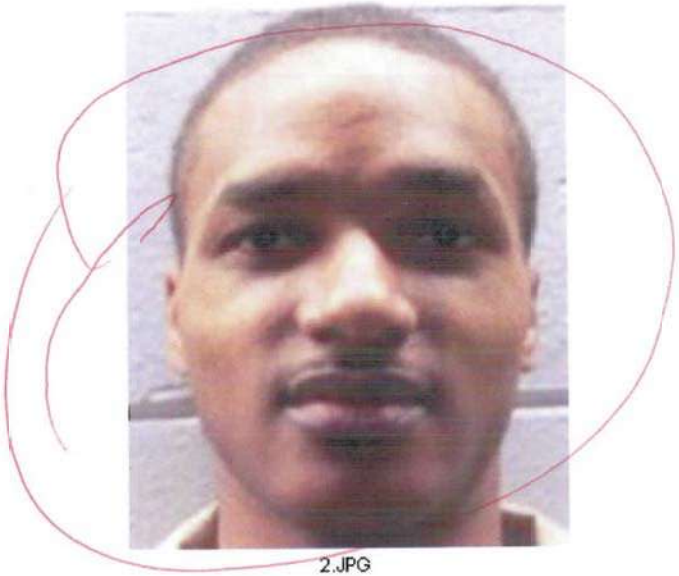

2.JPG

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4.jpg

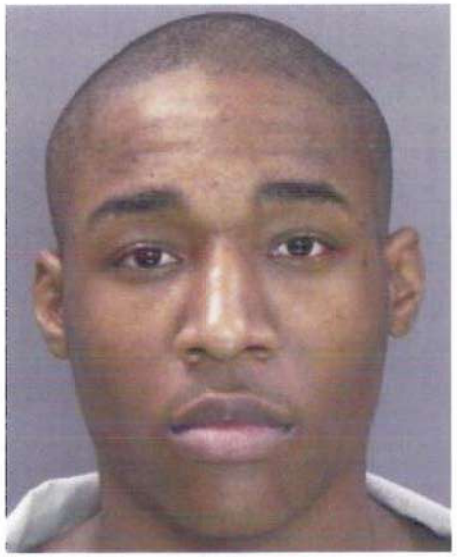
5.jpg

6.jpg

10448-F-00025 72 CONFIDENTIAL

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Photo Line Up for Hasien Ransom



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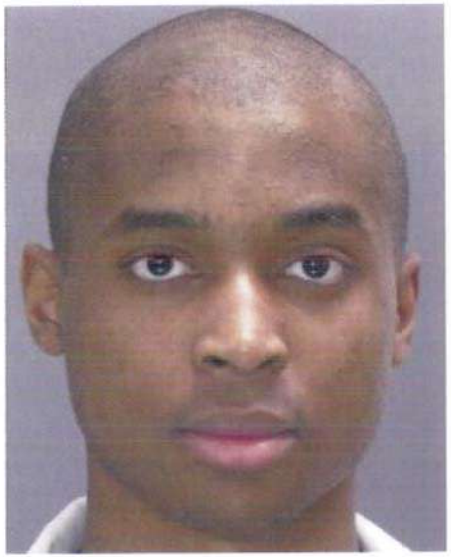

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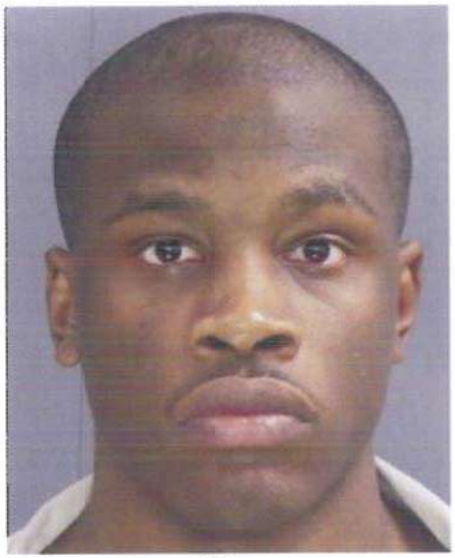

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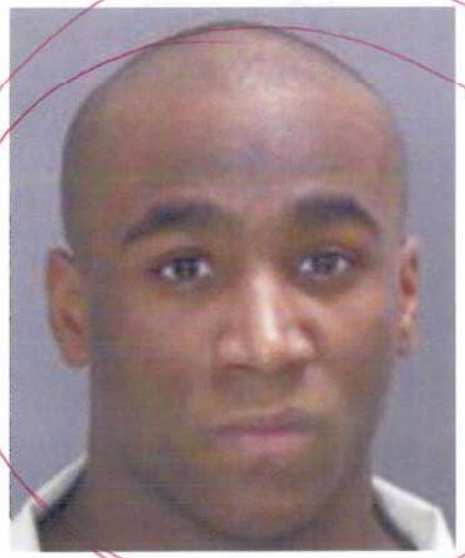

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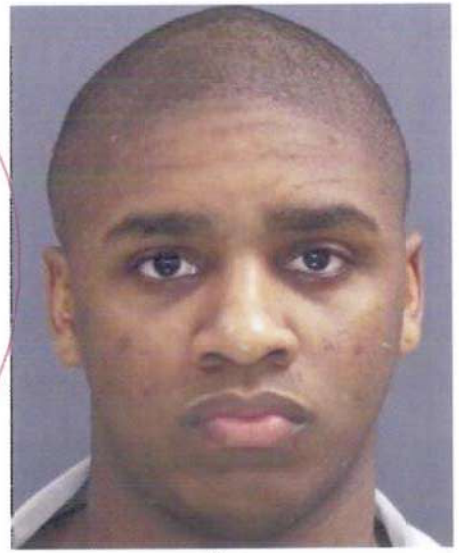

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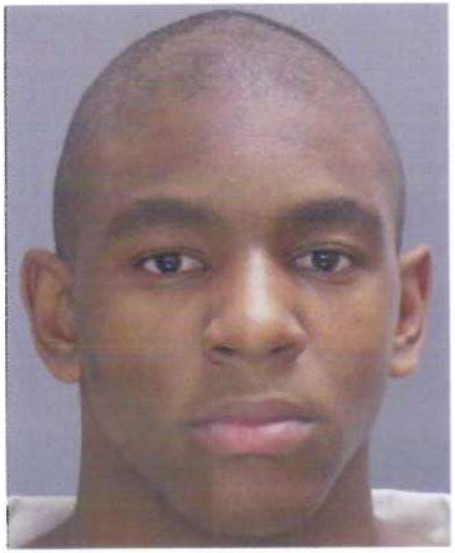

6.jpg

10448-F-00027 CONFIDENTIAL

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Photo Line Up for Jquan Scott

33-2017-130

ATTACHMENT 10

1.jpg

2.jpg

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Rich homie

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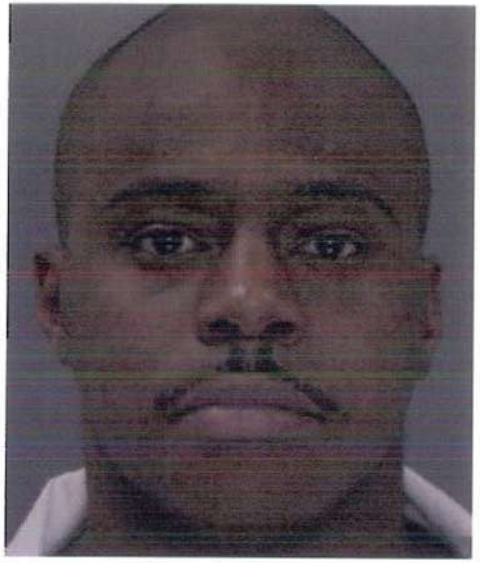
10448-F-00029 CONFIDENTIAL

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Photo Line Up for Xavier Hemingway



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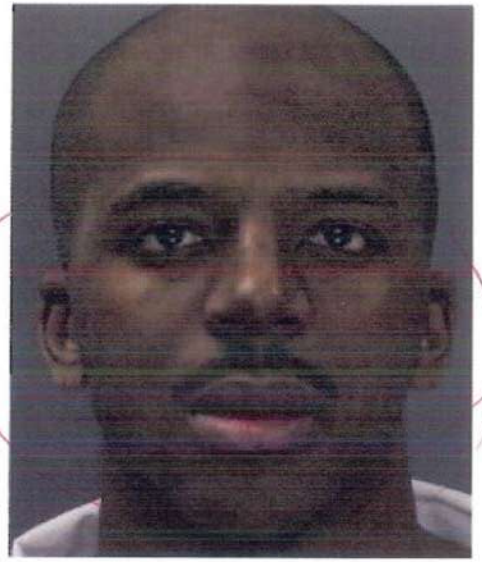

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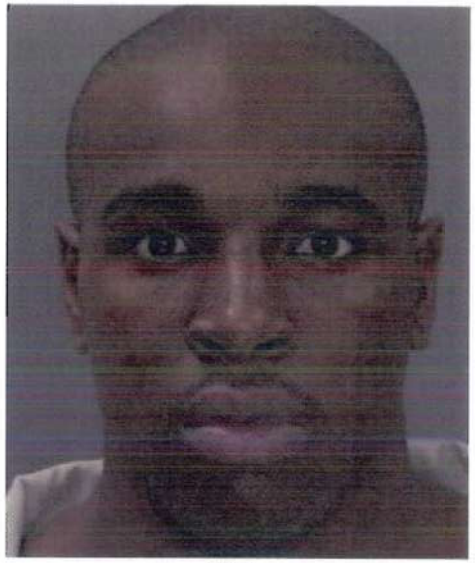

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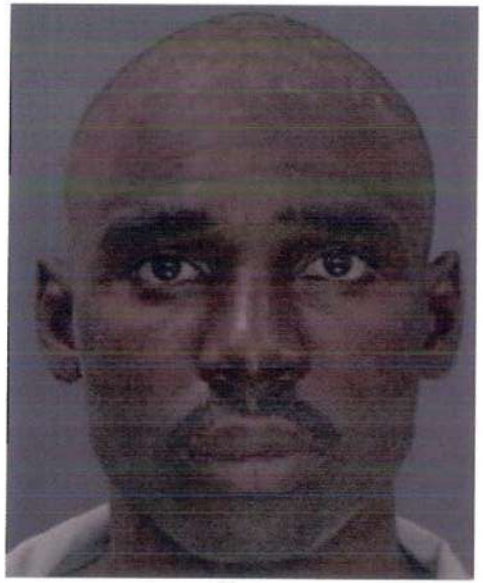

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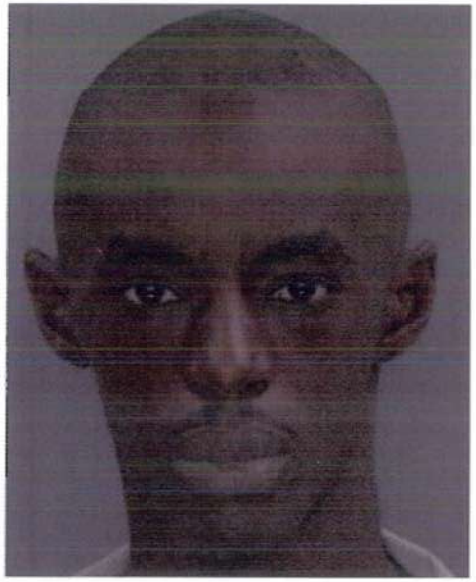

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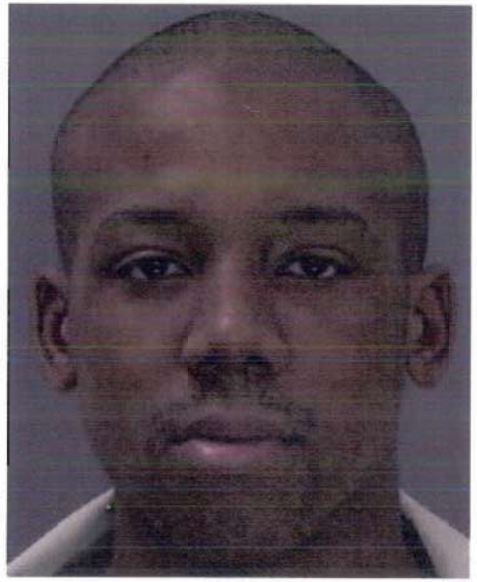

6.jpg

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Written Statement of inmate Timothy Rainey

33-2017-130

ATTACHMENT 12

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

South Carolina Department of Corrections
Police Services

Page 1 of 1
Case No: 53-2017-130

VOLUNTARY STATEMENT

I, [signature], ID Number 203244, do hereby voluntarily provide this statement to Agent Garris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Police Services.

I have Given the statement that officer MR Hall has open the cell door for a inmate to get beaten by other inmates, the bloods, but he was aware that these inmates was going to cause that inmate harm, I whatched him unlock the cell door and walked off the wing and came back after all was done and that inmate that got hurted was completely in the right, and was in this cell. This was not the only issues that had den with this officer and the captain MR, Reeves captain of the Dorm (Marion).

TRR

I have read this statement consisting of 1 pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: [signature] Witness: [signature]
Date: Sept 29, 2017 Time: 12:50 pm Witness:

SCDC Form 23-56 (Rev. April, 2017)

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Written Statement of CO Matthew Kennedy

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

South Carolina Department of Corrections
Police Services

Case No: 55-2017-130

VOLUNTARY STATEMENT

I. Matthew N Kennedy, ID Number 059768, do hereby voluntarily provide this statement to Agent Garris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Police Services.

On July 17th 2017, Officer Hall came into Marion unit to relieve me of all duties. As we were locking down I noticed Officer Hall unlocking a few doors that were locked. I had proceded to call Shift Leiutenant Parker to let him know of the situation and he told me to come on up front and go home and they would take care of it.

M.K. M.K. M.K. M.K.

I have read this statement consisting of 1 pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: Matt Kennedy Witness: _____

Date: 10/2/17 Time: Approx. 1:34pm Witness: _____

SCDC Form 23-56 (Rev. April, 2017)

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Arrest Warrants

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

ARREST WARRANT

2017A4010300034

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE

against

Anthony Howard Hall

DCA 33-2017-730

Address: [redacted]

Phone: SSN: [redacted]

Sex: M Race: Height: 6 4 Weight: 265

DL State: SC DL #: [redacted]

DOB: [redacted] Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Accessory / Accessory before the fact of Attempted Murder

Offense Code: 0002

Code/Ordinance Sec: 16-01-0040

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of

. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to defendant on 9:18 17 9:27 Am

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Anthony Howard Hall did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Accessory / Accessory before the fact of Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017, the defendant Anthony Howard Hall, a sworn Correctional Officer with the South Carolina Department of Correction, did knowingly, unlawfully and with malice aforethought, aid in the commission of Attempted Murder (Section 16-3-29), by unlocking the victim's cell door and allowing the co-defendants, Taquan Montford and Hasien Ransom, who are lawfully incarcerated by the South Carolina Department of Corrections, to enter the cell and stab the victim, Deshawn Simmons, who is lawfully incarcerated by South Carolina Department of Corrections, multiple times with homemade weapons. The incident occurred at Broad River Correctional Institution, 4460 Broad River Rd. Columbia, SC 29210, Richland County, South Carolina. The affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

Affiant's Address P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Anthony Howard Hall did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below:

DESCRIPTION OF OFFENSE: Accessory / Accessory before the fact of Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 9/14/2017 4:24 pm

(L.S.)

Signature of Issuing Judge

Patrick Alan Barber

Judge Code: 7219

Judge's Address 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

10448-F-0003784 CONFIDENTIAL

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

ARREST WARRANT

2017A4010300033

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE against Anthony Howard Hall

OCA 33-2017-130

33-2017-130

Address [redacted]

Phone:

SSN [redacted]

Sex: M Race: Height: 6 4 Weight: 265

DL State: SC DL #: [redacted]

DOB [redacted] Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Misconduct / Misconduct in office, malfeasance, misfeasance, or nonfeasance

Offense Code: 0819

Code/Ordinance Sec: 17-25-0030

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of

. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to defendant

on 7-18-17 927 am

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Anthony Howard Hall did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Misconduct / Misconduct in office, malfeasance, misfeasance, or nonfeasance

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017, the defendant, Anthony Howard Hall, a sworn officer with the South Carolina Department of Corrections, did willfully, dishonestly, and with corrupt intent, engaged in corruption in the form of malfeasance, misfeasance, or nonfeasance, by committing acts in violation of his duty of good faith, honesty and public accountability of public trust as a State Correctional Officer. These acts include unlocking inmate cell doors during a lock down period and compromising the security of the assigned facility. The defendant did admit to these acts. This incident occurred at Broad River Correctional Institution, 4460 Broad River Road, Richland County, South Carolina. This affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

Affiant's Address P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Anthony Howard Hall did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below:

DESCRIPTION OF OFFENSE: Misconduct / Misconduct in office, malfeasance, misfeasance, or nonfeasance

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 9/14/2017

4:22 pm

Signature of Issuing Judge (L.S.)

Patrick Alan Barber

Judge Code: 7219

Judge's Address 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

10448-F-0003885 CONFIDENTIAL

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

ARREST WARRANT

2017A4010300035

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE 33-2017-130

against

Xavier Rayshawn Hemingway

Address: 4460 Broad River Rd.
Columbia, SC 29210-

Phone:

Sex: M Race: B Height: 6 Weight: 169 SSN: [redacted]

DL State: DL #:

DOB: Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of

. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

AFFIDAVIT

ORIGINAL

S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Xavier Rayshawn Hemingway did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017, the defendant, Xavier Rayshawn Hemingway, an inmate lawfully incarcerated by the South Carolina Department of Correction, did with malice aforethought, stab the victim, Deshawn Simmons, an inmate lawfully incarcerated by the South Carolina Department of Corrections, several times with a homemade weapon, with the intent to kill him. The victim identified the defendant by photo lineup. The incident occurred at Broad River Correctional Institution, 4460 Broad River Road, Richland County, South Carolina. The affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

Affiant's Address P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Xavier Rayshawn Hemingway did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 10/2/2017

Signature of Issuing Judge (L.S.)

Patrick Alan Barber

Judge Code: 7219

Judge's Address 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

2:21 pm

10448-F-00039 CONFIDENTIAL

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

ARREST WARRANT

2017A4010300036

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE 33-2017-130

against

Jquan Marquel Scott

Address: 4460 Broad River Road

Columbia, SC 29210-

Phone: SSN: [redacted]

Sex: M Race: B Height: 5 9 Weight: 148

DL State: DL #:

DOB: [redacted] Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

AFFIDAVIT

ORIGINAL

S.C. Attorney General's Office April 21, 2003 SCCA 518

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Jquan Marquel Scott did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017, the defendant , Jquan Marquel Scott, an inmate lawfully incarcerated by the South Carolina Department of Corrections did with malice aforethought, stab the victim, Deshawn Simmons, an inmate lawfully incarcerated by the South Carolina department of Corrections, several times with a homemade weapon, with the intent to kill him. The victim identified the defendant by photo lineup. This incident occurred at the Broad River Correctional Institution, 4460 Broad River Road, Richland County, South Carolina. The affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

Affiant's Address P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Jquan Marquel Scott did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)
on ~~10/2/2017~~ PMP 10/05/17)

(L.S.))
Signature of Issuing Judge

Patrick Alan Barber)

Judge Code: 7219)

Judge's Address 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

10448-F-00040 87 CONFIDENTIAL

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

ARREST WARRANT

2017A4010300030

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE 33-2017-130

against

Hasien Markeese Ransom

Address: 4460 Broad River Rd.

Columbia, SC 29210-

Phone: SSN:

Sex: M Race: B Height: 5 6 Weight: 160

DL State: DL #:

DOB: [redacted] Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in this

[ ] County/ [ ] Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

4:25 pm

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Hasien Markeese Ransom did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017 the defendant Hasien Ransom, an inmate lawfully incarcerated by the South Carolina Department of Corrections, did with malice aforethought, stab the victim, Deshawn Simmons, an inmate lawfully incarcerated by the South Carolina Department of Corrections, several times with a homemade weapon, with the intent to kill him. The victim identified the defendant by photo lineup. The incident occurred at Broad River Correctional Institution, 4460 Broad River Rd. Columbia, SC 29210, Richland County, South Carolina. The affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

Affiant's Address: P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone:

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Hasien Markeese Ransom did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below.

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 9/14/2017

(L.S.)

Signature of Issuing Judge

Patrick Alan Barber

Judge Code: 7219

Judge's Address: 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone: (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

10448-F-00041 CONFIDENTIAL

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

ARREST WARRANT

2017A4010300031

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE 33-2017-130

against

Taquan Montford

Address: 4460 Broad River Rd.
Columbia, SC 29210-

Phone: SSN: [redacted]

Sex: M Race: B Height: 5 10 Weight: 150

DL State: DL #:

DOB: Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of

. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Taquan Montford did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017 the defendant Taquan Montford, an inmate lawfully incarcerated by the South Carolina Department of Corrections, did, with malice aforethought, stab the victim, Deshawn Simmons, an inmate lawfully incarcerated by the South Carolina Department of Corrections, several times with a homemade weapon, with the intent to kill him. The victim identified the defendant by photo lineup. The incident occurred at Broad River Correctional Institution, 4460 Broad River Rd. Columbia, SC 29210, Richland County, South Carolina. The affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

Affiant's Address P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Taquan Montford did violate the criminal laws of the State of South Carolina [or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below.

DESCRIPTION OF OFFENSE: Assault/ Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 9/14/2017

(L.S.)

Signature of Issuing Judge

Patrick Alan Barber

Judge Code: 7219

Judge's Address 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

10448-F-00042 89 CONFIDENTIAL

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

SCDC Disiplinary for inmate Taquon Montford

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

15:31:57 Thursday, October 05, 2017

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 335593 **DISPLAY INMATE OFFENSE HISTORY**
MONTFORD, TAQUAN - CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00025	DAMAGE,DESTROY,PROP.V	MAJOR DI	03/15/14	04/10/14	00000	CONVICTED	2
_	00024	USE,POSS NARC,MARIJ,U	MAJOR DI	02/05/14	03/04/14	00000	CONVICTED	1
_	00023	POSSESSION OF A WEAPO	MAJOR DI	12/19/13	01/09/14	00000	CONVICTED	2
_	00022	USE,POSS NARC,MARIJ,U	MAJOR DI	10/31/13	11/19/13	00000	CONVICTED	1
_	00021	FIGHTING WITH A WEAPO	MAJOR DI	07/23/13	08/20/13	00000	CONVICTED	2
_	00019	POSSESSION OF A WEAPO	MAJOR DI	07/23/13	08/20/13	00000	CONVICTED	2
_	00018	USE,POSS NARC,MARIJ,U	MAJOR DI	05/22/13	06/14/13	00000	CONVICTED	1
_	00017	USE,POSS NARC,MARIJ,U	MAJOR DI	11/11/12	12/05/12	00000	CONVICTED	1
_	00016	POSSESSION OF A WEAPO	MAJOR DI	08/22/12	09/12/12	00030	CONVICTED	2
_	00015	USE,POSS NARC,MARIJ,U	MAJOR DI	07/17/12	08/07/12	00000	CONVICTED	1
_	00014	USE,POSS NARC,MARIJ,U	MAJOR DI	07/16/12	08/01/12	00000	CONVICTED	1
_	00013	POSSESSION OF A WEAPO	MAJOR DI	01/09/12	01/31/12	00000	CONVICTED	2

PAGE 0002

PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 335593 **DISPLAY INMATE OFFENSE HISTORY**
MONTFORD, TAQUAN - CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00012	USE,POSS NARC,MARIJ,U	MAJOR DI	12/14/11	01/03/12	00000	CONVICTED	1
_	00010	REFUSING OR FAILING O	MAJOR DI	01/12/11	01/25/11	00000	CONVICTED	3
_	00009	REFUSING OR FAILING O	MAJOR DI	12/02/10	12/15/10	00000	CONVICTED	3
_	00008	REFUSING OR FAILING O	MAJOR DI	11/19/10	12/10/10	00000	CONVICTED	3
_	00007	THREATENING TO INFLIC	MAJOR DI	11/02/10	11/16/10	00006	CONVICTED	2
_	00004	OUT OF PLACE	ADMINIST	01/26/10	02/02/10	00000	CONVICTED	3
_	00003	OUT OF PLACE	ADMINIST	01/26/10	02/02/10	00000	CONVICTED	3
_	00002	FIGHTING WITHOUT A WE	ADMINIST	07/20/09	/ /	00000	CONVICTED	3
_	00001	THREATENING TO INFLIC	MAJOR DI	07/14/09	07/23/09	00006	CONVICTED	2

END OF LIST

PAGE 0003

PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

15:31:50 Thursday, October 05, 2017

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 335593 **DISPLAY INMATE OFFENSE HISTORY**
MONTFORD, TAQUAN - CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00040	POSS. OR/ATTEMPT TO P	MAJOR DI	07/18/17	09/05/17	00006	CONVICTED	1
_	00038	CREAT/ASSIST WITH SOC	MAJOR DI	11/07/16	12/01/16	00000	CONVICTED	1
_	00036	POSS. OR/ATTEMPT TO P	MAJOR DI	05/03/16	05/24/16	00000	CONVICTED	1
_	00035	POSSESSION OF A WEAPO	MAJOR DI	05/03/16	05/24/16	00006	CONVICTED	1
_	00034	USE,POSS NARC,MARIJ,U	MAJOR DI	01/12/16	02/02/16	00009	CONVICTED	1
_	00032	THREATENING TO INFLIC	MAJOR DI	09/10/15	11/09/15	00000	CONVICTED	2
_	00031	POSSESSION OF A WEAPO	MAJOR DI	08/25/15	09/16/15	00003	CONVICTED	1
_	00030	POSSESSION OF CONTRAB	MAJOR DI	07/30/15	08/25/15	00000	CONVICTED	3
_	00029	POSSESSION OF A WEAPO	MAJOR DI	07/30/15	08/25/15	00000	CONVICTED	1
_	00028	USE,POSS NARC,MARIJ,U	MAJOR DI	06/14/15	07/08/15	00000	CONVICTED	1
_	00027	USE,POSS NARC,MARIJ,U	MAJOR DI	06/24/14	07/16/14	00006	CONVICTED	1
_	00026	POSS. OR/ATTEMPT TO P	MAJOR DI	04/12/14	05/08/14	00000	CONVICTED	1

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

SCDC Disiplinary for inmate Hasien Ransom

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

15:32:24 Thursday, October 05, 2017

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763

SCDC ID: 359100 **DISPLAY INMATE OFFENSE HISTORY**
RANSOM, HASIEN MARKEESE CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00018	POSSESSION OF A WEAPO	MAJOR DI	08/24/17	/ /	00000		1
_	00017	POSS. OR/ATTEMPT TO P	MAJOR DI	08/24/17	/ /	00000		1
_	00016	POSS. OR/ATTEMPT TO P	MAJOR DI	01/23/17	02/14/17	00000	CONVICTED	1
_	00015	USE,POSS NARC,MARIJ,U	MAJOR DI	01/17/17	02/14/17	00000	CONVICTED	1
_	00012	USE,POSS NARC,MARIJ,U	MAJOR DI	03/11/16	04/05/16	00000	CONVICTED	1
_	00011	REFUSING OR FAILING O	ADMINIST	03/07/16	03/15/16	00000	CONVICTED	3
_	00010	UNAUTH I/M ORGAN/PART	MAJOR DI	11/20/15	12/17/15	00003	CONVICTED	2
_	00009	USE,POSS NARC,MARIJ,U	MAJOR DI	06/18/15	07/07/15	00000	CONVICTED	1
_	00008	POSS. OR/ATTEMPT TO P	MAJOR DI	06/18/15	07/07/15	00000	CONVICTED	1
_	00007	UNAUTH I/M ORGAN/PART	MAJOR DI	03/18/15	04/14/15	00000	CONVICTED	2
_	00006	REFUSING OR FAILING O	ADMINIST	02/27/15	03/06/15	00000	CONVICTED	3
_	00004	COMPUTER ENTRY ERROR/	OTHER AC	10/19/14	10/22/14	00000	CLOSED	1

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763

SCDC ID: 359100 **DISPLAY INMATE OFFENSE HISTORY**
RANSOM, HASIEN MARKEESE CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00003	FIGHTING WITHOUT A WE	ADMINIST	10/19/14	10/27/14	00000	CONVICTED	3
_	00005	THREATENING TO INFLIC	MAJOR DI	10/17/14	11/06/14	00060	CONVICTED	2
_	00002	FIGHTING WITH A WEAPO	OTHER AC	06/22/14	/ /	00000	CLOSED	2
_	00001	POSSESSION OF A WEAPO	MAJOR DI	05/07/14	06/03/14	00000	CONVICTED	2

END OF LIST

PAGE 0002

PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

SCDC Disiplinary for inmate Xavier Hemingway

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

16:03:37 Thursday, October 05, 2017

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 362315 **DISPLAY INMATE OFFENSE HISTORY**
HEMINGWAY, XAVIER RAYSHAWN CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00019	POSSESSION OF A WEAPO	MAJOR DI	03/01/17	03/23/17	00000	CONVICTED	1
_	00018	POSS. OR/ATTEMPT TO P	MAJOR DI	03/01/17	03/23/17	00003	CONVICTED	1
_	00017	POSS. OR/ATTEMPT TO P	MAJOR DI	02/07/17	03/08/17	00006	CONVICTED	1
_	00016	CREAT/ASSIST WITH SOC	MAJOR DI	02/07/17	03/08/17	00000	CONVICTED	1
_	00015	STRIKING AN EMPLOYEE	MAJOR DI	01/19/17	02/06/17	00009	CONVICTED	2
_	00014	POSSESSION OF A NEGOT	MAJOR DI	10/10/16	11/04/16	00000	CONVICTED	2
_	00013	USE OBSCENE,VULGAR,PR	ADMINIST	07/19/16	07/27/16	00000	CONVICTED	3
_	00012	REFUSING OR FAILING O	ADMINIST	07/19/16	07/27/16	00000	CONVICTED	3
_	00010	REFUSING OR FAILING O	MAJOR DI	05/26/16	06/23/16	00030	CONVICTED	3
_	00009	REFUSING OR FAILING O	ADMINIST	05/16/16	05/24/16	00000	CONVICTED	3
_	00008	DAMAGE,DESTROY,PROP.V	MAJOR DI	02/02/16	02/18/16	00006	CONVICTED	2
_	00006	EVADING A SECURITY DE	MAJOR DI	11/06/15	12/01/15	00010	CONVICTED	3

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 362315 **DISPLAY INMATE OFFENSE HISTORY**
HEMINGWAY, XAVIER RAYSHAWN CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00005	STRIKING AN EMPLOYEE	MAJOR DI	11/06/15	12/01/15	00020	CONVICTED	2
_	00003	THREATENING TO INFLIC	MAJOR DI	07/29/15	08/21/15	00009	CONVICTED	2
_	00002	POSSESSION OF ESCAPE	MAJOR DI	07/29/15	08/21/15	00020	CONVICTED	1
_	00001	UNAUTH I/M ORGAN/PART	MAJOR DI	01/14/15	02/05/15	00003	CONVICTED	2

END OF LIST

PAGE 0002

PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

SCDC Disiplinary for inmate Jquan Scott

15:32:45 Thursday, October 05, 2017

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
DISPLAY INMATE OFFENSE HISTORY

10/05/17
C044763

SCDC ID: 365229
SCOTT, JQUAN MARQUEL
OFFENDER TYPE: **ADULT-STRAIGHT**

CURR LOC: **BROAD RIVE**

PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00010	THROWING/EXPOSURE OF	MAJOR DI	10/04/16	10/27/16	00000	CONVICTED	2
_	00009	CREAT/ASSIST WITH SOC	MAJOR DI	06/11/16	08/04/16	00000	CONVICTED	1
_	00008	POSS. OR/ATTEMPT TO P	MAJOR DI	03/23/16	04/14/16	00000	CONVICTED	1
_	00007	POSSESSION OF A WEAPO	MAJOR DI	03/23/16	04/14/16	00000	CONVICTED	1
_	00006	POSSESSION OF ESCAPE	MAJOR DI	03/23/16	04/14/16	00000	CONVICTED	1
_	00005	USE,POSS NARC,MARIJ,U	MAJOR DI	03/23/16	04/14/16	00000	CONVICTED	1
_	00003	POSSESSION OF A NEGOT	MAJOR DI	11/06/15	12/22/15	00000	CONVICTED	2
_	00002	POSS. OR/ATTEMPT TO P	MAJOR DI	11/06/15	12/22/15	00000	CONVICTED	1
_	00001	POSSESSION OF CONTRAB	MAJOR DI	10/21/15	11/16/15	00000	CONVICTED	3

END OF LIST

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

ELECTRONICALLY FILED - 2023 Oct 09 3:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

RANDLE JACKSON, individually and as the Personal Representative of the Estate of DASHAUN SIMMONS,

Plaintiff,

vs. CASE NO. 1:22-cv-01656-DCC-SVH

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

Defendant.

VIDEOTAPED ANTHONY H. HALL, II

DEPOSITION OF:

DATE: May 1, 2023

TIME: 9:57 a.m.

LOCATION: Offices of
HUSEBY GLOBAL LITIGATION
1230 West Morehead Street
Suite 104
Charlotte, North Carolina

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: MINDY VISLAY
HUSEBY GLOBAL LITIGATION
CHARLOTTE, NORTH CAROLINA

APPEARANCES OF COUNSEL:

ATTORNEYS FOR PLAINTIFF
RANDLE JACKSON, individually and as the Personal Representative of the Estate of DASHAUN SIMMONS:

HAWKINS & JEDZINIAK, LLC
BY: HELENA JEDZINIAK
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ATTORNEYS FOR THE WITNESS:

RILEY POPE & LANEY
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ALSO PRESENT: Ira Lawrence, Videographer

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P R O C E E D I N G S

VIDEOGRAPHER: This is the beginning of Media No. 1 in the deposition of Anthony Hall in the matter of Randle Jackson versus the South Carolina Department of Corrections, Case No. 1:22-cv-01656-DCC-SVH.

Today's date is May 1st, 2023, and the time on the monitor is 9:57 a.m. My name is Ira Lawrence, and I'm the videographer. The court reporter is Mindy Vislay. We are here with Huseby Global Litigation.

Counsel, please introduce yourselves, after which the court reporter will swear in the witness.

MR. HAWKINS: Josh Hawkins for the plaintiff.

MS. JEDZINIAK: Helena Jedziniak for the plaintiff.

MR. BALTHAZOR: David DeMasters for the South Carolina Department of Corrections.

MR. DeMASTERS: And I'm Pete Balthazor here on behalf of Anthony Hall. I've been retained by the Insurance Reserve Fund. I'm representing Anthony in a civil -- civil capacity today.

ANTHONY H. HALL, II,

being first duly sworn, testified as follows:

DIRECT EXAMINATION

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mistaken, there's been multiple paperwork putting in regarding this. So it was more than one.

Q. Now, we're going to use this deposition in the state case that's going on right now and in the federal case and any other case related to Simmons. So the state case, the --

Do we have that number? I should have had it in front of me.

MS. JEDZINIAK: 2018.

BY MR. HAWKINS:

Q. The state case, 2018 CP --

MR. HAWKINS: Is that 40 Richland?

MS. JEDZINIAK: 40. Yes.

BY MR. HAWKINS:

Q. -- 04850, that's where SCDC is the defendant. SCDC is your former employer?

A. Yes.

Q. All right. So you knew about this one in addition to the federal case and everything else, right?

A. Uh-huh.

Q. Is that a yes?

A. Yes. Yes.

Q. And the case that -- in that case, that 2018 state case number, Mr. Balthazor, he's your

lawyer for that case, too, right, for this case that we're talking about?

A. Yes.

Q. Okay. And he was your lawyer for that case since it was filed, correct?

A. Yes.

Q. The one where just SCDC is the defendant?

A. Yes.

Q. Okay. And I'm going to go ahead and make these emails exhibits. These are where we tried to coordinate your deposition with your lawyer and had to personally serve you. You know we had to track you down personally to serve you, right?

A. Yes.

MR. HAWKINS: And you can just mark that as Plaintiff's 1 or however you want to do it. A. It doesn't matter. Go ahead.

COURT REPORTER: I'll just do 1.

MR. HAWKINS: Yeah. The whole packet.

(EXHIBIT 1 was marked for identification.)

BY MR. HAWKINS:

Q. What we've done is we made some emails exhibits to show that we've been trying to coordinate your deposition for some time and had to incur the expense of personal service on you. Do you understand

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or were you?
A. I plead the Fifth.
Q. Okay. It says an inmate started beating on a room door so I instructed Officer Hall to open said door. At this time I observed inmate Simmons, Dashaun, SCDC No. 362125, sitting on the bottom rack with blood all over his uniform. I instructed inmate to stand up, and I looked under his shirt and observed multiple stab wounds to his neck, right and left hands. Inmate Simmons was removed from Marion unit and escorted to medical to be medically assessed. During that time Inmate Simmons stated that [sic] this office -- that [sic] this officer -- that Officer Hall had showed O [sic] inmates into his room unlocking his door so that they could attack him.
Do you disagree with any of that?
A. I plead the Fifth. Disagree.
Q. Well, you can disagree or you can plead the Fifth. There's no right or wrong answer. But this is your chance if you don't want to plead the Fifth to tell me if you disagree with any of this.
A. I plead the Fifth.
Q. Okay. I want to go back to Kennedy's statement. I think that's No. 5 over there if you need to look at it. But Kennedy says in his statement

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ELECTRONICALLY FILED - 2024 Feb 05 4:36 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

STATE OF SOUTH CAROLINA	)	
	)	**IN THE COURT OF COMMON PLEAS**
COUNTY OF RICHLAND	)	
	)	
	)	Civil Action No. 18-CP-40-04850
Dashawn Simmons,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**DEFENDANT'S NOTICE OF MOTION FOR PROTECTIVE ORDER**
	)	
The South Carolina Department of Corrections,	)	
	)	
Defendant.	)	
_____	)	

YOU WILL PLEASE TAKE NOTICE that Defendant, by and through the undersigned counsel, will move before the Presiding Judge of the Fifth Judicial Circuit, at such time and place as may be set by the Court, for a Protective Order pursuant to Rule 26(c), SCRCP, preventing Plaintiff from inquiring about matters which are protected by the attorney-client privilege and the work product doctrine. The grounds for this motion are set forth below.

1) The Plaintiff's counsel has not properly noticed the deposition of Defendant since the original notice of deposition was withdrawn and a subsequent notice was served on Counsel for the Defendant with less than 10 days' notice.

2) Plaintiff's counsel has identified over 49+ area to be inquired about from the Defendant. The list of areas of inquiry are in many cases irrelevant and burdensome for the Department to respond to since, at the very minimum, it will require at least 10 people to attend the deposition to attempt to respond to the inquires.

3) As to topic five which refers to testifying about communications between the Defendant and third-parties such as the Insurance Reserve Fund such would be in anticipation of

litigation or during the course of litigation and would not be discoverable without a showing of some type of substantial hardship on the part of the Plaintiff.

4) Defendant would further object to any information concerning any of the defenses pled by the Defendant's counsel since such would invade the mental impression of counsel for the Defendant in the defense of this matter.

5) Defendant would further object to production of policy changes post-incident in regard to this matter and any inquiry into reasons for such changes as they would not be relevant to the litigation as potential remedial measures.

6) Defendant would further object to the production of any information concerning the location of cameras and the discussion of camera use within the Department of Corrections on grounds that such could potentially adversely affect the security of the Department.

7) Defendant would object to the blanket request by Plaintiff's counsel for "all policies and procedures" related to various items since Plaintiff's counsel has not properly identified the areas of inquiry regarding such policies unless he wishes to have the individual charged with the maintenance of such policies present to procedure of the policies to him without inquiry as to the manner and mechanism of how such policies work within the various institutions.

8) Defendant would further object to the production of any documents concerning the "alleged" cutting of an inmate as that such information would not be relevant to the issues surrounding this litigation.

9) Defendants would further object to any personnel or personal information being produced or inquired about since such information contains confidential information as well as information that can compromise the safety and security of those individuals.

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10) Defendant would further object to other paragraphs as may be raised at the time of hearing.

The undersigned counsel has attempted to resolve the matters outlined in this motion as well as others concerning the 30(b)(6) notice, its relevance, and its burdensome nature but has not been able to resolve same.

This motion is based upon the pleadings filed in this case, the rules of court and such other matters as may be properly presented to the Court at the time of the hearing.

Respectfully submitted,

DAVIDSON & WREN, P.A.

s/William H. Davidson, II

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Counsel for Defendant

Columbia, South Carolina
February 5, 2024

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ELECTRONICALLY FILED - 2025 May 27 5:42 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Randle Jackson, as the Personal Representative of the Estate of Dashaun Simmons, Plaintiff, vs. The South Carolina Department of Corrections, Defendant.	)	IN THE COURT OF COMMON PLEAS CASE NO. 2018-CP-40-04850 **MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTION TO STRIKE SCDC'S ANSWER**

COMES NOW, the plaintiff, and respectfully requests that the Court grant summary judgment as to defenses pled by the defendant which have not been supported by any evidence. In the alternative, the plaintiff requests that SCDC's answer be stricken.

On May 20, 2025, the parties attended a status conference related to the plaintiff's seventh amended SCRCP 39(b)(6). The Court advised that witnesses should be prepared and able to answer questions about the topics contained in the notice. SCDC acknowledged its obligation. The plaintiff has been prevented from completing this deposition for years, and twice the Court has issued sanctions as a result of SCDC's refusal to make available witnesses to complete the deposition.

On May 21, 2025, a continuation of the deposition began. The SCDC witness made available to testify about any evidence supporting defenses, had no idea what SCDC's defenses were and could not point to any evidence to support them. Accordingly, judgment as a matter of law is appropriate as to SCDC's defenses. Not only are some of the defenses impossible and impertinent by operation of law, SCDC has now confirmed that it cannot offer any evidence to support the defenses, despite seven opportunities offered by the plaintiff for SCDC to articulate that evidence.

Because SCDC cannot offer any evidence in support of its defenses, and because many or all of them are impossible as a matter of law, the plaintiff respectfully requests that summary judgment be granted on those defenses. In the alternative, because SCDC has repeatedly violated the rules governing discovery, the plaintiff requests that SCDC's answer be stricken, and that a

trial on damages only be had.

The plaintiff will file a memorandum in support of this motion, along with supporting evidence and documentation. The plaintiff respectfully requests that a hearing on this matter be set within the next 30 days because the trial is set to begin on August 11, 2025.

Respectfully submitted,

Hawkins & Jedziniak, LLC

s/ Helena L. Jedziniak
Joshua T. Hawkins, S.C. Bar No. 78470
Helena L. Jedziniak, S.C. Bar No. 100825
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Attorney for Plaintiff

Greenville, South Carolina
May 27, 2025

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ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
	)	
COUNTY OF RICHLAND	)	Civil Action Number: 18-CP-40-04850
	)	
Randle Jackson, Personally and as the Personal Representative of the Estate of Dashaun Simmons,	)	**NOTICE OF MOTION FOR SUMMARY JUDGMENT**
Plaintiff,	)	
v.	)	
The South Carolina Department of Corrections,	)	
Defendant.	)	

TO: PLAINTIFF AND HIS COUNSEL.

YOU WILL PLEASE TAKE NOTICE that the undersigned counsel will move before the Presiding Judge of the Fifth Judicial Circuit at the Richland County Courthouse, at such time and place as may be set by the Court, for an Order pursuant to Rule 56 of the South Carolina Rules of Civil Procedure dismissing Plaintiff's Complaint in this action on the grounds listed below. This motion is based on the following grounds:

1. Defendant is immune for any failure to implement or enforce policies. S.C. Code § 15-78-60(4).
2. Defendant is immune for CO Anthony Hall's conduct outside the scope of his official duties, which included actual fraud, actual malice, intent to harm, and a crime involving moral turpitude. S.C. Code § 15-78-60(17).
3. Defendant was not grossly negligent in its protection of Plaintiff. S.C. Code § 15-78-60(25).
4. Plaintiff's claim is barred because he assumed the risk of great bodily injury or death when he failed to notify Defendant of any threats to his life.
5. Plaintiff's claim is barred because his negligence in failing to notify Defendant of any threats to his life outweighs any negligence of Defendant.

6. Plaintiff's requested punitive damages are barred by the Tort Claims Act. S.C. Code § 15-78-120(b).

Defendant's motion is based upon the pleadings filed in this case, the supporting memorandum to follow, the rules of court, Affidavits of Sherman Anderson, Captain Christine Livingston, and Ulysses Collins, CO Anthony Hall's background check, training records and suspension and termination letters, Plaintiff's gang membership admissions and criminal histories, Plaintiff's discharge notes from Palmetto Health Hospital, the police services investigation file, deposition transcripts of Livingston, Collins, and Hall, and any other matters as may be allowed by the Court.

DAVIDSON & WREN, P.A.

BY: *s/ Brian C. Mauldin*

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Counsel for Defendants SCDC

Columbia, South Carolina
July 25, 2025

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EXHIBIT 1

Collins Affidavit

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STATE OF SOUTH CAROLINA **COUNTY OF RICHLAND**	)	**IN THE COURT OF COMMON PLEAS** Civil Action Number: 18-CP-40-04850
Randle Jackson, Personally and as the Personal Representative of the Estate of Dashaun Simmons, Plaintiff, v. The South Carolina Department of Corrections, Defendant.	)	**AFFIDAVIT OF CORRECTIONAL LIEUTENANT ULYSSES COLLINS JR.**

PERSONNALLY APPEARED BEFORE ME Ulysses Collins Jr., who, being duly sworn, states as follows:

1. I was the night shift supervisor on July 17-18, 2017, at Broad River Correctional Institution of the South Carolina Department of Corrections.

2. There were staffing shortages before, during, and after July 2017. SCDC offered increased pay and other incentives to new and current employees.

3. Staffing shortages limited BRCI to only one correctional officer in the main body cell units at night. This correctional officer was the only one who had the keys to the unit.

4. If a cell needed to be opened, the lone correctional officer was required to call for backup so that additional officers were present.

5. CO Anthony Hall was the only correctional officer on duty in Marion Unit during the July 17-18, 2017, night shift.

6. The cell doors in Marion Unit could only be locked with a key when the doors were closed. Deadbolts in the locked position prevented open cell doors from closing completely. The design prevented inmates from confining each other by closing pre-locked doors.

7. Various measures were utilized to prevent weapons at Broad River Correctional Institution in 2017, including full body scans of everyone entering the facility, metal detectors at strategic locations for inmates to pass through, random cell searches, and penalties for possession of weapons. Even so, inmates constantly devised new ways to make weapons.

8. In my experience before and after July 2017, inmates who received threats were promptly transferred either to protective custody or a different unit depending on the circumstances.

FURTHER THE AFFIANT SAYETH NOT:

I declare under penalty of perjury the foregoing is true and correct.

Ulysses Collins Jr.

SWORN TO AND SUBSCRIBED before me
this 24 day of July, 2025.

NOTARY PUBLIC FOR South Carolina
MY COMMISSION EXPIRES: May 20, 2032

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EXHIBIT 2

Livingston Affidavit

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Randle Jackson, individually and as the Personal Representative for the Estate of Dashaun Simmons, Plaintiff, v. Anthony Howard Hall, Captain Reese, and Captain Livingston, Defendants.	Civil Action No. 1:20-cv-03036-DCC-SVH **AFFIDAVIT OF CHRISTINE LIVINGSTON**

PERSONALLY APPEARED BEFORE ME, Christine Livingston, who first being duly sworn deposes and states as follows:

1) My name is Christine Livingston and I am competent to give this testimony.

2) In June and July of 2017, I was employed by the South Carolina Department of Corrections ("SCDC") as a Captain and assigned to the Broad River Correctional Institution ("BRCI"). I have worked at SCDC since September of 2005 and have held the rank of Captain since April of 2016.

3) I am aware that I have been named as a defendant in a lawsuit filed by Inmate Dashaun Simmons in regards to an inmate-on-inmate assault that occurred in the Marion Unit at BRCI on or about July 18, 2017.

4) I am also aware that Inmate Simmons has alleged that he advised both myself and Captain Reese that he was afraid for his life while in Marion Unit and that he had received threats from other inmates.

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5) Inmate Simmons never informed me, nor am I aware that he informed any other SCDC security staff, of any specific threat to his health and safety from other inmates housed in the Marion Unit at BRCI. I had no knowledge of any risks to Inmate Simmons' life or safety while he was incarcerated at BRCI and housed in the Marion Dorm.

6) At no time did Inmate Simmons ever request that I remove him from the Marion Dorm. I am also not aware of Inmate Simmons requesting to be placed on protective custody prior to July 18, 2017.

7) At no point did any other inmates at BRCI ever inform me or give me reason to believe that Inmate Simmons' had been receiving threats of bodily harm or that he was in any type of danger.

FURTHER AFFIANT SAYETH NOT.

CHRISTINE LIVINGSTON

SWORN TO BEFORE ME THIS 19
DAY OF MAY, 2021.
Jacqueline Murrell (SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: 4.27.26

JACQUELINE MURRELL
Notary Public
South Carolina
My Comm. Expires April 27, 2026

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EXHIBIT 3

Anderson Affidavit

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Randle Jackson, individually and as the Personal Representative for the Estate of Dashaun Simmons, Plaintiff, v. Anthony Howard Hall, Captain Reese, and Captain Livingston, Defendants.	)	Civil Action No. 1:20-cv-03036-DCC-SVH **AFFIDAVIT OF SHERMAN ANDERSON**

PERSONALLY APPEARED BEFORE ME, Sherman Anderson, who first being duly sworn deposes and states as follows:

1) My name is Sherman Anderson, and I am over the age of eighteen and competent to give this testimony.

2) I am employed as the Chief of Inmate Grievance Branch, Office of General Counsel for the South Carolina Department of Corrections ("SCDC").

3) In my current position, I am tasked with providing guidance to Inmate Grievance Coordinators at the individual correctional institutions. In this role I have access to inmate grievance records at SCDC.

4) SCDC has an established inmate grievance procedure that allows inmates to grieve issues related to their confinement. An inmate is allowed to submit only one grievance per incident or circumstance.

DLSCN 05/24/21

5) The SCDC inmate grievance procedure is basically a three-step process. First, an inmate must attempt to resolve the issue through an informal resolution. The attempt at an informal resolution is a prerequisite for filing a grievance and must be documented on a Request to Staff Member Form ("RTSM") or Automated Request to Staff Member ("ARTSM") using the kiosk system. The RTSM or ARTSM must be submitted to the appropriate staff member within eight (8) working days from the date of the incident for which the inmate is seeking resolution. An informal resolution is not necessary when appealing a disciplinary conviction or a custody reduction.

6) Exceptions to the eight (8) day time limit requirement will be made for grievances concerning polices/procedures and PREA allegations. Exceptions may also be made for incident grievances, provided that an inmate can show reasonable cause, i.e., inmate physically unable to initiate grievance due to hospitalization, court appearance, etc. All exceptions will be determined by the Branch Chief/Designee of the Inmate Grievance Branch.

7) After receiving a response to the RTSM or ARTSM, the inmate must file a Step 1 Grievance by filing out an Inmate Grievance Form, Step 1. Inmates must file a Step 1 Grievance within eight (8) working days of receiving a response from the RTSM or ARTSM. If an inmate does not include an answered RTSM or ARTSM with his Step 1 Grievance, the inmate is given five (5) days from the date the Step 1 Grievance is returned to him in order to attach the answered RTSM or ARTSM and resubmit the grievance.

8) Per SCDC policy, the Inmate Grievance Form must be filled out by the actual inmate who is grieving and it must be signed by that inmate unless the inmate is on suicide precaution status or is otherwise unable to complete the RTSM or ARTSM.

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9) All grievance forms are picked up daily, during normal working hours, by an employee designated by the Warden. The Step 1 grievance form will then be routed to the institution's Inmate Grievance Coordinator ("IGC"). If the IGC determines that the grievance will not be processed, the IGC will note this on the Step 1 grievance and return the Step 1 grievance to the inmate with instructions on what must be accomplished to cure the grievance of any defects.

10) If an inmate's Step 1 grievance is returned unprocessed, the inmate will have the opportunity to either re-file a new grievance after correcting any deficiencies, or the inmate can appeal the unprocessed grievance to the Branch Chief of the Inmate Grievance Branch within ten (10) days of the grievance being returned to the inmate.

11) If the inmate is not satisfied with the response to his Step 1 Grievance, the inmate must appeal that response by checking the box on the Step 1 Grievance Form that states, "I do not accept the action taken and wish to appeal" within five days of receipt of that response. At that point, the inmate must also submit a Step 2 Inmate Grievance Form, that is provided to him by the IGC when the Step 1 Grievance Form is served on him, if he disagrees with the Step 1 decision.

12) The response to the Step 2 Grievance is considered SCDC's final agency decision on the issue. The inmate may then appeal SCDC's final agency decision to the South Carolina Administrative Law Court.

13) I have access to the official grievance records maintained by SCDC. Specifically, I reviewed Inmate Simmons' grievance records for any grievances he filed related to threats he may have received from other inmates in late June and early July of 2017 while he was housed in

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the Marion Unit at the Broad River Correctional Institution ("BRCI") as alleged in the Complaint. I also reviewed Inmate Simmons' grievance records for any grievances he filed related to a stabbing/fighting incident that occurred on or about July 18, 2017 in the Marion Unit at BRCI as alleged in the Complaint.

14) Based on my review of Inmate Simmons' grievance records, he did not file any grievances in June, July, or August of 2017. *See*, Exhibit "A"- Grievance Summary. Specifically, Inmate Simmons' grievance records reveals that he filed two grievances in February of 2017 while he was incarcerated at Lieber Correctional Institution and then filed his next grievance in December of 2017 when he was incarcerated at Perry Correctional Institution. *Id.*

15) Based on my review of Inmate Simmons' grievance file, it is clear that he did not exhaust his administrative remedies that are provided to him through SCDC Grievance System with regards to the alleged threats he received in late June and early July of 2017 or the alleged stabbing/fighting incident that occurred on or about July 18, 2017.

FURTHER, AFFIANT SAYETH NOT.

SHERMAN ANDERSON

Before me, the undersigned notary public, this day, personally, appeared Sherman Anderson to me known, who being first duly sworn according to law, deposes says that the above statement is true.

Sherman Anderson

(Print Affiant's Name)

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DLSCN 05/24/21

(Sign Affiant's Name)

Subscribed and sworn to before me this 19th day of May, 2021.

NOTARY PUBLIC

Hannah Billingsley

(Signature of Notary)

My Commission Expires: 4/9/30

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EXHIBIT 4

Training Records

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

DIVISION OF TRAINING AND STAFF DEVELOPMENT

This certificate is awarded to

ANTHONY HALL II

In Recognition of Successful Completion of Practical and Academic Training Courses For

Correctional Officer

On This Day the 15th of April, 2016

Tessie A. Smith - Division Director
Division of Training and Staff Development

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF TRAINING AND STAFF DEVELOPMENT
PROGRESS REPORT

Correctional Officer Basic Training Class 845
March 7, 2016 – April 15, 2016

HALL II ANTHONY **C O I** **BROAD RIVER**

Course Name	Status	Score	Possible Score	Test Date
2016-01 COBT First Aid Wk 1	Passed	70	100	March 10, 2016
2016-02 COBT CPR-AED Wk 1	Passed	80	100	March 10, 2016
2016-03 COBT New Interpersonal Comm Wk 1	Passed	75	100	March 10, 2016
2016-04 COBT Empl-Inmate Relations Wk 1	Passed	75	100	March 10, 2016
2016-05 COBT Suicide Wk1	Passed	85	100	March 10, 2016
2016-06 COBT Supv. of Offenders Wk 2	Passed	80	100	March 18, 2016
2016-07 COBT Security Proc. Wk 2	Passed	70	100	March 18, 2016
2016-08 COBT Legal Wk 2	Passed	90	100	March 18, 2016
2016-09 COBT Less Lethal Munitions Wk 2	Passed	85	100	March 18, 2016
2016-10 COBT Transportation Wk 2	Passed	85	100	March 18, 2016
2016-11 COBT Defensive Tactics Wk 3	Failed	60	100	March 25, 2016
Re-test – Defensive Tactics	Passed	80	100	April 6, 2016
Range Qualification	Passed	154	180	March 30, 2016
Physical Agility Test	Passed	253	527	February 2, 2016
Practicals				
First Aid	Passed		P/F	April 5, 2016
CPR	Passed		P/F	April 5, 2016
Mechanical Restraints	Passed		P/F	April 8, 2016
Frisk Search	Passed		P/F	April 6, 2016
Cell/Property Search	Passed		P/F	April 6, 2016
Transportation of Inmates	Passed		P/F	April 8, 2016
IPD Draw and Aim	Passed		P/F	April 5, 2016
Defensive Tactics	Passed		P/F	April 7, 2016
OC Exposure	Passed		P/F	April 5, 2016
Correctional Based Scenarios	Passed		P/F	April 7, 2016
Fingerprints Cleared: Yes				
Shotgun Proficiency: Yes				
Certified: Yes				

Major: Carol Gardner
Carol Gardner

Division Director: Tessie A. Smith
Tessie A. Smith

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EXHIBIT 5

Simmons Records

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
RECORD SUMMARY REPORT DATED 12/03/21 C050R

SIMMONS,DESHAWN LIVAUGHN FBI # 436674KD4 SID# SC01974998 SCDC # 362125
OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE
INSTITUTION ..: UNKNOWN DORM.....: 0000
SECURITY/CUST.: 3 ADULT-STRAIGHT SENTENCE RACE....:B SEX...:M
CURR INCARC SENT...: 65 YRS 0 MOS 0 DYS PROJ MAXOUT DATE: 08/17/2068
CENTRAL MONITORING.: YES SEPREQ PROJ PAROLE DATE: 00/00/0000
SOCIAL SECURITY #...:XXXX91962 EWC JOB..: NO CURRENT JOB
EDUC PGM.: NO CURR EDUC PROGRAM
CURRENT PROGRAM..: NO CURRENT PROGRAM EWC LEVEL: 0 EEC LEVEL:
AGE...: 29 DATE OF BIRTH..: 8/ 1/92 ASSIGNMENT..: BLDING DETAIL BLDG

PREVIOUS NUMBERS:
** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE YRS	MOS	DYS	COUNTY	SENTENCE START	V/NV	CATEGORY
PREVIOUS SCDC OFFENSES(COMPLETE)	SENTENCE YRS	MOS	DYS	COUNTY	SENTENCE START	V/NV	CATEGORY
ASSAULT & BATTERY 2ND	3	0	0	GREENVILLE	8/21/2018	N	2
FIREARMS PROVISION	5	0	0	CHARLESTON	9/ 1/2012	N	3
ARMED ROBBERY	30	0	0	CHARLESTON	9/ 1/2012	V	4
ATTEMPTED MURDER	30	0	0	CHARLESTON	9/ 1/2012	V	4

PRIOR COMMITMENTS OVER 90 DAYS:
NO PRIOR COMMITMENTS OVER 90 DAYS
DETAINERS (HOLD,WANTED,NOTIFY):
NO DETAINERS
ESCAPES:
NO ESCAPE HISTORY
CRIMINAL CHARGES:
NO CRIMINAL CHARGES HISTORY
ASSAULTIVE DISCIPLINARIES:

9/17/20	POSSESSION OF A WEAPON	DROPPED	MAJOR	
4/ 9/18	POSSESSION OF A WEAPON	CONVICTED	MAJOR	
11/19/17	ASSAULT/BATTERY OF INMAT	CONVICTED	MAJOR	INMATE WEAPON
12/ 1/16	POSSESSION OF A WEAPON	CONVICTED	MAJOR	
10/21/16	POSSESSION OF A WEAPON	NOT GUILTY	MAJOR	
9/28/16	A & B OF AN EMP, ETC W/I	NOT GUILTY	MAJOR	STAFF
10/21/15	POSSESSION OF A WEAPON	CONVICTED	MAJOR	

NON-ASSAULTIVE DISCIPLINARIES:

9/17/20	DISORDERLY CONDUCT	DROPPED	MAJOR
8/31/20	THREATENING TO INFLICT H	DROPPED	MAJOR
4/21/20	EXHIBITIONISM AND PUBLIC	CONVICTED	MAJOR
2/ 3/20	UNAUTH I/M ORGAN/PART ST	CONVICTED	MAJOR
2/ 3/20	POSSESSION OF CONTRABAND	CONVICTED	MAJOR
1/15/20	REFUSING OR FAILING OBEY	CONVICTED	ADMIN
12/17/19	POSS. OR/ATTEMPT TO POSS	CONVICTED	MAJOR
10/ 1/18	POSS. OR/ATTEMPT TO POSS	CONVICTED	MAJOR
9/24/18	DISRESPECT	CONVICTED	MAJOR
9/24/18	THREATENING TO INFLICT H	CONVICTED	MAJOR
9/21/18	POSS. OR/ATTEMPT TO POSS	CONVICTED	MAJOR
8/13/18	REFUSING OR FAILING OBEY	CONVICTED	ADMIN
12/11/17	REFUSING OR FAILING OBEY	DROPPED	CHARG
12/11/17	EVADING A SECURITY DEVIC		OTHER
8/15/17	USE,POSS NARC,MARIJ,UNAU	CONVICTED	MAJOR
5/18/17	REFUSING OR FAILING OBEY	DROPPED	CHARG
5/18/17	THREATENING TO INFLICT H	DROPPED	CHARG
5/16/17	REFUSING OR FAILING OBEY	CONVICTED	ADMIN
1/14/17	THREATENING TO INFLICT H	CONVICTED	MAJOR

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SIMMONS,DESHAWN LIVAUGHN FBI # 436674KD4 SID# SC01974998 SCDC # 362125 (CONT

12/19/16	INCITING/CREATING A DIST	DROPPED	MAJOR
12/ 1/16	POSS. OR/ATTEMPT TO POSS	CONVICTED	MAJOR
10/21/16	REFUSING OR FAILING OBEY	CONVICTED	MAJOR
10/21/16	POSSESSION OF CONTRABAND	NOT GUILTY	MAJOR
10/21/16	DAMAGE,DESTROY PROP. VAL	NOT GUILTY	MAJOR
9/22/16	INCITING/CREATING A DIST	CONVICTED	MAJOR
8/25/16	USE,POSS NARC,MARIJ,UNAU	DROPPED	MAJOR
4/ 3/16	POSSESSION OF CONTRABAND	NOT GUILTY	MAJOR
4/ 3/16	CLASS I ESCAPE	DROPPED	MAJOR
3/24/16	REFUSING OR FAILING OBEY		OTHER
2/25/16	USE,POSS NARC,MARIJ,UNAU	CONVICTED	MAJOR
12/14/15	POSS. OR/ATTEMPT TO POSS	CONVICTED	MAJOR
10/21/15	POSS. OR/ATTEMPT TO POSS	CONVICTED	MAJOR
10/21/15	POSSESSION OF CONTRABAND	CONVICTED	MAJOR
10/ 8/15	USE,POSS NARC,MARIJ,UNAU	CONVICTED	MAJOR
8/12/15	INTERFERING WITH COUNT	CONVICTED	ADMIN
6/25/15	USE,POSS NARC,MARIJ,UNAU	CONVICTED	MAJOR

HISTORY OF MOVEMENTS:

11/ 3/20	UNK	RELEASE	DEATH BY HOMICIDE
11/ 3/20	MEDICAL COLLEGE	AUTH ABSENCE (AWL)	MEDICAL
8/ 8/19	MCCORMICK	INCARCERATED	ADMINISTRATIVE
4/30/19	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
4/22/19	PERRY	INCARCERATED	ADMINISTRATIVE
4/22/19	KIRKLAND	INCARCERATED	MEDICAL
4/ 9/19	PERRY	INCARCERATED	ADMINISTRATIVE
4/ 7/19	PRISMA HEALTH G	AUTH ABSENCE (AWL)	MEDICAL
8/21/18	PERRY	INCARCERATED	RETURN FROM COURT
8/21/18	GREENVILLE CO	AUTH ABSENCE (AWL)	TO COURT
3/ 8/18	PERRY	INCARCERATED	ADMINISTRATIVE
3/ 8/18	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
12/11/17	PERRY	INCARCERATED	ADMINISTRATIVE
12/ 7/17	KIRKLAND	INCARCERATED	RETURN FROM COURT
12/ 6/17	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
8/24/17	PERRY	INCARCERATED	ADMINISTRATIVE
8/24/17	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
7/27/17	PERRY	INCARCERATED	ADMINISTRATIVE
7/27/17	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
7/24/17	PERRY	INCARCERATED	ADMINISTRATIVE
7/23/17	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
7/22/17	PRISMA HEALTH R	AUTH ABSENCE (AWL)	MEDICAL
7/21/17	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
7/18/17	PRISMA HEALTH R	AUTH ABSENCE (AWL)	MEDICAL
5/22/17	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
3/15/17	MCCORMICK	INCARCERATED	ADMINISTRATIVE
6/23/16	LIEBER	INCARCERATED	RETURN FROM COURT
6/23/16	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
4/21/16	LIEBER	INCARCERATED	RETURN FROM COURT
4/21/16	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
4/ 3/16	LIEBER	INCARCERATED	ADMINISTRATIVE
4/ 3/16	TRIDENT MEDICAL	AUTH ABSENCE (AWL)	MEDICAL
1/25/16	LIEBER	INCARCERATED	RETURN FROM COURT
1/25/16	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
12/14/15	LIEBER	INCARCERATED	RETURN FROM COURT
12/14/15	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
9/24/15	LIEBER	INCARCERATED	ADMINISTRATIVE
9/24/15	KIRKLAND	INCARCERATED	MEDICAL
5/27/15	LIEBER	INCARCERATED	ADMINISTRATIVE
2/ 4/15	LEE	INCARCERATED	ADMINISTRATIVE

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11/17/14 KIRKLAND INCARCERATED NEW ADMISSION
HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

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SIMMONS,DESHAWN LIVAUGHN FBI # 436674KD4 SID# SC01974998 SCDC # 362125 (CONT

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
GENERAL WORKER	05/21/20	11/ 3/20	INSTIT TRANSFER	3F5
GENERAL WORKER	02/18/20	5/20/20	ASLT/DRUG/MAJOR DISC	2F5
GENERAL WORKER	12/20/19	2/17/20	POLICY CHANGE 2020	5F5
WARDKEEPER ASSISTANT	11/06/18	4/10/19	PLACED IN ST/SP CUSTODY	5F5
WARDKEEPER ASSISTANT	07/10/18	10/ 1/18	PLACED IN ST/SP CUSTODY	5F5
WARDKEEPER ASSISTANT	03/22/18	6/20/18	PLACED IN ST/SP CUSTODY	5F5
WARDKEEPER ASSISTANT	07/25/17	11/20/17	PLACED IN ST/SP CUSTODY	5F5
GENERAL WORKER	04/19/17	5/22/17	INSTIT TRANSFER	5F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON

NO SCHOOL ASSIGNMENTS

********* END OF REPORT *********

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF POLICE SERVICES
Security Threat Group Questionnaire

Institution: BRCI Date 4/30/19

Inmate's Name Deshaun Simmons SCDC # 362125

Nickname Nephew Race Blk Age 26

Conviction: Attempt. Murder / Armed Robbery

Was a weapon involved? Yes ☑ No ☐ Weapon If yes:

1. Are you affiliated with a Gang? Yes ☑ No ☐ If yes, with what Gang are you affiliated?
G's Folk Nation Colors Blue
2. Distinguishing Marks – Tattoos, Scars, etc.: Six point star
3. What do these tattoos mean? Member of the G's
4. Where are you from (neighborhood, city, state)? Charleston, SC
5. When did you join? Around 2008 How old were you? 15
6. What is your rank? Soldier Name of your Set BGD
7. How were you initiated into the gang? Beat In Were you injured? N
8. Where was your initiation (city, state, institution)? Goosecreek, SC
9. Did you have to prove your loyalty? Y How? Burglary, Fighting
10. Were you asked to commit any crimes? Y If so, what were they? Burglary
11. Do you have any family members who are members in or associated with this gang, or any other gang? No
12. Rival gangs are: Bloods
13. Did your gang originate from another gang? N If so, what gang?
14. What did you expect or what have you gained by joining the gang? Nothing, part of group

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF POLICE SERVICES
Security Threat Group Questionnaire

15. Does your gang mark their territory with graffiti? N If so, what type of graffiti?

Pitch Fork; Crpt. Star

16. Does your gang use weapons? Y Drugs? Y

17. Does your gang have a book of knowledge or bible? Y Do you have a copy of this book?

N

18. Does your gang limit membership to a particular race or nationality? N

19. How does one get out of your gang? x'd out, killed

Literature/Symbols Found: _____

Pictures/Graffiti Found: _____

Clothing/Colors Found: _____

Supplemental Pages (S) Attached: ☐ Yes ☐ No

Ward OFC
Officer's Name/Title

4/30/19 BRCI Conf. Room
Date/Location

Police Services USE ONLY

Date entered into Police Services Database _____

By: _____

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF POLICE SERVICES
Security Threat Group Information Sheet

Inmate Name: Deshawn Simmons SCDC#: 362125

Summary of Investigation/Inmate Debriefing:

I/M Simmons admits to be a member of the G's. However he says he has been x'd out and has a green light on him. He Joined in Goosecreek, Sc. and goes by the name of Nephew. I/M Simmons was involved in several gang affiliated activities, including an assault on him, where he was stabbed over 20 times by the Bloods. He continues to conduct business with gangs and has been placed on PC for his safety. I, OFC Ward am requesting he be validated as a Gangster Disciple based on his past and current activities.

Interview conducted by: OFC Ward

Date: 5/30/19

SCDC 19-156 (Revised June, 2015)

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF POLICE SERVICES
Security Threat Group Member - Self Admission

To: Police Services

Date: 4/30/19

On this the 30th day of April, 2019 ~~2015~~, I Simmons, Deshawn (Name), SCDC # 362125, without threats or coercion. admit to being a member of the 6's. I joined in 2008 (Date) while living/incarcerated in Goosecreek, SC (City, State, or Institution).

My sponsor/recruiter was Rob (Name), SCDC # n/a, whom I know to be a member of the 6's. I give my admission to Ofc. Ward (Employee Name) after being informed that this admission could be used against me in disciplinary hearings and confirmation hearings for being a Security Threat Group Member. I understand that I will not receive any favors nor have I been promised anything in return for this self admission.

S/ Dashon Simmons — 4-30-19
Inmate's signature — Date

S/ R. Ward — 4/30/19
Employee's signature — Date

S/ C. Titus — 4/30/19
Witness' signature — Date

cc: Police Services
Warden
Inmate file

SCDC 19-108 (rev. June, 2015)

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EXHIBIT 6

First Discharge

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Result type: Discharge Summary
Result date: July 21, 2017 15:14 EDT
Result status: Unauth
Result Title: Discharge Note
Performed by: Holt MD, Scott D on July 21, 2017 15:37 EDT
Encounter info: R1719900110, Richland, IPR-Inpatient, 07/18/17 -

* Preliminary Report *

Admission Information
Admission date: 07/18/2017

Discharge date: 07/21/2017

Discharge diagnoses:
Assult
Open right mandible fracture
For his laceration
Left hand laceration
Multiple stab wounds to the right upper back and right upper extremity

Admitting surgeon: Dr. Aaron Moore

Discharging surgeon: Dr. Raymond Bynoe

Consults:
Facial Trauma- Dr. Puchalski
Orthopedic surgery- Dr. Mazoue
Cardiology- Dr. Shah

Procedure:
07/18/2017- bedside left hand laceration repair
07/20/2017- ORIF mandible fracture, fracture debridement, closure of complex skin laceration, MMF

Brief history: 24 year old African-American male who was brought to the emergency room following an assault and stabbing. He was seen as a trauma consult. Patient was evaluated under ATLS protocols. Imaging was reviewed and he was found to have the above diagnoses. Patient presented to the hospital with consults to oral maxillary facial surgery and orthopedic surgery.

Hospital Course
Patient was admitted to the floor. He was made nothing by mouth and given narcotic pain medications. Patient was evaluated by orthopedic surgery for his left hand laceration for concerns of tendon involvement. Orthopedics evaluated this and did not feel that it was any tendon or ligamentous involvement laceration. This laceration was then irrigated and closed at bedside by the trauma team. Patient was evaluated by facial trauma who decided that the patient needed to go the operating room to repair his mandible fracture. Cardiac clearance was then obtained given the patient's prior cardiac history. The patient was evaluated and felt to be a low risk for surgery. Patient wasn't taking operating room on 07/20/17 for repair of his mandible. This tolerated procedure well with no complications and was returned to the floor. He was then advanced to a clear liquid diet. On the day of discharge patient was seen to be stable diet was advanced to a mechanical soft diet. He tolerated this well and at this point he was felt safe for discharge.

Physical Exam

Vitals & Measurements

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T: 99.9 °F (Oral) **TMIN:** 98 °F (Temporal Artery) **TMAX:** 101.7 °F (Oral) **HR:** 79 (Monitored) **RR:** 18 **BP:** 129/80 **SpO2:** 98%

General: Alert and oriented, No acute distress.
HENT: Normocephalic, Oral mucosa is moist, sutures in place to the chin, hematoma to the forehead.
Respiratory: Respirations are non-labored, Symmetrical chest wall expansion.
Cardiovascular: Normal rate, Regular rhythm.
Gastrointestinal: Soft, Non-tender, Non-distended, Normal bowel sounds.
Musculoskeletal
Normal range of motion.
Normal strength.
Integumentary: Warm, Dry, sutures in place to left hand with wound c/d/i, stab wound to the left elbow and left/right upper back, none of wounds have erythema or purulent drainage.
Neurologic: Alert, Oriented, Normal sensory, Normal motor function, No focal deficits, Cranial Nerves II-XII are grossly intact.
Psychiatric: Cooperative, Appropriate mood & affect.

Discharge Plan
Plan: Discharge today to SCDC Kirkland. Patient is to remain on a soft diet until follow-up with Dr. Puchalski. He is to continue clindamycin for 10 more days.

Follow-up:
Facial Trauma- follow up in Dr. Puchalski's office in 1 month with a facial CT.
General clinic- follow up in one week for suture removal from left hand and chin.

Discharge medications:
Clindamycin 300 mg every 6 hours for 10 days.
Oxycodone 5 mg. 1-2 tablets every 4 hours as needed for pain.

Patient Discharge Condition
Stable

Discharge Disposition
Discharge to SCDC

Signature Line
Electronically Signed & Verified on 07/21/2017 15:37
by Holt MD, Scott D

by Bynoe MD, Raymond P

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Medication Reconciliation Orders Form — Admit/Transfer/General Review
Palmetto Health Richland

SIMMONS, DESHAWN LIVAUGHN Ht: Wt: Rm/Bd: 0748/01

Place Patient ID Sticker Here

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Allergies: No Known Medication Allergies

Allergy Information Complete

No Known Home Medications

Active Inpatient Meds: Place a check mark only by medications that you would like to continue. If a medication is not checked, it will not be continued.

Scheduled Medications

- ☐ bisacodyl (Dulcolax Laxative) | Ordered Dose: 10 mg, Supp, PR, q48hr, Routine, Start Date: 07/18/17 11:00:00 EDT
- ☑ clindamycin (clindamycin) | Ordered Dose: 300 mg, Cap, PO, q6hr(s), Routine, Start Date: 07/21/17 18:00:00 EDT SOR KL STOP Date 7/31/17
- ☐ docusate (Colace) | Ordered Dose: 100 mg, Cap, PO, 2xdaily, Routine, Start Date: 07/18/17 18:00:00 EDT
- ☐ enoxaparin (Lovenox) | Ordered Dose: 40 mg, = 0.4 mL, Inj, SUBQ, q24hr, Routine, Start Date: 07/18/17 11:00:00 EDT
- ☐ melatonin (melatonin) | Ordered Dose: 3 mg, Tab, PO, HS, May give PO/NG, Routine, Start Date: 07/19/17 21:00:00 EDT
- ☐ polyethylene glycol 3350 (MiraLax) | Ordered Dose: 17 gram, Pwd, PO, daily, may give NG, Routine, Start Date: 07/19/17 6:00:00 EDT
- ☐ 1 Rx Communication (Pharmacy Nursing Communication) | Ordered Dose: Keep total fluid intake (IV meds, drips, and tube feeds) at no more than 125cc/hr, unless patient on volume based feedings., daily, Start Date: 07/19/17 6:00:00 EDT
- ☐ Airway Clearance Guidelines (Airway Clearance Guidelines) | Ordered Dose: 2xdaily, Start Date: 07/18/17 10:36:00 EDT

PRN Medications

- ☑ acetaminophen (Tylenol) | Ordered Dose: 650 mg, Tab, PO, q4hr(s), PRN, Pain– Mild (Score 1–3), Routine, Start Date: 07/21/17 12:54:00 EDT
- ☐ morphine (morphine) | Ordered Dose: 2 mg, Inj, IV, q2hr(s), PRN, Mild Pain (Score 1–3), Routine, Start Date: 07/18/17 10:35:00 EDT
- ☐ morphine (morphine) | Ordered Dose: 4 mg, Inj, IV, q2hr(s), PRN, Moderate Pain (Score 4–6), Routine, Start Date: 07/18/17 10:35:00 EDT
- ☐ ondansetron (Zofran) | Ordered Dose: 4 mg, Inj, IV, q4hr(s), PRN, Nausea and Vomiting, Routine, Start Date: 07/18/17 20:08:00 EDT
- ☑ oxyCODONE (oxyCODONE immediate release) | Ordered Dose: 5 mg, Tab, PO, q4hr(s), PRN, Other (see Instructions), May give 1–2 tablets as needed for moderate to severe pain, Routine, Start Date: 07/21/17 12:54:00 EDT

OR

☐ **I have reviewed and reconciled the list of home medications as documented with all current medication orders. If this is checked, NO changes will be made to the current medication orders.**

Additional Orders

Please list any additional orders: (To be written by MD, DO, DDS, NP, PA)

Physician Signature Date: Time: Name: SIMMONS, DESHAWN LIVAUGHN Rm/Bed: 0748/01

☐ TORB Date:_____ Time:_____ am/pm MD Pager No._____

Faxed By: | Date: | Time: am/pm

Transcribed By: | Date: | Time: am/pm

Verified By: | Date: | Time: am/pm

Acct #: R1719900110 ADM: 07/18/17

Med Rec #: 18834022 Age: 24 Years Sex: Male

MD: Moore MD, Aaron N

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EXHIBIT 7

Second Discharge

Patient Summary

Palmetto Health
Baptist Richland Parkridge

Name:SIMMONS, DESHAWN LIVAUGHN **Current Date**:07/23/17 13:03:27America/New_York
DOB:[redacted] 12:00 AM **MRN**:R018834022 **FIN**:R1720300218
Visit Date:7/22/2017 8:55 PMAmerica/New_York

The following includes your discharge instructions, follow-up instructions, patient education materials, and information regarding your hospital stay.

Our Vision: To be remembered by each patient as providing the care and compassion we want for our families and ourselves.

Patient Follow-Up:

With:	Address:	When:
Follow Up as Scheduled		Within 3 to 5 days

Comments:

You will need sutures removed from tyour chin in 5 days.

With:	Address:	When:
Robert Puchalski	SC ENT, Allergy and Sleep Medicine, 3 Medical Park Drive, Suite 520 Columbia, SC 29203 (803) 408-3277 Business (1)	Within 1 month

Comments:

You will need to follow up with Dr. Puchalski in 1 month with a facial CT for follow up of your mandibular fracture repair. Thank you.

Discharge Instructions: What You Need To Know At Discharge

If at any time you feel that you have a life threatening emergency, call 911 or go directly to the

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nearest Emergency Department.
After you leave the hospital, you may call the Nursing unit within 24 hours of your discharge if you have any questions about these instructions.

Discharge Unit Telephone Number: 803-434-7800
Discharge Prescriptions: Prescriptions given to you
Diet: Soft
Home Activity: Light Duty;
Home Activity Restrictions: No Straining; No Pool/Hot Tub
N/A

Driving: No Driving while taking Pain medicine
Lifting: No Restrictions
Shower/Bath:
Return School/Work:
Weight Mgmt: Maintain a Healthy Diet & Weight
Surgical Incision/Wound Care: Keep Incision Clean and Dry, Keep Dressing Dry and Intact

Worsening Symptoms
(When to Call the Doctor): Symptoms worsen, Temp greater than 101, Chest Pain, Hallucinations, Shortness of Breath; Excessive Nausea, Vomiting, Diarrhea, or Constipation, If Incision Opens, Increasing Wound/Surgical Site Drainage; Persistent Dizziness, Numbness or Loss of feeling, Swelling; ; ;
Discharge Instructions: Other: Limit Alcohol Use, Call 911 - Thoughts of harm to self/others
Discharge Instructions Comment: Patient must complete 7 day course of Clindamycin following discharge.

Allergies: No Known Medication Allergies
Medications:

Prescriptions

oxyCODONE (oxyCODONE 5 mg oral tablet), 5 Milligram, 1 tab(s), by MOUTH, every 6 hours, As Needed, Pain- Severe (Score 7-10), 0 Refill(s),Note:, Ordered:07/23/17 11:24:29, Printed

clindamycin (clindamycin 150 mg oral capsule), 300 Milligram, 2 cap, by MOUTH, every 6 hours, 7 Days, 0 Refill(s),Note:, Ordered:07/23/17 11:24:16, Printed

acetaminophen (Tylenol 325 mg oral tablet), 650 Milligram, 2 tab(s), by MOUTH, every 6 hours, 7 Days, 0 Refill(s),Note:, Ordered:07/23/17 11:23:44, Printed

Please be sure to contact your physician as soon as possible and let him/her know about the new prescription you have been given. Be sure to ask for instructions on continuing the medications you were on before you were admitted to the hospital.

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DLSCN 06/17/21

Immunizations:

Immunization(s) Given This Visit

Name	Date
diphtheria/pertussis, acel/tetanus adult	07/22/17 22:26:00

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DLSCN 06/17/21

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EXHIBIT 8

Suspension and Termination Letters

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

BROAD RIVER CORRECTIONAL INSTITUTION

MEMORANDUM

TO: Ms. Corrie Unthank, Branch Chief
Employee Relations

FROM: Dennis Bush, Warden
Broad River Correctional Institution

SUBJECT: Officer Anthony H Hall, III
Employee #058120/10098783

DATE: July 26, 2017

Due to an internal investigation, please be advised that we would like to place Officer Anthony H. Hall, II on administrative suspension without pay effective close of business on Wednesday, July 19, 2017.

Lieutenant Ulysses Collins, Supervisor of D-2 Shift observed several doors not secured in Marion Unit on July 18, 2017 at approximately 12:15am. LT. Collins instructed Officer Anthony Hall to secure the doors on July 17, 2017 in Marion Unit. LT. Collins and Officer Hall processed left side of Marion Unit when they noticed an unidentified inmate running along the top trier. Once entering the left side of Marion Unit, LT. Collins noticed over 20 inmate dorm rooms not secured, along with one inmate showering. Officer Hall was instructed to secure these doors, and he failed to comply with instructions. In result of the doors being unsecured lead to an inmate assault by stabbing. When LT. Collins asked Officer Hall why the doors were not secured, he had no response to question.

Therefore, I am recommending immediate termination of Officer Anthony Hall, III for not following policy and procedures by leaving inmate rooms unsecure which lead into injuries of an inmate. Officer Hall was relieved from his duties and escorted off of Broad River Correctional Institution by Police Services on July 18, 2017.

S/ _____
Dennis Bush, Warden

db:el

cc: Employee Relations
File

[redacted] 8120
100983783

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

September 26, 2019

Certified Mail- 7013 2630 0001 5599 0258

Anthony H. Hall II
[redacted]

RE: Termination of Employment

Dear Mr. Hall:

I have been informed that on July 18, 2017 you unlocked an inmate's (victim) cell door and allowed 2 other inmates to go into that cell. The inmates assaulted the victim and stabbed him multiple times with homemade weapons. Subsequently, you were arrested by the Division of Police Services and charged with Accessory before the fact of Attempted Murder and Misconduct in office.

Per SCDC Policy, ADM-11.17, Employee Conduct, "The Agency may suspend or terminate an employee who is arrested, indicted or convicted for violation of federal or state law for an act which adversely reflects upon his/her suitability for continued employment." Based on the seriousness of your actions and arrest, your employment with the South Carolina Department of Corrections is terminated effective September 19, 2019.

If you choose to appeal this action through the agency's employee grievance and appeals process, contact the Employee Relations Branch at (803) 896-8527 to file a grievance within 14 calendar days from the receipt of this letter.

By copy of this letter, Mary Alice Keller, Human Resources Manager at Broad River Correctional Institution, is to send your clearance form directly to the Division of Human Resources, Room 100 Headquarters in Columbia. You will need to pick up the form from Headquarters and continue the clearance process to ensure all state issued uniforms and equipment is returned. If you have any questions please contact me at 896.8527.

Sincerely,

Corrie A. Unthank, Chief
Employee Relations Branch
Division of Human Resources

cc: Michael Stephan, Warden
Mary Alice Keller, HR Manager
Payroll & Leave Branch
Benefits Section
File

P.O. Box 21787 - 4444 Broad River Road - Columbia, SC 29221-1787 - Telephone (803) 896-8555
http://www.doc.sc.gov Email: corrections.info@doc.sc.gov

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EXHIBIT 9

Investigation

TO: 33-2017-130

FROM: EVAN GARRIS

RE: ASSAULT (INMATE ON INMATE)
PERSONNEL INVESTIGATIONS

HALL II, ANTHONY H (EMPLOYEE), 058120, (S)
MONTFORD, TAQUAN (INMATE), 00335593, (S)
RANSOM, HASIEN MARKEESE (INMATE), 00359100, (S)
SCOTT, JQUAN MARQUEL (INMATE), 00365229, (S)
HEMINGWAY, XAVIER RAYSHAWN (INMATE), 00362315, (S)
SIMMONS, DESHAWN LIVAUGHN (INMATE), 00362125, (V)

LOCATION: BROAD RIVER

INCIDENT DATE: 07/18/2017

Introduction

On July 18, 2017, the South Carolina Department of Corrections (SCDC) Division of Police Services (DoPS) received verbal notification from the Emergency Action Center (EAC) regarding an inmate on inmate assault at Broad River Correctional Institution (BRCI). According to Associate Warden (AW) Gregory Washington (EMPL ID 017623) and BRCI Incident Reports **(Attachment 1)**, on July 18, 2017, inmate Deshawn Simmons (SCDC ID 362125) was stabbed multiple times by other inmates. AW Washington stated that since the Marin Unit was on lock down, Corporal (Cpl.) Anthony Hall (EMPL ID 058120) may have opened the cell door to allow the assault. SCDC Region 3 Assistant Chief (AC) Rayford Miller assigned Agent Evan Garris to investigate the inmate on inmate assault and the personnel investigation.

Summary

On July 18, 2017, Agent Garris interviewed Cpl. Anthony Hall at BRCI. Cpl. Hall was advised and acknowledged his Miranda Rights and provided a voluntary written statement **(Attachment 2)**. Cpl. Hall provided the following information: He was assigned to the Marion Unit. At around 12:00 AM, Lieutenant (Lt.) Ulysses Collins Jr. (EMPL ID 059635) came to check the unit and discovered inmates out and doors unlocked. Cpl. Hall missed locking some doors when he took over the unit at shift change. At around 2:00 AM, he received notice that an inmate was out and bleeding. He conducted a security check of his unit, but was unable to locate anything. Lt. Collins

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and a nurse came down and located Simmons in his cell. Cpl. Hall admitted that he has let inmates out in the past to warm up food and let them shower during lockdown.

On July 18, 2017, Agent Garris interviewed Correctional Officer (CO) Brittany Livingston at BRCI and obtained a voluntary written statement **(Attachment 3)**. CO Livingston provided the following information: She was assigned to the Control Room. She received a call stating that an inmate was stabbed in the Marion Unit. She notified Lt. Collins.

On July 18, 2017, A/C Miller interviewed inmate Deshawn Simmons at Palmetto Richland Memorial Hospital. A/C Miller prepared a Report of Interview (ROI) **(Attachment 4)** documenting the following information provided by Simmons: He was asleep in his bunk when Cpl. Hall opened the cell door. Several inmates entered the cell and attacked him with an axe type weapon. The inmates are all members of the Bloods and are only know by their nicknames: "Shoe String", "Maserati", "Red", and "Ray Ray". Inmate Simmons stated that the cell were he was sleeping was not his assigned cell. That his assigned cell was on the other wing in the Marion Unit.

On August 23, 2017, Agent Garris interviewed inmate Timothy Rainey at BRCI. Agent Garris prepared a ROI **(Attachment 5)** documenting the following information provided by Rainey: He was living on the right side of the Marion Unit on July 18, 2017. He observed Cpl. Hall standing in front of inmate Simmons' cell with four inmates that had weapons. He observed Cpl. Hall open the door to allow the inmates to assault Simmons. He observed Cpl. Hall lock the door back after the assault had ended.

On September 18, 2017, Agent Garris interviewed Lt. Ulysses Collins Jr. at Police Services and obtained a voluntary written statement **(Attachment 6)**. Lt. Collins provided the following information: On July 18, 2017, sometime after the 9 PM count had cleared, he was notified by CO Livingston, who was working in the control room, that she was receiving calls from an unknown male stating that an inmate had been stabbed in the Marion unit. At around 12:15 AM, Lt. Collins conducted a security check on the Marion unit and located 20-30 doors that were not secured. He ordered Cpl. Hall, who was the officer working in that unit, to secure the

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doors. He watched Cpl. Hall lock about twenty doors. Later on in the morning, he went on the right side of the unit and heard an inmate beating on his cell door. He observed Simmons sitting on the bottom bunk bleeding. Simmons had lacerations to his neck, head, right and left hands, as well as multiple stab wounds. Simmons was immediately escorted from the Marion Unit to medical. While being escorted, Simmons stated that Cpl. Hall had allowed inmates into his room, by unlocking the door and allowing the suspects to enter and attack him.

On August 7, 2017, Agent Garris interviewed inmate Deshawn Simmons at Perry Correctional Institution (PCI) and obtained a voluntary written statement **(Attachment 7)**. Simmons provided the following information: His unit was locked down because of a gang riot. He began receiving threats several days before the incident stating that he was going to be killed. Cpl. Hall opened his door and let a bunch of guys in to try and kill him. He remembers "Shoestring", "Maserati", and "Ray Ray" were the first ones in before there were too many to see. Cpl. Hall refused to let him out of the dorm to go to medical after he witnessed the stabbing. Simmons asked Cpl. Hall to send him to medical and was told to wait until shift change. They were waiting for him to bleed out in his room. Cpl. Hall locked him (Simmons) in his room after the stabbing. He was found by medical, because an inmate called the Control Room with their cell phone and notified them of the stabbing.

On August 7, 2017, Agent Garris presented Simmons with four photo line ups prepared by South Carolina Law Enforcement Division (SLED). Simmons positively identified inmate Taquan Montford (SCDC ID 335593) **(Attachment 8)** and inmate Hasien Ransom (SCDC ID 359100) **(Attachment 9)** as who had stabbed him.

On September 26, 2017, Agent Garris presented Simmons with two additional photo line ups prepared by SLED based on additional information. Simmons positively identified inmate Jquon Scott (SCDC ID 365229) **(Attachment 10)** and inmate Xavier Hemingway (SCDC ID 362315) **(Attachment 11)** as other inmates who had stabbed him.

On September 29, 2017, Agent Garris interviewed inmate Timothy Rainey at BRCI and obtained a voluntary written statement **(Attachment 12)**. Rainey provided the following information: Cpl. Hall opened the cell door to allow an inmate to get beaten

by other inmates who are bloods. Cpl. Hall was aware that these inmates meant to harm the victim. The Timothy Rainey watched Cpl. Hall unlock the cell door and walk off the wing and come back after the assault was complete.

On October 2, 2017, Agent Garris interviewed CO Matthew Kennedy (EMPL ID 059168) at 1705 Old Orangeburg Road Lexington SC and obtained a voluntary written statement **(Attachment 13)**. Kennedy provided the following information: On July 17, 2017, he worked day shift in the Marion Unit. He was relieved by Cpl. Hall. He was locking inmates down for the night and observed Cpl. Hall opening a few doors behind him. He reported this to Lt. Clinton Parker III (EMPL ID 043661).

On October 5, 2017, Agent Garris interviewed Lt. Parker at BRCI. Lt. Parker could not remember the events that occurred on July 17, 2017.

Agent Garris obtained arrest warrants charging Cpl. Anthony Hall for Accessory Before the Fact to Attempted Murder and Misconduct in Office and inmates Montford, Ransom, Hemingway and Scott were charged with Attempted Murder **(Attachment 14)**.

The following documents were obtained pertinent to this investigation:

- SCDC Disciplinary Record for inmate Taquan Montford **(Attachment 15)**.
- SCDC Disciplinary Record for inmate Hasien Ransom **(Attachment 16)**.
- SCDC Disciplinary Record for inmate Xavier Hemingway **(Attachment 17)**.
- SCDC Disciplinary Record for inmate Jquan Scott **(Attachment 18)**

This investigative report will be submitted to the proper authority for review and any necessary action.

AGENT'S SIGNATURE:

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Attachments

1 Incident Report

2 Miranda and Written Statement of Anthony Hall

3 Written Statement of Brittany Livingston

4 Report of Interview Deshawn Simmons

5 Report of Interview-Rainey, Timothy

6 Written Statement of Lt. Ulysses Collins Jr.

7 Written Statement of Deshawn Simmons

8 Photo Line Up for Taquan Montford

9 Photo Line Up for Hasien Ransom

10 Photo Line Up for Jquan Scott

11 Photo Line Up for Xavier Hemingway

12 Written Statement of inmate Timothy Rainey

13 Written Statement of CO Matthew Kennedy

14 Arrest Warrants

15 SCDC Disiplinary for inmate Taquon Montford

16 SCDC Disiplinary for inmate Hasien Ransom

17 SCDC Disiplinary for inmate Xavier Hemingway

18 SCDC Disiplinary for inmate Jquan Scott

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Incident Report

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

Page of

Institution/Center: Broad River Correctional Institution	Date of Report: 7/18/17
Reporting Official (Full Name): Ulysses Collins Jr.	Time of Report: 10:00AM
Employee ID #: 059635	Date of Incident: 7/18/17
Location of Incident: BRCI Marion Dorm	Time of Incident: 4:00AM

Inmate(s)/Resident:	SCDC #	Age:	Sex:	Race:	Employee(s)/Witnesses Involved:
1. Simmons, Deshawn	362125		Male	Black	1. Ulysses Collins Jr. Lt.
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time:

On Tuesday, July 18, 2017 at Broad River Correctional Institution at approx. 4:00am I/M Simmons, Deshawn SCDC# 362125 was physically assaulted by inmate (s) in Marion Unit. I/M Simmons received multiple stab wounds to his neck, head, right-side, right arm and left hand and a possible fractured jaw. Nurse Walters, G. medically assessed I/M Simmons and Dr. Meyer, H. authorized the transport of I/M Simmons to Palmetto Health Richland Hospital. Officer Alnatas, Johnny was inmate escort and Tarte, Jerry occupied the escort vehicle #1160.

Signature: Ulysses Collins Jr. Title: Lieutenant

Evidence:

Disposition of Evidence:

Supervisor's Comments: Forwarded to M/W Washington

Printed Name:

Signature: Title: Date/Time: 7/19/17 @ 12:58pm

Major/Responsible Authority:

Printed Name:

Signature: Title: Date/Time:

STG Related - Refer to STG Committee

☐ Yes ☑ No ☑ Unknown

This incident is DRUG related

☐ Yes ☐ No ☑ Unknown

Responsible Authority Action Taken

☐ Informal Resolution

☐ Administrative Resolution

☐ Refer to Disciplinary Hearing

SCDC Form 19-29A (Rev. January 2005)

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Miranda and Written Statement of Anthony Hall

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South Carolina Department of Corrections
Division of Police Services

CASE NUMBER: 33-2017-130

MIRANDA RIGHTS

PLACE: BRCI DATE: 07-18-2017 TIME: 0645

BEFORE WE ASK YOU QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.

AH You have the right to remain silent.

AH Anything you say can be used in court as evidence against you.

AH You have the right to talk to an attorney before answering questions and have the attorney present during questioning.

AH If you cannot afford an attorney, one will be appointed by the court to represent you free of charge.

AH If you decide to answer questions now, without an attorney present, you still have the right to stop answering questions at any time and remain silent.

AH I have read this statement, or have had it read to me, and I fully understand what my rights are.

Signature: S/ A. Hall II

Witness:

Witness:

WAIVER OF RIGHTS

AH I fully understand each of these rights which have been explained to me, having these rights in mind, I wish to waive these rights and answer questions or make a statement. No threats, force or promises of any kind have been made to me by anyone to induce or cause me to waive these rights and answer questions.

Signature: S/ A. Hall II

Witness:

Witness:

SCDC Form 23-3 (Rev. April, 2017)

South Carolina Department of Corrections
Office of Inspector General
Division of Police Services

Case No: 33-2017-130

VOLUNTARY STATEMENT

I, Anthony Hall II, ID Number 255120, do hereby voluntarily provide this statement to Agent Gorris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Division of Police Services.

Around 12am My Lt came into Heaven to check the unit and saw there was a few doors unlock, as we went to the left side there was a inmate out and he was in the shower. I had no clue he was out, thought I had lock all doors, but I missed some. Then around two am I got a call saying that, Someone called and said I had a inmate out and he was bleeding. I then told My Lt that I would do a Security check of My Unit did not notice nothing. Not until my Lt and Sgt, also Nurse came down to do pill line on both Side, that when I saw the inmate

End of Statement

I have read this statement consisting of _____ pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: A. Hall II Witness: [signature]

Date: 7-18-17 Time: 7:25 Witness:

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South Carolina Department of Corrections
Office of Inspector General
Division of Police Services

Case No: 33-2017-130

VOLUNTARY STATEMENT

I, Anthony Hall II, ID Number 058120, do hereby voluntarily provide this statement to Agent Burris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Division of Police Services.

In the past I have let inmate's out to warm up their food, and also let them take a shower. During lockdown.

End of Statement

I have read this statement consisting of ____ pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: Anthony Hall II Witness: E Burris

Date: 7-18-17 Time: 11:10 Wit...

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Written Statement of Brittany Livingston

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South Carolina Department of Corrections
Office of Inspector General
Division of Police Services

Page 1 of 1
Case No: 33-2017-130

VOLUNTARY STATEMENT

I, B. Hary Livingson, ID Number 051271, do hereby voluntarily provide this statement to Agent Garris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Division of Police Services.

At approx 3:00 am an anonymous phone call came in stating an inmate was stabbed in the Marion Unit on the rock and staff needed to get down their soon because he could die. I Cpl Livingson then contacted my Sgt Lt Collin.

I have read this statement consisting of 1 pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: Cpl Livingson Witness: _____

Date: Time: ...

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Report of Interview Deshawn Simmons

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South Carolina Department of Corrections
Division of Police Services

REPORT OF INTERVIEW
33-2017-130

INTERVIEWEE: SIMMONS, DESHAWN LIVAUGHN (I), 00362125, B/M
INTERVIEW DATE: 07/18/2017
LOCATION: OTHER
AGENT: MILLER, RAYFORD L

On July 18, 2017, Assistant Chief (AC) Rayford Miller interviewed inmate Deshawn Simmons (SCDC ID 362125) at Palmetto Richland Memorial Hospital. AC Miller prepared a Report of Interview (ROI) documenting the following information provided by inmate Simmons: he was asleep in his bunk when Cpl. Hall opened the cell door. He was standing at the door, not allowing him to leave. Several inmates came into his cell and assaulted him with an axe type weapon. The inmates were all members of the gang "Bloods". He does not know their real names, just their nicknames as follows: Shoelace or She String, Maserati, Red, and Ray Ray. Simmons sustained a laceration to his fore head and top of his head, a laceration to his left palm and a possible broken jaw.

Inmate Simmons stated that the cell were he was sleeping was not his assigned cell. That his assigned cell was on the other wing in the Marion Unit.

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Report of Interview-Rainey, Timothy

South Carolina Department of Corrections
Division of Police Services

REPORT OF INTERVIEW
33-2017-130

INTERVIEWEE: RAINEY, TIMOTHY R. (I), 00263244, B/M
INTERVIEW DATE: 08/23/2017
LOCATION: BROAD RIVER
AGENT: GARRIS, EVAN M

He was living on the right side of the Marion Unit on July 18, 2017. He observed CO Hall standing in front of inmate Simmons' cell with four inmates with weapons. He then observed CO Hall open the door to allow the inmates to assault Simmons. He then observed CO Hall lock the door back after the assault had ended.

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Written Statement of Lt. Ulysses Collins Jr.

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South Carolina Department of Corrections
Division of Police Services

Case No: 83-2017-130

VOLUNTARY STATEMENT

I, ULYSSES Collins JR, ID Number 059635, do hereby voluntarily provide this statement to Agent Garris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Division of Police Services.

ON JULY 18, 2017 Sometime after the 9pm count was clear, the Control Room Officer Cpl. Livingston, B. stated that she was receiving phone calls from an unknown male. The male made statements to Cpl. Livingston that A inmate in Marion Unit had been stabbed and may be bleeding out. if he does not get help soon. After about a few of these phone calls I, Lt. Collins went to Marion Unit. AT Approximately 1215Am I, Lt. Collins while conducting A Security Checks in Marion Unit I observed 20 to 30 room Doors not secured on the Left Side of Marion Unit AT that Time I instructed Officer HALL to secure those room doors and I observed Officer HALL secure at least 20 of those Doors. I did not found A victim on the left side of Marion Unit. I then waited on Officer HALL

I have read this statement consisting of 2 pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: Ulysses Collins Witness:

Date: 9-18-17 Time: 1125am Witness:

SCDC Form 23-56 (Rev. April, 2017)

Page 2 of 2
Case No: 33-2017-130

VOLUNTARY STATEMENT CONTINUATION

To come to the right side of Marion unit. A inmate started beating on a room door, so I instructed officer Hall to open said door. At this time I observed inmate Simmons, Deshawn SCDC# 362125 sitting on the bottom rack with bleed all over his uniform. I instructed inmate to stand up and I looked under his short observed multiple stab wounds to his neck, head, right and left hands. Inmate Simmons was removed from Marion unit and escorted to medical to be medically assessed. During that time Inmate Simmons stated to this officer that officer Hall had allowed other inmates into his room (unlocking his door) so that they could attack him.

Initials

SCDC Form 23-56B (Revised July, 2015)

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Written Statement of Deshawn Simmons

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South Carolina Department of Corrections
Office of Inspector General
Division of Police Services

Case No: 33-2017-18

VOLUNTARY STATEMENT

I, Dashaun Simmons, ID Number 362125, do hereby voluntarily provide this statement to Agent Garris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Division of Police Services.

My unit was locked down because of a Gang riot. There is a lot of money on me to be killed from my understanding and on 7-19-2017 and a couple days before I was recieving threats from people saying I was going to be killed. I didn't take it seriously and on 7-18-17 officer Hall opened my door and let a bunch of guys try to kill me. I don't remember too much but I remember a couple of the faces of the guys who tried to kill me. I remember Shoe String, Mazariti and Ray Ray were the first ones I saw before It was too many to make out. officer Hall refused to let me out of the dorm after he witnessed the Stabbings. I asks him and he told me to wait until Shift change they were waiting for me

I have read this statement consisting of 2 pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: Dashaun Simmons Witness: [signature]

Date: 08-07-2017 Time: 1:00 Pm Witness: _____

South Carolina Department of Corrections, Division of Police Services
4444 Broad River Road, PO Box 21787
Telephone 803-896-5214 Fax 803-896-5234
SCDC Form 23-56 (Created July, 2015)

VOLUNTARY STATEMENT CONTINUATION

To bleed out and die in my room. Officer Hall locked me in my room AFTER the Stabbing and the only reason I didn't ~~did~~ was because somebody Call the front off their Cell phone and told operations what was happening. The Yard officer (Female) then Came to the unit and opened my door and escorted me to Medical, then I went to the hospital.

D. S.

D. S.

D. S.

D. S.

Initials D. S.

SCDC Form 23-56B (Revised July, 2015)

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Photo Line Up for Taquan Montford

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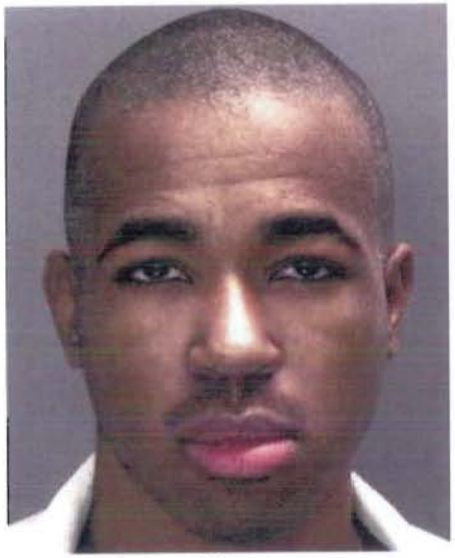

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3.jpg

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5.jpg

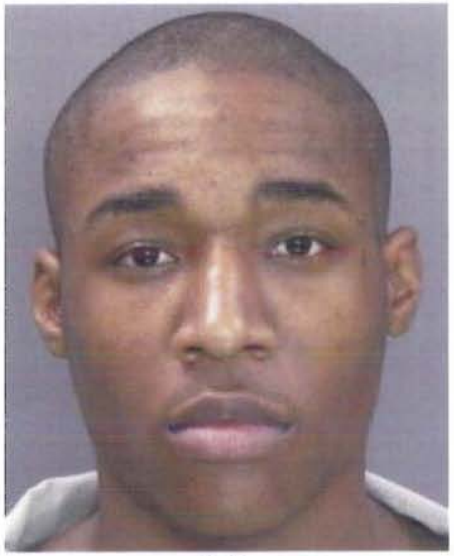
6.jpg

10448-F-00023174 CONFIDENTIAL

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

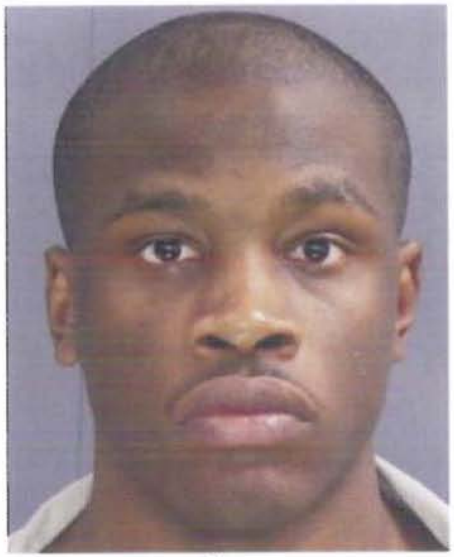
Photo Line Up for Hasien Ransom

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850



1.jpg

2.jpg



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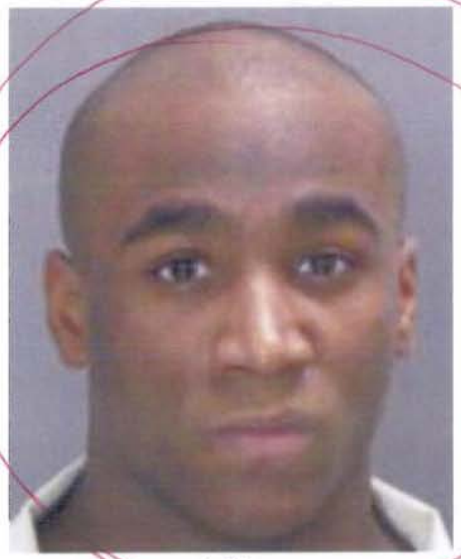

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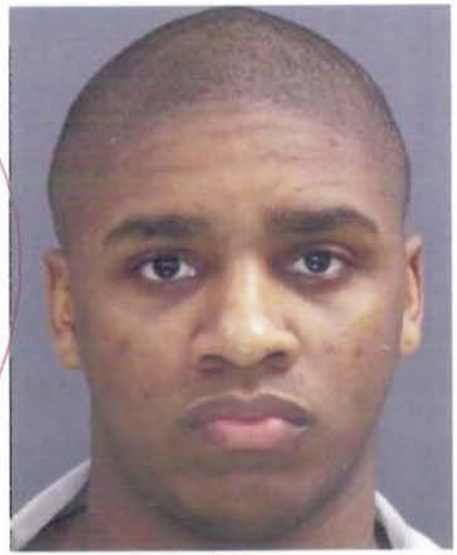

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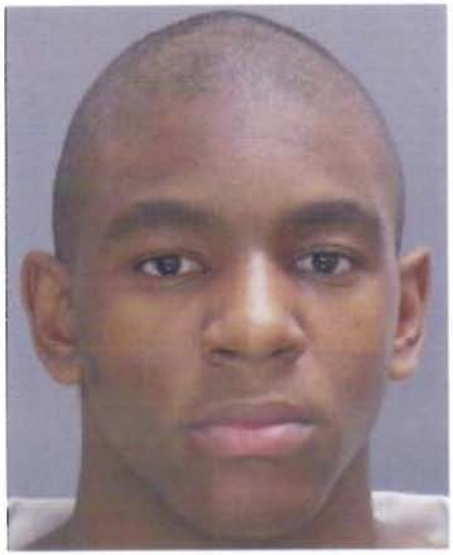


6.jpg

10448-F-0002176NFIDENTIAL

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Photo Line Up for Jquan Scott

1.jpg

2.jpg

3.jpg

4.jpg

5.jpg

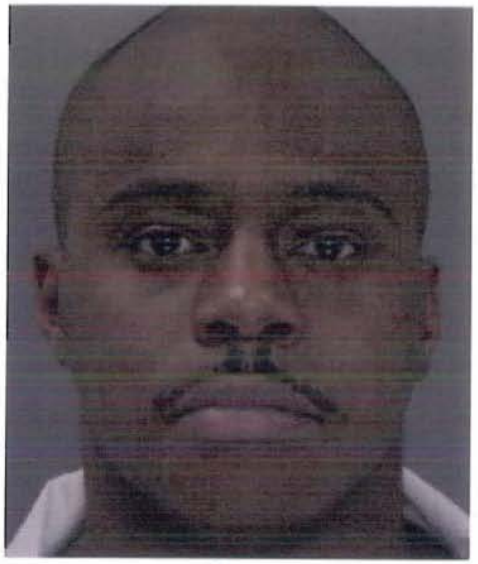
6.jpg

10448-F-00029178NFIDENTIAL

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

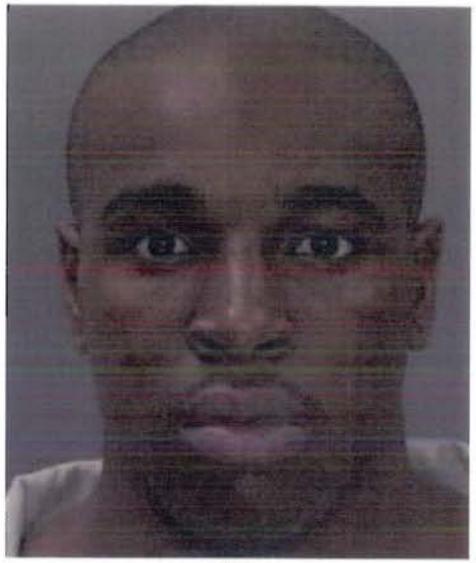
Photo Line Up for Xavier Hemingway

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850



1.jpg

2.jpg



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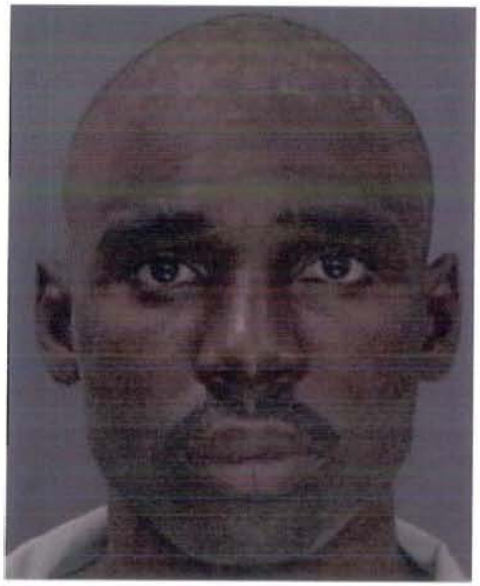
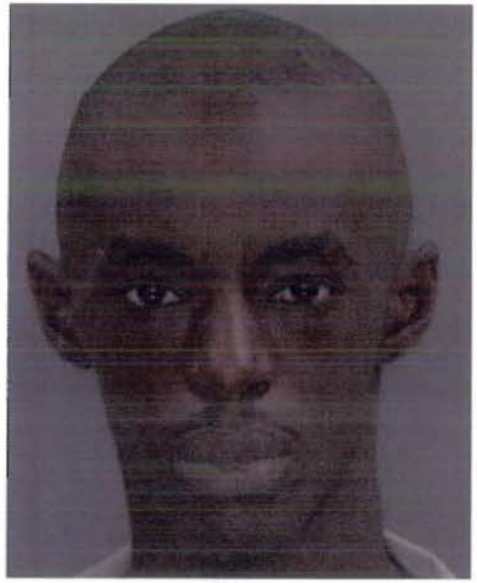


4.jpg



5.jpg

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10448-F-0003180NFIDENTIAL

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Written Statement of inmate Timothy Rainey

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

South Carolina Department of Corrections
Police Services

Page 1 of 1
Case No: 53-2017-130

VOLUNTARY STATEMENT

I, [signature], ID Number 203244, do hereby voluntarily provide this statement to Agent Garris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Police Services.

I have Given the statement that officer MR Hall has open the Cell door for a Inmate to Get Beaten by other Inmates, the Bloods, But He was Aware that these Inmates was going to Cause, That Inmate harm, I whatched Him unlock the Cell door And walked off the wing And Came Back after all was done And that Inmate that Got Hurted was Completely In the Right, and was In this Cell. This was not the only Issues that Had Den with this officer And the Captain MR, Reeves Captain of the Dorm (Marion).

TRR

I have read this statement consisting of 1 pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: [signature] Witness: [signature]
Date: Sept 29, 2017 Time: 12:50 pm Witness:

SCDC Form 23-56 (Rev. April, 2017)

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Written Statement of CO Matthew Kennedy

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

South Carolina Department of Corrections
Police Services

Case No: 55-2017-130

VOLUNTARY STATEMENT

I, Matthew N Kennedy, ID Number 059768, do hereby voluntarily provide this statement to Agent Garris, who has identified him/herself as an Agent with the South Carolina Department of Corrections Police Services.

On July 17th 2017, Officer Hall came into Marion unit to relieve me of all duties. As we were locking down I noticed Officer Hall unlocking a few doors that were locked. I had proceded to call Shift Leiutenant Parker to let him know of the situation and he told me to come on up front and go home and they would take care of it.

M.K. M.K. M.K. M.K.

I have read this statement consisting of 1 pages, or have had it read to me. It is true and correct to the best of my knowledge. I have provided this statement freely and voluntarily without threats, coercion, or promises. I have been advised that I will be provided a copy of this statement.

Signature: Matt Kennedy Witness: _____

Date: 10/2/17 Time: Approx. 1:34pm Witness: _____

SCDC Form 23-56 (Rev. April, 2017)

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

Arrest Warrants

ARREST WARRANT

2017A4010300034

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE OCA 33-2017-730

against

Anthony Howard Hall

Address: [redacted]

Phone: SSN: [redacted]

Sex: M Race: Height: 6 4 Weight: 265

DL State: SC DL #: [redacted]

DOB: [redacted] Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Accessory / Accessory before the fact of Attempted Murder

Offense Code: 0002

Code/Ordinance Sec: 16-01-0040

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to defendant on 9/8/17 9:27 am

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

4:24 pm

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Anthony Howard Hall did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Accessory / Accessory before the fact of Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017, the defendant Anthony Howard Hall, a sworn Correctional Officer with the South Carolina Department of Correction, did knowingly, unlawfully and with malice aforethought, aid in the commission of Attempted Murder (Section 16-3-29), by unlocking the victim's cell door and allowing the co-defendants, Taquan Montford and Hasien Ransom, who are lawfully incarcerated by the South Carolina Department of Corrections, to enter the cell and stab the victim, Deshawn Simmons, who is lawfully incarcerated by South Carolina Department of Corrections, multiple times with homemade weapons. The incident occurred at Broad River Correctional Institution, 4460 Broad River Rd. Columbia, SC 29210, Richland County, South Carolina. The affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

Affiant's Address P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Anthony Howard Hall did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below:

DESCRIPTION OF OFFENSE: Accessory / Accessory before the fact of Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)
on 9/14/2017)
(L.S.))
Signature of Issuing Judge)
Patrick Alan Barber)
Judge Code: 7219)

Judge's Address 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850
TALEN ENDNOTE 7.0.3 - 5448 - 01

ARREST WARRANT

2017A4010300033

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE against

OCA 33-2017-130

33-2017-130

Anthony Howard Hall

Address [redacted]

Phone: SSN

Sex M Race: Height: 6 4 Weight: 265

DL State SC DL#: [redacted]

DOB [redacted] Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Misconduct / Misconduct in office, malfeasance, misfeasance, or nonfeasance

Offense Code: 0819

Code/Ordinance Sec: 17-25-0030

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to defendant

on 4-18-17 9:27 am

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

4:22 pm

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)

[X] County/ [ ] Municipality of)

Richland / Columbia Magistrate)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Anthony Howard Hall did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Misconduct / Misconduct in office, malfeasance, misfeasance, or nonfeasance

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017, the defendant, Anthony Howard Hall, a sworn officer with the South Carolina Department of Corrections, did willfully, dishonestly, and with corrupt intent, engaged in corruption in the form of malfeasance, misfeasance, or nonfeasance, by committing acts in violation of his duty of good faith, honesty and public accountability of public trust as a State Correctional Officer. These acts include unlocking inmate cell doors during a lock down period and compromising the security of the assigned facility. The defendant did admit to these acts. This incident occurred at Broad River Correctional Institution, 4460 Broad River Road, Richland County, South Carolina. This affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA)

[X] County/ [ ] Municipality of)

Richland / Columbia Magistrate)

Affiant's Address P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Anthony Howard Hall did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below:

DESCRIPTION OF OFFENSE: Misconduct / Misconduct in office, malfeasance, misfeasance, or nonfeasance

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)

on 9/14/2017)

(L.S.))

Signature of Issuing Judge

Patrick Alan Barber)

Judge Code: 7219)

Judge's Address 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

TATE INDEXING 8000 F 04481

ARREST WARRANT

2017A4010300035

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE 33-2017-130

against

Xavier Rayshawn Hemingway

Address: 4460 Broad River Rd.

Columbia, SC 29210-

Phone: SSN: [redacted]

Sex: M Race: B Height: 6 Weight: 169

DL State: DL #:

DOB: Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

2:21 pm

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)

[X] County/ [ ] Municipality of)

Richland / Columbia Magistrate)

ORIGINAL

S.C. Attorney General April 21, 2003 SCCA 518

AFFIDAVIT

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Xavier Rayshawn Hemingway did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017, the defendant, Xavier Rayshawn Hemingway, an inmate lawfully incarcerated by the South Carolina Department of Correction, did with malice aforethought, stab the victim, Deshawn Simmons, an inmate lawfully incarcerated by the South Carolina Department of Corrections, several times with a homemade weapon, with the intent to kill him. The victim identified the defendant by photo lineup. The incident occurred at Broad River Correctional Institution, 4460 Broad River Road, Richland County, South Carolina. The affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA)

[X] County/ [ ] Municipality of)

Richland / Columbia Magistrate)

Affiant's Address P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Xavier Rayshawn Hemingway did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 10/2/2017 (L.S.)

Signature of Issuing Judge

Patrick Alan Barber

Judge Code: 7219

Judge's Address 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

10448-F-00039 CONFIDENTIAL

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND COMMON PLEAS - CASE#2018CP4004850

ARREST WARRANT

2017A4010300036

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE 33-2017-130

against

Jquan Marquel Scott

Address: 4460 Broad River Road

Columbia, SC 29210-

Phone: SSN: [redacted]

Sex: M Race: B Height: 5 9 Weight: 148

DL State DL #:

DOB: [redacted] Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

AFFIDAVIT

ORIGINAL

S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Jquan Marquel Scott did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017, the defendant , Jquan Marquel Scott, an inmate lawfully incarcerated by the South Carolina Department of Corrections did with malice aforethought, stab the victim, Deshawn Simmons, an inmate lawfully incarcerated by the South Carolina department of Corrections, several times with a homemade weapon, with the intent to kill him. The victim identified the defendant by photo lineup. This incident occurred at the Broad River Correctional Institution, 4460 Broad River Road, Richland County, South Carolina. The affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

Affiant's Address P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Jquan Marquel Scott did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)
on ~~10/2/2017~~ PNZ 10/05/17)
(L.S.))
Signature of Issuing Judge
Patrick Alan Barber)
Judge Code: 7219)

Judge's Address 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

ARREST WARRANT

2017A4010300030

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE 33-2017-130

against

Hasien Markeese Ransom

Address: 4460 Broad River Rd.

Columbia, SC 29210-

Phone: SSN:

Sex: M Race: B Height: 5 6 Weight: 160

DL State: DL #:

DOB: [redacted] Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

. The accused is to be arrested and brought before me to be dealt with according to the law

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

4:29 pm

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Hasien Markeese Ransom did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017 the defendant Hasien Ransom, an inmate lawfully incarcerated by the South Carolina Department of Corrections, did with malice aforethought, stab the victim, Deshawn Simmons, an inmate lawfully incarcerated by the South Carolina Department of Corrections, several times with a homemade weapon, with the intent to kill him. The victim identified the defendant by photo lineup. The incident occurred at Broad River Correctional Institution, 4460 Broad River Rd. Columbia, SC 29210, Richland County, South Carolina. The affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

Affiant's Address P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Hasien Markeese Ransom did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below.

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 9/14/2017 (L.S.)

Signature of Issuing Judge

Patrick Alan Barber

Judge Code: 7219

Judge's Address 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

ARREST WARRANT

2017A4010300031

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Richland / Columbia Magistrate

THE STATE 33-2017-130

against

Taquan Montford

Address: 4460 Broad River Rd.

Columbia, SC 29210-

Phone: SSN: [redacted]

Sex: M Race: B Height: 5 10 Weight: 150

DL State: DL #:

DOB: Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Evan M Garris - S00731

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

4:24 pm

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Evan M Garris who being duly sworn deposes and says that defendant Taquan Montford did within this county and state on or about 7/18/2017 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 18, 2017 the defendant Taquan Montford, an inmate lawfully incarcerated by the South Carolina Department of Corrections, did, with malice aforethought, stab the victim, Deshawn Simmons, an inmate lawfully incarcerated by the South Carolina Department of Corrections, several times with a homemade weapon, with the intent to kill him. The victim identified the defendant by photo lineup. The incident occurred at Broad River Correctional Institution, 4460 Broad River Rd. Columbia, SC 29210, Richland County, South Carolina. The affiant and others testify to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Richland / Columbia Magistrate)

Affiant's Address: P.O. Box 21787
Columbia, SC 29221-1787

Affiant's Telephone:

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/18/2017 defendant Taquan Montford did violate the criminal laws of the State of South Carolina [or ordinance of [X] County/ [ ] Municipality of Richland / Columbia Magistrate) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 9/14/2017

(L.S.)

Signature of Issuing Judge

Patrick Alan Barber

Judge Code: 7219

Judge's Address: 3875 Lucius Road
Columbia, SC 29201-

Judge's Telephone: (803)-57-6-25 x 10

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

CONFIDENTIAL 10448-F-0002

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

SCDC Disiplinary for inmate Taquon Montford

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

15:31:57 Thursday, October 05, 2017

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 335593 **DISPLAY INMATE OFFENSE HISTORY**
MONTFORD, TAQUAN - CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00025	DAMAGE,DESTROY,PROP.V	MAJOR DI	03/15/14	04/10/14	00000	CONVICTED	2
_	00024	USE,POSS NARC,MARIJ,U	MAJOR DI	02/05/14	03/04/14	00000	CONVICTED	1
_	00023	POSSESSION OF A WEAPO	MAJOR DI	12/19/13	01/09/14	00000	CONVICTED	2
_	00022	USE,POSS NARC,MARIJ,U	MAJOR DI	10/31/13	11/19/13	00000	CONVICTED	1
_	00021	FIGHTING WITH A WEAPO	MAJOR DI	07/23/13	08/20/13	00000	CONVICTED	2
_	00019	POSSESSION OF A WEAPO	MAJOR DI	07/23/13	08/20/13	00000	CONVICTED	2
_	00018	USE,POSS NARC,MARIJ,U	MAJOR DI	05/22/13	06/14/13	00000	CONVICTED	1
_	00017	USE,POSS NARC,MARIJ,U	MAJOR DI	11/11/12	12/05/12	00000	CONVICTED	1
_	00016	POSSESSION OF A WEAPO	MAJOR DI	08/22/12	09/12/12	00030	CONVICTED	2
_	00015	USE,POSS NARC,MARIJ,U	MAJOR DI	07/17/12	08/07/12	00000	CONVICTED	1
_	00014	USE,POSS NARC,MARIJ,U	MAJOR DI	07/16/12	08/01/12	00000	CONVICTED	1
_	00013	POSSESSION OF A WEAPO	MAJOR DI	01/09/12	01/31/12	00000	CONVICTED	2

PAGE 0002

PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 335593 **DISPLAY INMATE OFFENSE HISTORY**
MONTFORD, TAQUAN - CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00012	USE,POSS NARC,MARIJ,U	MAJOR DI	12/14/11	01/03/12	00000	CONVICTED	1
_	00010	REFUSING OR FAILING O	MAJOR DI	01/12/11	01/25/11	00000	CONVICTED	3
_	00009	REFUSING OR FAILING O	MAJOR DI	12/02/10	12/15/10	00000	CONVICTED	3
_	00008	REFUSING OR FAILING O	MAJOR DI	11/19/10	12/10/10	00000	CONVICTED	3
_	00007	THREATENING TO INFLIC	MAJOR DI	11/02/10	11/16/10	00006	CONVICTED	2
_	00004	OUT OF PLACE	ADMINIST	01/26/10	02/02/10	00000	CONVICTED	3
_	00003	OUT OF PLACE	ADMINIST	01/26/10	02/02/10	00000	CONVICTED	3
_	00002	FIGHTING WITHOUT A WE	ADMINIST	07/20/09	/ /	00000	CONVICTED	3
_	00001	THREATENING TO INFLIC	MAJOR DI	07/14/09	07/23/09	00006	CONVICTED	2

END OF LIST

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PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

15:31:50 Thursday, October 05, 2017

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 335593 **DISPLAY INMATE OFFENSE HISTORY**
MONTFORD, TAQUAN - CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00040	POSS. OR/ATTEMPT TO P	MAJOR DI	07/18/17	09/05/17	00006	CONVICTED	1
_	00038	CREAT/ASSIST WITH SOC	MAJOR DI	11/07/16	12/01/16	00000	CONVICTED	1
_	00036	POSS. OR/ATTEMPT TO P	MAJOR DI	05/03/16	05/24/16	00000	CONVICTED	1
_	00035	POSSESSION OF A WEAPO	MAJOR DI	05/03/16	05/24/16	00006	CONVICTED	1
_	00034	USE,POSS NARC,MARIJ,U	MAJOR DI	01/12/16	02/02/16	00009	CONVICTED	1
_	00032	THREATENING TO INFLIC	MAJOR DI	09/10/15	11/09/15	00000	CONVICTED	2
_	00031	POSSESSION OF A WEAPO	MAJOR DI	08/25/15	09/16/15	00003	CONVICTED	1
_	00030	POSSESSION OF CONTRAB	MAJOR DI	07/30/15	08/25/15	00000	CONVICTED	3
_	00029	POSSESSION OF A WEAPO	MAJOR DI	07/30/15	08/25/15	00000	CONVICTED	1
_	00028	USE,POSS NARC,MARIJ,U	MAJOR DI	06/14/15	07/08/15	00000	CONVICTED	1
_	00027	USE,POSS NARC,MARIJ,U	MAJOR DI	06/24/14	07/16/14	00006	CONVICTED	1
_	00026	POSS. OR/ATTEMPT TO P	MAJOR DI	04/12/14	05/08/14	00000	CONVICTED	1

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SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

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SCDC Disiplinary for inmate Hasien Ransom

ELECTRONICALLY FILED - 2025 Jul 25 9:56 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4004850

15:32:24 Thursday, October 05, 2017

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 359100 **DISPLAY INMATE OFFENSE HISTORY**
RANSOM, HASIEN MARKEESE CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00018	POSSESSION OF A WEAPO	MAJOR DI	08/24/17	/ /	00000		1
_	00017	POSS. OR/ATTEMPT TO P	MAJOR DI	08/24/17	/ /	00000		1
_	00016	POSS. OR/ATTEMPT TO P	MAJOR DI	01/23/17	02/14/17	00000	CONVICTED	1
_	00015	USE,POSS NARC,MARIJ,U	MAJOR DI	01/17/17	02/14/17	00000	CONVICTED	1
_	00012	USE,POSS NARC,MARIJ,U	MAJOR DI	03/11/16	04/05/16	00000	CONVICTED	1
_	00011	REFUSING OR FAILING O	ADMINIST	03/07/16	03/15/16	00000	CONVICTED	3
_	00010	UNAUTH I/M ORGAN/PART	MAJOR DI	11/20/15	12/17/15	00003	CONVICTED	2
_	00009	USE,POSS NARC,MARIJ,U	MAJOR DI	06/18/15	07/07/15	00000	CONVICTED	1
_	00008	POSS. OR/ATTEMPT TO P	MAJOR DI	06/18/15	07/07/15	00000	CONVICTED	1
_	00007	UNAUTH I/M ORGAN/PART	MAJOR DI	03/18/15	04/14/15	00000	CONVICTED	2
_	00006	REFUSING OR FAILING O	ADMINIST	02/27/15	03/06/15	00000	CONVICTED	3
_	00004	COMPUTER ENTRY ERROR/	OTHER AC	10/19/14	10/22/14	00000	CLOSED	1

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SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 359100 **DISPLAY INMATE OFFENSE HISTORY**
RANSOM, HASIEN MARKEESE CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00003	FIGHTING WITHOUT A WE	ADMINIST	10/19/14	10/27/14	00000	CONVICTED	3
_	00005	THREATENING TO INFLIC	MAJOR DI	10/17/14	11/06/14	00060	CONVICTED	2
_	00002	FIGHTING WITH A WEAPO	OTHER AC	06/22/14	/ /	00000	CLOSED	2
_	00001	POSSESSION OF A WEAPO	MAJOR DI	05/07/14	06/03/14	00000	CONVICTED	2

END OF LIST

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PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

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SCDC Disiplinary for inmate Xavier Hemingway

16:03:37 Thursday, October 05, 2017

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 362315 **DISPLAY INMATE OFFENSE HISTORY**
HEMINGWAY, XAVIER RAYSHAWN CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00019	POSSESSION OF A WEAPO	MAJOR DI	03/01/17	03/23/17	00000	CONVICTED	1
_	00018	POSS. OR/ATTEMPT TO P	MAJOR DI	03/01/17	03/23/17	00003	CONVICTED	1
_	00017	POSS. OR/ATTEMPT TO P	MAJOR DI	02/07/17	03/08/17	00006	CONVICTED	1
_	00016	CREAT/ASSIST WITH SOC	MAJOR DI	02/07/17	03/08/17	00000	CONVICTED	1
_	00015	STRIKING AN EMPLOYEE	MAJOR DI	01/19/17	02/06/17	00009	CONVICTED	2
_	00014	POSSESSION OF A NEGOT	MAJOR DI	10/10/16	11/04/16	00000	CONVICTED	2
_	00013	USE OBSCENE,VULGAR,PR	ADMINIST	07/19/16	07/27/16	00000	CONVICTED	3
_	00012	REFUSING OR FAILING O	ADMINIST	07/19/16	07/27/16	00000	CONVICTED	3
_	00010	REFUSING OR FAILING O	MAJOR DI	05/26/16	06/23/16	00030	CONVICTED	3
_	00009	REFUSING OR FAILING O	ADMINIST	05/16/16	05/24/16	00000	CONVICTED	3
_	00008	DAMAGE,DESTROY,PROP.V	MAJOR DI	02/02/16	02/18/16	00006	CONVICTED	2
_	00006	EVADING A SECURITY DE	MAJOR DI	11/06/15	12/01/15	00010	CONVICTED	3

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SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 362315 **DISPLAY INMATE OFFENSE HISTORY**
HEMINGWAY, XAVIER RAYSHAWN CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00005	STRIKING AN EMPLOYEE	MAJOR DI	11/06/15	12/01/15	00020	CONVICTED	2
_	00003	THREATENING TO INFLIC	MAJOR DI	07/29/15	08/21/15	00009	CONVICTED	2
_	00002	POSSESSION OF ESCAPE	MAJOR DI	07/29/15	08/21/15	00020	CONVICTED	1
_	00001	UNAUTH I/M ORGAN/PART	MAJOR DI	01/14/15	02/05/15	00003	CONVICTED	2

END OF LIST

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PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

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SCDC Disiplinary for inmate Jquan Scott

15:32:45 Thursday, October 05, 2017

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 10/05/17
DISCIPLINARY SYSTEM C044763
SCDC ID: 365229 **DISPLAY INMATE OFFENSE HISTORY**
SCOTT, JQUAN MARQUEL CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV
SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00010	THROWING/EXPOSURE OF	MAJOR DI	10/04/16	10/27/16	00000	CONVICTED	2
_	00009	CREAT/ASSIST WITH SOC	MAJOR DI	06/11/16	08/04/16	00000	CONVICTED	1
_	00008	POSS. OR/ATTEMPT TO P	MAJOR DI	03/23/16	04/14/16	00000	CONVICTED	1
_	00007	POSSESSION OF A WEAPO	MAJOR DI	03/23/16	04/14/16	00000	CONVICTED	1
_	00006	POSSESSION OF ESCAPE	MAJOR DI	03/23/16	04/14/16	00000	CONVICTED	1
_	00005	USE,POSS NARC,MARIJ,U	MAJOR DI	03/23/16	04/14/16	00000	CONVICTED	1
_	00003	POSSESSION OF A NEGOT	MAJOR DI	11/06/15	12/22/15	00000	CONVICTED	2
_	00002	POSS. OR/ATTEMPT TO P	MAJOR DI	11/06/15	12/22/15	00000	CONVICTED	1
_	00001	POSSESSION OF CONTRAB	MAJOR DI	10/21/15	11/16/15	00000	CONVICTED	3

END OF LIST

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EXHIBIT 10

Livingson Deposition

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND CASE NO.: 2018-CP-40-04850

RANDLE JACKSON, PERSONALLY AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF DASHAUN SIMMONS,
Plaintiff,
vs.

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,
Defendant.

V I D E O D E P O S I T I O N

WITNESS: BRITTANY LIVINGSON
DATE: Friday, April 28, 2023
TIME: 10:28 a.m.
LOCATION: Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina 29010
TAKEN BY: Attorney for the Plaintiff
REPORTED BY: Donna Cheryl Kyzer
South Carolina Court Reporter
LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

APPEARANCES:

ATTORNEY FOR PLAINTIFF
RANDLE JACKSON, PERSONALLY AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF DASHAUN SIMMONS:
HAWKINS & JEDZINIAK, LLC
BY: JOSHUA T. HAWKINS, ESQUIRE
1225 South Church Street
Greenville, South Carolina 29605
josh@hjllcsc.com

ATTORNEY FOR DEFENDANT
THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS:
RILEY POPE & LANEY, LLC
BY: DAVID A. DEMASTERS, ESQUIRE
2838 Devine Street
Columbia, South Carolina 29205
ddemasters@rplfirm.com

ALSO PRESENT:
Michael Arrison, Videographer

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* * * * *

EXHIBIT INDEX

REPORTER'S NOTE: No exhibits were marked for identification.

STIPULATION: It is stipulated by and between counsel that this deposition is being taken in accordance with the South Carolina Rules of Civil Procedure, and that the deponent waives the right to read and sign the deposition transcript.

- - - - - - - - - - - - - - - - - - -

THE VIDEOGRAPHER: This is the videotaped deposition of Lieutenant Brittany Livingson in the matter of Randle Jackson et al. versus the South Carolina Department of Corrections. Today's date is Friday, April 28, 2023. We're going on the record at 10:28 a.m. The court reporter will now swear in the witness.

BRITTANY LIVINGSON, being first duly sworn, testified as follows:

EXAMINATION

BY MR. HAWKINS:

Q. Lieutenant, my name is Joshua Hawkins. I'm going to take your deposition. Can -- and we've got two people with similar names. Can you just spell your last name for me?

A. L-I-V-I-N-G-S-O-N.

Q. I bet people put a "T" in that all the time, and they're --

A. Yeah.

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Q. -- not supposed to.
A. My name's not common.
Q. Sorry.
A. It's fine.
Q. All right. So, have you ever had your deposition taken? You ever given testimony?
A. No. This is the first time.
Q. You ever given testimony in court or anything?
A. No, sir.
Q. All right. So, it's very simple. You're under oath just like you would be in court, but it's obviously an informal setting. If you need to take a break, go to the bathroom or for any reason at all, just tell us, and we'll accommodate you to take as many breaks as you want, take as long as you want on a break, but if you're represented, don't talk to a lawyer because then I can ask you about those questions until the deposition is over. Okay?
A. Okay.
Q. Do you have a lawyer?
A. No.
Q. Okay. Dave DeMasters, to my left, he represent South Carolina Department of Corrections.
A. Uh-huh.

Q. Does he represent you for anything?
A. Yes.
Q. He does?
A. Yes.
Q. Okay. So he is your lawyer?
A. Well, yes.
Q. Okay.
A. Provided by the state.
Q. Okay. All right. So -- so since -- when did he become your lawyer?
A. I want to say sometime in February, March.
Q. Of this year?
A. Yeah, of this year.
Q. Okay. So anything before the time when he became your lawyer, I can ask you about, but any conversations you had with him after February or March, whenever he became your lawyer --
A. Uh-huh.
Q. -- you don't have to tell me about those conversations --
A. Uh-huh.
Q. -- because they're privileged. Okay?
A. Okay.
Q. And while we're taking the deposition, if you -- you're doing a good job now, but if you can

just answer yes or no, instead of uh-huh or huh-un, that will help the court reporter get a good record.
A. Okay.
Q. Because everything you say is going to be typed down, and we want to make sure we have the correct answers. Okay?
A. Okay.
Q. Okay. Do you know -- do you know what we're here about today?
A. Yes, sir.
Q. Okay. What's your understanding of what we're here about today?
A. My understanding, that I'm here -- or we're here today for my part of it, that I'm a witness for an inmate that was stabbed in Marion unit at Broad River --
Q. Okay.
A. -- in 2017.
Q. Okay. When did you -- you were working at Broad River at the time?
A. Yes, sir.
Q. When did you move from Broad River to here?
A. Oh, I didn't get here until 2021.
Q. Why did you start working here instead of Broad River?

A. Because I actually had a different opportunity so --
Q. Okay.
A. You can promote and move around. This is, like, the first institution of -- you know, a different venture with SCDC.
Q. Yes, ma'am. And so, did you move your house and everything? I mean, did you move where you lived so you could --
A. No, sir. I just commute.
Q. You commute. Okay.
A. Uh-huh.
Q. How long is that commute each day?
A. About 35, 40 minutes.
Q. So not too bad. Okay.
A. No. Huh-un.
Q. All right. Have you ever been sued or --
A. No, sir.
Q. Have you ever sued anybody?
A. No, sir.
Q. Ever been part of a lawsuit at all?
A. No, sir.
Q. Okay. Have you ever been disciplined since you've started working for SCDC?
A. Yes, sir.

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Q. Okay. What have you been disciplined for?
A. Oh, let's see. It's been a long time ago, 2013. Like, unprofessional conduct, I want to say. I'm not sure.
Q. Okay. How many times? Well, when we get your employment file with SCDC, how many times will there be discipline in there?
A. That's a good question. Depended on what they put on the file, maybe two or three times.
Q. Was it all for unprofessional -- and -- and let me say --
A. I wouldn't know. You will have to get with them.
Q. Okay.
A. Uh-huh.
Q. Let me say, sorry for asking personal questions.
A. Uh-huh.
Q. We have to ask it the one time we can talk to you before trial. So I'm not trying to --
A. I understand.
Q. -- to ask, you know, difficult questions.
So you say you don't remember how many unprofessional conduct disciplines there were?
A. Huh-un.

Q. Is that a no?
A. Oh. No, that's a no. Yeah.
Q. Okay.
A. I don't know.
Q. Okay.
A. You'll have to get with them.
Q. So it could be two or three or more?
A. It wouldn't be no more than two or three.
Q. Okay. All right. Who would be the best person to get that information from?
A. I would assume HR.
Q. Okay. So we -- we could -- and you might not know the answer, but I have to ask you since you're the one here.
A. Uh-huh.
Q. If you wanted to get that information, would you go to HR, South Carolina Department of Corrections Human Resources, and say, I need my disciplinary records or my employment file?
A. Yes, sir.
Q. Okay. So that's where we can get that information?
A. Uh-huh.
Q. Is that -- is that --
A. Yes --

Q. -- a yes?
A. Yes. Yes.
Q. I know it's --
A. Yes.
Q. -- it's -- it's different than everyday back-and-forth.
Okay. So let's talk about the event just a little bit. When -- you were in the control room when Simmons got stabbed, weren't you?
A. Yes, sir.
Q. Okay. And you got some phone calls from an anonymous person?
A. The --
Q. You got some phone calls that --
A. I got a phone call.
Q. Oh. You had one?
A. One.
Q. Okay. And who was that from?
A. I wouldn't know. It was an anonymous call.
Q. But it was from an inmate inside?
A. Yes, sir. I would like to assume it was.
Q. And that would have been -- I can't remember the name of -- what was the name of the area where he was? It was --
A. Marion unit.

Q. Marion unit. It was from another person in Marion unit, to the best of your understanding?
A. Yes, sir.
Q. Okay. What time did that phone call come in?
A. About, what, 3:45, 3:50 a.m.
Q. Okay. In the morning?
A. Yes, sir.
Q. Do you know how long after the stabbing that person made the phone call?
A. I wouldn't know.
Q. Okay. Because that's been a -- the reason I ask you is that's been a major point of -- not contention, but it's been something both sides have been trying to figure out is when the stabbing took place because we know that, according to either Collins or -- I think it was Collins. According to one of these officers, after -- starting about nine o'clock, they know that there are cell doors open, but then there is not a call in until, you said, three something in the morning?
A. About 3:45, 3:50 a.m.
Q. So -- so we think the stabbing happened between 9 p.m. and 3:45 to 3:50, but we don't know when. So, do you have any idea of when the actual

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stabbing took place?
A. No, sir.
Q. Does anybody know when the actual stabbing took place?
A. I wouldn't know.
Q. Okay. So it could be as early as 9:00. We just don't know?
A. (Witness shaking head.)
Q. Is that fair to say?
A. Yeah.
Q. All right. How many people in Marion unit had cell phones or do you think had cell phones?
A. I wouldn't know.
Q. How do they get cell phones?
A. I -- I wouldn't know.
Q. Okay. Did you -- did you know Hall well?
A. No. I just knew him as a coworker.
Q. So you just -- when he would come in, you would see him, and that was the extent --
A. Yeah. Pretty much.
Q. Does he have any tattoos?
A. I wouldn't know.
Q. You ever see any tattoos on his arms --
A. I didn't pay --
Q. -- or anything?

A. -- him that much attention.
Q. Okay. Okay. From what you know about what happened, did Hall violate any of SCDC's policies?
A. Well, that would be hard to answer because I don't know the full event of what happened.
Q. Yeah.
A. You know, I only know hearsay because I was in a whole other part of the institution.
Q. Okay. So you got the -- you got the call, and then you told Collins about it?
A. Yes, sir.
Q. Okay. What did Collins say when you told him, I got this phone call, they're saying somebody is stabbed?
A. The first thing he did was him and Lieutenant Wright both -- they were in operations --
Q. Wright?
A. Wright, Lieutenant Wright.
Q. Is that W-R-I- --
A. W-R-I-G-H-T --
Q. Okay.
A. -- Wright. They both were in operations. I got the phone call. I called over to operations because you could look to the right of you from the control room and see operations, and I called him and

informed him about this call that -- that I got, an anonymous call about an inmate being stabbed up in Marion unit --
Q. Uh-huh.
A. -- and if we don't get down there, he'll die, or something of that nature.
Q. Okay.
A. Uh-huh.
Q. So --
A. What they --
Q. I'm -- I'm sorry. Go ahead.
A. So, once I did that, considering that the Marion unit was a pretty rough unit, the worst unit at the time at Broad River, there shouldn't have been nobody out.
Q. Uh-huh.
A. So it was like, Okay. You know, we don't know if this is a hoax, or whatever the case might be. However, they did take it serious, and they called Hall over the radio and asked him was --
Q. Who called Hall?
A. Lieutenant Collins, over the --
Q. Uh-huh.
A. -- radio, and asked him, Hey, is everything 10-4 down there? All those doors

secured?
And he said, 10-4, which means yes, which was what was supposed to be going on in there. Like, everybody's supposed to be behind the door. You know, it was a bad unit. You didn't let people out, so.
Q. Because there is -- it's known that these people are violent?
A. Right. It was just a -- you know, the worst of the worst at that time, so, you know, when we called -- like, when I gave him the call, informed him of the call I received, he called Hall over the radio, you know, just to pretty much check into it, and not to blow it off, but he wanted to check in to make sure. You know, Let me see if there is any truth to this.
Q. Hall was the only one down there?
A. As far as I know, yeah, Hall was the only one assigned down there, and Hall stated on the radio that, Everything's 10-4. Every-, you know, body is behind the door.
Q. Is there -- does SCDC have a -- have a policy where there is supposed to be at least two people on any unit at any given time?
A. I'm not quite sure, but I do know before

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there was a shortage of staff, it was most multiple people, but, however, due to shortage of staff, unfortunately it was only one person sometimes doing a -- a unit by themselves.

Q. Okay. Is that dangerous, for one -- for there to be just one officer?

MR. DEMASTERS: Object to the form.

You can answer.

BY MR. HAWKINS:

Q. You -- you can answer. If he ob- -- sorry. I should have told you this. If he objects, he's preserving an objection for when we go to trial. You can still answer the question unless he says, Don't answer the question.

A. All right.

Q. So you can still answer.

THE WITNESS: So, I can answer the question?

MR. DEMASTERS: Yes.

THE WITNESS: Okay.

Can you repeat that question?

BY MR. HAWKINS:

Q. Yeah. Is that dangerous for there to be just one officer on any given unit?

MR. DEMASTERS: Same objection.

Go ahead.

THE WITNESS: It could be.

BY MR. HAWKINS:

Q. Okay. And why? Why could it be dangerous?

A. I mean, it's just one person. Like, if anything happens, who would know? You know?

Q. Right.

A. When would they find out if something, you know, was to happen to the officer? So it could be, but every job has a risk --

Q. Yeah.

A. -- so.

Q. Have you ever had any issues with -- with inmates trying to be inappropriate with you or attack you or -- or -- or cause you danger or anything like that?

A. I would definitely say working in prison in general is a danger, so.

Q. Yeah.

A. Yeah --

Q. Can --

A. -- it's danger everywhere in a prison.

Q. Can you give me specific examples of things that have -- you've experienced?

A. I guess just them having weapons puts

anybody in danger.

Q. In Marion unit, were there a lot of weapons?

A. I can't speak for the Marion unit, per se, because during that time frame, in 2017, I worked at a lot of the -- like, out of areas; maybe, like, front gate or the control room or the yard, like, running the yard, so I never really was in the Marion unit, you know.

Q. How many -- how many times did you hear of there being weapons recovered in Marion unit or -- or anywhere at Broad River?

A. Woo. At that time, it's so hard to say.

Q. Because it was dangerous?

A. What?

Q. It was dangerous at Broad River at that time?

A. I mean --

MR. DEMASTERS: Object to the form.

But go ahead.

THE WITNESS: So I --

MR. DEMASTERS: You can answer.

THE WITNESS: It's -- its danger at every prison which -- at any time, but -- and that particular unit was a rough unit. It was -- you

considered that a high alpha unit, and they really only put males in that unit at that time --

BY MR. HAWKINS:

Q. Okay.

A. -- so it was a rough unit.

Q. Yeah. And despite -- and despite knowing how rough it is, and whether it's due to shortages or whatever, despite it being rough and there being weapons, Hall was still the only officer in that unit when the stabbing took place as far as you know?

A. Yes, sir.

Q. Okay. All right. Is there any doubt that Hall, as far as you know --

A. Uh-huh.

Q. -- was wearing his uniform and working as a SCDC corrections officer when the stabbing happened? Any doubt in your mind about that?

A. As far as I know, he was fully clothed.

Q. Yeah.

A. I would hope, yes.

Q. Yeah. The reason I'm asking you is -- so it was kind of a weird question, but the Tort Claims Act, which is what this case is, is a --

A. Uh-huh.

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Q. -- Tort Claims Act case. The claim, says that when somebody is working for a government agency like --
A. Uh-huh.
Q. -- SCDC, you name SCDC, even if it was for this person's conduct, right? So we basically said, SCDC, you're responsible because somebody was grossly negligent while they were working for SCDC.
A. Okay.
Q. As far as you know, is there any doubt that Hall --
A. Uh-huh.
Q. -- was grossly negligent while he was working for SCDC?
MR. DEMASTERS: Object to the form.
You can answer.
BY MR. HAWKINS:
Q. In opening these doors against policy, letting people out to heat up their food, is there any doubt in your mind that that was grossly negligent?
MR. DEMASTERS: Same objection.
THE WITNESS: I want to understand it, I guess to the best of my --
MR. HAWKINS: Yes, ma'am.

THE WITNESS: -- ability.
I can't tell you what Hall was doing down there in the dorm because I wasn't down there with him.
BY MR. HAWKINS:
Q. Okay.
A. I can't tell you --
Q. Well --
A. -- what he was doing or how he chose to run it when he was down there.
Q. Okay. Well, let me ask you this, then.
A. All right.
Q. Is -- regardless of what Hall was -- we know what Hall was doing because we have the -- we have the documents and --
A. Uh-huh.
Q. -- stuff like that. We're going to depose him on Monday, actually, but in your experience as an SCDC employee --
A. Uh-huh.
Q. -- would it be grossly negligent for someone to open cell doors during a lockdown and allow people to go in and out of their cells during a lockdown? Would that be grossly negligent?
MR. DEMASTERS: Object to the form.

You can answer.
THE WITNESS: Would it be grossly negligent? I -- that's hard to answer. It just depends on what's going on at the time because it will be a time -- or a point in time on a lockdown where you do have to give showers --
MR. HAWKINS: Uh-huh.
THE WITNESS: -- and, you know, when they come out, it would be hard to say, Hey, don't heat your food up.
And a lot of times, it might just be one officer trying to give showers.
MR. HAWKINS: Okay.
THE WITNESS: You know, the only way you can probably modify what somebody does when you pop a door during lockdown is if you have a second person with you, you know.
BY MR. HAWKINS:
Q. Would it be grossly negligent for an SCDC officer to open an inmate's cell, allow other inmates to come in and stab that inmate, and then, when they leave, close the cell door back? Would that be grossly negligent?
MR. DEMASTERS: Object to the form.
You can answer.

THE WITNESS: Yes.
BY MR. HAWKINS:
Q. Okay. Would it be grossly negligent to lock that inmate, who has been stabbed, in the cell and then make him wait for an extended period of time for medical help? Would that be grossly negligent?
MR. DEMASTERS: Object to the form.
You can answer.
THE WITNESS: Yes.
BY MR. HAWKINS:
Q. Would both of those examples I just gave you be in violation of SCDC policy?
A. Yes, sir.
Q. And would both of those situations I just gave you be dangerous?
A. Yes, sir.
Q. To inmates --
A. Yes.
Q. -- and to the officers?
A. Yes, sir.
Q. Is that a yes?
A. Yes, sir.
Q. Okay. Have you ever talked to Hall about what happened?
A. Oh, no, sir.

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Q. You-all don't have each other's phone numbers or anything?
A. No, sir.
Q. Okay. I --
A. No, sir.
Q. Again, I have to ask.
A. Yeah. I understand.
Q. Okay. What -- what documents did you review to get ready for this deposition today?
A. None really.
Q. You didn't look at your affidavit or your incident report or anything?
A. I might have seen the old incident report, but nothing that -- to prepare me for the truth, no.
Q. Okay. Have you ever talked to -- have you ever talked to anybody from the Insurance Reserve Fund or any investigator about this?
A. No, sir.
Q. Okay. Have you talked to any of the other corrections officers about the lawsuit or about your deposition?
A. No, sir.
Q. Okay. All right. So did you ever see Simmons after he was stabbed?
A. I never knew who Simmons was.

Q. You just got the phone call --
A. Right.
Q. -- somebody's been stabbed?
A. (Witness nodding head.)
Q. You reported that to Collins, and then that's the last you knew of it?
A. Correct.
Q. When did you hear anything else about it?
A. I mean, well, once I reported to Collins and Lieutenant Wright, because they both were in operations at the time, they made the call down there --
Q. Yeah.
A. -- to Hall to ask him, Is everything okay in your dorm, is everybody -- you know, behind the door like they're supposed to be, everything -- you know, he comes across the radio. The control -- we hear everything, you know? We're a part of the institution. Everything was a 10-4, so that made, maybe -- at the time, the call seemed maybe like somebody was just playing on the phone, which the inmates would do that.
The inmates would call the control room sometimes just to hear, Lee control, Broad River control, such and such speaking, you know, just to

know who's in the control -- you know, just to know who's in the control room, so -- yeah. What was your question again?
Q. I think that --
A. Oh. Did I hear anything else after that? I mean, the aftermath after, you know, they went down and --
Q. Yeah.
A. -- came back up and found out that something really did take place.
Q. How long was it between when the phone -- the phone call came in and when somebody actually went to check and see if anything was going on?
A. Ooh. It's been a long time ago. From 2017 to now is about how many years?
Q. Well, it's 2023 now, so --
A. Uh-huh.
Q. -- five-ish --
A. Right.
Q. -- six.
A. Yeah. So, if I had to jog my memory, maybe I got the call. I called them. They called Hall over the radio. Everything, he said, was 10-4. It may be 10 -- at most, maybe 15 minutes later, Lieutenant Collins and Sergeant Wright came to me in

the control room and gave me some keys and said, Hey, we're going down there to the Marion unit --
Q. This was 15 minutes after you got the call?
A. You could say -- yeah, some- -- yeah, 15 minutes between me getting the call, them calling Hall to ask him, Is everything okay, and then, from my understanding, they received another call.
Q. About the stabbed inmate?
A. Right. And that is just my belief. Another call came in, from my understanding, and then that's when, I guess, it triggered something to them like, Well, something's not right. Because --
Q. Maybe something really is going on down there?
A. Yeah. Because somebody in another dorm -- from what I understand, another officer was told by an inmate that something was going on. So that officer didn't know -- you know, we're up in the admin building. He didn't know of me getting the phone call, and, you know, they didn't know what that call was for when they asked Hall was everything good down there, you know, and, at that time, I didn't know that -- that they had received a secondary phone call. The only thing they came to me and said, We going down -- here go the keys. We're going down

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there to the Marion unit.

So what raised, I guess, a red flag with them was when an officer who has nothing to do with or knows anything about anything we've got going on up here calls them and say an inmate has told them that, you know, something is going on in the Marion unit.

So I guess it was, you know, like, Well, how does this person know that we just got this call, and he said -- so that's when, I guess, they said, Well, we're going to go down there and lay eyes for ourself. They didn't tell me that. The only thing they did was come shooting out of operations and say, We're going to the Marion unit --

Q. Okay.

A. -- and then they went down there, and then, you know, when --

Q. Let -- let me ask you about the timeline. I want to make sure I have it right.

A. Uh-huh.

Q. You tell me if I've got anything wrong.

A. Okay.

Q. At some time in the early morning --

A. Uh-huh.

Q. -- you get a phone call that says, There is

an inmate stabbed, and he's going to bleed out.

A. Yeah. Well, I wouldn't definitely say bleed out. It was just something to the nature of, Somebody's been stabbed, and pretty much, If you don't get down there, he will die, or something to that --

Q. Yeah.

A. -- nature. Yeah.

Q. And that -- and -- and I'm -- I'm sorry if -- I may -- I think I've got "bleed out" from somebody else's --

A. Oh --

Q. -- report.

A. -- okay.

Q. What you said in your statement was, He could die if somebody doesn't get down there.

A. Yeah.

Q. Is that --

A. Something of that nature.

Q. Okay. All right. So somebody -- so you get this phone call, it says -- and from an illegal cell phone, Somebody in this unit has been stabbed --

A. Uh-huh.

Q. -- and they're going to die if somebody doesn't get here. Something like that?

A. Yes, sir.

Q. And then, how long was it before you reported that to Collins?

A. Right after I got the call.

Q. Okay. You never went down there yourself?

A. Oh, huh-un. Couldn't leave. Can't. The control room has to be manned at all times.

Q. You -- you never told anybody in person who was in the control room with you to go down there and check?

A. No. It wouldn't be nobody else in the control room.

Q. It would just be you?

A. Yeah.

Q. So, as soon as you get the call, you call to --

A. Operations.

Q. Operations. And then, that was Collins?

A. Yes.

Q. And he's a lieutenant?

A. He was the lieutenant.

Q. He's what you are now?

A. Yes.

Q. But Collins didn't do anything right then? He didn't go down there and check?

A. No.

Q. He didn't tell anybody to go check --

A. No.

Q. -- right away?

A. Well, the thing of it is -- let me stop you there. Because of the nature of this unit and the understanding that, you know, we had at the time about that unit, that unit was always pretty much locked down, and the movement was always controlled.

So when the call came in about somebody being stabbed, X, Y and Z, and it's this early in the morning, it was kind of like, How could this happen? You know what I mean? Like, How could it happen?

Q. Uh-huh.

A. You know, it was -- in a perfect world, if you're doing what you're supposed to do, it -- it couldn't happen. So, you know, you don't know if it's a hoax call, or whatever the case might be.

So, by Hall being down there, as the officer working that unit, he did -- Lieutenant Collins got on the radio and called him --

Q. Uh-huh.

A. -- and asked him, Hey, is everything, you know, 10-4 in your unit? Is all those inmates behind the door? Because they're not supposed to be out.

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Q. Uh-huh.
A. No. It would just be, Why are they out? You know --
Q. Right.
A. -- if they were out. You know, so he did call, pretty much, getting the officer to do a wellness check, you know, or -- you could say it's a wellness check. So he called the officer pretty much to do a wellness check and asked him, you know, Is everything good down there? Is everybody behind those doors?
Q. Right. But that -- that happened after the second call came in?
A. There never was a second call.
Q. Oh. I thought you said that a call came. You reported it to Collins --
A. The call --
Q. -- at some point, somebody else called.
A. One call came in to me in the control room.
Q. Oh.
A. I called the supervisors to let them know --
Q. Yes, ma'am.
A. -- Hey, this is the call that came in. You know, it was more like, Hey, I just got a call about

somebody in the Marion unit, which is the worst unit at the time, got stabbed up, that we need to get down there because he'll die. Which is kind of like, I'm telling you this, but this is weird because how could this, you know --
Q. Right.
A. -- happen unless it's the person's roommate? You know, but --
Q. Right.
A. You know, how could this happen because why would the doors be open, or how could this --
Q. Yeah.
A. -- terrible unit that's always --
Q. Because the doors weren't supposed to be open.
A. No. So, you know, it -- it's really a good thing that nobody blew off the call, you know, and said, Ah. You know, they took it serious. They called him on --
Q. Right.
A. -- the radio to ask him, Hey, is everything 10-4 down there? Are all those inmates behind the door? And he said what was supposed to be said, if your --
Q. Yeah.

A. -- job is done right.
Q. Right.
A. Like, everything is 10-4, and everybody is behind the door.
Q. Okay.
A. So -- let me stop you there. So, after he said that, that cleared -- that cleared the air. Hey, maybe this is a, you know, whatever call.
Q. Uh-huh.
A. You know, he's down there. He said everything's good. You know, all the doors are locked like they're supposed to be. And I say maybe about 10 to maybe 15 minutes later, that's when the supervisors came to me and gave me some keys, and said, Hey -- you know, because they couldn't take the keys with them to the yard, Hey, we're going down there to the Marion unit. So it was, from my understanding, that they had received a call, the supervisors.
Q. That's what I was asking about.
A. They had received a call.
Q. Yeah.
A. I never got this call --
Q. Yeah, yeah. I --
A. -- because --

Q. -- didn't --
A. -- it was -- this call didn't come from a outside line. This call came from another officer in a whole nother dorm --
Q. Right.
A. -- who, I guess, while they might have been doing security check, or whatever, an inmate told them, Something's going on down there in that unit. So the officer obviously contacted them. See, I didn't have no privy, at the time, to knowing this, you know. So that officer told them, Hey, the inmate said X, Y and Z is going on.
So once they heard that, they're kind of like, Now, we ain't talked to this officer to tell him, you know, about this, you know, situation we already know about that came from outside lines, so how does this officer know that from the in- -- you know, it was just -- it struck a, Okay. We done contacted Hall. He says 10-4. Let us go down here to see what's going on.
Q. Yeah.
A. So that's when, like I said, they came to me and brought me the keys and shot down there to the Marion unit.
Q. Okay. So, if I understand you correctly --

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A. Uh-huh.
Q. -- the -- the -- the call comes in, you immediate- -- you -- you report that to --
A. Uh-huh.
Q. -- Collins.
A. Uh-huh.
Q. Is that a yes?
A. Yeah. Yes, sir.
Q. And then -- and then nothing happens right then?
A. It did. Something did happen. He got with Hall over the -- by radio.
Q. No. That's -- that's what I'm -- I'm getting to that.
A. Uh-huh.
Q. So -- so he -- he -- nothing happens right then because he calls Hall over the radio, and Hall says everything's fine?
A. Right.
Q. But nobody went to see for themselves. They just called Hall?
A. Well, once again, if an offi- -- that's just like if I'm down there in the dorm, and they might say -- what's your name?
Q. Joshua.

A. You last name?
Q. Hawkins.
A. They might, Hey, Inmate Hawkins -- they're telling us that Inmate Hawkins in room 11 -- we got a call saying he's suffering from a heart attack. You know, they'll call me over the radio, and then I will go check, and if everything's 10-4, you know, it's 10-4.

So, I wouldn't say nothing didn't happen or any -- or some -- I wouldn't say, like, nothing didn't happen or they didn't follow somewhat of a proper protocol because by him being the officer down there, he would be the first one to let you know if something was going on or if something's out of the norm so you can get more help down there.

So he's the, you know, eyes and the ears of that dorm at that time. So they did get with the officer to make sure. You know, if they say, Hey, is everything okay, or -- you know, they got him to pretty much do a security check, you know, to make sure everything's okay. I mean, that's pretty much what happened, and he told everybody everything was 10-4, everything was okay, everybody was behind the doors. You know, nothing --
Q. What I want to make sure --

A. -- was out of order --
Q. -- I understand is --
A. -- is going on.
Q. -- that -- I'm sorry.
A. Uh-huh.
Q. What I want to make sure I understand is that when you got this call and you told Collins about the phone --
A. Uh-huh.
Q. -- call that -- that was life or death -- I mean, they're saying somebody's going to die on the phone, right?
A. Uh-huh.
Q. Yes?
A. Yes, sir.
Q. Other than calling Hall --
A. Uh-huh.
Q. -- other than calling him, nobody went in person right then to check and see if somebody was really dying. I just want to make sure that part is true, right -- right then, as far as you know.
A. I -- I'm just going to be honest with you. No. But it would be no need to make sure from their end because you have a officer down there --
Q. Uh-huh.

A. -- so if that officer is down there, they're the first person that would let you know if something is going on.
Q. Right. And --
A. So that's why they would, you know --
Q. They relied on Hall's 10-4?
A. Right. You -- you -- you would have to rely on that officer because they're down there. So that's no different if you call me and say, Hey, is everything okay in your unit, or, Do a security check in your unit to make sure everything's okay. And I'm the first one, that's -- that's where I'm at. I'm going to go assess the situation --
Q. Uh-huh.
A. -- and if I say, Everything is 10-4, then that would --
Q. Right.
A. -- mean everything is good. You -- as an officer, you rely on the officer's word, right?
Q. Yes, ma'am.
A. So that's a 10-4, and everything was okay. Well, it could be a hoax then. You know, that's the only thing you could think.
Q. Could be.
A. Could be, right.

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Q. Well, it could be real, and somebody could be dying.
A. Could be.
Q. Yeah.
A. But once you've got that officer to --
Q. 10-4.
A. -- check and make sure everything's okay, and that officer relays to you, Hey, everything's 10-4, everything's good, then at least you can believe, Okay. Well, maybe -- you know, the guys are just probably playing on the phone, you know, or --
Q. Okay.
A. It could be a distract- -- you know, you don't know. So, I mean, they did their part.
Q. So, again, you get the phone call --
A. Uh-huh.
Q. -- that says somebody is stabbed and bleeding out.
A. Uh-huh.
Q. Then you tell Collins. Collins calls Hall.
A. Uh-huh.
Q. Yes?
A. Yes, sir, yes.
Q. And Hall says, Everything's 10-4?

A. Uh-huh.
Q. Yes?
A. Yes. Yes.
Q. And --
A. Yes.
Q. But -- but, at that point, Collins or nobody else does anything because Hall has said everything's cool?
A. Right.
Q. And then nobody goes down there in person at that point because Ha- -- because Hall has said everything's fine.
A. Correct.
Q. And there were no video cameras in this area at the time, were there?
A. I don't think so. I'm not exactly sure.
Q. And to the best of your understanding, Hall was the only one down there because of short staffing, or whatever?
A. Yes, sir.
Q. So despite the fact that Hall was the only one there, and there was not another set of eyes there, and despite the fact that there were no video cameras there, and despite the fact that it was important that someone could bleed out, nobody went

down there to check and see if the report was true because Hall had said, Everything is 10-4. Do I have all that correct?
A. Yes.
Q. Okay. All right. And so, then what prompts someone to finally go down there is that someone else receives a call from inside Marion unit?
A. Uh-huh.
Q. Is that a yes?
A. Yes. Yes.
Q. And -- and after an additional call came in from Marion unit, SCDC employees finally decided to go check and see if Hall's 10-4 was actually true.
MR. DEMASTERS: Object to the form.
Go ahead.
THE WITNESS: I would say somewhat true. It's just -- I'm going to honestly --
MR. HAWKINS: Uh-huh.
THE WITNESS: As an officer or as a lieutenant, as a supervisor, I wouldn't say "finally" went because the whole point of having a structure of -- or a ranking is -- once again, everybody goes through the training academy, everybody is under oath, so it would be no reason to not believe, when you ask an officer to check or an officer tells you

everything is 10-4, you know, they don't see anything, you know, for you not to believe that it's not good.
As a supervisor, if Hall was to check and had seen something that was not normal or that was out of place or that he deemed dangerous and needed help, then that would have prompted those supervisors right then and there to come down. You know, that would have been, He needs more help, or would have turned into a first-responder situation.
However, once again, you relied on what the officer said. So that's not a bad thing. He was just doing his job, and the job of the officer or anybody working at SCDC that's a security staff member is to conduct security checks. So --
BY MR. HAWKINS:
Q. Did -- did Collins ever indicate that there were inmates out of their cells during lockdown in violation of a policy? Did you ever hear him indicate that?
A. He never indicated that to me.
Q. Okay. Do you recall Dashaun making any grievances about this incident?
A. I don't even know who he is.
Q. So you don't know about any grievances

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he --
A. I --
Q. -- would have filed?
A. -- don't, don't know.
Q. So I've got a note here from Hall's stuff. Hall had admitted that he -- and we talked about this a little bit earlier.
A. Uh-huh.
Q. He admitted to letting inmates out to warm up their food or to take showers during lockdown, and I think you told me, at one point, that sometimes that happens. Was that your testimony?
A. Well, if Hall told you that it --
Q. It was in his statement to Garris.
A. Okay. Well --
THE WITNESS: Did you read that statement?
MR. DEMASTERS: I'm sorry. I can't help you.
THE WITNESS: Oh. I just want to know if it's true or you -- something you're making up.
MR. DEMASTERS: It --
BY MR. HAWKINS:
Q. I'll read it to you --
MR. DEMASTERS: Yeah.
Q. -- or I will let you see it if you want it.

A. Oh. I was just saying I don't want to answer nothing. Now, I don't know if it's a true statement or who made the statement up, but I was just saying, if that's him and he said that, at 3:50 --
Q. You --
A. -- a.m. --
Q. You want to --
A. -- in the --
Q. You want --
A. -- morning --
Q. -- see Hall's statement? I'll -- I'll turn it around and show it to you.
A. Yeah.
Q. Yeah.
A. Okay.
Q. Let me find it.
A. Or you can read it to me, whichever one you --
Q. No.
A. -- want.
Q. I'll -- I'll show it to you. That -- this was produced by Hall's criminal defense attorney, Jack Swerling?
A. Uh-huh.

Q. And this is to -- this is the one Garris took. Okay. So this -- if you want to read this, this is Hall's statement --
A. Okay.
Q. -- and then it goes to -- if you scroll down, it goes to another statement. Okay? So it's those two pages.
A. How do you -- how do you scroll down?
Q. I think it's with the -- right --
A. I probably --
Q. -- there.
A. -- can just click on it to get to it. Okay.
Q. You got it?
A. All right.
Q. You -- you see the part where he said in the past, he let inmates out to warm up their food and also to take a shower?
A. Yeah, I seen it.
Q. During lockdown?
A. Well, this is why I -- now, what was your question you asked me before I read that?
Q. Yeah. The -- what I want to know is --
A. Okay. Let me say this. When you --
Q. Go ahead.

A. -- asked me about lockdown, right --
Q. Yes, ma'am?
A. -- in my mind, lockdown is -- like right now, right --
Q. Uh-huh.
A. -- during the normal working days, and the dorm might be on lockdown, and you're conducting showers. Night shift does not conduct showers on lockdown, so.
Q. Well, is that -- are those policy violations to let people out to take showers and warm up food during lockdown? I mean, as a -- as an SCDC employee, do we agree that that violates policy?
MR. DEMASTERS: Object to the form.
You can answer.
THE WITNESS: I would say it's no clear-cut thing that says, Do not let inmates out to take showers and heat up food --
MR. HAWKINS: Uh-huh.
THE WITNESS: -- during lockdown, but common sense.
BY MR. HAWKINS:
Q. Not -- not a good practice?
A. Yeah.
Q. Okay.

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A. But it's -- it's -- it's nothing that says, to my understanding, you know, during -- like, it's just something you know not to do.
Q. Okay. And why is -- why do you -- is it something you just know not to do?
A. I mean, at the time, considering this particular dorm was our hostile, you know, aggressive dorm, it was a lot of different, you know, incidences that took place. Like high alpha, you would know, because how we, the institution, ran the dorm, not to let, you know, anybody out at that time of the morning to take a shower and heat up food.
Q. Was there gang activity in this dorm?
A. All dorms have gang activity.
Q. Tell me about that.
A. I mean, they're inmates. They ain't -- they're gang members. They ain't no saints.
Q. Yeah.
A. That's what they do.
Q. Have there been -- do you know of any riots or acts of violence that were specifically gang related in this unit before this stabbing?
A. I can't recall, but, I mean, all of them's pretty much in a gang, so.
Q. What's the most prolific gang that you know

about?
A. That's probably at SCDC.
Q. Uh-huh.
A. Probably the Bloods.
Q. Yeah. And so the -- the allegation or the rumor is that Hall was affiliated with the Bloods, these people who attacked Simmons were Bloods and that he assisted them or that he allowed the attack to happen. Do you know anything about that?
A. I don't know nothing about that.
Q. Okay. What -- how can you tell a Blood when you see one?
A. I mean, as far as at SCDC, I would say you can't just look at somebody and say, Hey, they're a Blood, or, Hey, they're a Crip you. Can't just look at somebody and tell, but if you, probably, work around the inmate enough --
Q. Uh-huh.
A. Because you could be anywhere --
Q. Yeah.
A. -- any day of the week, you know, but if I'm around the constant same inmates, you know, well, you just might notice a tattoo or, you know, notice who they hang out with, see them doing the little handshakes, you know, stuff like that, but it's no

way just to look at them and say, Hey, you're a Blood or -- you know, you have to --
Q. Is there any specific tattoos that Bloods have? Like stars?
A. Well, I would definitely say it would -- it's hard for a normal civilian to get a star without somebody thinking it's gang related. It's a chance, if you ask an inmate that just got a star, that it ain't gang related. You know?
Q. Yeah.
A. It's probably a small possibility, but, you know, stars --
Q. Have you heard that, that stars, tattoos of stars, are related to Bloods specifically?
A. Depending on the points on the star.
Q. Okay. Tell me about that.
A. That would be like a five-point star.
Q. Does the Bloods -- a Bloods' star is a five-point star?
A. A five-point star would represent, like, a Blood. However, you could be some -- your child's name could be Star and you get a star, and people would think it's gang related because of the stigma from -- you know, what I mean?
Q. Yeah.

A. That's like an officer, right? They could have a tattoo of a star, but SCDC might look at it like, Whoops, you know, but it's a strong possibility it's just -- it's not gang related. So it's really hard to say that would be something -- a STG officer or somebody would have to verify the man is --
Q. Okay.
A. -- so --
Q. Have you ever seen a -- a tattoo that's -- that says CK? It stands for Crip Killer.
A. Have I ever seen it on --
Q. Yeah.
A. -- somebody?
Q. Have you ever seen a CK, like on a neck or a chest of an inmate?
A. I've never seen it, but I know what the initials, like, how you say --
Q. Yeah.
A. -- stood for.
Q. And how -- how did you know what the initials stood for?
A. The inmates. You pay attention. You learn from them.
Q. Yeah.
A. You learn from them. You watch their

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mannerisms. You're not dumb-founded to what's going on --
Q. Okay.
A. -- around you.
Q. And the -- and this knowledge that you gain by working at SCDC, I would assume that your colleagues, other officers, know the same stuff. They know that CK --
A. I wouldn't say --
Q. -- is Crip Killer.
A. I would not say everybody knows it.
Q. Okay.
A. I would definitely say not everybody knows it. You have to first understand what's going on, you know, and open your mou- -- eyes to pay attention. You've got to first be alert. You know, it just takes time unless, you know, you were around it before you came to SCDC --
Q. Uh-huh.
A. -- but you have to pay attention and open your eyes, you know. From my understanding, things change. You know, they -- they -- what might have been something they used then, they might not be using it now. You know?
Q. This -- this -- this issue with gangs, the

Bloods specifically --
A. Uh-huh.
Q. -- Folk Nation, the Gs, all these gangs, that -- that -- that's been a known epidemic in SCDC for a number of years, hasn't it?
A. Well, I can't just say SCDC. In America, in South Carolina. The only thing you're doing is taking them off the street and putting them together --
Q. Yeah.
A. -- and now they're at SCDC. So --
Q. Right.
A. -- it ain't like SCDC went and -- just looking for gang members. They're criminals --
Q. Yeah.
A. -- and --
Q. May be --
A. -- the gang --
Q. -- gang criminals?
A. -- probably lead them to the criminal behavior. The only thing SCDC did was lock them up --
Q. Okay.
A. -- but SCDC ain't put them in the gang, now.

Q. So -- and the reason I ask about SCDC is because SCDC is a defendant in this lawsuit --
A. Uh-huh.
Q. -- but I understand it's a nationwide thing. I --
A. Uh-huh.
Q. I get that, but I want to make sure that -- because I have to -- I have to tell a jury this --
A. Uh-huh.
Q. -- story and question people about it on the stand.
A. Uh-huh.
Q. I want to make sure I have it right because I've never been in a gang, and --
A. Me neither.
Q. -- and I don't know --
A. Right.
Q. -- any gang members, that I know of, unless they're not telling me, so I want to make sure I understand correctly. You and other people at SCDC, SCDC in general --
A. Uh-huh.
Q. -- it's been common knowledge to SCDC that -- that gang activity is an issue for a number of years, even before this incident happened. Is

that fair to say?
MR. DEMASTERS: Object to the form.
You can answer.
THE WITNESS: That gang activity has been an issue?
BY MR. HAWKINS:
Q. Yeah. You didn't just learn that there were gang -- gang members in jail when this happened, did you?
A. Right.
Q. You knew it before that?
A. Yeah.
Q. And Collins knew it before that?
A. Yeah.
Q. And -- and Kennedy and all these other people knew that there were gang members and gang activity in SCDC well before this event happened, correct?
A. Correct.
MR. DEMASTERS: Object to the form.
BY MR. HAWKINS:
Q. All right. Does SCDC do anything when it hires people to check for gang affiliation or to check with gang history or anything like that?
A. Oh, I'm pretty sure they do to the best of

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their ability. That's why they try to -- like I said, when I came in, it was different. So they, you know, are changing the hiring process and stuff, but they did ask about tattoos and stuff.

Q. Yeah?

A. Yeah.

Q. What -- are there any documents, like, that are part of -- Hall -- Hall -- and we're taking his deposition, but he may plead the fifth on everything because he doesn't want to be charged again --

A. Uh-huh.

Q. -- right? So I have to ask you or other people who have worked for SCDC. Is there a record anywhere of what SCDC has done to vet potential employees to see if they've ever been involved in a gang? Is there anything -- any record of something SCDC does?

A. You talking about, like, maybe like a background check?

Q. Yeah. Is there any -- like, do they have a gang expert that looks into people's backgrounds, or do they -- do they check with -- with the FBI -- or with SLED or anything like that?

A. Now, they do a background check, so --

Q. With SLED?

A. Yeah.

Q. Okay. Do you know if there are any documents specifically related to the background check and gang activity?

A. I can't tell you what they run or what they look at when they do the background check, but I do know they do a SLED background check.

Q. With what you went through when you were hired -- when were you hired, by the way, by SCDC?

A. Okay. I was hired in 2011, but I left in '17 when I went to boot camp for the Navy, so it was not my intentions to come back to SCDC, but I ended up getting discharged for a medical reason, or whatever, so I came back in '18. So it was pretty much, like, a four- or five-month break in service, so my process was kind of, like, quicker --

Q. Yeah.

A. -- you know, because it wasn't like I was gone long. So, I mean...

Q. The dis- -- the discharge for medical reasons, I'm sor- -- I don't want to ask personal questions --

A. Uh-huh.

Q. -- but what was the -- what was the actual reason for the discharge?

A. Oh. A blood clot in my lung.

Q. A blood clot?

A. Uh-huh.

Q. Okay. Do those papers -- and not that I think you're lying or anything --

A. Yes.

Q. -- but we have to look at those documents and make sure it's not for a disciplinary reason. Since Dave is your attorney, we can send a request for that information to him, right, for your discharge papers?

A. I guess.

Q. Okay. All right. So let me ask -- let me jump around a little bit and ask you about the -- the lockdown. You had mentioned that -- and we saw that Hall had let people out before because of -- whatever reason. He had let people out during lockdown.

A. Uh-huh.

Q. Is it ever okay to let inmates out of their cell during a lockdown due to a riot? We've got a document that says that there was a lockdown due to a riot that had happened. Would it be okay to let -- open cell doors during a riot?

A. This is what I would say -- because the stuff you're saying to me, you know, it's been so

long ago --

Q. Yeah.

A. -- and, you know, the institution puts things on lockdown, and you might not know exactly the detail. Like, if you come and tell me, Hey, this unit is on lockdown, I'm not going to go to you and say, Why? Why? They're on lockdown. Okay?

So this is what I would say to some of this stuff. It's the first time I've seen Hall's statement, and then you asked me about opening doors during a lockdown.

To make it easier, and maybe for you to come up with your next question, that unit, at the time, was the worst unit. We were on night shift. Okay? So no matter if the inmate went to heat up food, go to a shower, the door shouldn't have been opened. Okay?

Q. Yes, ma'am.

A. Definitely not without a second person.

Q. Right.

A. And, for that unit, it would be more than just a second person. It would be probably, like, a -- a lot of people off your shift because if we had to go in and feed due to, at that time, the cells didn't have flaps where we could put the food in, you

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know, you opened the door, you could take the risk of them running out and running around.

So anything with that unit, when it came to night shift or, you know, night shift feeding, doing anything, it would be with the majority of the shift.

Now, during a institution lockdown or a dorm lockdown during the daytime, not even speaking on this unit, I couldn't say it would be against policy to open the door to give showers, because we do have to afford the inmate the opportunity, you know, to take a shower. However, at night, on a night shift during a lockdown status, yeah, that shouldn't have went on, no.

Q. Now, I've got a note that -- or it's in the documents that Shau- -- Dashaun had been getting threats before the attack. There is a hit on me. There -- there are these, you know --

A. I don't know anything --

Q. -- these people --

A. -- about that.

Q. -- are going to attempt -- well, my -- my question is, do you know about any evidence that SCDC did anything to investigate those threats?

A. I don't --

MR. DEMASTERS: Object to the form.

But go ahead.

THE WITNESS: I don't know anything about that because I -- once again, I don't know Dashaun. I've never worked in the unit with that inmate.

BY MR. HAWKINS:

Q. Yeah.

A. Yeah.

Q. So you've never seen any evidence that --

A. No.

Q. -- SCDC did anything to investigate these threats? I want to make -- just make sure you haven't seen that.

A. I didn't know anything --

MR. DEMASTERS: Object to the form.

A. -- about any threats on this inmate.

Q. Okay.

A. I don't know nothing about him but this situation --

Q. Okay.

A. -- and to be honest with you, I never really knew the inmate's name --

Q. Okay.

A. -- that this happened to until I got -- about this. I didn't even know --

Q. On this unit -- you said it was the most

dangerous unit in --

A. At the time.

Q. -- at Broad River?

A. Yeah, at the time.

Q. Is it still, as far as you know?

A. Oh, no. That's a -- the character dorm now.

Q. The what?

A. The character dorm.

Q. What's that?

A. The good unit, I --

Q. The good --

A. -- guess.

Q. -- unit is the most dangerous?

A. No. Well, units convert over. It could be this one month and change to something the next year, you know, but --

Q. Okay.

A. -- that's not a -- that's the good unit now. That's the best unit on the yard right now.

Q. Okay.

A. That's the --

Q. At --

A. -- elite.

Q. So, at the time --

A. Sorry.

Q. At the time this attack happened, it was the most dangerous unit --

A. Uh-huh.

Q. -- at Broad River.

A. Uh-huh.

Q. Yes?

A. Yes, sir.

Q. And is it fair to say it was probably the most dangerous unit in South Carolina of any facility?

MR. DEMASTERS: Object to the form.

THE WITNESS: I couldn't say that because I wasn't at any of the other institutions to --

BY MR. HAWKINS:

Q. Do you know of any facility who had a worse unit than Marion unit?

A. I couldn't comment.

MR. DEMASTERS: Object to the form.

THE WITNESS: It was so many different institutions, and you don't know what's going on.

BY MR. HAWKINS:

Q. Have there been -- I assume the answer to this is yes, but -- because of what you told me, but had there been other attacks on Marion unit before

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this happened?
A. I'm not sure.
Q. Well, it was the most dangerous unit there was, so what made it that way?
A. I mean, just -- it was a rowdy group. I don't know. It was just a number of things that went on in there like that. I can't really give you a specific date or a time or -- you know, but, at the time, I knew that -- I mean, maybe they had a hard time locking it down sometimes. You know, inmates trying to go out the window to get packages.
Q. From drones?
A. I -- I don't even think, at that time, drones was popular then. They probably still was throwing it over the fence at that time because I don't even know if we had a net up at that time. I don't -- I'm not sure.
Q. Yeah. So, I mean, what -- we'll obviously get the documents on this because it -- it's directly related to SCDC's knowledge of how dangerous the unit was, but can you tell me if you had been aware of any other acts of violence in Marion unit before this happened? Anything. An attack on a guard, an inmate-on-inmate fight, anything?
A. I'll say this. Not- -- nothing that I

could just say right at hand because it's so long ago, but when I put myself, you know, back there during that time, whatever was going on with that unit, it was the worst thing smoking.
Q. Okay.
A. Yeah, it was the worst thing smoking.
Q. Okay. Will you do me a favor and just read your voluntary statement? I want to make sure that -- with your handwriting, I want to make sure I'm not reading anything incorrectly. Will you just read that for the camera, and before you start, this is your statement that you made and wrote down?
A. Yes, sir.
Q. That's your handwriting, correct?
A. Yes, sir.
Q. Okay.
A. It says, At the approximate time 3:50 a.m. an anonymous phone call came in stating inmate was stabbed in the Marion unit on the -- I don't know what that's saying. Stabbed in the Marion unit on the -- it's probably saying what side it was on. I can't see it, And staff needed to get down there soon because he could die. I, Corporal Livingston, I was a corporal at the time, then contacted my supervisor, Lieutenant Collins. That's what it said.

Q. Okay. And that -- and that's what you just told me, that you got a phone call --
A. Uh-huh.
Q. -- and you told Collins, Somebody needs to get down there. Somebody could die.
A. Uh-huh.
Q. Yes?
A. Yes. Yes.
Q. And then -- and then Collins doesn't go right away, but he waits until there is another call that comes in, and, at that point, they finally decided to go check out what's going on, right?
A. I just don't like the way it's being worded, like he "finally," because they still got --
Q. I understand.
A. -- checked on.
Q. I understand that your -- your position is, We called Hall, and Hall said it's cool. Right? I get that --
A. Right.
Q. -- but my -- I'm obviously, you know, on -- advocating for the person who --
A. Correct.
Q. -- got stabbed --
A. Uh-huh.

Q. -- but my -- my thing is it seems serious. Hey, somebody's been stabbed. Somebody with a cell phone put theirself at risk by calling. It seems like it would be a --
A. How did --
Q. -- pretty --
A. How did --
Q. All right. Well --
A. How --
Q. -- let me -- let me just finish. It seems like it would be a pretty urgent circumstance, and so that's why I say -- I say "finally," because it seems like they called the one person down there. There is supposed to be at least two, and there is not. He says, Everything's fine. There is no cameras. They can't validate what he's saying, but they don't go down there until there is a second phone call. That's why I say "finally," because it is seems like a lot happened to make them finally go down there. That --
A. You think so?
Q. Yes, I -- I do.
A. I don't think so.
Q. Okay.
A. I don't -- I don't think -- I don't think

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a -- a lot went on before they went down there. That's my -- no, I don't. I don't think -- and I understand what you're advocating for, but I guess until you work in an institution -- you know, I don't see, like, where it was a -- to me, a stall in what they did.

I honestly think they did what they were supposed to do. You know, I feel like -- I feel like they -- they actually did a good job in what they did, you know. No, I don't feel like -- I don't feel like they took what was going on, the super- -- the supervisors -- and I don't feel like they did not take it serious. I felt like they actually did a good job.

I -- I -- from an officer's point of view working short, understanding what's going on in the institution and how inmates work, I felt -- I feel like they did what they were supposed to do. I don't feel like it was a delay at all with what went on, huh-un, because -- you would just have to help me understand.

I understand you're advocate -- advocating. Well, that's your job for the inmate, so -- but considering -- like you said, it should have been two people, more than one person. However, we also know

we are essential staff. Just like the hospital, they ain't going to -- certain things are not going to stop running --

Q. Yeah.

A. -- so it's not going to stop running because Hall is the only one down there. Because, if it was no staff, then it could have been no one down there --

Q. Well, that was --

A. -- so.

Q. Well, that was my point. That's kind of why I asked is because -- and I get our opinions are just different --

A. Uh-huh.

Q. -- about this, but when -- when the call came in, it sounds like you did what you were supposed to do.

A. Uh-huh.

Q. They're -- somebody is going to die. You -- you report it because you can't leave where --

A. Huh-un.

Q. -- you can't leave the control room. The -- what I have an issue with is --

A. Uh-huh.

Q. -- at that point -- I'm sorry. At that

point, Collins is aware that somebody could bleed out and die. He knows that Hall's the only one down there when there is supposed to be two --

A. Uh-huh.

Q. -- and he knows there is no cameras, but he just relies on Hall's word. He doesn't go down there until another call comes in. That -- that's what I have an issue with.

A. Okay. Well, and I have to say this to you, right? You've got one officer down there, correct?

Q. Hall. Yeah.

A. Okay. So if you can say what you think should have been done -- how can I put this. Okay. So it's one officer, and he calls Hall, and Hall is, like you said, an officer. What do you think the point in having an officer down there -- what do you think two could have did that -- that one couldn't do, couldn't do if everybody is behind the door?

Q. I think what -- in my opinion --

A. Uh-huh.

Q. -- and I wasn't there.

A. If you was the officer --

Q. If --

A. -- and the call came in --

Q. I would have gone down there immediately if

somebody could be stabbed. That's what I would have done because I know there is only one person down there --

A. Correct. But --

Q. -- and I know how dangerous it is.

A. But -- you know how dangerous it is, and it's only one person down there, but all those doors are secured.

Q. Let's -- let's talk about that. That -- because that's an interesting -- that's an interesting issue that we need to talk about.

A. Uh-huh.

Q. What time is shift change?

A. Seven o'clock.

Q. Seven o'clock. When people came in from shift change, and I think it was Kennedy -- do you know Kennedy?

A. I probably knew him at the time. I can't even jog my memory who that is right about now, huh-un.

Q. Well, he -- he told either Collins or -- and I'll have to find it on the documents. He told somebody, There is a bunch of doors open that are not supposed to be open, and they didn't do anything. That was at seven o'clock p.m. They didn't do

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anything then. They said, Go ahead home, and we'll -- we'll take care of it. Have you seen any of that stuff?

A. Huh-un. And so you're saying it's a document from a officer on day shift that said that the doors were op- -- some doors were open?

Q. Yeah. Let me -- let me do this. I'll go through a couple of these and --

A. Well, can I say something?

Q. Yeah. Sure. You say --

A. If --

Q. -- whatever you need to say.

A. If that officer said that they told him to go home and they'll handle it, then it's a chance -- like I said, with that unit, you would do things as a group, so obviously Kennedy couldn't get the door secured, so more than likely, the shift or a group of people went down there and secured those doors. You get what I'm saying?

Q. Well, they should have.

A. Correct. So that would be the reasoning why when the call came in, How are people out?

Q. Right. And --

A. Yeah.

Q. And -- and I guess -- I guess what I'm

wondering about is seven o'clock shift change comes --

A. Uh-huh.

Q. -- they put SCDC staff on notice immediately, Hey, it's -- there are all these doors unlocked. What's going on? They -- they say --

A. Who?

Q. -- just --

A. Who did that?

Q. We'll -- we'll get to it in a minute. They say -- I think it was Collins, We will take care of it. Just go ahead home. Nothing's done. Then they get a call that somebody's stabbed and bleeding out. Well, they don't think something's fishy because they had all these doors open at the beginning of the shift change? They wait for another call to come in before they go check and see if Hall was telling the truth, and they knew Hall was the one that had -- was responsible for those doors. That -- that's why I'm asking the question.

A. Well, this is what --

MR. DEMASTERS: Object to the form.

THE WITNESS: What I'm saying is if -- shift changed, right?

BY MR. HAWKINS:

Q. Yeah.

A. And this is just my thought, my opinion because, once again, I never went down to the yard because I was in the control room --

Q. Yes, ma'am.

A. -- so I can't jargon what happened, but knowing how Collins and how shift worked, especially dealing with that dorm, if they told Kennedy, for whatever reason, he could go home knowing that Hall was the only one left down there, then when the shift went to go, you know, to dor- -- to their dorms, before they went to their dorm, they would -- they would have went down there as a group, you know, with -- you know, with more manpower. Because it has been times --

Q. That's what they should have done, right? We agree on that?

A. Right. But that's what I'm saying. That's probably what was done when Kennedy left, you know, because he probably couldn't get it locked. The shift probably went down there as a group and made sure those doors was locked after -- you know, during the shift change, once Collins said, Don't worry about it, we'll take care of it, went down there as a group and secured those doors.

Q. Okay.

A. Because you have to think that you still have to do the roll call count --

Q. Right.

A. -- so --

Q. So it sounds --

A. So, once again, like I said, if Kennedy -- like I say, everybody has -- you -- you -- you're pulling from 2017, so everybody is putting a statement here, putting a statement there, so now I'm taking what I know and putting it in -- you know, into what would have happened.

So if they had told Kennedy, for whatever reason, he could go home, nine times out of ten, when we got out of briefing -- like I say, I wouldn't have went because I was in the control room.

Q. Uh-huh.

A. They went down there as a team and made sure everything was locked because when the call came in, to me, it's kind of like, Well, all those doors, in my mind, are supposed to be secured. There ain't nobody out.

Q. Uh-huh.

A. You get what I'm saying?

Q. Yeah.

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A. So, Like I say, I talked to Collins, and Collins called him. So, in everybody's mind, those doors are supposed to be secured. Especially if you're saying that Kennedy said Collins and them told him to go home, they would take care of it.
Q. Yeah.
A. Nine times out of ten, a group of people went down there and put them guys behind them doors. So, once again, for a call to come in and say somebody's getting stabbed or, you know, whatever, it would raise even more, you know, like, Well, huh, maybe this is -- but --
Q. So I'm going to read Collins' statement.
A. Okay.
Q. All right. It says, On June 18, 2017, sometime after 9 p.m., count was clear. The control room officer, that's you --
A. Uh-huh.
Q. -- stated that she received phone calls -- it says "calls" with -- plural, but you say you only received one?
A. Yeah, I only received one.
Q. Okay. From an unknown male. The male made statements to Livingston that a inmate in Marion unit had been stabbed and may be bleeding out.

So you -- you told -- I mean, this confirms what you told me. You told Collins, Hey, I got this call, and somebody in there may be bleeding out. We agree on that?
A. Yeah.
Q. All right. If he does not get help soon -- he may be bleeding out if he does not get help soon. Okay. So, according to this, you told Collins, If this person doesn't get help soon, he's going to die.
A. Yeah, something to that -- you know, it sounds --
Q. Okay.
A. -- about right.
Q. And then it says, After a few of these calls -- it says "a few of these" phone calls. So, again, do you think there may have been more than one --
A. To me?
Q. -- phone call?
A. Like I said, to me, only one came in.
Q. Okay. So, at least according to Collins, there were multiple calls.
A. I think the multiple calls might have came in after I called him.
Q. I got you.

A. He called him and said everything was 10-4, and, like I said, about 10, maybe 15 minutes at the most, he came shooting around there, him and Wright. It was like, We're going down there.
And I want to say when I put the connection together, from my understanding, another officer was told by --
Q. Do you know who that was?
A. Huh-un. By an inmate, or something, that something was going on in Marion. So it was kind of like, Well, this -- Livingston's up here. You're right beside them. I told him about this call, and he's done called Hall, and Hall had said -- he said, Oh, everything's good. But then, now somebody who doesn't even know about none of this is saying somebody in his dorm is telling him something's going on down there.
Q. Well, the way we could figure out how many phone calls there were and when they happened and all that could be with phone records. What phone records would we need to subpoena to figure this out?
A. Oh, I wouldn't know how you would do that.
Q. It's -- it's -- it's a landline in the -- in SCDC in Marion unit, right, in the control room?
A. Well, yeah, but I never made a call to the

Marion unit.
Q. Well, no. I'm saying if somebody called -- and you received a phone call --
A. Uh-huh.
Q. -- and I guess it was on a landline where you were working?
A. No. I received a call probably from somebody's cell phone.
Q. No, no, no. I -- I know they called from a cell phone because --
A. Oh.
Q. -- it was in a -- from a cell.
A. Yeah. So you're --
Q. You know, an --
A. -- talking about the -- the control room is a landline?
Q. Right, that's what I'm saying.
A. Okay. Yeah.
Q. So if we subpoenaed those records, we should be able to see the incoming call and whether or not there was more than one call from that cell phone number.
A. Yeah.
Q. Okay. All right. So back to the statement. It says, Bleeding out if he does not get

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help. After several of these calls, Lieutenant Collins went to Marion unit at approximately 12:15 a.m.

That looks like he -- the calls came in before 12:15 a.m., and we've had some back-and-forth about this, but that makes me think the calls came in before 12:15 because that's when he finally went down there. It says, at approximately 12:15 a.m., I, Collins -- while conducting a security check in Marion unit, I observed 20 to 30 doors not secured on the left side of Marion unit. Do you know why it says 12:15 a.m.?

MR. DEMASTERS: Object to the form.

You can answer.

THE WITNESS: I just figure Collins got his times mixed up.

BY MR. HAWKINS:

Q. Okay.

A. I mean, you got to think. Anytime you have a situation --

Q. Yeah.

A. -- at SCDC, it makes for a long morning --

Q. Yeah.

A. -- and we got to work probably about -- well, he probably got to work at six o'clock, and

this happened around 3:45, 3:50 a.m.

Q. That's when you got the call, you said.

A. Well, that's what I'm saying. It's still --

Q. You don't know when it happened.

A. Right. Right. But --

Q. Okay.

A. -- you know, from where I can say my starting point was, you know, around that time, ain't no telling what time, as the supervisor, he got off, so he probably was tired.

Q. Yeah. It looks like this statement -- he gave his statement at 11:25 a.m. in the morning, so --

A. Yeah.

Q. -- he had been working since the night before --

A. Uh-huh.

Q. -- or whatever? Okay. All right.

So approximately 12:15, I, Lieutenant Collins, while conducting the security check in Marion unit, observed 20 to 30 room doors not secured on the left side of Marion unit.

All right. Can we agree that, during this time, there should not have been 20 to 30 doors open

and not secured?

A. Yes.

Q. Is it ever okay for 20 to 30 doors to be unsecured in Marion unit? At the time you were working, was that ever okay?

A. No.

Q. Okay. So if -- if you got the call -- if you got the call at 3:50 --

A. Uh-huh.

Q. -- and at 12:15 there were 30 rooms open, 30 more than there were supposed to be open, would that not be -- would that not be more of an indication that, if we get a call something bad has happened, we should go check on it? Because Collins already knew 30 doors were open at some point in the evening.

MR. DEMASTERS: Object to the form.

But go ahead.

THE WITNESS: I would say if his timing was right -- however, Collins' timing on that paper is not right.

BY MR. HAWKINS:

Q. Okay.

A. I'm -- I'm going to say that.

Q. Okay.

A. I'm in the control room, so when something happens, that's my job to write it all in the book --

Q. Okay.

A. -- put it in there. His timing is wrong. If you sit back and look at what you've got in front of you, even with what you're telling me, and I know what I know, if Kennedy told him -- or Collins told Kennedy to go home and Kennedy said everybody wasn't behind the door, he -- Kennedy, technically, shouldn't have left until all those doors were secure.

However, how our shift used to do, go down there as a team and get those people behind that door. So by the time I get the call at 3:45, 3:50 and somebody said, Hey, X, Y, and Z's -- somebody getting stabbed up, may bleed to death, it makes me think, Why is these -- what's going on? How did these people -- you know, how could this go on if they're out?

So for Collins to call down there and ask him is, you know, everything 10-4 -- because to our knowledge, those guys are behind the door. If, for whatever reason, you knew that you had 20 to 30 doors open, you would have known, yeah, it could be a situation, especially dealing with this type of unit

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that it was at the time. So Collins obviously has a typo, in that situation, because to everybody's knowledge, those doors were secured when -- you know, at some point in time, like between that shift change, you know?

Q. Okay.

A. Like, whether the --

Q. And -- well, and I think that's the next part.

A. Uh-huh.

Q. That may be the next part of his statement. It says, 20 -- 20 to 30 doors not secured on the left side of the Marion unit. Then it says, At that time, I instructed Officer Hall to secure these doors, and I observed Officer Hall secure at least 20 of those doors. I did -- I did not "found" a victim on the left side of the Marion unit. I then waited in -- I guess this says on. I then waited on Officer Hall to come to the right side of Marion unit.

So it says -- it looks like, right here, he -- Hall was on duty. Hall was down there where the doors were. He unlocked up to 30 of them, I guess, and then Collins made him secure 20 of those at least, and then he came to the right side -- or then -- yeah, then he -- he came to the right side of

Marion unit.

Does anything about that part of the statement stand out to you? Do you want to comment on any of it?

MR. DEMASTERS: Object to the form.

But you can answer.

THE WITNESS: Like I said, me knowing how things ran, you know, what -- in the control room at that time, if, like I said, that -- Officer Kennedy said that it was some doors unsecured and Collins did tell him that, We will handle it, nine times out of ten, the shift went down as a team and put those people behind the door because we do a nine o'clock -- we was doing a nine o'clock roll call count, and for it to be out of the ordinary, like, how are these guys out at this time, all the doors had to be secured at some point in time.

As far as Collins' statement, the only thing that I can say, that Collins might have some memory loss on is the timing. His timing is wrong. With the 20 to 30 doors open, I can't say how many doors were open or not because Collins, after, you know, the call came in, he checked with Hall and asked Hall was everything 10-4 because he knew, Collins knew, you know, that those doors should have

been locked --

BY MR. HAWKINS:

Q. Yeah.

A. -- or whatever, and he said -- you know, told everybody, Everything's good. You know, Everybody's behind the door. At that time --

Q. Right.

A. -- if nothing -- because he should have done a security check, so --

Q. So -- I'm sorry. Go ahead.

A. -- so Hall should have did a security check, and I want to say in Hall's statement I think he did say he did a security check, or whatever, so if you did do a security check and you seen something out of the -- you know, that was really your time to say something so you could get help down there, but when you sit there and say, Everything's 10-4, and everybody knows that those doors are locked down there, you know, you -- so, like I said, for Collins to -- once he does go down there and to say 20 or 30 doors are open, Hall opened those doors on his own. He had -- he opened those doors on his own. He had to.

But far as supervisor-wise and, you know, what took place that night and how they handled the

situation, I would even say with me, you know, I think we did a -- a great job.

The Marion unit was a rough unit at the time. It had -- it did cost a lot of officers there job due to, I guess, intimidation of the inmates, but, yeah, they have found ways, SCDC, to fix problems like that dealing with night shift.

For some odd reason -- you will lock all the doors. You will make sure all the doors are secured, but for some reason, you will have officers that will turn around, you know, and open the doors, and incidents happen, and nobody never knows why they open the doors or -- so they have, SCDC, has tooken steps. Night shift does not have keys to cell doors.

Q. And that's happened even before this happened with Hall.

A. About what?

Q. About people opening doors when they weren't supposed to. That's happened before.

A. Yeah. Yeah, probably so.

Q. And SCDC knew that was a potential. I mean, officers can do stuff like that --

A. I mean -- but --

Q. -- which is why there are supposed to be at least two officers on duty to go --

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A. Well, another officer can't stop you from doing what you're going to do in your unit noway.
Q. But they could report it to the control room, right?
A. They could report it, but are they going to report.
Q. I hope.
A. You would hope. Just like you would hope that Hall did not open the doors or you would --
Q. Yeah.
A. -- hope that -- the only thing they can do is give you training --
Q. Yeah.
A. -- but they can't nobody say what you're going to do when you get down there. Can't nobody say that your mind is strong enough to not let anybody trick you into doing something. The only thing SCDC can do is give you the job and you to do it, the chance to -- to do it. I mean, whether they conduct a full-blown background, I mean you were hired.
Q. Uh-huh.
A. You went through training. You took the oath. You cannot say what somebody can do. You never what somebody's thinking.

Q. Right.
A. So you do -- or did have a lot of people -- you know, not even at Broad River, just at other institutions, just in general, for some reason, different from when -- people do other stuff. You know, I can't explain it. I've never done it, pop a door for an inmate, so.
But I would say, as a supervisor now, when something goes on or if you get a -- I could be in a dorm, and the control room might get a call. I could be the only person down there, and they'll say, Hey, they said it's a fire, dah, dah, dah, this. You know, we work in this environment, so we know inmates be on the phone. We know they do stuff like that. So it's not that you don't take it serious, but you do check on it, and that's what they did.
Because it is one officer down there -- you know, whether it's one officer on this side or, you know, two officers, you know, working both wings, you still, on one side, might have a hundred and, what, twenty-eight inmates, a hundred and twenty-four, a hundred and twenty-eight, hundred and twenty-four, something like that, so you can never really have your eyes on everybody. Even with two, you're still outnumbered.

However, on night shift, the advantage that they do have is that all of them are behind the door, supposed to be. So, you know, he -- when he got the call, he could have checked it. You know, it raised an alert that something might be going on. Really, really check, you know?
Q. Right.
A. So they did what they were supposed to do by alerting him because, like I said, you can't see everything, even, you know, at night, and it's a chance something could be going on, but once you back on day shift, you're ripping and running, so you might get a call, Hey, go do a check on such and such because they could be hurt. So now you might be on this side, but I done got an alert. Let me really, you know, thoroughly tune in and make sure everything's okay because I got a call that something really could be, you know --
Q. Uh-huh.
A. -- going on, so let me really tune in to that. So they did what they were supposed to do. You alerted that officer, Hey -- you know, Hey, is everything okay? Something going on down there? You know, so, at that time, it was faulty on his part.
Q. Whose part?

A. Hall --
Q. Okay.
A. -- for not saying. If Hall -- if Collins went down there, is anything -- he didn't say, Hey, yeah, I got 30 doors open or -- he didn't say it. That was discovered once they got down there.
Q. Uh-huh. And he was only able to do that because he worked for SCDC, right? He -- he would -- he gained access to those cells and had keys and all that because he worked for SCDC, Hall?
A. Yeah.
Q. Okay.
A. Yeah. SCDC don't just give keys to anybody that don't work for them.
Q. Well, the next part of the statement says that -- we were at the part of Collins' statement where it says he told -- he got -- you know, he -- he made Hall lock some of these doors back and then come to the right side of Marion unit.
Then it says, An inmate started beating on -- on a room door, so I instructed the officer -- I instructed Officer Hall to open said door. At this time, I observed Inmate Simmons, Dashaun, SCDC No. 362125, sitting on the bottom rack with blood all over his uniform.

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All right. So, to me -- and you've been in Marion unit. I haven't been over there yet.

A. I -- at that time, when Marion was --

Q. Bad?

A. Yeah. I didn't work in there. They didn't -- like I said, I was a lot in the control room or front gate or I would be the yard officer. They didn't really put females like that in that unit because of -- you know.

Q. But what I -- so here -- here's the point to that --

A. Uh-huh.

Q. -- and I know that we -- we have different opinions on whether Collins and other people responded as quick as they should have.

A. Uh-huh.

Q. That -- that's fine. We just disagree about it --

A. Right.

Q. -- but when he went down there -- after the second call came and when he finally went down there, it looks like he saw Hall, saw that these doors were open. He didn't go to look for anybody that was stabbed. He told Hall, These doors are open, and watched Hall lock at least 20 of them --

A. Uh-huh.

Q. -- before he finally got to Simmons' cell, the cell where Simmons was. Do you want to make any comment about that?

A. You see a problem with that?

Q. Yeah. A big one?

A. Okay. What problem do you see?

Q. The problem I see is that you said in your statement -- or he said in his statement that you told him, This person is going to bleed out if we don't get there.

A. Uh-huh.

Q. He doesn't go. He waits for another phone call to come in instead of going right away. Then when he finally goes down there, he doesn't look frantically for someone who is bleeding out. He watches Hall go through the time to lock 20 different cell doors at least before he finally finds Simmons. That's the problem I -- I see with it.

A. Okay. Let me stop you there because --

Q. Okay.

A. -- you're not a correctional officer, so -- and maybe he didn't word what he probably should have said the -- the correct way. So, like I said, when he got down there -- you get down there to a unit,

and it's an officer, so, technically, it's the wee hours of the morning. What you think a inmate should be doing at that time?

Q. Sleeping?

A. Correct. Now, you've got hundred and twenty-something inmates, possibly, one side, so you have to go around and start yourself doing a security check, right?

Q. Uh-huh.

A. So now that you're checking and you see that these doors are open, that raises --

Q. It's dangerous.

A. Right. Like, Okay. Hold up. Why are these doors open? You know? So when he seen those doors open, I'm pretty sure he was, Look. Okay. Lock this. You -- nine times out of ten, as a supervisor, if I come down there, Is something going on? We're going to check. I see doors open, and we're going to look. Hey, these doors have got to be secu- -- because why are they open? It's -- you know, that raises a red flag.

Now, you've got a right side and a left side. We usually called it left/right at Broad River. Most people say A/B side at other institutions. So you've got a A side and a B side,

or whatever the case might be. Simmons was on the, what, right side? So that's this side, B side, or whatever. So you can't be two places at one time, you know, because you get in the dorm, and somebody's bleeding out.

No inmate gave you no room number, no name. They just says that, X, Y, Z. So he -- they did their part. They went around. He got Hall to lock the doors. After they finished on that side, they went to the other side.

Q. Do you know if Collins ever radioed and said, there is an inmate bleeding out, but there is also 30 doors open, somebody get down here and --

A. Well --

Q. -- help me?

A. -- hold on.

Q. Well, I just want to know --

A. You would be the other --

Q. Well, let me --

A. I'm not saying --

Q. Let me -- let me finish my question. Do you know if he ever made that call on the radio?

A. I'm about to tell you.

Q. Okay.

A. That call would come to me because I'm in

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the control room.
Q. Okay. So did he?
A. I can't remember what Collins said over the radio, or whatever the case may be. You probably have to get the book --
Q. Okay.
A. -- to see what was written in the book.
Q. It's in a book somewhere?
A. You get that -- stuff like that goes in a logbook --
Q. Okay.
A. -- yeah, so you --
Q. And -- and your attorney could get that to us?
A. I guess, if they could recover the book.
Q. And if there was a call made in when Collins went down there and saw these doors open, that should be recorded in a logbook.
A. That wouldn't go, necessarily, in the main control room.
Q. Would it be on any document?
A. Probably a incident report --
Q. Okay.
A. -- which -- well, shoot.
Q. I --

A. Don't do that.
Q. I have a -- a policy --
A. Uh-huh.
Q. -- as an attorney. I -- I try not to hid the ball from people.
A. Uh-huh.
Q. This is a case that will be tried, in all likelihood --
A. Uh-huh.
Q. -- so I'm going to tell you exactly what I'm going to ask you on the stand --
A. Uh-huh.
Q. -- at trial. I'm going to ask, Did Collins -- do you have any evidence that Collins called you in the control room when he finally responded and saw 30 cell doors open, and so I need to know now what you're gonna say at trial.
A. Did Collins call me?
Q. Yeah.
A. It's been so long ago. I'm pretty sure he did, but I do remember once Collins did come back up, it was terrible. He was just like, Get police services. He just started telling me to call all these different people. Now that is a sworn testimony.

Once Collins went down there and seen what was going on, I can't remember, per se, if he said -- because he did say he went down there with the nurse, or whatever, so that probably is the reason why it might have kind of -- he didn't call the control room, or whatever, like, Get medical, because he had medical on the scene with him.
But when he did get back up there to me, to the control room, this is what the man said. He said, Call police services. He just started naming everybody.
Q. Right.
A. EA, and obviously he was just like, Hall got to go. Hall --
Q. Okay.
A. -- got to go.
Q. So -- so this is what I think is going to happen.
A. Uh-huh.
Q. I think that -- okay. Let me ask this first.
A. Uh-huh.
Q. Somebody getting stabbed, 30 doors open, those are both a big deal, right?
A. Uh-huh.

Q. Do we agree on that?
A. That's correct.
Q. Okay. If Hall got down there and said, There is 30 doors open, and we're looking for somebody who's been stabbed -- I mean, if Collins got down there and said, There is 30 doors open, and we're looking for somebody who got stabbed --
A. Possibly.
Q. -- I need -- well, let me --
A. Possibly.
Q. Let me finish. If he made that call, that's -- that's an -- that would be an important call, would it not?
A. An important call to who?
Q. To me and you and everybody else that was working there.
A. I mean, I received the call, so I just passed it on to him, so.
Q. No, no. I'm talking about -- you -- you would pass the call to him. I'm talking about when he went down there and saw these doors open.
A. Uh-huh.
Q. That's what we're talking about, whether or not he called and said, I need another --
A. Okay.

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Q. -- officer down here to help me.
A. Yeah.
Q. That's important. That would be an important call.
A. Yes.
Q. Okay. That's something that should be on a log somewhere.
A. I'm pretty sure. That's his statement, so --
Q. No. I'm asking about this. If that call was made, that should be on a log somewhere?
A. About the --
Q. About him calling and saying I'm down here in Marion unit. There is 30 doors open. I need help. That call should -- you just talked about in the control room how you write stuff down in a log.
A. Right.
Q. That should be -- that should be written somewhere.
A. Not necessarily.
Q. Okay. Well, that's fine if that's the answer.
A. Uh-huh.
Q. I've never seen that. I've never seen any evidence that he made that call. I don't think he

did make that call.
A. I knew --
Q. So --
A. -- because he --
Q. -- if there is evidence, if there is a log some- --
A. It would be no need for him to make that call, really, though, because --
Q. Well, that's -- that's fine --
A. Okay.
Q. -- but at trial, when we're talking about whether or not the call was made, I need to know if there is any evidence or record that the call was made. I don't think there was. I don't know of any, but if there is, I need to know about it.
A. Okay. What I'm trying to figure out is, what would be the point of him making a call saying that 30 doors was open?
Q. Because you just said he can't be two places at once. He needed to get another officer down there so that somebody could look for that stabbed, bleeding-out inmate, and somebody could help him lock those doors. That's why.
A. Okay. When they went down there, I want to say -- well, I don't know. It's a possibility that

they got keys from me. I'm not quite sure. However, if he made the call, you didn't have -- where -- where would the people come from? They were the people. So who would he make -- who was he making the call to?
Q. Well, everybody's got walkie talkies that works there, right?
A. Yeah. But people are on post.
Q. You, Col- --
A. I can't leave my post.
Q. Let me finish the question. You, Collins, Hall, were not the only people working at SCDC.
A. Right. But you had shortage of staff, so people are in their dorms. Who was going to -- who was going to let these people out their dorms, which would be them abandoning their dorms now to come down there?
Q. I would guess, since it's late at night, people were sleeping. Somebody who's working in another unit where there wasn't a stabbing and 30 doors open.
A. But they're locked in their unit as well --
Q. Who?
A. -- so --
Q. Who? Who?

A. The other officers.
Q. Well, they have keys.
A. They can't let theirselves out.
Q. They can't? They have to radio you for help?
A. They have to radio whoever's on the yard, and I don't know if it was somebody on the yard. I can't tell you. I would have to see the roster.
Q. Okay.
A. I don't know who was on the yard, but, once again, that would be them abandoning their post as well.
Q. Right. And Collins, if he had made that call when he got down there and saw the 30 doors open --
A. It would be pointless.
Q. It --
A. Who are you telling? Me? What can I do?
Q. Well, you -- you could have radioed to -- to all units, couldn't you?
A. For what? They can't do anything. They're stuck in their unit.
Q. There was nobody else who could have helped? Is that what you're --
A. I would --

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Q. -- telling me?
A. -- have to see the duty roster, but you were dealing with a shortage of staff.
Q. Okay. So a duty --
A. If you -- if you -- if you had more available staff, then Hall wouldn't have probably been the only one down there --
Q. So --
A. -- in that dorm.
Q. So the duty roster, that would tell us everybody who was on duty at the time, right?
A. That would tell you who was on duty, but you would probably have to -- if -- if you could pull it up. It should be in the system. That would be in the a blue zone, where people was posted at, but --
Q. But the duty roster, it -- that would be a document that would tell us everybody on duty for SCDC that night?
A. Correct.
Q. Okay.
A. And -- but it wouldn't tell you, let's say, if you started out with this amount of people and in the middle of the shift, before this happened, a hospital run came -- come up, and I had to reroute things and lose two officers. You get what I'm

saying? So it wouldn't tell you if your numbers went down, you know, throughout the nights, as far as officers or staff members, because you could have had a -- like, an emergency run before then or -- you know, or --
Q. Okay.
A. -- let's say you got sick and they had to send one home. It wouldn't tell you -- it wouldn't reflect any change in numbers, at that time.
MR. DEMASTERS: Whenever you get to a stopping point, I need to use the restroom.
MR. HAWKINS: That's fine. Go ahead.
MR. DEMASTERS: I'm sorry. I didn't know how much more you had left.
THE VIDEOGRAPHER: Off the record at 12:03 p.m.
(A short break transpired.)
THE VIDEOGRAPHER: On the record at 12:09 p.m.
BY MR. HAWKINS:
Q. Okay. Ms. Livingson, I'm going to jump back into this statement where -- where I left off. It says -- and this is -- make sure I have it. This is Collins' statement the -- the morning -- the -- the day following the attack.

So we talked about Collins watching Hall lock 20 of the doors or secure 20 of the doors that were not supposed to be open, and then he found Simmons with blood all over him, and it says, I instructed the inmate to stand up, and I looked under his shirt, observed multiple stab wounds to his neck, head, right and left hands.
Inmate Simmons was removed from Marion Unit and escorted to medical to -- he medically -- to be medically assessed. During that time, Inmate Simmons stated to this officer that Officer Hall had showed -- had allowed other inmates into his room, unlocking his doors so that they could attack him.
Do you have any thoughts about any of that?
A. (Witness shaking head.)
Q. Is that a no?
A. No, sir.
Q. To your understanding, is that what happened, what Collins reported?
A. I'm not sure what Collins reported. Like I said, I was in the control room, so I wasn't on the scene firsthand.
Q. Would Collins -- would -- from what Collins said, would Hall having unlocked all these 30 doors --

A. Uh-huh.
Q. -- be consistent with him unlocking Simmons' door or the cell that Simmons was in?
A. It could be. Sounded like he was on a streak.
Q. Do you know of any -- do you know if any criminal charges were ever brought against Hall?
A. I don't know.
Q. Were you -- did you ever receive any discipline as a result of this incident that we're talking about?
A. No, sir.
Q. What -- let me ask you about that before we go on to the next one. What was the -- you said unprofessional conduct. What was -- what was the conduct that was deemed unprofessional? What did you do to make them say you were being unprofessional?
A. I guess, at the time, arguing with another officer.
Q. Okay. What about the other two?
A. The other one was not speaking. I think it was not talking. I was at the hospital, and the supervisor called to the hospital to speak with me, and I didn't want to speak with her.
Q. Who was that officer?

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A. The supervisor?
Q. Yeah.
A. She's no longer list -- living.
Q. What was her name?
A. Catherine Faley.
Q. Catherine Faley?
A. Yeah.
Q. Was -- the other officer with whom you were arguing related to the other disciplinary action, was that also Ms. Faley?
A. No. Her name done changed now, but it's Miracle Davenport.
Q. Say it --
A. Davenport.
Q. Meredith?
A. Miracle.
Q. Miracle?
A. Uh-huh.
Q. Miracle Davenport?
A. Uh-huh.
Q. She doesn't work for SCDC anymore?
A. She does. She's at Kirkland now.
Q. What was you-all's argument about?
A. Oh, that was in 20- -- I was, like, 20-something years old then.

Q. Are you not 20-something years old now?
A. No. No. It was something childish. That's it.
Q. I've been in my share of childish --
A. It's not even --
Q. -- arguments, so I'm -- so no judgment from me, but --
A. It's not even really -- you know, since we got this camera on, it -- to me, it wasn't even worth going through the motion of corrective action, so. Uh-huh.
Q. I don't mean to be nosy.
A. Yeah.
Q. I've got to ask you. What was it about?
A. Hanging up the phone in someone's face.
Q. Another SCDC employee or somebody who didn't work for SCDC?
A. Oh. An employee.
Q. An employee?
A. Oh. I didn't hang up the phone in anybody's face.
Q. She did?
A. Yes.
Q. She hung up the phone in --
A. On me.

Q. On you?
A. Uh-huh.
Q. And you found that to be disrespectful, and you confronted her about it, I assume?
A. Yeah. I told her, You know, you shouldn't hang up the phone on people, and she got -- and we both --
Q. Yeah. And the other one would be --
A. But we were not inside the institution at all. We were off the clock, and it was while we was going out -- like, we was out there by our car, so we was not on the clock.
Q. Yeah.
A. We was still on the grounds, but we had done completed our shift for the day.
Q. Okay. And the other one, what did you say the other one was? It was --
A. It was -- the captain had wanted to speak with me --
Q. Yeah.
A. -- and I said that I was not going to speak with her because she was very aggressive and disrespectful --
Q. Uh-huh.
A. -- and she would say things to you, so I

was just, like -- I wasn't going to speak with her unless I was on the recording with -- like --
Q. I got you.
A. -- this right here. Yeah.
Q. I got you.
A. Unless I was being recorded so she couldn't -- you know --
Q. Okay.
A. -- and I wanted to be recorded, but --
Q. And what about the third one?
A. I really didn't have a third one. I want to say I just had a written warning or a verbal warning, something like that.
Q. What was that for?
A. I'm ain't quite sure. Don't get me lying. Like, if you want to look it up, you'll have to --
Q. Yeah. We'll get --
A. -- look it up.
Q. -- the --
A. Yeah.
Q. -- employment jacket. I just -- if you could tell me now, it would save some time.
A. So -- so I don't even know if that's, like, considered a disciplinary because it was just, like, a written warning --

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Q. Okay.
A. -- you know. So that was just more like a warning.
Q. Okay.
A. It wasn't really like a disciplinary.
Q. Okay.
A. My stuff ain't never really been off-the-wall terrible, no --
Q. Okay.
A. -- or just straight up being negligent or something like that. Mine's just more of like how me and you can't agree. If I've got an opinion, I'm going to state it.
Q. Yeah?
A. Yeah, that's it.
Q. Okay. All right. Jumping back into these statements --
A. Uh-huh.
Q. -- Dashaun Simmons' statement, Dashaun says in his statement, My unit was locked down because of the gang riot.
A. Uh-huh.
Q. Is -- is there any reason to think he's -- I mean, to --
A. I mean, it could be true.

Q. Okay.
A. You know.
Q. Could be true?
A. Yeah.
Q. Any documents that note a gang riot or anything like that?
A. That would be something that I wouldn't be privy to. That would be something that you probably would have to get with headquarters about, something like that, at that time. Because, I mean, they would know.
Q. That would be something that would be recorded, though, right --
A. Yeah. Yeah.
Q. -- from a gang riot?
A. Yeah, I'm pretty sure it would be.
Q. Okay.
A. Yeah, it should be.
Q. He says, there is a lot of money on me to be killed, from my understanding, and on 7/18/2017 and a couple days before, I was receiving threats from people saying I was going to be killed. Has anybody ever said anything to you about any threats made to Dashaun Simmons before this attack?
A. I don't know him.

Q. Okay. But did anybody -- has anybody said anything before or since --
A. I don't --
Q. -- about any threats?
A. No, sir.
Q. Okay. Do you know anybody who has knowledge about this stabbing?
A. No.
Q. Okay. And do you know --
A. I mean, only the people who work for SCDC that's in this case.
Q. How many times have you talked to Collins about it since it happened?
A. I haven't.
Q. Not at all?
A. Huh-un.
Q. How well do you know Collins?
A. On a working level.
Q. You don't hang out outside of work or --
A. No. He don't even work for SCDC no more.
Q. Okay. Where does he work at?
A. I don't know.
Q. And then he says, I didn't take the threat seriously, and on 7/18/17, Officer Hall opened my door and let a bunch of gangs -- let a bunch of guys

try to kill me.
A. Umm.
Q. I don't remember too much, but I remember a couple of the faces of the guys who tried to kill me. I remember Shoestring, Maserati and Ray-Ray were the first ones I saw before -- before it was too many to make out. Officer Hall refused to let me out of the dorm after he witnessed the stabbing.
Okay. Do you have any reason to doubt any of that part of Simmons' statement? Do you have any information that would be inconsistent with any part of that -- his statement?
MR. DEMASTERS: Object to the form.
You can answer.
THE WITNESS: I mean, not with the evidence provided.
BY MR. HAWKINS:
Q. Yeah. And we're going to -- he's -- he's dead. He got -- he was attacked two more times and then killed on the -- this last time at -- in McCormick. I think it was McCormick, but any -- my point is, he can't testify because he's dead --
A. Uh-huh.
Q. -- and so there is going to be some motions in limine, but we're going to present this affidavit

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or this statement, probably, to a jury, and I want to know if SCDC has any evidence that his statement is inaccurate or incorrect. I want to know if you know about any of that evidence.

A. Oh, no. That's more like police services.

Q. Okay. And -- and we deposed Mr. Garris already.

A. Yeah.

Q. So you don't have any reason to doubt any -- any of that part of his statement?

A. Not considering the evidence.

Q. Who is Shoestring, Maserati and Ray-Ray? Do you know any of those people?

A. Well, I'll say this, right? Considering that at the time that this happened I did not know who Dashaun was, or whatever, because I never worked detail --

THE WITNESS: And when you came in and said --

Well, when I heard about Montford, or whatever, like I said, I had him in my dorm here --

MR. HAWKINS: Uh-huh.

THE WITNESS: -- and he goes by that name, so I do know --

BY MR. HAWKINS:

Q. What does he go by?

A. Shoestring. So, I mean --

Q. Okay.

A. -- I didn't know that he was a part of that until today.

Q. Okay.

A. Yeah. But I don't know him from, you know, that. I know him from having him in my dorm here.

Q. All right. And in the part where it says, Hall refused to -- to let me out of the dorm after he witnessed the stabbing -- and then it says, I asked him, and he told me to wait until shift change. They were waiting for me. If an officer witnesses a stabbing, is it -- would it be a violation of policy to refuse to provide medical help to that stabbed person?

A. Yes.

Q. Would it be -- in your opinion, would that be something that would be grossly negligent, I just saw you got stabbed, but I'm going to lock you in the cell and tell you to wait until shift change?

MR. DEMASTERS: Object to the form.

You can answer.

THE WITNESS: Yes.

BY MR. HAWKINS:

Q. Okay. And he goes on to say -- well, that was part of the same sentence. Let me make sure I read all this correctly. Officer Hall refused to let me out of the dorm after he witnessed the stabbing. I asked -- I asked him, and he told me to wait until shift change. They were waiting for me to bleed out and die in my room.

Now, that is consistent with the phone call you received, right?

A. I guess so.

Q. Yeah. Somebody said, This person has been stabbed, and they could die if he doesn't get help soon, right?

A. Yeah.

Q. And then it says, Officer Hall locked me in my room after the stabbing, and the only person -- this is hard to read. The only person I --

MR. DEMASTERS: Reason.

MR. HAWKINS: The only reason. Thank you.

MR. DEMASTERS: You're welcome.

BY MR. HAWKINS:

Q. The only reason I didn't die was because somebody called the front off their cell phone and told operations what was happening. And that's the phone call you received, right?

A. That -- that probably -- but that said called -- that probably would have been the second call that they got. You know what I'm saying? Because --

Q. So it was either the -- it was either the call that you received from an illegal cell phone or the other -- one of the other calls --

A. Uh-huh.

Q. -- from an illegal cell phone, correct?

A. Yeah.

Q. Yes?

A. Yes. Yeah.

Q. And then it says, The yard officer, female --

A. Who is that?

Q. I don't know.

A. Oh.

Q. It just says the yard officer, and then it says, parentheses, female, then came to the unit and opened my door and escorted me to medical. I then went to the hospital. That female officer wasn't you?

A. Huh-un.

Q. Is that -- that's a no?

A. Oh. That's a no.

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Q. That's -- what other female officers were working that night?
A. I'm trying to think. I was in the control room. I don't know if it could be -- I'm thinking Wright. Wright might have been on the yard, Sergeant Wright.
Q. Okay. How old is she? How old was she at the time?
A. Probably in her 40s. Y'all didn't get a statement from her?
Q. I don't have one here.
A. You say you don't?
Q. I don't think so.
A. Huh.
Q. We -- there probably is one. I just don't have it in this packet of stuff I'm looking at.
A. I would say Wright probably was on that yard. I want to say that.
Q. Well, did Wright -- there -- if she -- if she found -- if she was there when he was stabbed and escorted, there definitely should be a statement, right?
A. Yeah.
MR. DEMASTERS: Object to the form.
THE WITNESS: Yes, I would think. I mean,

I don't know with it being -- I want to say Wright must have been on that yard because she was in operations, so she probably was on -- the one that was assigned, you know, to the yard.
Q. Yeah.
A. So she was able to move, you know, more about.
Q. Yeah.
A. She was the free body because she was in operation's with him. Then when they -- you know, they went together. So Wright had to be -- that's probably Wright you're talking about.
Q. Do you think SCDC is responsible for any of Dashaun's stab wounds or broken jaw?
MR. DEMASTERS: Object to the form.
You can answer.
THE WITNESS: When did he get a broken jaw?
BY MR. HAWKINS:
Q. In this attack.
A. Oh. He had a broken jaw?
Q. I think so, stabbed 23 times with a broken jaw.
A. He was stabbed how many times?
Q. Twenty-three.
A. And y'all say SCDC is responsible for it?

Q. Well, our allegation is that South Carolina Department of Corrections was grossly negligent in their supervision and retention of Simmons and that that gross negligence caused him to sustain damages.
A. Well, once again...
Q. I can -- I can tell you about the way -- the reasons why we think --
A. Right.
Q. -- SCDC was --
A. Yeah.
Q. You want to know that?
A. Yeah. That's good.
Q. Okay. We think that SCDC should have done a better job of monitoring Hall. We think that SCDC should have done a better job of vetting Hall before they hired him. We think SCDC should have taken the call seriously the first time there was a call to you because there is no cameras and there was only one officer. We think that SCDC should have ensured that multiple doors weren't open during a lockdown. We think that SCDC should have responded as soon as Kennedy put on notice during shift change that there were doors open. We think that SCDC should have done a better job of getting Simmons medical attention sooner than they did, and we think Hall's actions as

an SCDC employee were gross- -- themselves were grossly negligent.
And so we think all that led to Simmons' injuries. If Hall didn't unlock the door, he wouldn't have got stabbed, and so --
A. I mean, you've got a -- some valid points, but it's like -- like I said earlier, the only thing that you can really, really fault SCDC for is probably even hiring Hall. However, you can't fault -- we -- we -- you know, you know it's a prison, and we know just because you don't have staff, they're not going to say, Hey, everybody go home. So it's -- it's still going to run.
Q. Yeah.
A. You know, you can't fault SCDC for not monitoring, you know, Hall or me or any -- you know, how -- I mean, it's a lot going -- you can't just sit and -- you don't have staff or, you know, nobody just to sit and monitor, so you really can't fault them for that. I mean...
Q. I'll tell you, I'm going to give it to you straight.
A. Uh-huh.
Q. When you're on the stand in court --
A. Uh-huh.

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Q. -- and the jury is sitting there --
A. Uh-huh.
Q. -- the only thing the law allows us to do in a civil case is a money reward.
A. Uh-huh.
Q. That's it. We can't go back and make --
A. Uh-huh.
Q. -- Simmons be unstabbed.
A. Right.
Q. So I'm going to ask you in front of the jury --
A. Uh-huh.
Q. -- should SCDC be responsible for any of these damages to Simmons, and -- and you -- there is no right or wrong answer. I just need to know what your answer is going to be in front of the jury.
MR. DEMASTERS: Object to the form.
You can answer.
THE WITNESS: Should SCDC be responsible?
BY MR. HAWKINS:
Q. Yeah. Does SCDC have any responsibility for Simmons' injuries?
MR. DEMASTERS: Same objection.
THE WITNESS: Some. Some.
BY MR. HAWKINS:

Q. Okay.
A. Some. I can't say all. Some.
Q. Okay.
A. I mean, like I said, the only thing that I can say, I get -- and it's just me being an officer, you know --
Q. Uh-huh.
A. -- and knowing how it is to be down there by yourself, and, like, as far as -- once again, as an officer, and I've been working for SCDC a long -- since 2011, as far as that particular call and that situation, to you it took like a long time, but it wasn't, and considering the nature and the staff you had on hand, no. Huh-un. Like, I -- that was -- I feel like if it wasn't tooken serious, then he probably would have bled out. He never probably would have been found if it wasn't responded to in good timing or --
Q. If those people with illegal cell phones hadn't called the control room?
A. Yeah. Yeah. Yeah.
Q. Okay. All these people had weapons, an ax-like weapon, shanks, a -- sheaves and all this kind --
A. Uh-huh.

Q. -- of stuff. Was -- was cell phones -- were cell phones, weapons and other contraband pretty common in Marion unit at this time?
MR. DEMASTERS: Object to the form.
BY MR. HAWKINS:
Q. Was it common to find stuff like that in prisoners' cells?
MR. DEMASTERS: Object to the form.
THE WITNESS: It's possible.
BY MR. HAWKINS:
Q. Okay.
A. I mean --
Q. It wasn't unheard of?
A. Yeah. Well, yeah, it definitely probably wasn't unheard of.
Q. It definitely had happened before at some point. We can say that?
A. Yeah. Weapons and phones, yeah.
Q. Okay. All right. And I saw the -- I looked over these guys' disciplinary reports that were involved in this stabbing. They all had -- or nearly all had multiple disciplinary actions for weapons and fighting and attacking --
A. Uh-huh.
Q. -- officers and all this kind of stuff. Is

that consistent with what you know about some of the people in Marion unit at the time?
MR. DEMASTERS: Object to the form.
You can answer if you can.
THE WITNESS: Well, on my end, I can't say what -- you know, you've got a group of guys --
MR. HAWKINS: Yeah.
THE WITNESS: -- and you probably have some that don't cause any problems that gets thrown in that dorm, so I can't tell you what their disciplinary records show --
MR. HAWKINS: Okay.
THE WITNESS: -- but if I -- any unit could be a bad unit. You just have to have the right people that feed off each other.
BY MR. HAWKINS:
Q. Okay. All right. So I want to look at Kennedy's statement. We talked about this before. Do you want to read this before I ask you questions about it? It's Kennedy's statement.
A. Did I read it already?
Q. I don't think so.
A. Oh, I didn't?
Q. Take a look at it if you want to.
A. Whoever Kennedy is -- I can't really

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remember who this is, but he probably wasn't -- didn't work that long. Okay. So this is a little bit different than what you said --

Q. Okay.

A. -- because, first, you had me thinking, like -- thinking, like, our shift knew that -- you had me thinking, like, our shift knew that -- what I was going to say?

You had me thinking that our shift knew -- like, Kennedy told our shift that he was relieving Hall, but I didn't lock all the doors because...

Q. Okay. Let -- let me -- so, did you read it?

A. Yeah. So this is what I -- this is what I just think. So, at first, you had me thinking, like, Kennedy was down there, and Hall came down there, and he's like, Hey, I didn't like all these guys down, and Collins and them said, Hey, well, go home, and we'll take care of it, and if they was to say anything like that, I knew that it was a possibility, a strong possibility, like, we're not going to leave doors like that. So sometimes, if we would have a situation where you couldn't lockdown, the shift would go as a team, you know --

Q. Yeah.

A. -- and put them behind the doors, but -- let me see that.

Q. Yeah.

A. According to Kennedy's statement --

Q. Let's do it like this so we can -- I can see --

A. Yeah.

Q. -- where you're --

A. According to this statement --

Q. Uh-huh.

A. -- Kennedy had locked down the doors. Hall went back behind Kennedy --

Q. At shift change?

A. Yeah. And I guess he must have popped the doors, or whatever.

Q. This would have been at seven o'clock-ish?

A. Yeah. Went back behind Kennedy and popped the doors, and he told his shift lieutenant, Parker, to let him know of the situation, and Parker told him -- "told me to come on and let's go." They would take care of it.

So, at that time, it does not mean that Kennedy told Collins or Parker told Collins. They was ready to go home, so they probably said, Well, you did your part. He went behind you and opened it.

They'll take care of it. You know, it could have been --

Q. Okay.

A. -- that.

Q. Well, that -- that's my point, and -- and we're going to -- we're going to talk about that. So --

A. So it's a -- so it's a chance, you know, nobody on the shift was notified directly that --

Q. Well, that -- and that's our -- our position is that's another occurrence of gross negligence. Because if -- if Kennedy says, Hall's unlocking all these doors, and then they're still unlocked five hours later at --

A. But nobody on shift knows.

Q. Well, that -- that's my point.

A. Uh-huh.

Q. He told --

A. He told --

Q. He -- he told Parker.

A. He -- right.

Q. So he told somebody. If -- if Parker didn't do anything about it, that's an act of gross negligence if he didn't tell anybody, right?

MR. DEMASTERS: Object to the form.

BY MR. HAWKINS:

Q. I mean, we're -- do we agree on that?

MR. DEMASTERS: Same objection.

THE WITNESS: Well, he should have let the shift know that --

MR. HAWKINS: Right.

THE WITNESS: -- Hey -- because --

BY MR. HAWKINS:

Q. Something should have been done to lock those doors that Hall was unlocking or to see why Hall was unlocking them, right?

A. Or -- yeah. Yeah.

Q. Okay. So does --

A. So that -- see? Now, see, what I'm saying is the incident happened --

Q. Yeah.

A. -- but I can only say my part, and when you read everybody's parts, because I kind of got an idea, you can put it together.

Q. Yeah.

A. Because, like, when you said that our shift, which is night shift --

Q. Yeah.

A. -- you know, told him just to go on home and nobody -- I was -- okay.

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Q. Yeah. I think I may have said Collins said that earlier, but it -- it looks like --
A. Yeah.
Q. -- it was Parker. So that part should be clarified.
A. Right.
Q. -- but they --
A. So what I --
Q. But Parker and Collins --
A. Because I --
Q. Sorry. Parker and Collins, for the record, both SCDC employees, correct?
A. Were.
Q. Were. At --
A. Were.
Q. At this time, they were?
A. Yeah. Parker still works for SCDC.
Q. Okay.
A. But what I'm saying is it's not -- with a unit like that, the only way I can really see the night shift saying, Go on home, they must have had, like, the roughest day, and we were going to go down there as a shift and put them behind the door, but if it was something, like, to that nature, you would think that you would keep the day-shift officer down

there too, and, you know, the more the merrier. Day and night would get together and put them behind the door.

But to see it actually written that way, now it's like, Okay. I see what could have happened. Kennedy locked the doors, and they were all behind that door. Because that unit was treated sensitive. You're not going to just have people floating about, you know, huh-un. So --

Q. Well, let -- let me read it and ask you some questions, like --
A. Okay.
Q. -- sentence by sentence about it. It says, On July 17,2017, Officer Hall came into Marion unit --
A. Uh-huh.
Q. -- to relieve me of all duties.

That would have been about seven o'clock, correct?

A. Anywhere from 7:00 to 7:15 --
Q. Okay.
A. -- yeah.
Q. So somewhere about seven o'clock, Kennedy is -- he's working. He's about to go home, and Hall's come to relieve him?

A. Uh-huh.
Q. Is that a yes?
A. Yes. Yes. So, at that time, they should have met in the hallway --
Q. Okay.
A. -- passed on --
Q. And --
A. -- any information.
Q. Right. But then Kennedy saw Hall unlocking some doors in violation of policy, I think --
A. Uh-huh.
Q. -- because it says, As we were locking down, I noticed Officer Hall unlocking a few doors that were locked.
A. Uh-huh.
Q. So, right then, Kennedy knows that Hall's doing something that's in violation of policy --
A. Yes.
Q. -- because he says, I saw him unlocking doors.
A. Yes.
Q. And they weren't supposed to be unlocked.
A. Yes.
Q. But Kennedy didn't -- there is no evidence on here that Kennedy said, What are you doing, that

he went and locked them back, that he did anything. You -- you don't know of anything that Kennedy did at that point, do you?
A. But Kennedy did --
Q. We're going to get to that. I'm asking, before he went to Parker, do you have any evidence that Kennedy did anything to fix Hall's policy violations?
A. No.
MR. DEMASTERS: Object to the form.
BY MR. HAWKINS:
Q. Okay. And then it --
A. But can I stop you?
Q. Yeah.
A. Well, I mean --
Q. Yeah. Sure. Go ahead.
A. What do you think Kennedy can do to him.
Q. I think Kennedy should have said, What the hell are you doing? Those prisoners are going to stab each other. Lock those doors.
A. Well, he don't know what would happen or what could happen.
Q. Right. But he know- -- but they're in jail too, and a lot of them are gang members, so --
A. But that's -- that's, right now, in all the

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dorms they've got.
Q. Right. And Kennedy knows that it's a violation of policy for Hall to do what he's doing, right?
A. I would say -- you know, people who have worked in prison, they just -- you think gang members, all of them are gang members, but all of them out now is the gang members --
Q. Yeah.
A. -- you know, so -- and probably got knives, you know. So you never can predict what's going to happen. Now, given that this dorm was worked a certain with sensitivity and was supposed to be treated a certain way, you've got policy, and you've got, like, institutional rules, you know.
Q. Uh-huh.
A. So, according to the institution, because of the way that dorm is, no, Hall shouldn't have went and opened any doors behind him, but officer and officer, I'd just, Hey, what you doing? Stop. You're still going to do what you want to do. So he notified his supervisor. He did what he was supposed to do. It was nothing he could do to stop that man.
Q. And, in fact, he didn't do anything to try to stop him, as far as we know, right?

A. You can't -- he did. He -- I mean, he did what he was supposed to do. He alerted a higher ranking supervisor.
Q. Right.
A. Like, what are you going to do? Hit his hand, punish him. You can't do nothing with Hall.
Q. He -- he presumably would have had keys with him, wouldn't he?
A. Who?
Q. Kennedy.
A. Kennedy?
Q. Because he was -- he was on duty.
A. Yeah.
Q. So he could have gone back and locked some of those doors.
A. He could have.
Q. He could have radioed and said --
A. But --
Q. -- this is crazy.
A. -- considering that Kennedy had those guys behind the door and Hall opened those doors, and, obviously, Kennedy wasn't, you know, the person that opened those doors, he probably felt like, I'm not going back to put myself in a situation. I'm going to get out of here and let the supervisor know.

Q. Because he knew it was dangerous for those doors to be open.
A. Uh-huh.
Q. Right?
A. And --
MR. DEMASTERS: Object to the form.
THE WITNESS: Yes.
BY MR. HAWKINS:
Q. Is that fair to say?
A. And -- and I -- and I'm assuming, if I'm not mistaken -- is Kennedy a Caucasian man?
Q. I don't know.
A. He could have been. I'm thinking Kennedy was a -- might have been, like, a white guy. He could have been a Caucasian man, so it's rougher. You know what I mean?
Q. Huh-un.
A. It's harder on a -- on a white man.
Q. Why is that?
A. You got all these black people.
Q. Oh. There is a -- there is a -- there is racial tension?
A. I wouldn't say racial tension, but it's just how it is. Like, it would have been -- Hall is a black person, you know?

Q. Right.
A. Oh, okay. You know --
Q. I -- I don't -- I'm sorry -- I don't under- -- I don't understand that?
A. See how the prison works?
Q. Yeah. I don't understand that part.
A. Okay. So it's like --
Q. It's -- it's -- so Hall -- Kennedy, because he's white --
A. Would have had a harder time dealing with that wrath coming from behind the door. Okay. Hall is black, so -- well, you do understand the majority of people locked up in SCDC is African-American or --
Q. Right.
A. -- or some type of ethnicity or color to whatever, so it's more of a --
THE WITNESS: You know what I'm saying? Like --
You don't know no gang members, correct?
MR. HAWKINS: (Attorney shaking head.)
THE WITNESS: Okay.
BY MR. HAWKINS:
Q. Not that I know of.
A. Okay. Hall probably grew up in a gang-infested place, or not even that, might have

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knew about gangs or whatever. We're just saying hypothetically.
Q. Uh-huh.
A. Kennedy can't relate to them people. You know what I mean? Like, he hasn't -- it would be harder on him to deal in that unit than it would be to put Hall in that unit. Obviously, Kennedy probably was by the book in that unit. Hall, you know, just me listening, and, you know, I don't know what people do when they get on their posts until I actually sit and watch or how you present to me with evidence to -- so, obviously, you know, he probably was inmate friendly, you know?
Q. Okay.
A. Kennedy probably didn't do those things, so, of course, they didn't probably care for Kennedy and then, like I say, if he was a -- a Caucasian man, it's harder -- it's going to be harder on Kennedy than it would be for Hall in a penitentiary. That's just how it is.
Q. Okay.
A. That's how it is.
Q. Well, it says -- it says here that --
A. So considering that dorm was the way it was, and Hall, you know, feeling comfortable enough

to do that --
Q. Yeah. It says that, As we were locking down -- and we read this part. As we were locking down, I noticed Officer Hall unlocking a few doors that were locked. I proceeded to call Shift Lieutenant Parker to let him know the situation, and he told me to come on up front and go home, and they would take care of it. So --
A. So it --
Q. -- right --
A. -- sounds like he --
Q. -- here --
A. -- might have went by radio then, or either he got on the phone with him.
Q. But we -- but we would agree, at least according to this, SCDC knew that Hall was violating policy as early as seven o'clock.
A. Somebody knew. Now, was it --
Q. Somebody --
A. -- shared?
Q. -- that worked for SCDC knew --
A. Yes.
Q. -- right?
A. Yes.
Q. And then -- and then hours later, when --

when you received a call --
A. Uh-huh.
Q. -- from Hall, the person who SCDC knew was violating policies as soon as he got on shift --
A. But how can we say SCDC -- SCDC is just the -- the agency.
Q. Well, did --
A. You have to put it on the --
Q. Did Parker -- did Parker let anybody know, Hey, watch Hall because he's doing some weird stuff?
A. Did we -- as far as, like --
Q. As far as you know.
A. Yeah. Our shift, to -- to my understanding and to what I knew as far as being in the control room, because we get the roster so we know where everybody's at, you know, nothing was stated about any doors being open. Everything --
Q. Nobody wrote --
A. -- was --
Q. -- anything down.
A. -- se- -- I mean --
Q. As far as you know.
A. It's not even about writing down. Nobody went -- or made it to our lieutenant, our supervisor of the shift, to say, Hey, y'all need to go down

there. Y'all got somebody opening doors. So the norm of the institution is done. Everybody is behind the door.
Q. Let me ask you this. What time did you get to work that night?
A. I don't know. You would have to look at the schedule, but I wasn't late.
Q. Well, no, I'm not implying you were late. I'm just asking, did you come on work -- did you come on shift at 7:00 like -- was that your time to come on shift like it was --
A. We get --
Q. -- Hall's time --
A. -- to work --
Q. -- to come --
A. -- before --
Q. -- on shift?
A. -- 7:00, but yeah.
Q. Okay. So you would have come to work about seven o'clock?
A. We get to work about 6:00, 6:30 --
Q. Okay.
A. -- because we have to go through processing.
Q. Did -- did -- do you have any evidence or

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do you know of any evidence that Parker did anything -- after he got that call from Kennedy, did he do anything to lock the doors? Do -- did he do anything to check on Marion Unit? Did he do anything at all pursuant to Kennedy's call to him that you know about?

A. No.

Q. Okay. Any evidence that Parker took any preventative action at all about Hall's opening these doors?

A. No, not that I know of.

Q. Any evidence that Parker took any corrective action about the doors Hall opened?

A. Not that I know of.

Q. Okay.

A. I just want to say, like, if you want to say the ball probably was dropped somewhere, yes, because, once again, when that call came in, it was kind of like, How is somebody getting stabbed in this unit? Like, this unit is on lockdown or the unit is locked down.

Q. Well --

A. Or how is somebody getting stabbed up if --

Q. Yeah.

A. -- it's locked down.

Q. It looked like -- I don't know. From -- from the documents I saw, it looks like whatever -- I'm not -- I think it was Collins. It could have been Parker. I want to say it was Collins. Somebody went down there, and they observed -- all the doors were supposed to be locked, right?

A. Uh-huh.

Q. On lockdown, all these doors are supposed to be locked, aren't they?

A. Uh-huh.

Q. Is that a yes?

A. Yes. Yes. Yes.

Q. And they get down there after they receive this call, and they observe -- or maybe it was before the call, but at some point during the evening, they -- they get a call to go down, and they see doors are open, up to 30 at one point. There is an inmate that's no -- unidentified running around the railway on the -- on the top-tier area. There is somebody else taking a shower. Is that a -- is that anything like the way the unit was supposed to be run?

MR. DEMASTERS: Object to the form.

THE WITNESS: No. This is -- the only way I -- the best way I can put it, if you're on night

shift --

MR. HAWKINS: Yeah.

THE WITNESS: -- there is nothing going on. Really, at this time, they didn't even have any in- -- guys that went out for in- -- so it was nothing -- nobody should have been out in that dorm at this time, nobody.

BY MR. HAWKINS:

Q. Nobody should have been taking a shower?

A. No. That --

Q. Nobody should have been on a railway, identified, running around --

A. No.

Q. -- on a catwalk?

A. No.

Q. Nobody should have been going into somebody else's room and stabbing them?

A. No.

Q. Nobody should have been opening 30 doors for no reason?

A. No.

Q. Was there --

A. Well, I guess that's what I'm trying to get you to understand with the -- with the -- with what you think about them not responding so fast to

anything, you know. If, you know, I called and I said, Hey, they say this is going on in this area, but we know it's nighttime. Ain't nobody out. You know, everybody is behind the door.

But just in case, for whatever reason, odd reason, let me get this officer to check. You know, because we're not going to brush it off. Hey, is everything good down there? You know? You know, because you want to just double-check. Just like I said, it could be a -- because it could be situation.

So they did their part by asking him to check, do a security check. He is the one that lied, and the lie caught up with him because he didn't know that somebody else had told another officer who called and said that this is going on in the dorm. So that's when they immediately came and said, You know, something -- something ain't right.

Q. Let me ask you some questions about all the different events that kind of culminated and led to Mr. Simmons being stabbed and then --

A. Uh-huh.

Q. -- being denied medical attention. Whoever hired Simmons -- whoever is responsible at SCDC --

A. You talking about hired --

Q. Or Hall.

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A. Yeah.
Q. I'm sorry. I'm sorry. Whoever hired Hall, they did this -- they -- they -- they looked at Hall's application or they interviewed him, or whatever, that was a completely separate event than what we're talking about here tonight, right?
A. Uh-huh.
MR. DEMASTERS: Object to the form.
BY MR. HAWKINS:
Q. Is -- is that a yes?
A. Yes. Yes. Yes.
Q. So his -- so his hiring and retention and all that, that would be completely separate from opening the doors and all that stuff?
MR. DEMASTERS: Object to the form.
BY MR. HAWKINS:
Q. Is that fair to say?
MR. DEMASTERS: Same objection.
THE WITNESS: His hiring is --
BY MR. HAWKINS:
Q. Yeah. When he got hired by people at SCDC --
A. Uh-huh.
Q. -- those would have been different people. That would have been a di- -- a different time. That

would have been a different event than the events we're talking about when Dashaun got stabbed, correct?
A. Yes.
Q. Okay. And then whenever Kennedy came in and saw Hall violating policy all over the place and told Parker, that would have been completely separate from when Simmons actually got stabbed, right?
MR. DEMASTERS: Object to the form.
THE WITNESS: I would think so.
BY MR. HAWKINS:
Q. Okay. And then when -- when Hall -- when somebody called you on the cell phone and you did what you were supposed to do, when you told Collins, that would be a different point in time and separate and distinct from when somebody actually found Simmons. Is that fair to say?
A. Yes.
MR. DEMASTERS: Object to the form.
BY MR. HAWKINS:
Q. And then when -- when Hall unlocked the -- the door and these people came in and they stabbed him and all that kind of stuff, that would have been -- that would have been something different and distinct from when Hall later said, You're just going

to have to wait until shift change to get medical attention. Those two things would have been different, right?
MR. DEMASTERS: Object to the form.
THE WITNESS: Yes.
BY MR. HAWKINS:
Q. Okay. And then when Simmons went to the hospital and -- and came back with medication and then SCDC didn't properly administer that, and he had to go back to the hospital, that --
A. I -- I don't know nothing about that.
Q. Okay. So I'll rep -- so -- so that happened. Simmons goes to the hospital, and he gets these 23 stabb wounds stitched up, comes back with medication, but then he has to go back to the hospital because he -- SCDC wasn't giving him his meds.
A. I don't know.
Q. Right?
MR. DEMASTERS: Object.
BY MR. HAWKINS:
Q. So -- so if you don't have any knowledge about that, can we agree that, if that happened, that would be separate and distinct from the actual stabbing. That would be a different event.

A. Yes, sir.
Q. Okay. I don't think I have any other questions. Is there anything important that you want to put on the record or...
A. I guess the only thing I can state is I understand you, you know. That's your case and your client.
Q. I'm -- I'm just trying to keep the lights on, man.
A. Yeah. However -- however, as far as with the situation and working for SCDC and understanding how things work with inmates and phones and other things, he -- he did not call --
Q. Who's -- who's he?
A. Simmons.
Q. Okay.
A. Inmate Simmons. The situation didn't take long for -- I don't feel like the staff drug their foot(sic) with the situation at all, huh-un.
Q. Once the -- once you got that call?
A. Yeah. It was -- it was -- it was proactive after that.
Q. We don't know how long before that call Simmons got stabbed.
A. No. Now, that is something different, but

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as far as once they initiated and once the call came to me, and it started, you know, rolling with the -- asking Hall to do a -- you know, a check, and he said everything was good -- you know, so -- and then the other -- like he even said in his statement that they came. He -- Collins said he went down there and it was doors open, so at that -- they probably didn't word a lot of things right, but me being an officer, I understand when he went down there and he seen those -- he was doing a security check while in the process. Lock this door, lock, lock, lock, lock, you know.

And then once they made it to the other side, that's when Simmons seen -- you know, okay, there are some other people here versus Hall, because, obviously, Hall wasn't going to get him the help.

Now, chances was they probably could have went on that side first, but you -- you don't know which side, you know, because nobody gave a specific location or a inmates name, so the only thing they come down there and do is start checking to see what's going on because something isn't right about Hall's story. So --

Q. Okay.

A. -- the staff responded in good time because he didn't bleed out. No, he didn't. The biggest fault here is just Hall.

MR. HAWKINS: Okay.

THE WITNESS: Yeah. All right.

EXAMINATION

BY MR. DEMASTERS:

Q. I -- I do have a couple follow-up. I'm sorry, Lieutenant Livingston. I know we've been here for about three hours. I only have one question. The sole extent of your first-hand knowledge of the incident is contain- -- contained on your five-line statement, correct.

A. Yes.

Q. That's all your first-hand knowledge, right?

A. Yes, sir.

Q. All these other statements you read, they're from other people, aren't they?

A. Yes.

MR. DEMASTERS: Okay. That's all I have.

MR. HAWKINS: I don't have anything else.

THE VIDEOGRAPHER: All right. Off the record at 12:57 p.m.

(The deposition concluded at approximately 12:57 p.m.)

CERTIFICATE OF REPORTER

I, Donna Cheryl Kyzer, Court Reporter and Notary Public in and for the State of South Carolina at Large, do hereby certify:

That the foregoing deposition was taken before me on the date and at the time and location stated on Page 1 of this transcript;

That the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth;

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 19th day of May, 2023, Lexington County, South Carolina.

Donna Cheryl Kyzer, Court Reporter
My Commission expires: October 6, 2032

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EXHIBIT 11

Collins Deposition

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS
COUNTY OF RICHLAND CASE NO.: 2018-CP-40-04850

RANDLE JACKSON, PERSONALLY AND
AS THE PERSONAL REPRESENTATIVE
OF THE ESTATE OF DASHAUN SIMMONS,
Plaintiff,

vs
THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,
Defendant.

D E P O S I T I O N

WITNESS: ULYSSES COLLINS
DATE: Tuesday, July 30, 2024
TIME: 9:14 a.m.
LOCATION: Law Offices of
Davidson & Wren, P.A.
1611 Devonshire Drive, Second Floor
Columbia, South Carolina
TAKEN BY: Attorneys for the Plaintiff
REPORTED BY: GINA M. JOHNSON
Certified Shorthand Reporter
Registered Professional Reporter

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(INDEX AT REAR OF TRANSCRIPT)

(PLAINTIFF'S EXH. 1, Incident Report and Voluntary Statement, was marked for identification.)

STIPULATION: It is stipulated by and between Counsel that this deposition is being taken in accordance with the South Carolina Rules of Civil Procedure, and that the deponent waives the right to read and sign the deposition transcript.

- -

ULYSSES COLLINS, being first duly sworn, testified as follows:

EXAMINATION

BY MR. REMBERT:

Q. All right. Officer Collins, my name is Andre Rembert. I'm of the Rembert Law Firm. I'm working in association with Hawkins & Jedziniak. We represent Randle Jackson on the estate of -- oh, good lord, I'm having a brain freeze.

MR. DAVIDSON: Dashaun Simmons.

BY MR. REMBERT:

Q. Dashaun Simmons against SCDC. We are speaking today about a stabbing event that happened back in 2017. Have you ever been deposed before?

A. I have.

Q. Okay. Just as a refresher, every answer -- every answer to my questions that you give are on the record. I ask that you please give me verbal answers, not head nods. Makes it easier for our court reporter.

During the course of this as I ask you a question, sometimes your attorney, Mr. Davidson, who's here with you, will interject with something that's called object to the form. After he says object to the form, you may still answer. If Mr. Davidson has a different objection, he'll ask you to not respond and he and I will try and work out whatever the objection is. Once we've gotten through that, we'll ask you to either answer or we'll figure out how we're going to handle it.

If you've already been deposed before, it's very straightforward, so -- okay. You are here today about the stabbing that happened in Richland at Broad River Correctional. What was your assignment at the time?

A. I was D2 supervisor.

Q. What is D2?

A. That's the definition of a shift.

Q. How long is a shift?

A. 12 hours.

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Q. What are the hours of D2?
A. 7P to 7 a.m.
Q. Any of your subordinates, did they have any overlapping between D1 and D2 or they were all D2?
A. They were all D2 that evening.
Q. All right. For D2, was that over the entire facility or only over one area of the facility?
A. The entire Broad River.
Q. Entire Broad River. How many -- how many subsections of Broad River are there, how many units?
A. Seven.
Q. Seven units. Do you recall where the attack happened that we're here about today, which unit?
A. Yes, sir.
Q. Which unit was that?
A. Marion.
Q. Out of the seven units, did Marion unit stand out in any particular way? Was it more or less dangerous than any of the other units?
A. No.
Q. No? Do you remember if the -- do you

remember if Marion unit was on any particular restrictions or lockdowns at the time of this incident?
A. No.
Q. How many officers were working under you in D2 at the time for the entire prison?
A. Oh, okay. It was 13 that evening, 13 or 14. I'm not -- 13 or 14.
Q. How were they -- how were those 13 or 14 distributed amongst the seven units?
A. Our main body units had one officer in it, our lockup had two, we had a rover of the institution, one in operations and I had two supervisors that evening under me that evening. That's not counting the nurses.
Q. Understood. What is -- you said you had two in lockup. What is lockup?
A. Lockup's where they -- it's segregation from general population.
Q. How many prisoners are in lockup? Does it vary?
A. Yes, sir.
Q. What determines whether prisoners are sent to lockup?
A. Violations.

Q. The two supervisors under you, what were their jobs -- what were the two jobs for the two supervisors under you?
A. As mine was too, to monitor and keep care, custody and control of inmates.
Q. Were they assigned to specific areas of the prison or just overall?
A. Overall. As my job is, theirs as well.
Q. Who were the two supervisors at the time?
A. I don't know if she made lieutenant at that time. I don't -- it was Wright, which is Captain Wright now, and Douglas.
Q. What are Wright and Douglas' full names?
A. Don't know.
Q. We're here today about an incident that happened at Marion unit. Do you remember which officer was working Marion unit that night?
A. Yes.
Q. And who was that?
A. Officer Hall.
Q. Officer Hall. What can you tell me about Officer Hall?
A. He's one of the officers that worked on D2 with me.
Q. Did -- with you being overall responsible

for the prison, do you do -- do you do walk-arounds on your shift?
A. Yes.
Q. Do you have regular times that you do walk-arounds?
A. No, sir.
Q. What we would call spot checks in the Army?
A. Yes, sir.
Q. Those two --
A. And in the Navy too.
Q. Ah, you're Navy. What was your title -- is your title with the prison system or did you -- did you retire out of the Navy?
A. My -- say that again.
Q. Are you Lieutenant Rembert -- or, I mean, Lieutenant Collins because of the Navy or because of the prison system?
A. Oh, because of SCDC.
Q. Okay.
A. Yes.
Q. The two supervisors under you, Wright and Douglas, did they have specific inspection times they were supposed to go inspect things?
A. No, sir.

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Q. What were their duties as supervisors under you?
A. Just to do as I do, do spot checks and ensure things are in order.
Q. Where did you spend the majority of your time during your shift when you weren't doing checks?
A. Operations.
Q. What is operations?
A. That's essential part of our communication, where we receive phone calls, where we do our faxes, where we do our reports, beginning reports, ending shift reports.
Q. Okay. And you had one other person in operations or one person that was assigned to operations. Do you remember who that was?
A. Control. It's two different -- it's two different places but it's all one. She was in the control room.
Q. Okay. Control room and operations are the same room?
A. Yeah, same area.
Q. Okay. Who was -- who was in the control room? Who was assigned to control?
A. Livingston.

Q. Just because at the beginning of this case we had a little bit of confusion on Livingston, which Livingston was it?
A. I don't know.
Q. Okay.
A. Because we -- yes, it's -- there's a Captain Livingston and then there's an Officer Livingston.
Q. This was Officer Livingston?
A. Yes, sir.
Q. Okay. In the control or operations room, are there monitors?
A. Yes, sir.
Q. How many monitors are there?
A. I don't even recall. Don't know.
Q. What would the monitors be showing?
A. Living spaces in the units.
Q. Just define the living spaces for me.
A. Where the guys are housed at, where the inmates are housed at.
Q. Okay. I haven't been -- I haven't been down to Broad River, so is it just down a hallway where you can see their cell doors or is it an open bay area?
A. Well, it's not an open bay because it

means they're sitting in the bay, so it's not open bay. There are cells and the cameras are pointed at the rock which is the center of the berthing area.
Q. With these cameras, can you see all of the cell doors?
A. No, no.
Q. How many cameras are in each unit?
A. Don't know.
Q. Don't know?
Do the monitors rotate, you know --
A. No.
Q. They're constant showing?
A. Yes, sir.
Q. Do you recall if Marion unit had a camera?
A. Yes.
Q. If it doesn't show all the cells, does it show the station for the officer that's in the unit?
A. No.
Q. What determines where the camera's pointed?
A. Don't have a clue.
Q. Are the cameras something that you're monitoring when you're in the room or is that more

for Livingston?
A. That's more for Livingston. I don't monitor the cameras.
Q. Okay. Well, let's get down to brass tacks. What do you recall about the -- about the night of the incident that we're here about?
A. I was receiving a call from an inmate in Monticello unit. This went on for about an hour or two hours into the shift. So when I finally told -- I told Livingston to ask the inmate where is he calling from, what unit, what side.
So I went to Monticello unit to the left side and yelled for the guy and I had the officer open up the cell. He said he had a friend in Marion unit that I needed to get out of there, that he may not be living in the morning. I said okay.
Q. When you say received a call, how did the call come in?
A. He probably had a cell phone.
Q. Got you. He had a cell phone. Who did he call or how did he --
A. He called control room.
Q. Okay. So he called a landline?
A. Yes.
Q. And was it you that picked up the phone or

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Officer Livingston?
A. Officer Livingston. I don't pick up phones.
Q. Okay. Sorry, I know Army, I don't know prison details.
A. I don't do phones.
Q. Understood. Do you recall what time -- what time those phone calls started?
A. Oh, probably about -- maybe ten o'clock, 2200 hours.
Q. There was an officer in Monticello unit. Had he contacted you prior to these phone calls you were receiving?
A. No.
Q. Do you know why the prisoner would have called the control room instead of telling the officer that was there with him?
A. No.
Q. Do you remember the name of the officer that was in Monticello unit?
A. No.
Q. Layout-wise, where is Monticello unit in relation to Marion unit?
A. As you face Monticello, it's two whole units to the left.

Q. Distance-wise, how far would that be?
A. As relates to this building, that parking lot in front of this building, 1611, the length of that parking lot.
Q. Okay. So it's not going to be very useful in a transcript. We'll just say it's substantial?
A. Okay.
Q. That's fine. Not that important.
After you went and spoke with this prisoner, did you go over to Marion unit?
A. Yes.
Q. Please tell me what happened when you went to Marion unit.
A. I took Wright with me, and there's two sides to each unit. I started on the left side of Marion unit. After a while I didn't -- didn't find anything, so I went to the right side of Marion unit, which that's where he was housed at because I didn't know where he was at.
Checked Marion unit right side, noticed that there were a lot of doors unlocked, had Officer Hall to lock those doors, and Wright and I continued. After a while, I said, well, I can't find the guy.
So as I was proceeding out, it's the last

door coming out of the unit that someone was beating on the door. Hall told me don't worry about it, they don't want shit, you can leave. Wright said you might want to look in there. I told Hall to open up the cell.
That's where I witnessed Simmons on the bottom bunk full of holes. In his prison uniform you could see where he was stabbed at because of the blotches of blood. So called the nurse and I escorted him out of the building. At that point I told Wright to get a relief for Hall and get him out this damn building.
I took Simmons to the nurse. They did -- they did their assessment. Wright got someone in the building and I sent Hall to the warden's conference room. He wanted to talk. I told him save your story for police services. And I made my appropriate calls, I did my paperwork and had Simmons transported to Palmetto Richland.
Q. I want to understand the timeline, and I'm not trying to play I got you. The way that you just described it, I think there's going to be a little bit of difference in the way that you just presented it versus what I think you want to say the timeline is, so I want to make sure I

understand what the timeline is.
Believe you said you either received phone calls -- you know, you got a phone call from the prisoner at ten or you went down to speak to the prisoner in Monticello at ten. Do you remember --
A. I got more than one phone call, okay, so it was a few phone calls that I got before I went down there. So our shift start at seven o'clock, so like I said, a couple hours in, so not saying that it was ten o'clock specifically --
Q. Sure.
A. -- but it was over a couple hours before I went down there and talked with the inmate that was calling.
Q. And then you'd said before you don't answer the call. Did the repeated phone calls -- did Livingston finally get you on the phone to talk to whoever this person that kept calling was?
A. No.
Q. So what was --
A. She called me on the radio and said the guy called -- like another guy called, but, again, I was doing my rounds and everything else, so finally one of the calls, probably one of the last calls, I went down and spoke with this inmate.

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Q. Was it only one inmate making the call or was it many inmates?
A. I talked to one inmate.
Q. To your knowledge, was there more than one inmate making a call to Livingston?
A. Don't know.
Q. Okay.
A. All I know is the inmate that I talked with.
Q. Inmates are not supposed to have cell phones, correct?
A. That is absolutely correct.
Q. This inmate that made the call that you went to speak to, did he admit to making a call?
A. Yes.
Q. Okay. I understand that inmates do things that are -- things they're not supposed to. How common is it to get phone calls from prisoners to the control room?
A. Don't know.
Q. How long had you been the D2 supervisor to that point?
A. Eight months.
Q. In the eight months, do you recall other phone calls to the control room from prisoners?

A. No.
Q. So that would be a unique circumstance?
A. Yes, isolated.
Q. Isolated. If you can't give a specific time, within a range of times, by which I mean if you can't say that it happened at 10 p.m., but you could say that it happened between 10 p.m. and 2 a.m. or around midnight, when did you go speak with the prisoner?
A. Okay. On or about between ten and 12.
Q. Okay. And then immediately after speaking with him is when you went to Marion unit?
A. Yes, sir.
Q. So within that range of time, shortly thereafter, is that when you -- when you inspected and ultimately found Simmons?
A. Yes.
Q. Besides that -- the document you received as part of what I am calling Plaintiff's Exhibit 1, that's your incident report on it, if you'll see -- well, to confirm, this incident report appears to have been typed out and signed by you. Is that correct?
A. That is correct.
Q. The time of incident says 4 a.m.?

A. Uh-huh.
Q. Is 4 a.m. when you found Simmons or does 4 a.m. represent a different time?
A. The time of the incident as it's read here.
Q. To your recollection, is that correct or did it happen closer to midnight?
A. It wasn't midnight.
Q. Say again.
A. It was not midnight.
Q. It was not midnight?
A. No.
Q. The phone calls that started this off, to your recollection, was that, you know, closer to the beginning of shift or was it -- was it later?
A. After the shift -- after the shift started. We come in on seven, 7 p.m., so --
Q. But, in your mind, you seem to recall that that was earlier in the evening, correct?
A. No, it was later in the evening. We start -- our shift starts at seven.
Q. Excuse me, earlier in the shift. Those phone calls started earlier in the shift, correct?
A. After ten o'clock, probably about ten or so.

Q. The document that I gave you that includes your incident report --
MR. REMBERT: Will, did you give him the rest of the pieces of it?
MR. DAVIDSON: Yes.
BY MR. REMBERT:
Q. We're going to go off the record a second, let you take a second to read your handwritten.
(A recess transpired.)
BY MR. REMBERT:
Q. All right. So, Officer Collins, we have your -- one of the documents I showed you that we already went over was the typed incident report. It says the time of the report was 10 a.m. You've signed it. Then the next document that I've had you look over is the written statement. Now, my questions have been about the timeline of the evening.
A. Uh-huh.
Q. When looking at these two statements, has that refreshed your memory to a point where you can give me an idea of the timeline or how things happened?
A. Yeah.
Q. So if you would, please, why don't you

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talk over kind of the timeline of what happened from phone call to finding the stabbed inmate.

A. Well, as it's written, I went to Marion unit at 12:15 a.m. and I conducted a security check of the right side and found 20, 30 rooms opened in which I had Officer Hall to secure. So once -- as I was leaving, one of the cells, guys were bamming on the door, and that's when I discovered inmate Simmons in the room.

Q. Okay. The reason that I'm asking about these, because want to make sure that I understand how it's going. The typed incident report, do you recall if you were the one that typed this or did --

A. No, no, I type mine. I do all my own.

Q. Okay. The typed report says 10 a.m. Is that correct?

A. Uh-huh.

Q. Your written report was signed at 11:25 a.m. Is that correct?

A. Uh-huh.

Q. The typed report is an incident report, the other -- the handwritten report is a voluntary statement. What is the difference between the two?

A. Okay. The incident happened on the 17th.

This report --

Q. Thank you.

A. This report -- my report was done on the 18th, the morning of.

Q. Well, also I believe I misunderstood.

A. Yes.

Q. This date is September, so it's months afterwards?

A. Right.

Q. Okay.

A. And I was going to get to that too.

Q. Okay.

A. The time -- these don't correlate at all.

Q. I now understand. That's why -- again, I'm not trying to play got you, I'm trying to understand.

A. No, I'm cool.

Q. So out of these, to your recollection, which one is more likely to be the most accurate, the one from -- the incident report from July or the voluntary statement in September?

A. Both of them are accurate.

Q. Well, we have time of incident is 4 a.m. on the written report that you did, you know, the next morning?

A. Right.

Q. But then I believe that you're saying that on the written report -- again, if I'm wrong, you know --

A. Okay.

Q. -- please let me know I'm wrong. I'm not trying to play got you. But you're saying it's closer to midnight on the handwritten report or have I got that incorrect?

A. Right.

Q. Well, I'm asking.

A. Well, that's when I went into the unit, at 12:15.

Q. So --

A. A.m.

Q. 12:15 a.m. Did you find him at 12:15 a.m. or --

A. No.

Q. Okay.

A. No, no. Because, as I stated earlier, I went to the left side first.

Q. Okay.

A. Then I migrated to the right side which he was found and was assigned to. And that took a little bit of time. If -- you had to be in the

unit to see -- you got over two, 300 -- 200 inmates on either side -- up to 200 inmates on either side of the unit.

Q. Okay.

A. So yeah.

Q. So --

A. That took a process. That took some time.

Q. Please explain the process and kind of how -- and how you did it, please.

A. Well, went to the left side and looked for the inmate, looked for Simmons, and that took some time.

Q. You know, we know we're here about Dashaun Simmons. The Monticello prisoner, did he --

A. Monticello.

Q. Monticello, excuse me. Did the Monticello prisoner state by name who had been -- who had been hurt?

A. Uh-uh, just said friend.

Q. So you were just looking for any injured person, you didn't know who it was supposed to be?

A. Right.

Q. You said there's approximately 200 inmates?

A. Around 200, yeah.

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Q. Does that mean that there's approximately a hundred cells?
A. No, that just mean -- they're two-men cells.
Q. Yeah, so if there's 200, that's two per cell, that would be a hundred cells?
A. Well, not all cells. No, that wouldn't -- that wouldn't mean that either. Depends on the assignments, the assignments to the units, so from my best recollection, yeah.
Q. About how many cells are in each unit?
A. I don't recall how many.
Q. Okay. So you went to the left side first?
A. Yes, sir.
Q. And do the cells have windows in them?
A. Yes.
Q. Do the windows open from the inside or the outside?
A. They don't open at all.
Q. Oh, they're just always --
A. Yeah.
Q. How big are the windows?
A. About a foot in length and about a foot in width.
Q. Can you see the entire cell from that

window if you're looking in from outside?
A. No.
Q. Can you see the -- what can you see?
A. You can see the racks where they lay and the toilet.
Q. Believe you said that some of the doors were open. Were doors open on the left side?
A. No.
Q. So when you first entered you had no reason to know that any of the cell doors were open?
A. Right. And they shouldn't have been open.
Q. We'll get to that, but yes, understood.
So you were just doing a visible check on around 50 cells on the left side?
A. No, I didn't say 50. I just said I just did a check. I don't know how many cells that I checked --
Q. Okay.
A. -- on the left side.
Q. You checked all the cells on the left side?
A. No.
Q. No?
A. No.

Q. Why didn't you check all the cells?
A. Because I didn't.
Q. Was there a reason you wouldn't check all the cells?
A. No.
Q. You were there to check and see if there was a wounded person, correct?
A. That is correct.
Q. Why wouldn't you look in all the cells if you thought there might be a wounded person?
A. I didn't. It's not a why. I just didn't.
Q. I understand. I understand you just didn't, but I'm allowed to ask, you know, what was going through your head, why wouldn't you look?
A. I don't recall my thought process that evening, that morning, that night, so -- anything above 75 percent is good for me regardless how many numbers -- how many cells is over there because I don't recall how many cells, so --
Q. The inmate that you spoke to about -- in Monticello unit, you had reason to believe him that there was somebody injured, correct?
A. Yes.
Q. So you had reason to believe there was somebody that was specifically injured and you

don't have reason why you wouldn't look -- what if you missed an injured person because you didn't look. You were fine with that?
A. You're absolutely correct, that was the process that night that I went through, yes, sir.
Q. Okay. And you said none of the -- none of the doors were open on the left side?
A. That's correct.
Q. Did you go back to the control room after you inspected the left side before you inspected --
A. No, no.
Q. -- the right side?
A. No.
Q. So you stayed on Marion unit?
A. Yes. I left the left side, went to the right side.
Q. Okay. When you got to the right side, as we have discussed, some of the doors were open. Were they open in a way you could tell they were open immediately?
A. No. They were not locked.
Q. Ah.
A. They're not open. They were not locked, secured.
Q. How did you come to find that any of them

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were not locked?
A. Because I pulled on them.
Q. Was pulling on it part of the procedure you did on the left side?
A. That is correct.
Q. Okay. So that's how you knew that something was up on the left side because you were looking and pulling at the same time?
A. Uh-huh.
Q. The cell doors -- again, I haven't been to the prison. Can you hear the insides of the cells from outside?
A. If you're standing at the door or if they're yelling.
Q. Okay. If they're yelling?
A. If they're yelling, yes.
Q. When you were inspecting the left side, were any of the prisoners yelling?
A. No.
Q. Is there a lights-out in the prison?
A. What do you mean?
Q. I don't know prison. I know, you know, at camp or in a military barracks, at a certain time, you know, everybody's asleep, they turn the main lights out. They might have a smaller light on

just for limited visibility if somebody needs to walk, but they don't have the full row of lights on. Were the full row of lights on?
A. No. The night lights were on.
Q. Okay.
A. There's never a dark -- there's never a dark room or place at a prison.
Q. Got you.
A. At all.
Q. When do the night lights come on?
A. Once we do our count and put them -- put them to bed and secure the unit.
Q. What time -- what time is that? Does that have a set time every day or is it variable?
A. It's vary. It varies from the warden saying if they can stay up or there's something going on or an event, but the standard is nine o'clock.
Q. In your experience, do they mostly follow a sleep schedule that follows the lights out?
A. No.
Q. Do their cells have lights that can be turned on when the outside lights are at night lights?
A. That is correct. It's still not dark in

there.
Q. I understand.
A. There's still a night light in every cell.
Q. Is there a way for them to turn on more than the night light once it's lights-out in the cell?
A. No.
Q. Okay. When you went to do your inspection on the left side, did you call for the overall lights to be turned on --
A. No.
Q. -- for it to stop from being night lights?
A. No, no, no.
Q. Do you recall if most of the prisoners were asleep when you went on the left side?
A. Apparently. I can't say they were sleeping. They were -- they were locked behind the doors, some laying down, some standing up, so I -- no.
Q. Okay. Believe you said Officer Wright went with you -- excuse me, supervisor?
A. Yeah, I did say supervisor. I forget whether she was --
Q. That's fine.
A. -- made lieutenant at that time or not.

Q. Did Supervisor Wright go with you to the left side as well?
A. Yes.
Q. Did Supervisor Wright only check the cells that you were checking or did she check other cells?
A. Check other cells, yeah. Split up, yeah.
Q. Could that be the why you didn't check every single cell, because she was checking other cells?
A. That's correct.
Q. Okay. Did y'all -- do you recall if you specifically divvied up and said you take these and I'll take these?
A. No, sir. No, sir, no.
Q. So there was a chance that on that side some of the cells didn't get checked?
A. I just know the ones that I checked.
Q. Okay. So talk me through going to the right side and kind of how you discovered cells were open.
A. As I said, we went and started pulling cell doors and doors were open, so that threw me off on looking for someone and finding out why all these doors were unsecured.

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Q. As you said the -- it can change for numerous reasons, but the standard is for the night light to come on at 9 p.m. That's also the time that --

A. It's not come on. We turn the main lights off. That's it.

Q. Thank you. The main lights turn off -- the standard is 9 p.m.?

A. Uh-huh.

Q. Is the standard when the main lights go off that the cells are locked? Is that the time for cells being locked?

A. The cells are already locked.

Q. When does --

A. The cells are locked when we come on shift. At seven o'clock there's a turnover, so the cells are locked then.

Q. Okay. So on the cell locking procedure, that's supposed to happen at 7 p.m. -- the time for that is 7 p.m., the cell locking?

A. At the start of shift. No time, it's start of shift, because that could go past seven o'clock.

Q. Okay. Who is -- is the D1 person leaving responsible for locking?

A. Both.

Q. So to make sure for the record, the D1 officer leaving the unit and the D2 officer coming onto shift --

A. Yes.

Q. -- are both responsible?

A. Yes.

Q. Is there a procedure for how they're supposed to --

A. Together.

Q. Does together mean one takes the left --

A. No, no, together.

Q. -- and one takes the right?

A. Side by side together. Together, they go to the cells together.

Q. So each individual cell both of them are watching --

A. Together.

Q. -- to make sure they both do it?

A. Together.

Q. Go off the record for a split second.

(Off-the-record discussion.)

BY MR. REMBERT:

Q. So my understanding, every cell -- two officers go to every cell to confirm that each cell

is locked?

A. Yes.

Q. Okay. Do you know -- there were, I believe your statement said, 20 to 30 of the cells open. Do you know if that was because they weren't properly locked by the two officers or if one of the officers opened them?

A. Can't answer that.

Q. Well, can't answer as in you don't know?

A. I don't know.

Q. Okay. Well, can't answer could be a number of things, so I wanted to make sure we get you saying what you want to say.

A. Okay.

Q. So 20 to 30 cells were open as you were pulling them. Were the inmates in those cells awake, moving around? Do you have any recollection?

A. Some were, some were not.

Q. Okay. When you pulled the first one and it was open, what did you do then?

A. I called Hall.

Q. And so did you make him lock it immediately?

A. Yes.

Q. So then was the procedure as you were looking at every one that you pulled that was open you made him lock immediately?

A. Yes.

Q. Okay. So you go down the right side. When was it that you found Simmons?

A. As I was leaving the unit. That's after maybe 45 minutes, an hour over there.

Q. So was he literally the last -- the last cell that you looked in?

A. I wasn't going to look in that cell.

Q. Why were you not going to look in that cell?

A. I wasn't going to look in that cell. I was leaving.

Q. Okay. Was Wright also with -- Supervisor Wright also with you on the right side?

A. Yes.

Q. Did you have reason to believe that Officer Wright was going to look in that cell?

A. Don't know.

Q. We'll get back to Simmons and the discovery of Simmons. You find that somebody has been stabbed -- well, found somebody was injured. Was it your belief that Simmons had been stabbed?

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A. Yes.
Q. Was there any sort of call for anybody to do a weapons check of the remaining prisoners?
A. No. We searched the cell that he was in.
Q. Searched the cell that Simmons was in?
A. Yes, which was not his cell.
Q. Okay. How are cell assignments done?
A. There's a formula to that and that's a classification thing. That's not in my wheelhouse.
Q. Okay. How do you -- how do you spot check to make sure that the correct prisoner is in the correct cell?
A. Again, that's not in my wheelhouse. That's not part of my responsibility. There's a formula for that and it's a lot of things considered: The charge, the size. It's a lot of other stuff that's not --
Q. Okay.
A. I don't --
Q. Whose responsibility is it to check to make sure that the correct prisoner's in the correct cell?
A. The unit managers.
Q. Unit managers would be the single officer that works in D1 and --

A. No, the unit manager would be the captains.
Q. Well, the way that we were previously describing is you're the overall supervisor, then you had two supervisors under you. When you say captains, do you mean those two supervisors?
A. No, it means that the captains make sure that who's -- the cell that they're assigned that they're in. They work during the day.
Q. Okay. Who are the captains that work during the day? I -- are they part of that 13 or 14 officers --
A. No.
Q. -- that work on --
A. No, no, no.
Q. It's a different group?
A. Yeah.
Q. So D2 has 13 or 14 people, but D1 has more people working at the prison?
A. It depends whether you -- people come to work or not. So any given day, you can't say you going to have this many number of people working.
Q. When you say captains, are those -- the captains you're speaking of, are they the D1 counterparts of the supervisors that you have on

D2?
A. No.
Q. So they're in addition to whoever the supervisors are --
A. They're not working at night.
Q. Yeah, I understand that you work D2, but being the overall supervisor for D2, that leads me to believe, and I might be wrong, that you understand how D1 works and how the prison works with people in the prison during the other shift. Is that correct?
A. Yes.
Q. Outside of how you explained D2, that you have yourself, you have somebody in operations, you've got seven officers in the seven units, you have a rover, you have two supervisors and you have two in lockup, D1 has all of those people, correct?
A. Yes.
Q. Then they have more people that show up to work during the day at the prison which would be during D1, correct?
A. Yes.
Q. Who are these captains that are part of that?
A. Whoever they assign. I don't -- again, my

job is to run the shift from 7P to 7A, so --
Q. So there's nobody --
A. The captain that -- was Livingston.
Q. Okay. Which is different from the Brittany Livingston that worked D2 with you?
A. Yes.
Q. Okay.
A. For clarity, each dorm has a captain.
Q. By dorm we mean unit, that we've been --
A. Unit.
Q. -- using the word unit? Okay.
A. Monticello has a captain.
Q. Okay.
A. Marion has a captain. Wateree has a captain. They all have captains.
Q. Okay. If there is a -- so Captain Livingston was the Marion captain?
A. I don't recall.
Q. That's fine. But there is a captain that is responsible for Marion unit?
A. Yes.
Q. Correct?
This captain works during the day, correct?
A. That is correct.

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Q. Are they responsible for the D1 and D2 officers that are -- that work each cell -- or, I mean, each unit?
A. No. I'm responsible for assigning officers on my shift.
Q. Is that -- so whoever the captain is for Marion unit, they are the ones that are responsible for making sure that cell assignments are being followed?
A. Yes.
Q. Do they ever come in on D2 to inspect to make sure that the cell assignments are being followed?
A. No, not necessarily, no.
Q. Is that a check that they make during D1 while they're at the prison?
A. No.
Q. Are inmates allowed -- the cells are locked at the shift changeover. Prior to the cells being locked, are the inmates allowed to roam from cell to cell?
A. Yes. It's called a rock. It's a -- when the cells are open, they come out and congregate in the middle of the unit.
Q. Are they allowed to go into other people's

cells?
A. They shouldn't, but they do.
Q. Okay. So how would the captain know if inmates are not sleeping in the correct cells if they don't come at night to check that?
A. You'd have to ask the captain. I can't answer that question.
Q. Okay. But there's no mechanism for anybody on D2 to confirm, you know, cell placement, you know, the inmates are in their correct cells?
A. Yes. When we do our count.
Q. When do you do the counts?
A. At nine o'clock.
Q. At 9 p.m. And what is the procedure for the count?
A. Check each cell with a roster.
Q. Do the -- do the unit officers have a good enough knowledge of what each inmate looks like to know that they're being told the truth by whoever's in the cell?
A. They don't need any knowledge because when you use the roster, they put they picture up --
Q. Okay.
A. -- and say who they are. You say they last name, they say their first name and they get

an MIS number, so --
Q. And there's a picture that confirms it?
A. It's their picture ID.
Q. They hold their picture up --
A. Yes.
Q. -- against the window?
A. Yes, yes.
Q. Okay. So at 9 p.m. the night of this, Hall should have been able to confirm that every inmate was in their cell because of the roll call at nine?
A. Uh-huh.
Q. Okay.
A. Yes.
Q. Thank you. When the cell doors on the right side started opening or you realized they were open, did you have somebody redo a roll call of the --
A. No, sir.
Q. -- of the prisoners?
A. No, sir.
Q. Do you recall why not?
A. No, sir.
Q. You said you looked inside the cell where you found Simmons?

A. No, that's not what I said.
Q. After you found Simmons, because you eventually went in -- you looked inside of it after you found him, correct?
A. I had Hall -- where I found Simmons at, an inmate was beating on the door, and Hall told me don't worry about it. Obviously the door was locked because the guy was beating on the door. And Wright told me you might want to go in there and check that one. I told Hall to open up the door and that's when I found Simmons.
Q. How long had -- well, was it Simmons that was beating on the door?
A. No, it was the other inmate that's in the room beating on the door. Simmons was in no condition to beat on no door.
Q. Do you remember the name of the other inmate?
A. Sure don't.
Q. Okay. How long had he been beating on that door?
A. About a minute or two. Well, maybe not a minute because I was walking out, so it was instantaneous.
Q. Okay. There was no beating prior to that

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when you walked in or walked on that side? He didn't beat when you were walking on that side?
A. No.
Q. Okay. He's beating, you tell Hall to open up the door. From there, then you see that Simmons is injured?
A. Yes.
Q. Did you enter the cell?
A. Yes.
Q. Okay. I asked you previously if you looked for weapons. Did you look for weapons in that cell?
A. Yes.
Q. Did you find any weapons in that cell?
A. No.
Q. Is there any procedure when there's been an attack to toss the cells for -- toss the rest of the cells to look for weapons?
A. No. At night we don't have the manpower to do that so we're not going to just arbitrarily be looking for things at night when we don't have the manpower. That is dangerous.
Q. So when were the -- when were the -- when were the cells checked for weapons after this?
A. I don't know. I went home after I did my

reports. I don't know. I don't know if they did that or not.
Q. How much blood was there with Simmons?
A. Blotches. He had blotches where he was stabbed. You saw it through his uniform.
Q. Do you remember how many blotches there were?
A. Oh, about three or four. He had a defensive wound on one of his fingers, one of his hands. I don't recall was it left or right. You can tell he was --
Q. Did he have any stabs anywhere besides his torso?
A. I didn't notice any.
Q. Don't recall if his face or neck were cut?
A. His face was not cut.
Q. Was the bleeding enough that it was on sheets or on the floor?
A. No, just on his prison uniform.
Q. Did you -- did you ask the other person in the cell what happened?
A. No.
Q. Any particular reason why not?
A. No. I told him to step out. I did my little search of the unit -- of that particular

room and escorted Simmons out and we locked the cell and I got Hall out of that unit.
Q. Was Simmons able to walk on his own?
A. Yes, and talk because he told me he was glad I was working that night.
Q. What else did he say to you?
A. That had I not been working that night nobody probably would have came and tried to look for me -- look for him.
Q. Did you ask -- did you ask the other person anything about it?
A. No.
Q. I believe you said after you had Hall open the door and saw somebody you told him to go to the warden's conference room?
A. I told Hall, yes. I isolated him right away.
Q. Okay. You had Supervisor Wright with you. Did Supervisor Wright take over the control of Marion unit since Officer Hall had been removed?
A. We just moved some officers around. I just told her to get somebody in there. Hall had to go.
Q. Understand. I believe you said, part of the rotation, you had a rover. Would the rover

have been the person --
A. No, no. The rover's the rover. Rover doesn't get replaced. The rover don't do anything. That's one station that always stay where it is.
Q. So, again, I'm just trying to understand because of the -- the idea of the numbers you gave me. We have you, we've got two supervisors which were Wright and Douglas, we've got a rover, we've got one in operations and then we have one person per unit. Are you saying that one of the other -- one of the other units' officers shifted over from their unit over to Marion unit?
A. No.
Q. Then who would it have been?
A. May have been Douglas. I don't know. Because once I gave Wright the directive, she made -- it made it happen. We don't pull -- you don't rob Peter to pay Paul, so no. So I took Simmons to medical and they did they assessment, whatever they needed to do.
Q. Do you recall what the assessment was?
A. No.
Q. Do you recall if he was medevaced from the prison?
A. No, he wasn't medevaced. He was taken in

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a vehicle.
Q. Okay. Where was he taken?
A. To Prisma.
Q. All right. Did you follow over to Prisma?
A. No. That's not the procedure.
Q. Okay.
A. He's not a SR inmate. He's a general pop inmate.
Q. Okay. So after he left, what did you do?
A. Continued on. I did my -- get my thoughts together, get my reports straight and I followed protocol and made my phone calls and that was it. I called police services and they came later that morning.
Q. Okay. You called police services. Did you call the warden?
A. No. We have a duty warden. I called the duty warden.
Q. What is the duty warden?
A. That's who stands in for the warden, assigned, designee.
Q. Is that the specific position or a rotating position?
A. It's a specific and rotating position.
Q. Who was the -- who was the, what did you

say, shift warden that night?
A. No, duty warden.
Q. Thank you. I apologize. Who was the duty warden that night?
A. Don't recall.
Q. Do you remember your conversation with the duty warden?
A. No. Well, let's just say this: I know I informed them what had happened, what I did with Hall and who I called.
Q. So timeline-wise, somewhere around midnight -- and I'm not trying to -- if I'm getting this timing wrong, please correct me, but my understanding is somewhere around midnight you went and started your inspections on the left side of Marion unit and then somewhere around 4 a.m. is when you discovered Simmons. What's the timeline for the rest of your shift from 4 a.m. after? What did you do before you went home?
A. Got them ready to feed. The cafeteria workers have to get out. We have a dialysis unit. We have several nurses coming in. They have to start up the machines. We've got to move those guys, probably about 15 to 20 guys, to dialysis. And we prepare for breakfast.

Q. What time's breakfast?
A. I don't know, six o'clock. I don't -- six o'clock.
Q. Does it --
A. Five o'clock.
Q. Does it vary day by day, just depends?
A. No, I just don't recall.
Q. Okay.
A. Yeah, yeah, I just don't recall.
Q. When there's an incident like there was in Marion unit, are they delayed from going to breakfast, you know --
A. No, no, no. My actions dictate that -- no. What I did, I followed what I needed to do, and that doesn't change anything in the routine of getting the rest of the institution moving before shift.
Q. You believe that -- do you believe when you found him that Simmons had been stabbed?
A. Obviously yes.
Q. Okay. Did you believe that a weapon had stabbed him?
A. Yes.
Q. There would be no reason to keep everybody segregated until they can be checked for weapons?

A. All the doors were locked, so they were already segregated.
Q. I understand that, but then you're saying that you let them out for breakfast at six?
A. I don't know if I let Marion out before anybody else, so I -- I doubt if I let Marion out before D1 got on board.
Q. Was anybody let out before inspection -- you know, weapons checks were made in Marion unit?
A. Do what?
Q. There's a stabbing.
A. Yes.
Q. We know that there's a weapon somewhere.
A. Right.
Q. You had all the doors relocked so that we know that all the inmates in Marion unit were locked in.
A. Right.
Q. So whoever had a weapon was locked in their cell with whatever this weapon is, right?
A. Yes.
Q. Nobody let them out for breakfast because there's still a weapon in Marion unit somewhere.
A. There's always a weapon. It's prison.
Q. There's been a stabbing and you know there

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needs to be an investigation, correct?
A. There was.
Q. And ostensibly the idea is to find whoever did it, correct?
A. Yes.
Q. And you don't want to give them an opportunity to get rid of the weapon, correct?
A. Yes.
Q. So you would want to make sure that they -- everybody stayed in their cell until the -- until the actual weapon used in the stabbing could be found, correct?
A. That's ideally, yes.
Q. Okay. Do you recall if Marion unit was released for breakfast --
A. No, I don't.
Q. -- prior to --
A. No, don't know.
Q. Is it possible that they were released for breakfast before the cells were inspected?
A. Don't know.
Q. Is there a specific procedure for if there's a stabbing whether they should be kept in their cells or not?
A. A procedure for a stabbing. Well, I can

tell you what I did, and where I found him at is where I did my inspection of that cell.
Q. Okay. The typed report that you did says time of report 10 a.m.?
A. Yeah.
Q. Your shift, from what you've said, seems like it should have ended at 7 a.m. Is that correct?
A. No, it's not.
Q. Okay. Please tell me when your shift ends.
A. At seven.
Q. Yes, that's what I just said --
A. Right.
Q. -- 7 a.m. is when your shift should have ended?
A. My shift is ended when I done completed all my duties.
Q. Okay. When does your shift usually end? If it ends when you've completed your duties --
A. Right.
Q. -- but that's supposed to be after 7 a.m., when does it usually end?
A. When I finish all my duties. That's various. Let's say my shift ends -- it's various.

Q. Okay.
A. There's no specific.
Q. So did you stay on shift until 10 a.m. when you wrote this report?
A. That is correct.
Q. Besides your normal duties and writing this report, was there anything about this incident that caused you to stay longer?
A. No, just this incident.
Q. I understand this incident. I mean outside of this report, did you talk to the D1 person? Did you talk to any investigators that morning? Did you talk to the morning warden? Did you talk to other people about the incident?
A. Of course I did. It's a pass-on.
Q. Okay.
A. I told the D1 supervisor, and when public -- I mean, police services came, I don't know, around eight or nine o'clock, I don't know, I talked with them. We talked briefly, then they took over. They talked with the warden, whatever they did. And I did my report and then I left.
Q. Okay. Do you recall who the D1 supervisor was?
A. Jones.

Q. Was Jones the D1 supervisor the morning either of the attack or after your shift -- was Jones also the D1 supervisor the night before? Did you hand off from him the night before?
A. Her.
Q. It's her, okay.
A. What you mean, hand off what?
Q. Was she D1 supervisor on either side of your shift?
A. I don't -- I don't -- I don't recall who I relieved because that could have been my first day or my last day, so that would have been two different supervisors.
Q. Okay. So it can -- it can be different supervisors?
A. Yes, yes.
Q. On your handoff from when you first took over shift, do you recall anything about your handoff meeting from the D1 supervisor?
A. No. There was nothing abnormal about it.
Q. Okay. Jones is the D1 supervisor that took over from you?
A. I'm -- if my recollection's correct, because it may have been their day -- they last day when I relieved them, so that meant then it would

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have been E1 supervisor. So I don't recall who had the shift the next morning --
Q. Okay.
A. -- because I was handling my business.
Q. Okay. Do you have any specific recollection of your handoff discussion that you had with --
A. No, just what --
Q. -- the supervisor taking over?
A. Just what was written, yeah.
Q. On here, on the typed written incident report, it's supervisor comments. Who would have been the supervisor for this?
A. That was Associate Warden Washington.
Q. Okay.
A. It says Washington, yeah, so that's Associate Warden Washington.
Q. And then the signature underneath it?
A. Don't know who that is. It's not even legible.
Q. Okay. There are boxes to the right of that supervisor part. It says STG related, refer to STG committee. What does STG mean?
A. It's gang related.
Q. Was that a box that you filled out or that

the supervisor filled out?
A. No, I do that.
Q. It's got a handwritten -- looks to me to have a handwritten no and then a --
A. Okay.
Q. -- computer checked --
A. Okay. The computer is mine. I said unknown. So obviously AW Washington may have just checked no.
Q. Okay.
A. Okay. So --
Q. When was the next time you were on shift after this incident?
A. I don't know if I worked the next day or not. I don't know.
Q. So after this shift where you found Simmons and after your handoff, before you left, did you have anything further to do with anything with this incident, discussing with other people, with interactions with Hall?
A. No, no. I didn't see Hall again.
Q. Did you interact with Simmons again after this incident?
A. I didn't see Simmons again.
Q. Did you -- you participated because -- and

thank you for helping me catch up on the fact that you did this voluntary statement on September 18th.
A. Two months later.
Q. Two months later. Between your incident report and your voluntary statement, was there anything else that either you participated in or spoke about about this incident?
A. No.
Q. Tell me about Agent Garris coming to speak with you.
A. I went to him and he said I need for you to write this statement for me.
Q. When you say you went to him --
A. To his office.
Q. Okay. Let's preface it. Did he ask you to come to his office?
A. Yes.
Q. Around what -- around what date did he ask you to come to his office?
A. I couldn't tell you that.
Q. Did he call and leave a message for you?
A. I don't know. He wouldn't have called me directly anyway. He would have called the warden. When you have -- they don't -- investigators don't call people that's involved in an investigation.

It goes through the warden. Anything that happens on that campus when it comes to an incident goes through the warden.
Q. Would that be the regular warden or the duty warden?
A. The warden.
Q. Okay. So do you recall when the warden --
A. No, I don't. Low man on the totem pole when it comes to that.
Q. That's okay. And I don't know and no is a perfectly acceptable answer.
Do you recall any conversation with the warden about the investigation?
A. No. We didn't have a conversation about it.
Q. Do you have any recollection of the interaction between you and the warden?
A. As it relates to what?
Q. Did he say, Officer Collins, get in touch with Agent Garris, go give a statement?
A. Again, that would not come from the warden. The warden would not tell me that directly.
Q. Okay. Who would --
A. The chain of command is the AWs and the

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major. So I don't recall who told me that, but the warden did not.

Q. Okay. Do you have any recollection of the person that told you to go speak with Agent Garris?

A. No.

Q. You said you went to Agent Garris' office. Where is that?

A. It's on the campus of SCDC.

Q. Where is the campus of SCDC?

A. On Broad River Road.

Q. Where is that -- where is that in relation to the prison?

A. On Broad River Road. All of it's Broad River Road.

Q. Okay. Do you remember what time that you went to -- well, I guess around 11:25 a.m.?

A. Yes.

Q. Was that -- so that was when you were off shift or were you getting off shift that day? Do you recall?

A. I don't know. I don't know. I know that I was instructed to go see Agent Garris. I went and saw him.

Q. Other than this statement, what were your interactions with Agent Garris?

A. Just this investigation.

Q. I need to be precise. You went into Agent Garris' office and we know you gave a voluntary statement. Did you have any other discussions or interactions with Agent Garris while you were there that day?

A. Yes. He told me to write the statement.

Q. Did he ask you any questions while you were there that day?

A. No, he just wanted a statement. He put me in a room by myself, I wrote the statement, let me get you a copy of it, he gave me a copy, said thank you.

Q. That was the only interaction you had with him?

A. Yes.

Q. Did you have any further interactions with him later?

A. I haven't seen him since.

Q. Okay. And did you say that you had or had not seen Hall afterwards?

A. I have not.

Q. Okay. Had you ever read Agent Garris' full report or -- on the investigation of this incident?

A. No. Didn't have no reason to.

Q. Do you know what happened to Hall?

A. Obviously nothing.

Q. Do you know --

A. I know he's free. He's out. He's not in jail. He's not locked up. I know that.

Q. Do you know if -- do you know if he was ever charged with a crime?

A. Well, they arrested him, so that's all I know. He should have still been locked up.

Q. Okay. Aside from -- aside from that, were you ever asked to speak with a prosecutor?

A. No.

Q. Pardon me, solicitor.

A. Johnson at the time, yeah. No.

Q. Did you ever have reason to speak to the grand jury about this matter?

A. I spoke to no one, and no, not to the grand jury either.

Q. After September 18, 2017, the day you gave your voluntary statement, did you participate in anything having to do with this Simmons stabbing at all, any conversations with anybody?

A. None.

MR. DAVIDSON: Other than me.

THE WITNESS: Other than -- yes.

MR. REMBERT: Okay.

MR. DAVIDSON: They always forget me.

MR. REMBERT: Well, because we all know we can't talk about that.

MR. DAVIDSON: I know, but --

MR. REMBERT: Okay.

MR. DAVIDSON: I feel hurt they don't remember me.

MR. REMBERT: I want to go off the record for a second.

(Off-the-record discussion.)

BY MR. REMBERT:

Q. How long had Hall worked D2 prior to this incident?

A. He was there when I got there, so -- he was there when I got there. I got there in January of '17, 2017, so he was already on the shift, already at Broad River.

Q. So that meant that by July he understood his shift procedure?

A. Yes.

Q. Did he have any similar infractions to the ones from this incident?

A. None that I'm aware of.

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Q. Had the doors in Marion unit ever been opened after the night lights came on for the time you were there and he was there?
A. No.
Q. Did he have any infractions -- did he have any history of infractions that you were aware of?
A. No.
Q. Prior to this evening he had never done anything that would give you reason to think that --
A. Nothing.
Q. -- he couldn't perform his duties?
A. Nothing.
Q. Had there ever been reports to you from other people about Hall or his behavior?
A. No.
Q. When you told Hall to go to the warden's conference room, what do you think -- how do you think Hall had participated in whatever happened?
A. He facilitated it.
Q. How do you believe that he facilitated it?
A. Door's locked, inmate stabbed, not in his right room and you tried to get me out the unit, all that in my head culminates from my experience that you was hiding something.

Q. Okay. Have you ever dealt with officers hiding things from you before?
A. Of course.
Q. What are the kinds of things that officers have tried to hide from you?
A. No, it's their behavior. It's not what they doing, what they're into, it's their behavior, their mannerisms.
Q. Okay. So you have to keep an eye on your officers' behaviors?
A. Of course.
Q. Do officers -- have you found officers to participate in getting prisoners contraband?
A. Yes.
Q. So that's a -- that's a known thing that you know to look for?
A. I look at the total officer, and yes.
Q. Have you ever caught an officer doing bad, you know, facilitating contraband to prisoners before?
A. Yeah, yeah, con -- yes, yes, yes, nurses, yes.
Q. When they are discovered to have done that, what happens to them?
A. Obviously nothing, but they go through the

process, whatever that process is for the hierarchy, removing, charging, jail, so --
Q. I've been to Broad River, but I haven't been into the units. I've only been into a segregated area where I could do a deposition before. I had to go through and get a full-body scan on a machine.
A. Yes.
Q. Are you required to have that full-body scan?
A. Anyone that enters a SCDC facility, period.
Q. And why is that?
A. To deter contraband and other things getting into the prison, i.e., cell phones, drugs.
Q. So part of your job as supervisor is not just making sure that your officers are doing their jobs, make sure they're not doing criminal things as well, correct?
A. That is correct.
Q. You had two supervisors. You said Wright and Douglas. Is that part of their job too?
A. Yes. Well, actually it's not just the supervisor's job, it's every -- you see something, you say something. You can just be fresh out of

the academy, see something, say something. You can be a cook.
Q. Okay. Do you remember an officer I believe his name is Holden Byrd that worked at the prison?
A. No, sir.
Q. Do you remember if the inmate that you spoke to was somebody named Dontavius Jackson? And when I say the inmate you spoke to, I mean the inmate you spoke to in Monticello unit.
A. No.
Q. Do you remember an officer from Monticello unit also calling into control besides just the inmate that kept calling?
A. No.
Q. I'm going to hand you a document that we're going to call Exhibit 2.
MR. REMBERT: And, Will, this is not for hearsay. This is to refresh his recollection. I know he didn't produce this and he may not have seen it. I'm only going to introduce it to see if it refreshes his recollection.
(PLAINTIFF'S EXH. 2, 10448-HALL-00071 CONFIDENTIAL, was marked for identification.)
BY MR. REMBERT:

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Q. We'll go off the record for a second to let you look over that and read it. Just let me know when you're ready, but don't talk about it until I get us back on the record.

(A recess transpired.)

BY MR. REMBERT:

Q. Okay. Officer Collins, I handed you a document, an incident report that has the handwritten number 93 at the top. This is an incident report written by a Holden Byrd. Now that you've had a chance to look at it, does this refresh your memory at all as to events that night?

A. He said the right side of Monticello. I thought it was the left side, so yeah. And yes.

Q. Okay. Now do you recall interacting with a Sergeant Byrd or, I mean, an Officer --

A. Officer.

Q. -- Byrd or Holden Byrd calling into control?

A. No, I still didn't talk with him, but I -- when he called sarge, I guess sarge brought it to my attention --

Q. Okay.

A. -- Sergeant Wright.

Q. And Sergeant Wright was one of the two

supervisors under you?

A. (Nodding head.)

Q. Okay. You were the supervisor who signed off on this document, correct?

A. Yes.

Q. Do you remember now that we've -- you know, I realize -- and, again, I'm not playing I got you. I understand that we are literally seven years later. But having looked at this now, do you remember interacting with Holden Byrd or him writing this incident report and giving it to you?

A. Interacting with him, but not -- yeah, yeah, yes, sir.

Q. Okay. Now that you've had a chance to look over this, what else do you remember about Officer Byrd or any of the details of this?

A. Nothing.

Q. Now, previously when we were talking about timeline, you said sometime after your shift started, so after 7 p.m., but early on in the shift so to speak, so not long after you started shift, the control room started receiving phone calls from someone in Monticello?

A. That is correct.

Q. And to your recollection, you went to

speak to somebody in Monticello in between 10 p.m. and midnight. Is that correct?

A. Yes, sir.

Q. This report has to do with Officer Holden being alerted by an inmate that he was hearing through the vents that someone got stabbed and that he presented it to Officer Wright. It says that this happened at 3:55 a.m. Do you have any reason to understand why he would have said this happened at 3:55 a.m.?

A. No.

Q. When you're the supervisor that's signing off on these documents, do you double-check to make sure that they have the information correct as they fill it out?

A. That is correct.

Q. Do you have any reason to believe that his time of incident at 3:55 a.m. is incorrect?

A. No.

Q. Again, I'm not playing got you, I want to make sure that we're on the same page. The way that I understand the timeline is that somewhere between ten and midnight the control room starts getting a call, you finally are alerted about these phone calls, you go down to Monticello unit you

said at approximately -- approximately midnight because you started your inspection on the right side of Marion unit?

A. No.

Q. No?

A. I started on the left side of Marion.

Q. I apologize, you are correct, you started on the left side of Marion unit sometime just after midnight and it took the -- and it took some time going through and checking cells and pulling on the doors as you said. Nothing was open on the left side. There was nothing unusual about the left side. And then it was -- by your incident report that we had in Number 1, at about 4 a.m. is when you found Rainey. Is that correct?

A. No, it was just the time of the incident as --

Q. Or --

A. Jackson, at his time it says 3:55 and mine is at four o'clock, so that's right around about the same time.

Q. I would like to correct the record. I apologize. I said Rainey and I meant Simmons.

A. Oh.

Q. Excuse me. Believe it or not, I've had a

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long day and we've only started, so when I screw up the names I like to make sure.

So Byrd's report, time of incident 3:55 a.m., the way I would read that is that he's saying that he told -- you know, that he found out that somebody had gotten stabbed and he told Wright and that that happened at 3:55 a.m. Is that how you read it?

A. You said he -- his reference to what, now, to Wright, now?

Q. Holden Byrd, Exhibit Number 2 that's in front of you --

A. I got you.

Q. -- he receives notice from an inmate that someone has been stabbed in Marion unit and then he notified Sergeant Wright and all of that happened at about 3:55 a.m. That's my understanding of this. Is that correct?

A. Yes, as it's written.

Q. How does that line up with the timeline of you already having been to Marion unit approximately three and a half hours earlier because by what you -- what we talked about earlier, you said you went down to Monticello just after midnight because you started your inspection

of Marion unit just after midnight which would be three hours after this?

A. Okay.

Q. Do you have -- do you have an idea as to the discrepancy between the two timelines?

A. No.

Q. Do you remember anything with your interactions with Officer Byrd the morning of this report?

A. No.

Q. When he fills out this report, does he fill it out in front of you or does he bring it to you?

A. He fills it out wherever he's wanting to fill it out at, then he brings it to me.

Q. Okay.

A. They don't have to fill it out in front of me.

Q. All right. The top of this says he filled it out at 7:28 a.m. and then down where you signed it says 10:25 a.m.?

A. Right.

Q. Do you have any idea why there would be a discrepancy of three hours between when he filled it out and when you signed off on it?

A. Yes.

Q. Please tell me.

A. Because that was the time I was getting ready to leave and at ten o'clock I finally read this and signed off on it.

Q. Besides reading and signing off on it, did you have any reason to talk to Byrd after that had been turned in?

A. I'm sure I talked to him. I don't recall a conversation.

Q. Okay. That was going to be my next question. When it comes to STG, you said that had to do with gangs. What is the actual -- what's it stand for again?

A. I have forgot. You might have to ask the captain --

Q. Okay. Not a problem.

A. -- just around the corner there.

Q. As part of being -- part of being the D2 supervisor, are you regularly briefed on gangs that are beefing with each other or gang members to keep separated or keep an eye out for?

A. When I come on, whatever is going on, they already separated, so -- and, yes, I do get passed down for any conflict that's on the yard.

Q. Is it -- is it a procedure to move known gang members to keep them separated from other gangs in different units or are they all mixed --

A. No.

Q. -- in regardless?

A. No. At some time they put them all together so there won't be any conflict.

Q. Okay. Do you have any recollection as to any gang problems that were happening at the time on, you know, July 17th and 18th of 2017?

A. No, sir.

Q. I don't know the right words. I'll use the colloquial term. Do you have a reason to know like if the Bloods have a beef with the Crips or the Gangster Disciples, if it goes from normal to, I don't know, a gang war, do y'all start separating them then?

A. They. I have not -- I'm not in that process. Okay. So we would not be moving inmates at night anyway. We don't -- well, we don't move inmates at night unless they're going to the hospital, period.

Q. Does the prison to your knowledge have a way to segregate beefing gangs or is it just they're always beefing and so you can't --

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A. Well, if it's severe they can move to another institution and/or get put up in -- get put in lockup.
Q. Okay. Well, I kept us under two hours. I think that's all I've got from my side. If you'd please follow the questions from your attorney. Thank you.

EXAMINATION

BY MR. DAVIDSON:
Q. Mr. Collins, I'm going to ask you a couple questions, and I know it's been seven years, and I'm going to kind of do the same thing that Mr. Rembert did to kind of refresh your memory on a couple points.
I'm going to show you an incident report which is Number 1, and in that you typed up some of the injuries that Mr. Simmons had, did you not?
A. Yes, sir.
Q. And what did you list as the injuries?
A. Multiple stab wounds to his neck, head and right side arm and left hand and a possible fractured jaw.
Q. Okay. So he had some rather substantial injuries?
A. Yes, sir.

Q. Okay. And you helped get him out of this cell?
A. Yes, I escorted him literally from the cell out the building and directly to medical.
Q. Okay. While you were walking with him, did you talk with him about what happened?
A. Yes.
Q. What did he tell you?
A. A whole bunch of nothing. Not very revealing.
Q. Okay.
A. But what he did say to me is that he's glad that I came and got him.
Q. Okay. Did he indicate to you anything about how this happened?
A. No.
Q. Okay. I'm going to refresh your memory again. Go to your statement. Last page.
A. Uh-huh.
Q. Where it says inmate Simmons was removed from Marion unit and escorted to medical to be medically assessed. During that time -- read that if you don't mind.
A. Inmate Simmons stated to this officer, Collins, that Hall had allowed other inmates into

his room, unlocked his door so that they can get at him.
Q. Okay.
A. Attack him, rather.
Q. Okay. Was that some of the concerns you had as to why you sent Hall to the conference room and called for police services to come to the institution?
A. Yes, sir.
Q. Okay. You wouldn't have called police service, you would have had somebody call police services?
A. No, I called them.
Q. You called them, okay. And was that part and parcel of what Simmons told you --
A. Yes, sir.
Q. -- why you called?
A. No, I was going to call them anyway.
Q. You were going to call them anyway?
A. Yes.
Q. Why?
A. There's no reason for an inmate to get stabbed in the middle of the night without someone letting another inmate in --
Q. Okay.

A. -- their cell.
Q. Okay.
A. And it wasn't your celly.
Q. And when you say celly, you mean --
A. I meant cellmate.
Q. Cellmate, okay.
And the only person that would have had keys to that cell would have been who?
A. Officer Hall.
Q. Okay. Who was in the unit?
A. Assigned to the unit.
Q. Okay. All right. And I want to make sure about something else. And we've heard a lot about timelines and times and things that went on and when they went on. Do you recall, when you went down there, did you go once or twice to Marion unit? Do you remember?
A. I may have went after -- after Hall was removed.
Q. Okay. Did you go down there before you found Simmons?
A. No.
Q. Okay.
A. No.
Q. Okay. So when you found the rooms open

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and you indicated to Hall he needed to close those rooms, you stayed and observed him closing all those doors?

A. Yes, sir.

Q. Those doors are locked manually, right?

A. Yes, sir.

Q. So you have to go to each one?

A. Yes, sir.

Q. Okay. And you would have to inventory, make sure you got both inmates in there?

A. Yes, sir.

Q. Okay. And that would take some time?

A. Yes, sir.

Q. Because you're going -- how many tiers are in that?

A. There's two tiers. There's a lower tier and a bottom tier.

Q. So you'd have to go up and down?

A. Yes, sir.

Q. All right. And that would account for some of the time lapse between 12, 12:30 when you went down the first and the time you found Simmons?

A. Yes, sir.

Q. Okay. And you indicated you signed off on Exhibit 2 which is a report that was done by

Mr. Byrd, and he told Officer Wright about what was being reported to him?

A. Yes, sir.

Q. You remember if Wright said anything to you? Is that how you got your knowledge?

A. Yes, sir.

Q. Okay. All right. That's all I have. Thank you, sir.

MR. REMBERT: I have nothing further. I appreciate your time.

(The deposition concluded at 10:56 a.m.)

CERTIFICATE OF REPORTER

I, Gina M. Johnson, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing deposition was taken before me on the date and at the time and location stated on page 1 of this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth;

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 9th day of August, 2024, at Columbia, Richland County, South Carolina.

Gina M. Johnson
RPR, CSR, Notary Public,
State of South Carolina
at Large.
My Commission expires
January 26, 2034.

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EXHIBIT 12

Federal Hall Deposition

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

RANDLE JACKSON, individually and as the Personal Representative of the Estate of DASHAUN SIMMONS,

Plaintiff,

vs. CASE NO. 1:22-cv-01656-DCC-SVH

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

Defendant.

VIDEOTAPED ANTHONY H. HALL, II

DEPOSITION OF:

DATE: May 1, 2023

TIME: 9:57 a.m.

LOCATION: Offices of
HUSEBY GLOBAL LITIGATION
1230 West Morehead Street
Suite 104
Charlotte, North Carolina

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: MINDY VISLAY
HUSEBY GLOBAL LITIGATION
CHARLOTTE, NORTH CAROLINA

APPEARANCES OF COUNSEL:

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ALSO PRESENT: Ira Lawrence, Videographer

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P R O C E E D I N G S

VIDEOGRAPHER: This is the beginning of Media No. 1 in the deposition of Anthony Hall in the matter of Randle Jackson versus the South Carolina Department of Corrections, Case No. 1:22-cv-01656-DCC-SVH.

Today's date is May 1st, 2023, and the time on the monitor is 9:57 a.m. My name is Ira Lawrence, and I'm the videographer. The court reporter is Mindy Vislay. We are here with Huseby Global Litigation.

Counsel, please introduce yourselves, after which the court reporter will swear in the witness.

MR. HAWKINS: Josh Hawkins for the plaintiff.

MS. JEDZINIAK: Helena Jedziniak for the plaintiff.

MR. BALTHAZOR: David DeMasters for the South Carolina Department of Corrections.

MR. DeMASTERS: And I'm Pete Balthazor here on behalf of Anthony Hall. I've been retained by the Insurance Reserve Fund. I'm representing Anthony in a civil -- civil capacity today.

ANTHONY H. HALL, II,

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. HAWKINS:

Q. Mr. Hall, my name is Joshua Hawkins. I'm gonna take your deposition. Have you ever had your deposition taken before?

A. No.

Q. Have you ever given in court testimony under oath or anything like that? Ever given any testimony under oath?

A. On the advice of my counsel Jack Swerling, I assert my right under the Fifth Amendment of the U.S. Constitution and will not respond to the question.

Q. And that paper that you're reading from, did Jack write that out for you?

A. On the advice of my counsel Jack Swerling, I assert my right under the Fifth Amendment of the U.S. Constitution and will not respond to the question.

Q. Is it your -- are you going to plead the Fifth to every question today?

A. On the advice of my counsel Jack Swerling, I assert my right under the Fifth Amendment of the U.S. Constitution and will not respond to the question.

MR. HAWKINS: Okay. Let's go ahead and

call the judge. We're going to call the federal judge and try to work this out.

MR. BALTHAZOR: Well, let's get Jack on the phone as well if we can.

MR. HAWKINS: No. Jack's not here.

MR. BALTHAZOR: We'll try to get him on the phone.

MR. HAWKINS: You do whatever you want. I'm not getting Jack on the phone.

What's that number?

MS. JEDZINIAK: It's 803-253 --

MR. HAWKINS: 803.

MS. JEDZINIAK: 253.

MR. HAWKINS: 253.

MS. JEDZINIAK: 6431.

MR. HAWKINS: 6431. And it's Judge Hodges, right?

MS. JEDZINIAK: Uh-huh.

(Telephonic conference with Judge Hodges.)

MS. HORGER: Judge Hodges' chambers. This is Van.

MR. HAWKINS: Hey. This is Joshua Hawkins. I'm calling on a civil matter where Judge Hodges is the magistrate assigned. It's the matter of Dashaun Simmons versus The South Carolina Department of

Corrections, and one of the other defendants is Anthony Hall. I don't have the civil number in front of me, but we're in a deposition, and -- here's the civil number. It's 1 --

MS. HORGER: Anthony Hall is one of the defendants?

MR. HAWKINS: Yes. He was.

MR. BALTHAZOR: Yes. He's been dismissed, so he's not a defendant right now.

MR. HAWKINS: Yeah. We have a 60(b) motion, but -- anyway, it's 1:22-cv-01656.

MS. HORGER: Okay.

MR. HAWKINS: Judge Coggins and then Judge Hodges.

MS. HORGER: Okay.

MR. HAWKINS: And, so, we have a discovery dispute with a witness -- well, with Mr. Hall, and we're trying to get some questions answered, and we'd like the Court's help with that if Judge Hodges is willing to help us.

MS. HORGER: All right. She's about to step into court. How long do we have on this? Can y'all move on and we can call you back if need be? Is there a number, and is there -- do you kind of want to just explain the discovery to her, or is there more I

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can give her before she --
A. Sure. Sure. Sure. We've got -- so this case -- just a little bit of background, this case is part of six or seven different lawsuits related to one specific plaintiff, and Anthony Hall is involved in two or three of the cases. We've had to track this person down, and we put a lot of effort into getting his deposition set. He's tried to evade service. His --
MR. BALTHAZOR: That's not correct.
MR. HAWKINS: -- attorneys have played some service games, and, so --
MR. BALTHAZOR: That's not correct.
MR. HAWKINS: -- we've spent a lot of money getting here, and he's pleading the Fifth to even basic background questions. I don't think he's entitled to plead the Fifth on questions that don't seek incriminating evidence, and so that's what we need the Court's help from, you know, asking background information if he can plead the Fifth to that. We don't think that's appropriate, and so we just -- if it is, if the Court tells us that that's appropriate, then we'll ask questions and get a negative inference and move on, but if I'm correct, then I would ask that the Court instruct him to answer

questions that do not seek potentially incriminating information.
MS. HORGER: Okay. And I see that Mr. Balthazor is his attorney. Is he there with y'all?
MR. HAWKINS: He is here. He's across the table from me.
MS. HORGER: Okay. Okay. Give me one second. The judge is about to go in the court, but hold on one second.
MR. HAWKINS: Okay.
JUDGE HODGES: This is Judge Hodges. How can I help you?
MR. HAWKINS: Hey, Judge. This is Joshua Hawkins, and I'm here with Mr. Balthazor for Anthony Hall in the case number that I gave your assistant. We have a discovery dispute. We're in a deposition, and I'm sorry to waste the Court's time with this, but --
JUDGE HODGES: No, you're fine.
MR. HAWKINS: -- the allegations of this complaint are that Anthony Hall who I'm deposing opened a cell door and allowed incarcerated persons to come in and stab our client, and so we filed a tort claims act case, and we're taking his deposition. He's pleading the Fifth, which is fine, but he's

pleading the Fifth to questions that don't seek incriminating evidence. We want to get basic background information, his work history, stuff like that, and I don't think he's entitled to plead the Fifth on those questions. And if I'm wrong, and like I told your assistant, and we'll get our negative inference and pack up and go home, but I would submit to the Court that we spent a considerable amount of time and money to get his deposition set. We think he tried to evade service for probably a year or something like that. We've tried to get him served repeatedly. We've tried to coordinate with his criminal lawyer, with his civil lawyer. We've sent subpoenas to everybody we think could possibly represent him, and we've had to basically move heaven and Earth to get this deposition set, and now that we're here in Charlotte we would like to get some productive information, particularly if we're going to have to come back anyway.
And the second thing is, Judge, I don't know if he got some immunity deal. If he did, he's obviously not entitled to plead the Fifth, so I think I'm entitled to ask that question and see if he's entitled to plead the Fifth at all. The charges we know have been dropped. There are no criminal charges pending.

Whether they could be re-brought is obviously pivotal in determining whether or not he's entitled to plead the Fifth.
So, what we want, Judge, is just to have something productive happen as a result of putting forth all this effort to finally get this person to show up. And, with that, I'll turn it over to his lawyer Mr. Balthazor.
JUDGE HODGES: Okay.
MR. BALTHAZOR: Good morning, Judge --
JUDGE HODGES: (Inaudible).
MR. BALTHAZOR: Yeah, good morning, Judge Hodges. This is Pete Balthazor. As I made clear at the beginning of this deposition, I'm representing Anthony Hall on behalf of the Insurance Reserve Fund. As you know, Anthony was dismissed from this lawsuit and from a previous lawsuit. Just to clear -- I'm not aware of any evasion of service issues on behalf of Anthony. He's moved from Augusta to Charlotte recently. But all of that aside, Jack Swerling has been the longtime criminal defense attorney for Mr. Hall, represented Mr. Hall on the criminal charges that arose out of the incident that is alleged in the complaint. I think it's a 2017 incident from Broad River. Those charges, like Josh indicated, did get

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dismissed. I think they were nolle pros'd. There was no indication that they were nolle pros'd with prejudice, so, as Mr. Hall indicated to the initial questions this morning, he is invoking his Fifth Amendment privilege based on the advice of his criminal defense attorney Jack Swerling. Jack is not here today. I wish Jack could be here today. I think if we're going to try to decide or determine anything about any scope of any questions that Mr. Hall would have to answer today, I would ask that we try to get Mr. Swerling on the phone as well so he can have his input for his client. I know that Josh spoke with Jack Swerling last week, so everybody is aware that Mr. Swerling is involved in this as well.

So, from my standpoint, I'm sort of going along with the flow here on what Jack has advised his client to do. So, I mean --

JUDGE HODGES: What is the nature of the questions? What questions did he ask -- Mr. Hawkins -- so far?

MR. HAWKINS: Well, Your Honor, I've said have you ever taken a -- had your deposition taken before, and he started pleading the Fifth. I said, are you going to plead the Fifth to every question we ask today, and he plead the Fifth again. So I can't

even get where he went to elementary school right now, and we spent, you know, thousands of dollars trying to get him to a deposition. We've got the burden of proof, and, you know, we've chased him all around literally hell and half of South Carolina and now North Carolina, and, you know, it's -- I think it's fundamentally at odds with the federal rules. I think it's fundamentally at odds with fairness. I'm entitled to know if he's got immunity or even a right to plead the Fifth. That's my position, Your Honor.

JUDGE HODGES: All right. And where is Mr. Swerling?

MR. HAWKINS: We don't know. He didn't come, and this is a properly -- he's known about it, you know, we exchanged emails. He tried to get me to move the deposition to Columbia after they made me chase him down. Mr. Balthazor called Andre Rembert, co-counsel, and tried to get him to move the deposition to Columbia to his office after they made us chase him for months, and I said, why won't you accept service for the person you represent, and he played a bunch of games that way. It's very frustrating, Your Honor.

MR. BALTHAZOR: I just want to clear up the record here about chasing Anthony down for months.

I've given Anthony's address at every occasion I've been asked for Anthony's address, so there's -- and as soon as they attempted service at the address I provided, Anthony was served. So there's been no evasion. There's been nothing of that sort. I just wanted to clear that up, for one thing.

But I'm not sure where Jack is this morning. I would request that we try to get him on the phone, dial him up. I've got his phone numbers here, or at least we can take a break. I can try to get in touch with him and see if he can be available at some point this morning.

JUDGE HODGES: Well, I want to try and get him on a separate line. Are y'all -- are we on the record? Are y'all making a record of this?

MR. HAWKINS: Yes, Your Honor.

JUDGE HODGES: Okay. Is Mr. Hall able to hear me?

MR. HAWKINS: Yes, Your Honor.

MR. BALTHAZOR: Yes.

JUDGE HODGES: Okay. I'm going to give him the opportunity to have -- I'm going to allow the courtesy of our making the phone call to his lawyer, but if his lawyer had the notice of deposition served on him and had notice of the deposition from other

sources, I'm sorry, but those arguments aren't gonna fly with me. He's gonna have to answer every question that is posed to him that does not directly involve his actions at the incident that could give rise to criminal prosecution, and we need to figure out whether he's entitled to immunity or not, whether the nolle pros was in consideration for something, and if he's not facing any impending charges, then he can't plead the Fifth. So, hold on, and let me see if I can get Jack Swerling on the line.

MR. HAWKINS: And, Your Honor, I would add one thing in full candor and transparency. We never officially served Jack Swerling with the notice. He knew about it, but we didn't serve him pursuant to Rule 4. He indicated he does not represent Mr. Hall. He represented that I think to Mr. Rembert. And I think there may be an email to me where he takes that position, too. So it was our understanding --

JUDGE HODGES: If he's not representing him, then Mr. Hall can't rely on the advice of counsel. Hold on one second and let me see if I can get Jack on the phone.

MR. BALTHAZOR: That was not my understanding, though. I mean --

MR. HAWKINS: Well, it may be wrong,

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because he said that Jack does represent him. So that may just be wrong. But Jack made that representation. He told Andre, well, I don't represent him.

MR. BALTHAZOR: Yeah, I don't know --

MR. HAWKINS: Maybe he meant for the civil thing --

MR. BALTHAZOR: Yeah, I don't know what Jack -- I don't know what Jack has told y'all. I know that Jack and Anthony talked last week.

MR. HAWKINS: Well, while she's doing that, I could talk to you and Dave about the fact that if -- even if we have to -- it's clear now that we're going to get to ask him some questions at some point. I don't think it would serve any interest to say, all right, we're going to end this and then serve Jack and then come back. I mean, that wouldn't make any sense. What's y'all's position on that?

MR. BALTHAZOR: Well, let's just see what happens next.

JUDGE HODGES: Okay. He didn't respond. We're texting him. I've got a courtroom full of people waiting on me for criminal court. I'm going to go handle that, and once y'all get him on the line so that we can address this, then I'll take a break and come out here -- come back to chambers to address this

issue, but y'all sit tight. He's going to have to answer the questions that y'all pose to him -- (inaudible) -- if necessary. But y'all get up together with Mr. Swerling. I need to know whether he is currently representing him and the status of the charges against him and if there's any immunity, and all that needs to be on the record.

Do y'all have any other questions we need to address before I pop off?

MR. HAWKINS: No, Judge. Thank you. And are we -- so we're trying to contact Jack, and we're gonna continue until we've reached him, and then we call the court back or we wait on the court to call us back?

JUDGE HODGES: That's right. So y'all just call back here when you get everybody on the line --

MR. HAWKINS: Okay.

JUDGE HODGES: -- and then y'all will be just placed on hold until I can get through with my criminal court which shouldn't be terribly long for y'all to wait once y'all get him on the line. All right?

MR. HAWKINS: Thank you, Judge.

MR. BALTHAZOR: All right. Thank you.

JUDGE HODGES: And then the telephone

number is -- it's the same number. 803-253-6431. What's the telephone number that we should text Jack Swerling to call y'all at?

MR. HAWKINS: You can -- it can be my number, Judge. That's 864-569-2280. It's Joshua Hawkins.

JUDGE HODGES: Okay. That sounds good. My law clerk will text him that.

All right. Thank y'all.

MR. HAWKINS: Thank you.

JUDGE HODGES: We'll talk to y'all in a bit.

MR. HAWKINS: Thank you, Judge.

JUDGE HODGES: Bye bye.

MR. BALTHAZOR: Jack might be somewhere in that federal courthouse.

MR. HAWKINS: Yeah. He might be sitting with one of the people waiting to --

MR. DeMASTERS: She's gonna wish she had ordered the remand that we requested like three weeks ago. I still -- I don't know why she hasn't --

MR. HAWKINS: Yeah.

MR. DeMASTERS: -- signed the consent motion.

(Simultaneous speaking.)

(Court reporter request for clarification.)

MR. HAWKINS: No.

MR. DeMASTERS: Oh, yeah. I'm sorry. I was just thinking to myself. I was like she should have signed it. We can go off the record.

MS. JEDZINIAK: Yeah. Go off.

VIDEOGRAPHER: The time is 10:17 a.m. We are off the record.

(A short recess was then taken.)

MS. HORGER: All right. Mr. Hawkins?

MR. HAWKINS: Yeah.

MS. HORGER: Mr. Swerling?

MR. SWERLING: Yes.

MS. HORGER: Okay. Y'all should be on the line.

MR. HAWKINS: Hey, Jack. This is Josh Hawkins. We're sitting here with Mr. Hall, and Mr. Balthazor is here, and my law partner, and David DeMasters for SCDC. We're trying to figure out which questions we can ask Mr. Hall without -- you know, I know he's going to plead his privilege, but we want to get some background information. We've been on the phone with Judge Hodges. We're trying to figure out what parts we can work out and that sort of thing. We're on the record right now, just so you know, but

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what's your -- can you -- can we come to some agreement about him answering background questions that don't, as Judge Hodges said, directly seek potentially incriminating information?

MR. SWERLING: Yeah, I don't have any problem with basic information. What I told him was nothing concerning this event --

MR. HAWKINS: Okay.

MR. SWERLING: -- you know, I would advise him to take the Fifth Amendment because it really can be resurrected at any time, it was just a nolle pros, it was not with prejudice, and I guess at the last moment that case -- the criminal case fell apart, which he still has exposure on that. So, you know, if it has something to do with the event itself, you know, I think he would have to assert his right over the Fifth Amendment, but he can answer, you know -- and I thought I made that clear to him that he can answer background questions just as long as it doesn't involve the event that you're deposing him around.

MR. HAWKINS: Right. And -- well, two things. Was there any immunity or any deal? Was there anything exchanged?

MR. SWERLING: No.

MR. HAWKINS: Okay.

MR. SWERLING: Just -- I guess it came down to a lack of proof --

MR. HAWKINS: Okay.

MR. SWERLING: -- as to what they -- you know, you had a bunch of prisoners who were making statements -- or whatever it was. I can't tell you the exact reason right now, but it had to do with they couldn't put the case together.

MR. HAWKINS: Okay. Well, do you --

MR. SWERLING: No immunity. There's no immunity.

MR. HAWKINS: Okay. Well, if we get into -- what I'm worried about is if we get into -- if I ask him some questions that I think doesn't seek potentially incriminating information, he thinks it might, and then we have a dispute, do you want us to wait until you can listen by phone? Do you want us to take a break and let you drive up? What can we do to accommodate you, or how do you want to do it?

MR. SWERLING: Well, I mean, I'm not gonna drive up. I mean, I represent him on the criminal case not on the civil.

MR. HAWKINS: Yeah.

MR. SWERLING: So, let me -- you know, I'm here. I'm driving to Florence right now. But if I

can talk to him and ask him -- I'm still gonna tell him to take the Fifth Amendment as to any of the events that took place.

MR. HAWKINS: Okay. All right. Do you want to -- because we're on the phone with the court right now. Do you want to talk to him privately or something like that before we resume?

MR. SWERLING: Yeah. Yeah. Let me talk to him privately, if that's all right.

MR. HAWKINS: Okay.

MR. BALTHAZOR: Well -- Jack. Jack. This is Pete Balthazor. I'll walk outside with Anthony if you want to -- I assume you have his number, or maybe Anthony can just give you a call in two minutes when we walk outside?

MR. SWERLING: Yes. He can call me. Yes. Sure. I'm on the -- I'm on my cellphone. I'm driving, so --

MR. BALTHAZOR: Okay.

MR. SWERLING: -- I've got time.

MR. HAWKINS: And what I would say -- what I would add to all that is whatever y'all talk about, I would really -- you know, I know he's not gonna -- when he opened the door, he's not gonna acknowledge that or talk about the fact that, you know, he had

gang affiliation, but I would try to -- I would ask that y'all try to come to an agreement that you'll answer what you can because I don't want to bother the court again with this if we can at all avoid it, but his deposition is pivotal in the case. I mean, he's the one that did the deed, so we -- you know, we've got to take it and get as much as we can without getting into the areas that you've advised him not to talk about.

MR. SWERLING: Well, again, all I'm gonna advise him about is what his potential -- he still has potential exposure --

MR. HAWKINS: Okay.

MR. STERLING: -- on the event itself --

MR. HAWKINS: Okay.

MR. STERLING: -- you know with anything he did.

MR. BALTHAZOR: And I would say, if you -- and I would say if Josh was to ask him about -- if you were to ask him about gang affiliations, I mean, that could lead to potential criminal implications as well.

MR. HAWKINS: Well, that's what I'm saying. I assume he'll plead the Fifth to that. That's my point.

MR. BALTHAZOR: Yeah, I mean -- but I

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don't -- I mean, I don't think we need to get the judge back on the phone for --

MR. HAWKINS: Well, I don't know --

MR. BALTHAZOR: -- questions like that.

MR. HAWKINS: I'm going to ask thousands of questions, so I don't know what's gonna happen.

MR. BALTHAZOR: All right. Well, Jack, I guess we'll walk outside and give you a call.

MR. STERLING: Okay. Can I write down the questions? Thousands of questions? God Almighty.

MR. HAWKINS: Yeah. I'm thorough, Jack.

MR. SWERLING: That's all right. That's all right. Yeah. If I could talk to him privately, then I'll try and resolve --

MR. HAWKINS: Okay.

MR. SWERLING: -- you know, at least a part of what y'all are looking for.

MR. HAWKINS: Okay. All right.

MR. BALTHAZOR: All right. We'll walk outside and give you a call.

MR. SWERLING: Okay.

MS. HORGER: All right. This is Van. When I hang up it's gonna hang up on everyone, I believe, so --

MR. HAWKINS: Okay.

MS. HORGER: (Inaudible.)

MR. HAWKINS: Okay. Let me --

MS. HORGER: (Inaudible.)

MR. HAWKINS: Well, let me ask you a question. I think that when they talk and come back in we can resume without calling the court back. I just didn't want to -- I wanted to make sure that was clear, or if the court wants something else from me, I want to make sure I give the court whatever the court wants.

MS. HORGER: Oh, no. I think if y'all can resolve it without calling her back she'll be happy with that.

MR. HAWKINS: All right.

MS. HORGER: If you need to call back, that's fine, but I think she'll be perfectly happy if y'all don't need to call her back.

MR. HAWKINS: Okay. Well, thank you. And thank you for the court's help and time.

MR. BALTHAZOR: Van, y'all can just remand this case to state court today.

MR. HAWKINS: We all agree on that.

MR. BALTHAZOR: Yeah.

MR. DeMASTERS: Back in March.

MS. HORGER: -- you've got a motion

pending, but I'll check. Take your ticket and stay on the line.

MR. HAWKINS: Oh, my goodness. All right. Thank you so much.

MR. BALTHAZOR: Thank you.

MS. HORGER: All right. Thank y'all.

MR. HAWKINS: Bye bye.

VIDEOGRAPHER: The time on the monitor is 10:27 a.m., and we are off the record.

(A short recess was taken.)

VIDEOGRAPHER: The time on the monitor is 10:49, and we are back on the record.

CONTINUED DIRECT EXAMINATION

BY MR. HAWKINS:

Q. Mr. Hall, you had a chance to speak with your criminal defense attorney Jack Swerling outside, and there's been some -- there's been a little bit of confusion about that. So we're clear on the record, Jack Swerling, he's your criminal defense lawyer still right now for these charges related to what we're talking about, right?

A. Yes.

Q. Okay. And, so, he's told you when to plead the Fifth, and I understand that you're going to plead the Fifth at some point probably, but you're going to

answer the questions that don't seek incriminating information; is that accurate?

A. Yes.

Q. Okay. Thank you for that. Let's start by getting some of your background information. Okay?

A. Yes.

Q. You're from Hawaii?

A. Yes, sir.

Q. You were born in what year in Hawaii, 1985?

A. 1985. December 24th.

Q. Okay. On Christmas Eve.

A. Uh-huh.

Q. How long did you live in Hawaii before you came to the states?

A. After I graduated --

Q. I mean the contiguous states.

A. Okay. I got you. After I graduated high school I moved to Philadelphia to -- that's where my family's at, and then I went to college in Central Penn in Pennsylvania, and probably about like a year-and-a-half later after I dropped out I ended up moving back to Hawaii.

Q. Okay. You ever have any criminal charges before the ones that we're talking about today for anything?

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A. No, sir.
Q. You've never been -- gotten in trouble with the law for any reason?
A. No, sir.
Q. When you were young or anything? When you were maybe in high school? Seventeen? Maybe wrote it on a job application somewhere?
A. No, no, no. It could have been like I guess -- I don't know, I guess community service for something.
Q. Okay.
A. But that was just like for I guess being in the park after hours, but no type of criminal activity, no.
Q. Okay. What made you want to get into law enforcement?
A. I was 30 years old. I never really had no trade or nothing like that. My cousin who lives in North Carolina, he's a correctional officer, so he used to always try to get me to be a CO, and I always told him no, but I decided to put in for it.
Q. Did you have to go to the academy?
A. Yes.
Q. Okay. What -- have you -- since you left SCDC have you done any other kind of work in law

enforcement?
A. No.
Q. What are you doing now?
A. Right now I DoorDash for a living.
Q. Okay. What all have you done since you left SCDC, what all kinds of work have you done?
A. Miscellaneous jobs. The first job I had was Bite Squad. It's kind of like DoorDash. Food delivering. And then after that basically working at temp agencies.
Q. Okay.
A. So a temp agency would put me in different jobs, so none of the jobs I had I really liked, so it's just been one of those just work to maintain.
Q. Okay. All right. So you've never been in trouble with the law except for that being in the park too late or after hours before the event that we're here about, and then since the event that we're here about you haven't had any more involvement with law enforcement?
A. No.
Q. Is that all true and correct?
A. Not unless you want to count a speeding ticket, but --
Q. Okay. What was the speeding ticket for?

A. I was speeding to work. I think it was Johnson, South Carolina. I got a speeding ticket, so I paid the ticket.
Q. When did you first learn that we were trying to take your deposition?
A. It's been -- I've heard about it. The actual date I can't remember, but I do know it's been some time.
Q. Yeah. About a year? More than a year?
A. Something like that, I guess.
Q. Okay. And what was your -- you heard us talking, and this is going to be important maybe for motions or maybe for trial. What was your hesitation about having your deposition taken?
A. There was really no hesitation. I'm an easy man to find man. I've been real easy to find.
Q. Okay. Well, maybe for people who you have relationships with, but we put a lot of effort into finding you, and it took a long time to nail your deposition down. Did you ever have -- well, let me ask you this. Mr. Balthazor is here, and you said he's your lawyer for this civil matter; is that correct?
A. Yes.
Q. Okay. When did he become your lawyer for

this civil matter?
A. I believe as soon as it started. As soon as -- as soon as this civil matter took place.
Q. Yeah.
A. Yes.
Q. So as soon as it was filed and you learned about it Mr. Balthazor was your lawyer and you could call him if you needed to?
A. Right.
Q. Okay. And then y'all had a chance to talk about the case throughout the months and leading up to this privately? I'm not going to ask you about conversations you had with him if he was your lawyer.
A. No, we spoke. We spoke a couple of times, yes.
Q. Okay. Because -- and that would have been -- that would have been as early as -- that would have been as early as February of last year give or take?
A. I guess.
Q. Okay. And, so, when -- did Mr. -- did you know that Mr. Balthazor had received a deposition notice and subpoena?
A. From my understanding, I thought it got tossed out, from my understanding. If I'm not

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mistaken, there's been multiple paperwork putting in regarding this. So it was more than one.

Q. Now, we're going to use this deposition in the state case that's going on right now and in the federal case and any other case related to Simmons. So the state case, the --

Do we have that number? I should have had it in front of me.

MS. JEDZINIAK: 2018.

BY MR. HAWKINS:

Q. The state case, 2018 CP --

MR. HAWKINS: Is that 40 Richland?

MS. JEDZINIAK: 40. Yes.

BY MR. HAWKINS:

Q. -- 04850, that's where SCDC is the defendant. SCDC is your former employer?

A. Yes.

Q. All right. So you knew about this one in addition to the federal case and everything else, right?

A. Uh-huh.

Q. Is that a yes?

A. Yes. Yes.

Q. And the case that -- in that case, that 2018 state case number, Mr. Balthazor, he's your

lawyer for that case, too, right, for this case that we're talking about?

A. Yes.

Q. Okay. And he was your lawyer for that case since it was filed, correct?

A. Yes.

Q. The one where just SCDC is the defendant?

A. Yes.

Q. Okay. And I'm going to go ahead and make these emails exhibits. These are where we tried to coordinate your deposition with your lawyer and had to personally serve you. You know we had to track you down personally to serve you, right?

A. Yes.

MR. HAWKINS: And you can just mark that as Plaintiff's 1 or however you want to do it. A. It doesn't matter. Go ahead.

COURT REPORTER: I'll just do 1.

MR. HAWKINS: Yeah. The whole packet.

(EXHIBIT 1 was marked for identification.)

BY MR. HAWKINS:

Q. What we've done is we made some emails exhibits to show that we've been trying to coordinate your deposition for some time and had to incur the expense of personal service on you. Do you understand

that?

A. Uh-huh. Yes.

Q. Do you understand that it takes money to track you down and serve you personally when the rules provide that service can be affected on your lawyer, has your lawyer talked to you about that in any degree that's not privileged?

A. Yes. I guess. Yes.

Q. Okay. And then I know that you wanted to have the deposition in Columbia at one point. We got a call from Mr. -- or co-counsel got a call from Mr. Balthazor about that. Was it your preference to do this deposition in Columbia where your lawyer's office is?

A. Yes.

Q. Okay. And would you prefer if you have to have another deposition in the future to have your deposition in Columbia where your lawyer's office is?

A. I prefer not to have another deposition, but if that is the case, then yes.

Q. Okay. All right. And can we agree that if we need to take another deposition or something like that we can serve your lawyer and that will be good service on you?

MR. BALTHAZOR: Object to the form.

BY MR. HAWKINS:

Q. Can we agree on the record on that so we don't have to track you down again? You can't look at him for answers.

A. Yes.

MR. BALTHAZOR: I object to the form of that.

BY MR. HAWKINS:

Q. All right. So you've agreed that we can serve your lawyer which most of the time would just happen, but for some reason in this case we've had to jump through a bunch of hoops. Hopefully we don't have to do that again. Okay?

A. Yes.

Q. Okay. Does -- you know -- has anybody told you -- you don't have any privilege with Mr. DeMasters, do you? That's not your lawyer, right? Or is it your lawyer?

A. No.

Q. Okay. So there's no -- I can ask you any communications you've had with Dave. We agree on that?

A. Yes.

Q. All right. Has anybody told you -- and it's in sworn testimony now, I think, or what would

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amount to the same thing -- SCDC plans to blame you for Mr. Simmons being stabbed to death. They plan to, you know, say that's Hall, that's not on us, we're gonna point the finger at Hall. Has anybody told you that?

MR. DeMASTERS: And I object to the form.

MR. HAWKINS: Hold on.

MR. DeMASTERS: You can answer.

MR. BALTHAZOR: Yeah, I object to that question as well to the extent that it gets into --

MR. HAWKINS: Whoa whoa whoa whoa whoa. We can have an objection or objection to the form, or you can instruct not to answer. Anything beyond that we need to have the witness leave so his testimony is not tainted. So, we can have a conversation if he wants to step out.

MR. BALTHAZOR: All right. Well, let's -- let me have the conversation with him to discuss whether --

MR. HAWKINS: No --

MR. BALTHAZOR: -- to assert a privilege again.

MR. HAWKINS: -- you can't. No, you can't have that conversation. You can say I instruct him not to answer -- he's under oath now, so you can

instruct him not to answer or he can leave and we can have a dialogue. Other than that you can give a short one or two word statement about the basis for the objection and that's it. You can say objection relevance. You can say objection privilege, whatever you want to say, but if you don't make an instruction not to answer you can't go on this diatribe with speaking objections.

MR. BALTHAZOR: "Counsel and witnesses shall not engage in private except for the purpose of deciding whether to assert a privilege or to make an objection or to move for a protective order."

MR. HAWKINS: He already talked to his criminal lawyer. He already talked to his criminal lawyer, and he's not here.

MR. BALTHAZOR: You're asking him about what he might know and how he might know it, and that that may be information that came from me.

MR. HAWKINS: Okay. Well, y'all go talk about it, then.

VIDEOGRAPHER: The time on the monitor is 11 a.m., and we are off the record.

(A short recess was taken.)

VIDEOGRAPHER: The time on the monitor is 11:06 a.m., and we are on the record.

(WHEREIN, the requested portion of the record was read by the court reporter.)

THE WITNESS: No.

MR. DeMASTERS: Object to the form.

THE WITNESS: No.

BY MR. HAWKINS:

Q. Nobody's told you that?

A. No.

Q. Okay. All right. If -- if -- whether it's a federal case or a state case, whether you're a defendant or you're a witness in a state tort claims act case -- well, let me just ask you. If we -- if we get to trial in this state case, this 2018 state case, do you have any objection yourself to us using this deposition in that trial if we can't find you or something like that?

MR. BALTHAZOR: Object to the form.

THE WITNESS: I'm not gonna answer that question.

BY MR. HAWKINS:

Q. Which question?

MR. BALTHAZOR: You need to answer that question just whether you -- whether you -- if you don't understand the question or know how to answer it, that's fine, but you've got to answer it.

THE WITNESS: I don't understand that question, no.

BY MR. HAWKINS:

Q. Okay. This is being videoed. Right? And, so, if we can't find you, like we haven't been able to find you for the past year, we're going to play this video at trial in the state court case even though this is noticed in a federal case. Do you have a problem with that? If you do, you can tell me on the record. If you don't, you can say I don't have a problem with you using this deposition in any case.

MR. BALTHAZOR: Object to the form.

BY MR. HAWKINS:

Q. A judge is probably going to let us do it anyway, but I'm asking you if you have a problem with it.

A. If the judge let's you do it, then I don't have a problem.

Q. Okay.

A. I actually don't matter.

Q. Okay. Are you gonna come to trial if we have a trial in this 2018 state case on November 6th?

A. If I'm subpoenaed, then I'll show, yes.

Q. Okay. You're not gonna come voluntarily, though?

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A. No.
Q. Okay. All right. And we can serve your lawyer with a trial subpoena for that?
MR. BALTHAZOR: Object to the form.
THE WITNESS: Yes.
BY MR. HAWKINS:
Q. Okay. Why do you not want to come to trial?
A. Because my case has been dismissed already.
Q. You understand this is a civil case against SCDC? Right?
A. Yes.
Q. You understand that? All right. And without getting into the event yet, you worked for SCDC when Dashaun Simmons was stabbed, didn't you? I'm not asking you about your involvement. I'm just asking did you work for SCDC at that time?
A. Yes.
Q. Okay. And you wore an SCDC uniform to work every day?
A. Yes.
Q. Including the day that this event happened?
A. Yes.
Q. Okay. You had keys where you could -- you had keys issued from SCDC, correct?

A. I'm pleading the Fifth. On the advice of my counsel, I reserve my right under the Fifth Amendment of the U.S. Constitution and will not respond to that question.
Q. Okay. And I may ask you -- I don't know if you heard me talk to Mr. Balthazor, but you can if you want to just say I'm going to plead the Fifth, and it will mean the same thing. I'm not giving you legal advice, but you don't have to read that whole paragraph out every time.
MR. BALTHAZOR: I'm fine with that. I think we can all agree to that.
MR. HAWKINS: Okay.
MR. BALTHAZOR: From now on you can just say I plead the Fifth.
BY MR. HAWKINS:
Q. And that may save us a little bit of time. I don't want to keep you any longer here than you have to be. I know you don't want to be here, but I need to tell you -- I want to be transparent and have full candor with you. I'm going to ask you some questions about the event at some point because I want to get the negative inference from you pleading the Fifth. So if I ask you a question about, you know, did you let inmates stab Dashaun Simmons, or something like

that, I know you're going to plead the Fifth, but I have to have you saying I plead the Fifth so that when I show it to a jury I get that negative inference. Do you understand that? Does that make sense to you?
A. Negative inference -- I'm sorry. I don't know law talk.
Q. Yeah, yeah. Okay. So the law says that if you plead the Fifth -- you have the right to plead the Fifth. It's a Constitutional right, and I'm a Constitutional lawyer. So I'm with that. But in a civil trial, if I ask you a question that may help us, you know, we have the burden of proof in our case against SCDC, I'm entitled for the jury to infer or think something negative about your response if you plead the Fifth. So if I say were you grossly negligent as an SCDC employee, and you say I plead the Fifth, then I'm entitled for the jury to say, well, that must mean that the answer would be good for me and bad for SCDC. Does that make sense?
MR. BALTHAZOR: Object to the form.
THE WITNESS: I guess.
BY MR. HAWKINS:
Q. Okay. What -- who hired you to work at SCDC?
A. SCDC. I don't know the exact name, but I

guess their recruiting station where their recruiting station is at.
Q. How did you seek the job out?
A. I went online, put in an application. Once I got a call I went through the proper hiring procedures.
Q. All right. Did you ever go for an in-person interview?
A. Yes.
Q. How many times?
A. Twice.
Q. How long did they last?
A. This is a while back. I want to say maybe 20 minutes. Twenty. Maybe 30.
Q. So I want to make sure I understand this correctly because we have a negligent hiring supervision claim, so this is important.
You apply online for an SCDC corrections officer position. That was the first step in you getting hired?
A. Yes.
Q. Then you got a call back from SCDC, and you went in for an in-person interview?
A. Yes.
Q. That lasted about 20 minutes?

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A. Yes.
Q. And then how long was it before you went to talk to someone again?
A. Twenty-four hours I want to say.
Q. So you had the 20-minute interview, 24 hours, and then you went again for another 20-minute interview?
A. Yes.
Q. Okay. Were you asked -- were you ever submitted to a polygraph or lie detector test as part of your interview process?
A. No.
Q. And the answer can be no --
A. No, I'm just trying to think because I'm trying to be truthful because it's like 2017. I want to say no.
Q. Okay. All right. Were you ever asked -- were you ever questioned about gang affiliation? I'm not asking about your gang affiliation. I'm asking were you ever questioned about that when you were hired?
A. I believe so, yes.
Q. Okay. What questions were you asked?
A. You know, I'm not even sure, but I do know they do ask you -- if I'm not mistaken, I believe I

was asked that.
Q. Okay. You can't say for sure?
A. I can't remember. It was 2017.
Q. Do you know who might have asked the question?
A. It was 2017. I don't remember.
Q. Is there a document anywhere showing that SCDC sought information about whether you were gang affiliated before they hired you?
A. No.
Q. Have you ever been gang affiliated?
A. No.
Q. Have you ever had an affiliation with any group of people who could be seen as a gang?
A. From my knowledge, no.
Q. Okay. Were you asked about tattoos when you were hired?
A. Yes.
Q. Okay. And how many tattoos do you have?
A. I have three.
Q. Okay. What are they?
A. Psalms 27, kanji, and my name written on my shoulder.
Q. What does kanji mean?
A. Well, I guess it's like -- I think it's

Japanese or Chinese, but it's just strength, wisdom, knowledge.
Q. Okay. I'm going to ask you -- and you can go outside with your lawyer to do this if you want. I'm going to ask you to pull your shirt up so he can tell me whether or not there's any other tattoos on your chest or your back. You can do it on camera if you want, but you can also go outside with your lawyer if you want to do that in private.
MR. BALTHAZOR: Let's take the opportunity.
THE WITNESS: Okay.
MR. HAWKINS: Please don't discuss anything about your case.
THE WITNESS: We won't.
VIDEOGRAPHER: The time on the monitor is 11:15 a.m., and we are off the record.
(A short recess was taken.)
VIDEOGRAPHER: The time on the monitor is 11:15 a.m., and we are on the record.
BY MR. HAWKINS:
Q. Okay. You went outside and you showed your lawyer your chest and your back, and your answer is you don't have any other tattoos?
A. No other tattoos.
Q. No tattoos with a star or anything like

that?
A. No star tattoos.
Q. Do you know what a star tattoo means for people in jail?
A. No, I don't.
Q. Do you know what the tattoo CK means for people in jail?
A. No, I don't.
Q. Okay. Did you receive any training on how to deal with gang activity in jail before you were hired?
A. No, I didn't.
Q. Did you ever receive -- did you ever receive any training about past events in SCDC where people had been hurt as a result of gang activity?
A. Yes. I believe -- I'm sorry. You're asking me questions that was -- I went to the academy in 2017. So, since 2017 -- no. 2016 I went to the academy, so you're asking me questions like eight, nine, seven years ago so when it comes to that event, I kind of don't -- the academy, the training and all that stuff, I kind of don't remember the hiring process, or maybe they could have had some gang training, but I don't -- to be honest, I don't remember.

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Q. Yeah. Okay. Well -- okay. So, I don't hide the ball at all. I'm pretty transparent. I'm going to ask you at trial did SCDC do anything to make you aware of gang activity, how to deal with gang activity and that sort of thing, so I need to know everything that you're going to say at trial now ahead of time so I can prepare for trial.

Did SCDC do anything to make you be more alert and cognizant of where gang activity or gang danger might be present in SCDC?

A. From my knowledge, we was taught as officers -- excuse me. From my knowledge, we was taught as officers just to observe and write things down.

Q. Okay. What was the -- what was the policy at SCDC for -- you worked on Marion unit during the time we're talking about, right?

A. Yes.

Q. Was that a rough unit?

A. Yes.

Q. Was it -- according to Livingson was it the worst unit in the jail -- in the prison?

A. Yes.

Q. Okay. The most violent unit?

A. Yes.

Q. Were -- was aggression common in that unit?

MR. DeMASTERS: Object to the form. You can answer.

THE WITNESS: Yes.

BY MR. HAWKINS:

Q. And SCDC knew that aggression and violence was common in that unit before you started working at SCDC, right?

MR. DeMASTERS: Object to the form. You can answer.

THE WITNESS: Yes.

BY MR. HAWKINS:

Q. Okay. And when did you go to work for SCDC again?

A. I got hired 2016 I believe sometime in February.

Q. Did you ever get a piece of paper or a letter that said that you were required to have a certain amount of training, a certain amount of education before you got a promotion but that SCDC was gonna waive that so you could get your promotion early?

A. If I'm not mistaken, they was waiting until I -- something like that, but it would have been like I guess a couple of days before.

Q. Yeah. And, so, SCDC went ahead and waived that training and education requirement, right?

MR. DeMASTERS: Object to the form. You can answer.

THE WITNESS: I'm not sure. I don't remember that.

BY MR. HAWKINS:

Q. Well, we'll come back to it.

After you received the letter you continued to work?

A. Yes.

Q. And you got the promotion?

A. No. I didn't.

Q. The promotion never took effect?

A. No.

Q. Explain to me how, if they told you you got the promotion it didn't take effect, because I haven't worked for SCDC. I don't know how it works. So if they said, here, we're giving you the promotion even though you don't have the training, tell me why you didn't get the promotion.

MR. DeMASTERS: Object to the form. You can answer.

THE WITNESS: Why I didn't get it?

BY MR. HAWKINS:

Q. Yeah. I mean, it looked like in the letter that you -- they said you're supposed to have this amount of training, you don't have it but we're gonna waive that. So it seems to me at that point you had the promotion, but you're saying you didn't. Just explain that to me.

MR. DeMASTERS: Object to the form.

THE WITNESS: I didn't get the -- I mean, I got the promotion, but I was like a couple weeks -- if I'm not mistaken -- wow, this is a long time ago, man. If I'm not mistaken, I was probably --

MR. BALTHAZOR: Have you got a copy for me?

MR. HAWKINS: You can look at that when he's done with it.

MS. JEDZINIAK: Yeah, it's just the position waiver request.

MR. HAWKINS: He's got one.

(EXHIBIT 2 was marked for identification.)

THE WITNESS: I mean, it says it right here Hall was far -- Hall was far the better of all the candidates interviewed and proven that he is capable of fulfilling this position.

BY MR. HAWKINS:

Q. Right. So you got the promotion?

A. I didn't get the -- well -- okay. You

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know, to be technical, we'll say yes, but I didn't get it yet because I had to wait. So, I got it, but it didn't kick in immediately.

Q. Okay. That's what I need to know the answer to is what does kick in mean. Because when I look at this letter -- and for the record, the Bates number is 10448-HALL-00091 [sic]. This is the position waiver request. It looks to me like when I read this they're saying you technically don't have the four months of training and education you're supposed to, but you're qualified, so we're gonna give you the promotion. To me that looks like the promotion. If it's not, then just explain why it's not.

A. Oh, I don't know.

MR. DeMASTERS: Object to the form.

THE WITNESS: I can't answer that question.

BY MR. HAWKINS:

Q. Okay.

A. All I know is I was told I got the position and I had to wait a while before it actually goes through.

Q. What would that mean? What would go through mean?

A. I guess before I get bars and go to my new

shift.

Q. Okay. So you got -- this letter -- it's my understanding that this letter informed you that you got the promotion. Can we agree on that?

A. I never -- I never -- to be honest, I never got this. I never seen this paperwork, and I didn't know it was a waiver. So this right here is new to me.

Q. Because it was to -- McKie? Is that McKie? Is that the way you say that? McKie? McKie?

A. I don't know who that is.

Q. I don't either.

A. Yeah. So I never --

Q. It's the regional director, I guess.

A. I never seen this. So I never seen that paperwork before.

Q. Okay. Well, you also got a letter to you -- right? -- that informed you that you were getting a promotion. They made you aware of it.

A. I was told, but I didn't know it was a waiver or any of that.

Q. Okay. So you were just told that you got a promotion?

A. Yes.

Q. Okay. And you were told that you got the

promotion before you had fulfilled the four-month requirement?

MR. DeMASTERS: Object to the form.

BY MR. HAWKINS:

Q. Because they said we're gonna waive it. Right?

A. It was waived -- I didn't know it was waived. I didn't know that.

Q. Okay. Well, we can agree that this happened -- this is June 26th of 2017. Right? Is that the date on there?

A. That's the date. Yes.

Q. And the incident that we're talking about didn't happen until July of 2017, right?

A. If I'm not mistaken, yes.

Q. And we agree without getting into -- without yet getting into the substance of what happened, you were working on the date of this event, which was I think July 18th -- 17th and 18th of 2017. You were working that night, correct?

A. Yes.

Q. What time did you go to work that night?

A. I'm gonna plead the Fifth.

Q. Okay. Okay. Plead the Fifth to that. Do you recall who else was working?

A. I plead the Fifth.

Q. Okay. What's the policy -- let's back up to what we were talking about a minute ago. We'll talk about some non-privileged stuff for a minute. You indicated that Marion unit was rough. It was a dangerous unit?

A. Yes.

Q. All right. Is that danger the reason that at least two guards were required to be on any one unit at a time? Was that part of the reason for the requirement of two guards?

A. Yes.

Q. Was it always just two guards, or were there times that more than two guards were required to be on a given unit?

A. From my knowledge, I was told it was supposed to be more than that.

Q. So, three or more?

A. Something like that if I'm not mistaken, yes.

Q. Do you remember what the policy -- the SCDC policy on that is?

A. No, sir.

Q. Was it -- did an SCDC policy govern that or was there a specific Broad River policy that also

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governed that?
A. I'm not quite too sure.
Q. How many events before the event we're talking about -- so we're not getting into privileged stuff yet. How many events before that that involved violence did you witness as a guard in Marion unit?
A. I never witnessed none.
Q. You never witnessed any --
A. No.
Q. -- any aggression or --
A. I mean, there's aggression because there's a bunch of guys in there --
Q. Yeah.
A. -- but besides the aggression, no, never.
Q. Okay. So you witnessed aggression on several other occasions before July 17th and 18th of 2017?
A. Aggression in that unit -- I mean aggression in the whole compound, yes.
Q. How many times did you see homemade weapons?
A. I never seen a homemade weapon.
Q. Okay. Has anybody ever told you that the guys who stabbed Dashaun on the night we're talking about all had homemade weapons? Anybody ever told you

that?
A. No. Nobody told me that.
Q. Okay. Did you review any documents before you came to this deposition?
A. No.
Q. You didn't review any reports or anything like that?
A. No.
Q. What did you do to prepare for the deposition?
A. I got counsel, and then I spoke to my attorney.
Q. Okay. And when did you -- or how did you make the decision to hire Jack Swerling as your criminal defense attorney?
A. How --
Q. Yeah.
A. -- or when?
Q. How did you come to that decision?
A. Actually, it wasn't me. It was my fiance.
Q. She said you need to get Jack Swerling?
A. No. We were just looking through -- looking for attorneys. Me personally, I wanted a public defender, but she felt like I needed something better to represent me.

Q. Okay. Well, he's the best. I mean --
A. Uh-huh.
Q. -- nobody here would argue with that. And you got him instead of a public defender just because of the quality of lawyer that he is. You decided to pay extra money because he's a high quality lawyer?
A. Yes.
MR. BALTHAZOR: Object to the form.
BY MR. HAWKINS:
Q. All right. And how much was his retainer?
A. His retainer was ten grand.
Q. It was $10,000 to hire Jack Swerling to represent you with another payment due, or that was the retainer even if it went to trial?
A. If I'm not mistaken, that's what he charged for my case.
Q. Okay. Did you get any help from any law enforcement brotherhood organization or anything like that with payment, or did you pay that all yourself?
A. No. I didn't get no help. My wife -- my fiance, which is now my wife, what she did was Jack was kind of enough to take payments, so she paid -- she paid $5,000, and then once I was out -- that's why I was Bike Squading. So I worked the miscellaneous job, and, like I said, Jack was kind enough to take

payments from me. So, if I'm not mistaken, whatever I was making, I was making payments to him to cover the other five.
Q. So are y'all paid up now?
A. Oh, we've been paid up. Yes.
Q. Okay. And you didn't get help from anybody else; you and your fiance paid Jack all that money all yourselves?
A. Yes.
Q. All right. And is there a way to document what the retainer was, like a fee agreement or something like that?
A. If my wife doesn't have it, then Jack -- excuse me -- Mr. Swerling might be able to pull that up.
Q. All right. And then -- and the charge -- what was the charge? I mean, that's public record --
A. Yeah, yeah, yeah. That's fine. I think it's accessory --
Q. After the fact murder -- attempted murder?
A. If I'm not mistaken, yes. I believe so.
Q. All right. And the reason I'm asking is because a charge like that -- and I don't do criminal work, but a charge like that with a lawyer like Jack, it blows my mind that it would only be ten grand. So

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I'm trying to figure out if there's -- was there any more money paid or were you given a discount or something like that?

MR. BALTHAZOR: Object to the form.

THE WITNESS: Not to my knowledge, no.

BY MR. HAWKINS:

Q. Okay. And what all happened, you had a prelim -- you had a preliminary hearing, and then did you --

A. I got arrested.

Q. Okay.

A. Sat in the county. Got out. Made bail -- or bond. Whatever the terms is. And then I proceeded to work to pay off my tab. And then we had -- we did have a preliminary.

Q. Yeah. And you went to that?

A. Yes. I went to that.

Q. You didn't testify, obviously?

A. No.

Q. Mr. Garris testified?

A. Yes.

Q. And you listened to all Mr. Garris's testimony?

A. I heard everything he said, yes.

Q. Okay. Based on your reaction it appears

you disagree with some of what he said.

A. I disagree with a lot of what he said.

Q. Mr. Garris?

A. Yes.

Q. Do you think Mr. Garris intentionally lied about anything or do you think he was mistaken or --

A. Do you want my honest opinion?

Q. Yep.

A. I think -- to be honest, I think -- I'm not gonna get in trouble for this, am I?

Q. I don't know what you're gonna say.

A. Can I speak freely? Can I? To be honest, I think Agent Garris at the time just wanted to come up with anything or something just to put me in prison, to be honest.

Q. You think he had something against you personally? I don't know you or him.

A. No, I don't know him either. I don't know him either. I don't know what it was, what -- I don't know where he got his stuff at, his information at, but I just think he had something against me. I don't know what it was. I can't pinpoint it.

Q. Okay. What did he say that you disagree with?

A. Everything that came out of his mouth I

disagree with. Nothing -- because -- and the reason why I'm saying that is because nothing he said -- everything he said was negative about me. He never said nothing positive. Everything was negative about me, and everything was untrue.

Q. Do you think -- do you think Mr. Garris lied under oath?

A. I don't know.

Q. Well, he's going to be a witness at this trial like you are. And, so, if somebody wasn't telling the truth under oath I need to figure it out now. I'm not trying to beat a dead horse or ask you redundant questions. I'm just trying to figure out, do you think he was mistaken? Do you think he lied? Do you think he had a vendetta against you?

A. I think -- I think --

MR. DeMASTERS: Object to the form.

THE WITNESS: I think it's a combination -- a combination. Because if I got promoted, and they was willing to waive, and --

MR. HAWKINS: Let's make that an exhibit.

THE WITNESS: -- and I worked hard -- I worked hard. I was dedicated. And for him to take the stand and to say nothing but negative things about me. So I want to say it was a combination of all

three.

BY MR. HAWKINS:

Q. Did anybody else besides Garris testify at the prelim?

A. No. If I can just remember, it was just him, if I'm not mistaken.

Q. Okay. And your charges were nolle pros'd?

A. I'm sorry?

Q. Your charges were dismissed, but because you've spoken with Jack and you're pleading the Fifth to some questions I assume the charges could be re-brought?

A. From what I was told, yes.

Q. Okay. You don't have an immunity deal or anything you exchanged information for the charges being dropped?

A. No.

Q. Who informed you that the charges were dropped?

A. I believe it was Jack's office.

Q. Okay. And from what I've been told informally, it was due to a lack of proof. Do you know if -- do you know if that's true?

A. From what I was told, I was -- once I was told it was dropped, I didn't really ask questions,

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but, if I'm not mistaken, that's kind of from what my understanding was.

Q. Okay. Did you know Dashaun Simmons? Did you know who he was before he was stabbed?

A. No.

Q. Had you ever seen him before?

A. I work in the unit. So I'd been in there for a while, so -- seven and three. So did I know him know him? No. I didn't know him.

Q. Do you recall getting a -- do you recall getting a phone call from Collins on the night of the event that said is everything okay in Marion unit?

A. I plead the Fifth.

Q. Okay. And like I said, some of these I have to ask you even if you're gonna plead the Fifth just because I have to ask them at trial, and if you answer differently I'm gonna say you plead the Fifth -- you know what I mean? Do you understand why I'm doing that --

A. Sure. I understand.

Q. -- even though you're pleading the Fifth? Were you the only one working on Marion unit?

A. I plead the Fifth.

Q. Well, I don't think -- and your lawyer can weigh in. I don't think that's privileged because

that would be in an employee log of who was working where that night.

A. Right.

Q. So do you recall if you were the only one working?

A. Yes. I was the only one.

Q. You were the only one down there, and that was a -- SCDC had violated the policy that required at least three people to be down there according to your prior testimony. Is that fair to say?

A. Yes.

MR. DeMASTERS: Object to the form.

BY MR. HAWKINS:

Q. Okay. And that policy violation -- and you plead the Fifth on when you took shift. That's fine. Although, I think we can see when you took shift from when you clocked in or whatever.

A. Right.

Q. Do you want to change that answer or do you want to stick with the Fifth? You can do whatever you want --

A. I'll stick with the Fifth.

Q. Okay. So we'll just rely on a 30(b)(6) witness or somebody to establish that.

Whenever you went to work, whenever that was, we

can at least agree that would have been hours and hours before any phone calls were made asking you if everything was okay, right?

A. I guess.

Q. Okay. Well, I mean, you took -- this was July, and I'll represent that what I think happened is you took shift about seven o'clock. It would have still been daylight outside in July at seven o'clock, right?

A. Yes.

Q. And when that phone call came in to ask you if everything was all right, it was dark, right, outside?

A. If we're talking about the time, then --

Q. Yes.

A. -- yes.

Q. And, so, there were hours that transpired between when you took shift and when Collins called and says is everything okay in Marion unit. We agree on that?

A. Yes.

Q. So you had been by yourself -- and this is not your fault. This is just SCDC putting one officer down there. You had been by yourself in Marion unit for hours before you got the call asking if everything

was okay, right?

A. If I'm not mistaken, yes.

Q. So whoever made the decision to put one officer down in Marion unit, that decision would be completely separate and distinct from whatever happened at the time of the stabbing, right?

MR. DeMASTERS: Object to the form.

THE WITNESS: I'm not mistaken, yes.

BY MR. HAWKINS:

Q. Okay. I just want to make sure those are separate occurrences and that they happened separately from each other. We can agree on that?

A. Uh-huh.

MR. DeMASTERS: Object to the form.

BY MR. HAWKINS:

Q. Yes?

A. Yes.

Q. Some of this stuff I'm asking you is for complicated legal arguments that we have to have with judges. So I know that some of this sounds like it's weird or not related to the stabbing itself, but that's why I'm asking you. Okay?

A. (Witness nodding.)

Q. All right. After the call came in asking is everything okay, and you responded back ten-four,

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how long was it before somebody actually came down there?
A. I can't remember.
Q. We took -- do you know Officer Livingson, pretty lady about five-foot-three or four maybe, was working in the control room that night?
A. Yes. I know her. Yes. Now that you described her, yes.
Q. Ever have any interaction with her? Did y'all know each other?
A. She was -- she was my coworker. She's cool.
Q. Okay. I thought so, too. She's very nice, pleasant. Did y'all ever talk outside of work?
A. No. I only spoke to her at work. So I never hung out with her outside of work. Never talked to her outside of work.
Q. Well, I took her deposition on Friday and was asking -- I was trying to get, you know, a timeline of this stuff, and she testified that there was a -- that she gets a call from someone inside the unit from an illegal cellphone. She makes the call to Collins, and Collins calls you and says, hey, everything okay, and then you say ten-four. So I was asking her, you know, how much time elapsed before

Collins actually sent somebody down there to check, and she indicated that a significant period of time transpired. So I'm trying to see does that mean -- what does that mean? Give me your best estimate of how much time passed between when you got the call and when somebody finally came down there.
MR. DeMASTERS: Object to the form.
THE WITNESS: I can't remember. I can't -- I'm being honest, truthful. I can't remember. What I do remember is our shift was short. So if they did send someone down it wasn't immediately.
BY MR. HAWKINS:
Q. Right. In fact, there was another call that came in before anybody decided to go down there and check on you and check on Marion unit, right? Enough time passed that a second call came in?
A. As far as right now, the things you're speaking on, you know more than what I know.
Q. Well, I don't, because you were there.
A. No, I'm just saying the information that you have, you know -- I'm not trying to be funny or nothing like that. You know more than what I know as far as --
Q. Well, you know -- I mean, you took the call is everything okay, right?

A. If I'm not -- if I'm not -- if I'm not mistaken, then -- I guess -- now, these questions I'm going to have to plead the Fifth.
Q. That's fine. That's fine. And then -- do you need to get that? You can. We can take a break if you want to as long as it's not --
MR. BALTHAZOR: Yeah. You can take a break if it's something you need to get.
THE WITNESS: No, I'm fine.
BY MR. HAWKINS:
Q. Okay. Yeah. We got into this whole plead the Fifth argument pretty early on, and I didn't tell you if you need to take a break for any reason during the deposition, all you've got to do is tell me. We'll take as many breaks as you want. You just can't talk to your lawyer about your testimony. If you do, I can ask you about it.
A. Okay.
Q. Okay? So we'll go a little bit longer, and then we'll take a break.
All right. So you plead the Fifth to exactly when somebody came to check on you, but before that you said you do know it wasn't immediately. We can agree that some significant time passed between when you got the call and when somebody finally showed up. We can

agree on that?
A. I --
MR. DeMASTERS: Object to the form.
THE WITNESS: -- plead the Fifth.
BY MR. HAWKINS:
Q. You plead the Fifth to that, too?
A. Yes. Because I don't --
Q. Because you don't what?
A. I'm just pleading the Fifth. I don't -- it happened in 2017, and I've just been trying to get on with my life now, to be honest.
Q. Yeah. Okay. Do you think anything that you did contributed to Dashaun Simmons' injuries?
A. I plead the Fifth.
Q. Do you think you were grossly negligent?
MR. DeMASTERS: Object to the form.
THE WITNESS: I plead the Fifth.
BY MR. HAWKINS:
Q. Did you -- did you open a cell door during lockdown?
A. I plead the Fifth.
Q. Okay. Well, let's talk about whether or not that's allowed. I mean, we -- and I don't think this is privileged. Is it a violation of policy to open a cell door during lockdown?

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A. Yes.
Q. Okay. And, so, you plead the Fifth on whether you did that or not, though, right?
A. If you want to be technical, and I'm just trying to -- because now I feel like we're getting a little close. If you want to be technical, when I got to the unit everybody was already out when they wasn't supposed to be.
Q. Is it fair to describe the environment you witnessed as chaotic?
A. No.
Q. How would you describe it?
A. Just people being out when they wasn't -- everybody was out, and they wasn't supposed to be out.
Q. To me, that sounds chaotic. And, so, I'm trying to square that with -- how could that be orderly for multiple inmates to be out of their cells during lockdown when they're supposed to be locked up? Explain to me why you wouldn't describe that as chaotic, I guess.
A. Well, I guess -- I guess you're right. I guess maybe it could be chaotic. But the reason why I'm saying it wasn't chaotic, because they was out, but they wasn't supposed to be out, but there wasn't nothing -- nothing going on, like -- they wasn't

supposed to be out, but the day shift officer had them all out.
Q. Okay. Who was that, Kennedy?
A. Yes.
Q. You relieved Kennedy?
A. Yes.
Q. Had Kennedy -- had Kennedy been working by himself on Marion unit before you relieved him?
MR. DeMASTERS: Object to the form. You can answer.
THE WITNESS: Yes.
BY MR. HAWKINS:
Q. And he wasn't supposed to be working at Marion unit by himself either, was he?
A. Correct.
Q. So SCDC had violated the policy requiring at least three officers with both Kennedy and when you relieved Kennedy, correct?
MR. DeMASTERS: Object to the form.
THE WITNESS: I guess. Yes.
BY MR. HAWKINS:
Q. And then both of those policy violations would have contributed to the situation where multiple inmates were out of their cells when they were not supposed to be out, right?

A. Yes.
Q. All right. How many inmates would you estimate were out of their cells when you relieved Kennedy?
A. He had everybody out.
Q. Okay. Did you get along with Kennedy?
A. A coworker. I mean, I didn't -- you know -- like I said, I didn't hang with them like that outside, but he seemed decent.
Q. All right. So you get there. Everybody is out of their cells. They're not supposed to be, and then you -- did you make any effort to put everybody back in their cell?
A. That's my job.
Q. So you did?
A. Yes.
Q. You put people back in their cells?
A. Yes.
Q. How many people did you put back in their cells?
A. I don't know a number.
Q. And we're talking about when you relieved Kennedy not when Collins came down -- or Parker came down later that night.
A. I plead the Fifth.

Q. On when you relieved Kennedy?
A. No. I'm pleading the Fifth on events that night.
Q. Okay. Okay. Well, who did come down, was it Parker or was it Collins? When somebody -- when somebody calls and says, hey, Hall, is everything all right in Marion unit? Yeah, ten-four. You said there was some time that passed between that call and when somebody finally came down there. Who was it? Was it Parker or was it Collins or somebody else?
A. I plead the Fifth now.
Q. Okay. I'm gonna let you -- I'm gonna let you look at this. This is the voluntary statement you gave to Garris, and you may very well plead the Fifth, but I'm gonna let you look at that, and I'm gonna be asking some --
A. I just want to say one thing --
Q. Yeah.
A. -- regarding this statement, that --
Q. Absolutely.
A. -- Agent Garris did deceive me in this paperwork. Because I know where you're going with this, and I just want to make it be clear that I know it says in the past I have let inmates out to warm up their food and also let them take a shower during

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lockdown. That's for kitchen workers only.

Q. And what you just read from, can you read the number down at the very bottom of each of those pages just for the record?

A. 10448-F-00011.

Q. And what you just read from is the voluntary statement that you gave to Garris?

A. He deceived me when it came to this question right here because when he asked this question I told him no I don't let inmates out. He asked me again. I said no. And then he asked me again, and I said in the morning time when the kitchen workers have to go to work in the morning, yes, obviously I have to let them out so they could shower and get ready go to work. And also I told him that if they come back to the unit, and it's lockdown time, yes I let them go shower, and then if they got food from the kitchen or whatever, and then I lock them down. But he took this statement completely -- completely out of hand.

Q. Okay. I just want to get it clear for the record, though. That is your statement?

A. That I was deceived -- that's why it's -- this statement was written first.

Q. And that's your handwriting? You wrote

those statements, right?

A. Yes.

Q. Okay. And those statements that you just read from -- I know that you said that there's some issues with it, but those are your statements -- and I'm trying to clarify without you thinking I'm trying to trick you or something. We're going to make those exhibits, and I want to have on the record that we agree those are the statements you gave to Garris, and then you can qualify however you want.

A. Yes.

Q. Okay. And we'll mark these as Plaintiff's 3, I think.

(EXHIBIT 3 was marked for identification.)

BY MR. HAWKINS:

Q. I'm gonna look at these just for a second. Okay. And you just -- okay. So -- and the difference between -- and I'll put them over here so --

You said that Agent Garris deceived you in some way. And I don't know. I wasn't there, and I don't know either of you. So I don't know if that's true or not, but I do know that you gave the first statement at 7:25. Do you see that?

A. Uh-huh.

Q. Is that a yes?

A. That's the time, yes.

Q. Okay. And then this one is at 11:10 almost four hours later. Do you see that?

A. Yes.

Q. Did Garris come back and ask you to give a second statement? I'm trying to figure out why there are two statements four hours apart.

A. I can't remember. To be honest, I can't remember.

Q. Okay. Because the second statement, it looks like what you added is, "In the past I have let inmates out to warm up their food and also take a shower during lockdown." Do you know why you would have added that statement to the initial statement?

A. No. Like I said before, I should have clarified that more in that statement, but that's why I said I was deceived in that second statement.

Q. Did Agent Garris say anything that was deceptive to you between the first statement you gave and the second statement you gave?

A. All I know is I wrote my first statement, and then -- well, I can't remember. I do remember -- I didn't know the time difference was that far apart, to be honest with you.

Q. There are no cameras in Marion unit at this time?

A. No.

Q. Do you know why -- do you know why SCDC didn't come to check on the call immediately? If this is the worst unit in the prison, and there are, you know, unruly people here, and there are no cameras to see what's going on, do you know why SCDC waited so long between getting a phone call about Simmons and when somebody actually came down there to check on what was going on?

MR. DeMASTERS: Object to the form.

BY MR. HAWKINS:

Q. Did anybody ever explain that to you, or do you have any explanation for that?

A. No.

Q. Okay. Did you ever ask SCDC why didn't you get down here sooner?

A. They just -- no.

Q. Well, expound on that. They just what?

A. No.

Q. You ain't gonna to hurt my feelings. We're suing SCDC.

A. No, I don't have a -- I don't know a reason why. If you want to be honest, I kept telling them

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and telling them and telling them and telling them and telling them and telling them. I tried to transfer. I mean, I did a whole bunch of things. I did -- I took the proper steps -- to be honest, I took the proper steps to avoid -- whatever happened, I took the proper steps of doing that. I went to headquarters. I spoke to multiple people. I told them the problems that I was having. I was upfront and I was honest about it, and they just kind of --

Q. Well, what were the problems you were having that you told them about?

A. The problems? Well, you know, the problems was of course the Marion unit, you know, when it -- I was -- this is on record. I would let them know that, hey, this unit is rough and I'm the only officer in there, and -- and, you know, they just don't listen. Like -- you know what I mean? Like the only thing I could do is just tell you, hey, it's lockdown go in the room. That's all I can do. You know? But it was a problematic unit to work in.

Q. When you say -- when you say it's on record, what do you mean?

A. I mean as far as me going to headquarters --

Q. And saying --

A. -- and voicing -- and letting them know about problems. So it wasn't like I was having issues but I didn't say anything to where -- to where I was pretending like everything is fine. I spoke to the warden. I spoke to the major. I mean, it was no secret.

Q. Are there records or documents anywhere that show that you went to your superiors to tell them about issues you were having and the help that you needed in Marion unit?

A. Yes. Well, I'm not sure of the documents, but I did put in multiple -- multiple transfer paperwork.

Q. Who did you -- what people specifically did you make aware of these problems so that we can ask them questions and take their depositions?

A. Warden Bush.

Q. Okay.

A. All of my superior officers. Whoever was above me that had a white shirt on that could make something happen, they all was informed.

Q. Here's a reassignment request. I'll hand you this and let you look at that. It's got some information redacted.

MR. BALTHAZOR: Can I see that before you

ask him any questions?

MR. HAWKINS: Uh-huh.

BY MR. HAWKINS:

Q. What is that document that you wrote?

A. That's the transfer paperwork.

Q. Okay. And why did you make that request, is it because of what you were just telling us?

A. Because I would rather -- I would have rather been on day shift.

Q. Did it have anything to do with you not having any help or being by yourself in Marion unit repeatedly?

A. That was a big part of it.

Q. Okay. And you were never granted this request?

A. I put in a bunch of those. Well, actually, I did. It was granted -- it was granted, but then the associate warden decided to block my move and kept me on -- kept me on the shift.

Q. Okay. Let me make that an exhibit.

(EXHIBIT 4 was marked for identification.)

BY MR. HAWKINS:

Q. The situation in Marion unit has been described by Officer Livingson as rough and rowdy and all this sort of stuff. You've described it as

chaotic or -- you know, there have been different descriptors used for it. Is it fair to say -- and you don't work for SCDC anymore, right?

A. No.

Q. So is it fair to say that Marion unit wasn't running in an orderly fashion when you worked there?

A. That's fair to say, yes.

Q. Is it fair to say that everything that happened in Marion unit wasn't necessarily documented the way it's supposed to be --

MR. DeMASTERS: Object to --

BY MR. HAWKINS:

Q. -- from your experience?

MR. DeMASTERS: Object to the form.

THE WITNESS: You could say that, yes.

BY MR. HAWKINS:

Q. In fact, prisoner grievances would be lost or not processed correctly at times; is that fair to say?

MR. DeMASTERS: Object to the form.

THE WITNESS: Not on my end, but from -- from circumstances in there, yes. I would say yes.

BY MR. HAWKINS:

Q. And I'm not saying it's your fault at all.

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This is a problem higher up, you know, that we're talking about, I think, but, I mean, it's fair to say that at times grievances were submitted that were not processed the way they were supposed to be?

A. I believe so, yes.

MR. DeMASTERS: Object to the form.

BY MR. HAWKINS:

Q. And grievances weren't recorded and memorialized the way they're supposed to be, right?

MR. DeMASTERS: Object to the form.

THE WITNESS: I was just -- I was just a blue shirt officer, so --

BY MR. HAWKINS:

Q. I understand.

A. -- all that -- all those things you're asking is from how it was in there --

Q. Yeah.

A. -- from -- I guess I want to say yes, but --

Q. Did prisoners -- did you ever hear prisoners complain about that? I put in a grievance and nothing happened. I put in a grievance and they don't know about it.

A. I mean, the whole yard would complain about that.

Q. Give me some examples of that.

A. Well, it's been a while, so I don't have any -- any -- my situation happened from working there from 2016 to 2017, and I was -- like, it's 2023, so I don't really have no real examples, but it was -- Marion unit was a crazy place to work.

Q. Yeah. Did prisoners ever come to you complaining -- like, you don't have anything to do with the way SCDC stores grievances, right?

A. No.

Q. So when prisoners would come to you and complain about it, you couldn't do anything about it?

A. No.

Q. What would be something a prisoner would say to you about a grievance that got lost or destroyed?

MR. BALTHAZOR: Object to the form.

BY MR. HAWKINS:

Q. When you would have to tell them that I don't have anything to do with that.

A. Well, they never really came to me about it.

Q. You heard them talking to each other about it?

A. It was just hearsay, but no one -- because

I'm just a blue shirt. So I had no power. No authority or anything.

Q. Okay. Okay. What is the grievance process in Marion unit when you were there? What was it, I guess I should say.

A. I don't remember.

Q. Do you remember if it was a kiosk or a written grievance? I've seen it both ways. Lee used to have all of it written --

A. I don't remember. To be honest, truthful with you, I don't remember.

Q. Have you ever seen a grievance?

A. No. Never seen a grievance.

Q. Nobody's ever even showed you one?

A. I'm pretty sure in the academy we seen grievances, but other than that I haven't, no.

Q. Do you know if there's a need -- if something happens where somebody's injured, you know, a prisoner's injured or gets sick or whatever, if he wants to file a grievance, if a white shirt comes -- or an investigator comes and talks to them about the issue, they don't have to fill out a grievance in that situation, do they?

MR. DeMASTERS: Object to the form.

THE WITNESS: I'm not sure.

BY MR. HAWKINS:

Q. Okay. You don't know anything about that?

A. No.

Q. Okay. All right. Let's take a break for ten minutes or so, if that's good with everybody. Unless y'all want a break for lunch. Y'all tell me what y'all need to do.

MR. BALTHAZOR: No. Let's just --

MR. HAWKINS: Ten minutes?

MR. BALTHAZOR: Yeah. Let's just take a break and --

MR. DeMASTERS: How long do you want to break?

MR. HAWKINS: Do you want a snack or a drink or anything?

THE WITNESS: A smoke?

MR. HAWKINS: Yeah. Go smoke 'em if you've got 'em. Are we off the record?

MR. BALTHAZOR: Yeah. Yeah. Off the record.

VIDEOGRAPHER: The time on the monitor is 12:03 p.m. We are off the record.

(A short recess was taken.)

VIDEOGRAPHER: The time on the monitor is 12:15 p.m. We are on the record.

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BY MR. HAWKINS:

Q. Mr. Hall, before we went out I was asking you some questions about, I guess for lack of a better term, how SCDC sort of dropped the ball in certain areas when you were working there. Would additional -- would additional training have been helpful, do you think, in recognizing gangs or gang affiliation in your job in general?

A. Uh-huh.

MR. DeMASTERS: Object to the form.

BY MR. HAWKINS:

Q. Is that a yes?

A. I'm not sure.

Q. Okay. Well, it's my understanding, according to Livingson and some others, that Bloods -- the gang the Bloods pretty much ran Marion unit. Is that -- was that your experience?

MR. DeMASTERS: Object to the form.

THE WITNESS: I'm not sure.

BY MR. HAWKINS:

Q. Did you ever see people you knew were in a gang?

A. No.

Q. Did you ever observe any gang-related activity when you worked there?

A. No.

Q. Yeah. Did you ever receive any training on what tattoos mean or signify gang affiliation?

A. Well, that all goes back to 2016 when I was at the academy so I can't remember.

Q. Well, if you can't remember that's fine. Can you remember or do you have any evidence that SCDC ever provided you training on how to recognize gang affiliation by tattoos?

MR. BALTHAZOR: Object to the form.

THE WITNESS: I'm not sure.

BY MR. HAWKINS:

Q. You can't point to any evidence of that?

A. I'm not sure. No, I'm not sure. And like I said, when you're going back to the academy, you've got to look at what they do at the academy, but off-hand I can't remember because it was years ago.

Q. Did you ever receive any training about homemade weapons or how to recognize whether or not someone was making a homemade weapon?

A. If that was done at the academy, then, yes, but I can't remember.

Q. Did you ever get any specific training for Broad River or Marion unit about weapons, making homemade weapons or gang affiliated related tattoos?

A. If that was done at the academy --

Q. No, no, no. No. I'm talking about specifically when you got to Broad River. Did Broad River -- were you provided training specifically for Broad River or Marion unit?

A. Not to my recollection. I'm not sure.

Q. Okay. But we agree this was the worst -- Marion unit was the worst unit in Broad River.

A. They all was bad, but, yeah, you could put them at the top of the food chain.

Q. What made -- why do you say that? What made Marion unit the worst unit? And other people you worked with agree with you. I'm just asking what made Marion unit the worst unit at Broad River?

A. From my time being there I would have to say that was the unit that officers get assaulted. So, you know, I mean -- I mean, every unit officers -- but I guess in that unit it was always something -- something going on.

Q. Okay. Do you know a guy named Jeriod Price?

A. No.

Q. You ever heard that name?

A. No.

Q. Do you know anything about his early

release in South Carolina -- or not in South Carolina, but his early release from prison due to South Carolina charges?

A. No.

Q. Have you ever had any interaction with anyone you knew to be a Blood at SCDC in any facility?

A. No.

Q. Has anybody ever communicated any threat to you, another inmate ever communicated a threat to you while you worked as a corrections officer?

A. No. Not -- like I say, this is years ago. I would have to say no.

Q. Did you generally get along with inmates?

A. I had my issues with them --

Q. Okay.

A. -- but I never -- have I been assaulted? No.

Q. What kind of -- go ahead. Sorry.

A. No, I mean -- I don't know, you know. I did my job. That's what I did. I did my job.

Q. Did you ever have any disciplinary issues before the event with Dashaun Simmons?

A. What do you mean?

Q. Did you ever get any write-ups? Did you ever get any verbal reprimands, anything like that?

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A. Have I gotten a write-up before?
Q. Yeah. Ever since you worked at SCDC.
A. I do recall one write-up I got. It was not inmate-related, but I think I was on the rock, and I had my boots off, because it was hot, but my boots wasn't on or something like that. But as far as me being written up as an officer, not to my recollection, no.
Q. What's the rock?
A. Oh. My bad. The middle of the -- in the middle of the unit.
Q. Okay. So Kennedy -- you said you never had any issues with Kennedy?
A. Well, I did have an issue with Kennedy.
Q. Okay. What was it?
A. I did -- I did -- if I'm not mistaken, I did write him up in the past.
Q. You wrote Kennedy up?
A. Yes. If I'm not mistaken.
Q. For what?
A. Because one of his things is he lets inmates -- when inmates are not supposed to be out, he always had inmates out. With him, that was a recurring thing, and it just kind of -- I just kind of had enough of going behind him. So, if I'm not

mistaken, I believe I did write him up for that.
Q. Okay. You don't know Shoestring or Maserati or Ray Ray?
A. No.
Q. You worked around these folks, but you don't remember them or know who they are?
A. No.
Q. Did you get along with Rainey?
A. I don't know who that is, no.
Q. So Kennedy -- your issue with Kennedy was he would violate policy and open certain doors -- certain cell doors?
A. He would have them all out. Kennedy was -- he was known for that. That's what he would do. And I don't know why he would do it, but that's what he would do.
Q. And he says in his statement, he says on July 17th, 2017, Officer Hall came into Marion unit to relieve me of all duties -- and we agree that you relieved him, but you took the Fifth as to what time that was, right? Do I have that right?
A. Yes.
Q. Okay. As we were locking down, I --
A. See? Pause right there. You have to stop right there.

Q. Okay.
A. It wasn't --
Q. You can look at it, too.
A. No, no, you're fine, but that's the thing. They was supposed to be locked down already. Nobody should have been out.
Q. So he's saying as we were locking down, and you're telling me that y'all shouldn't have been locking down --
A. Right.
Q. -- they should have been in their cells?
A. They all should have been in their cells already.
Q. Okay. And he says, "As we were locking down, I noticed Officer Hall unlocking a few doors that were locked. I had proceeded to call shift lieutenant Parker to let him know the situation. He told me to come on up front and go home and they would take care of it."
Is there -- yeah, I'll just let you look at the written version of it. Is there anything besides the -- I guess is there anything in his statement you disagree with?
A. I agree [sic] with his whole statement.
Q. So you disagree or agree with

this statement?
A. I disagree with it.
Q. You disagree with --
A. I disagree with it.
Q. -- this whole statement? Okay.
MR. HAWKINS: All right. Let's mark that. That's Kennedy's statement.
(Simultaneous speaking is addressed by the court reporter.)
(EXHIBIT 5 was marked for identification.)
BY MR. HAWKINS:
Q. You say you disagree with this whole statement. You disagree that -- you don't disagree that you came into Marion unit to relieve him. I mean, we agree on that?
A. Right.
Q. And he says as we were locking down. You agree that that was necessary because he had people out of their cells?
A. Right. Because Kennedy let them all out of their cells. I mean, you've got to think about it. If I'm working night shift, and everybody's supposed to be locked down, why would I come in there and make work for myself?
Q. Right.

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A. So that doesn't -- you know what I mean? That's why I say it doesn't make any sense. Because if they all was locked down like they were supposed to be, it would have been a transfer, here's the count, here's the number, then I just walk, do my security check and do my count. But he let them all out of their rooms. He had everybody out.

Q. Did you say anything to him?

A. No, because this was -- this is a constant recurring action by him. So that's why I had writ him up.

Q. You knew it wouldn't do no good?

A. What's that?

Q. You knew it wouldn't do no good to say anything because he was known for it?

A. Right. So that's why I went in and just started locking -- trying to help him -- trying to help clean up his mess.

Q. Okay. Did he apologize or anything like sorry I've got all these dudes out?

A. It's just his constant -- that's just what Officer Kennedy does. I don't get it, but that's what he does.

Q. Okay. Have you talked to him about this since it happened?

A. No. I haven't seen him.

Q. Have you talked to any of these people since -- since the date that this happened have you talked to Livingson, Reece, Hall [sic], Parker, Collins, anybody?

A. No. I've -- no. I've had -- I did -- I did speak to Lieutenant Parker. That was just for a recommendation. But as far as anything regarding this, no.

Q. So you talked to Parker about a recommendation since this event?

A. Yes.

Q. And what did -- that's a man, right? Parker?

A. Yes.

Q. What did he say?

A. He said that he would do -- he would write me up a recommendation for it for -- because I was trying to get a job, trying to get back into -- well, I was trying to get back into the corrections field, but now, when I think about it and everything and how things go on, it's kind of not worth it anymore.

Q. Were they going to hire you back?

A. No. I wasn't trying to get on with SCDC.

Q. Oh, like NCDC or something?

A. No, no -- well, I did put in a couple applications for it because -- the only reason why, because out of all my jobs that I worked, that was kind of the best job because you can work overtime, and you can also make a decent living -- an honest decent living, and you can also move up. There's endless opportunities with it. But --

Q. Well, how much did you make when you got hired? What was your salary?

A. I think it was 33, 34, but, plus, you've got to put the overtime in it, too, you know, if we were to work the overtime. So --

Q. So you would end up making 50 or something if you worked enough overtime?

A. Right. You make enough overtime you can make a nice little piece of change.

Q. Okay. And how much did you -- how much overtime did you work?

A. I was -- I loved the OT, so any opportunity that I could work I would work. I would still -- I would still make sure I had my days off so I don't be burnt, you know, because you don't want to get burnt out, but I was known to work a bunch of overtime.

Q. And did you ever get a pay increase?

A. I guess whenever they had the pay raises or

whenever they would do certain things, but, like I said, I made my money off working overtime.

Q. Okay. Did any inmate ever ask you to bring anything into the jail for them?

A. Yeah, they'll ask. That's what they do. They're gonna try you. So, was I asked? Yes. Did I? No.

Q. How did they -- how did they couch that? Like, you're a corrections officer. So how did they broach that subject without -- I'm thinking if it were me I'd be scared I'd get in trouble. I guess they're inmates so they're not scared of getting in trouble, but --

A. Uh-huh.

Q. -- how did they go about asking you to bring something --

A. Well, you know, they don't just -- it's not something they do bluntly, but, you know, they'll, you know, converse with you, talk to you, and try to find weakness in you, you know.

Q. How so?

A. You know, just to see -- I don't know. I'm not an inmate. I don't know. I don't know how they do, but they'll -- they try everybody, you know.

Q. How would they try to seek out weaknesses?

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What would they do to try to find that out?
A. I don't know. I'm not an inmate.
Q. But you told me that they do that --
A. Right.
Q. -- so I'm asking about your experience as a CO.
A. You know, they talk to you. They talk to you, and they try to slide little things in there, you know.
Q. Just shooting the breeze and then drop a little something in the conversation --
A. Right.
Q. -- that we both know what's going on?
A. Right.
Q. And then some corrections officers will give into that?
A. Right.
Q. What measures did SCDC have in place for checking officers bringing in contraband?
A. They had someone down in the front patting down officers to make sure that nothing was being brought in.
Q. Was anything ever found on an officer while you were working there?
A. Yeah. A bunch of them got caught bringing

in stuff.
Q. How many times? More than ten?
A. Oh, man. I can't even --
Q. A bunch?
A. Yeah. A bunch. Not just Broad River, but you hear about other facilities as well officers getting caught bringing in contraband or something like that.
Q. What were -- and it wasn't -- there wasn't an x-ray machine or a metal detector, it was just someone doing a pat down?
A. Correct. I stand corrected. It was an x-ray machine and a patter. So you had to put your bag and your jacket --
Q. Okay.
A. -- through the x-ray machine, and then they had a wand, and they would pat you down.
Q. And that x-ray machine and metal detector, that would catch a gun or a knife or something metal?
A. Yes.
Q. It wouldn't catch drugs?
A. I'm not sure. I never brought nothing in. Never even thought about it. That's why I worked the overtime. You check my -- you check my hours, all you see is just solid hours. Either I'm at Broad River,

the compound, or if I would get burned out from being at Broad River, the compound, then I would go over to the hospital because the hospital you just sit.
Q. Let me clarify something, because I want this to be clear. I'm not right now implying or looking for ways that you may have brought something in.
A. Right.
Q. My client was stabbed with homemade weapons, and so what I'm looking for is ways SCDC may have allowed stuff to come in through other officers.
A. Oh. I don't know. To be honest, all I can do is speak for myself. I worked hard. I was honest, had my integrity, and, to my knowledge to my best of my ability what I was taught at the academy, I applied it back there a hundred percent.
Q. What are some things -- what are some items of contraband that you learned about coming to the jail when you worked there? Not that you brought in --
A. Right.
Q. -- but that you learned about people bringing in.
A. I was an officer. I wasn't a contraband officer. So --

Q. No. That you heard about.
A. Heard about? I guess you heard -- I guess about the homemade -- really just the homemade shanks really. You know, the homemade shanks. But other than that, homemade shanks, and of course you've got the drugs and the tobacco. But far as me actually seeing a weapon in front of me, I never did.
Q. But you heard about these -- you heard about instances where guards were caught bringing in or trying to bring in stuff?
A. Not the weapon part. That's something new, but --
Q. Okay.
A. I never heard of a guard trying to bring in knives or whatever, but of course, you know, you have certain officers that bring in phones, phone chargers, drugs and tobacco and alcohol and all type of stuff.
Q. Do you know of any officers specifically that happened to?
A. I did have one female that I went to school -- that I went to the academy with. I guess she got caught trying to bring in something.
Q. What was it?
A. I think it was methamphetamine maybe, you know. You hear through the grapevine. But as far as

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me being there down there seeing her get caught, no, I never witnessed anything like that.

Q. That was at Broad River?

A. Yes.

Q. What happened to her? Was she fired as a result of that?

A. She was arrested, fired and prosecuted, I believe, if I'm not mistaken.

Q. All right. Did you ever smell marijuana while you were working in Marion unit ever?

A. No.

Q. Did you ever smell cigarette smoke?

A. I did smell cigarette smoke, yes.

Q. And the only way tobacco could come in was through an officer or a drone, right? Or I guess at that time not really drones.

A. You've got officers and -- not just officers, but staff, too. You've got kitchen workers and -- you know? So it's -- from what I was told, it's not just the officers. Plus, you've got visitation as well. So --

Q. How hard is it to get something through visitation?

A. Oh, I don't know. Never tried. Never thought about it.

Q. Right.

A. No, no. I know what you mean, but I don't know. Like, to be honest, I don't know, because I've never brought anything in, like I said. That's why -- that's why I worked all the OT because me working the OT it provided a certain lifestyle that I could maintain by just honest work.

Q. Okay. I'm going to ask you a question that's going to sound kind of weird, but we took Mr. Mumford's deposition, and he had a hired lawyer -- he got prosecuted for his part in the stabbing, and he had a hired lawyer, but the lawyer's name doesn't come up on the public index. It just says 1227 Pine Street LLC. Do you know anything about that?

A. No.

Q. You never had one of these inmates' lawyer call you or try to talk to you or Jack Swerling or anybody?

A. No.

Q. Has anybody's lawyer ever tried to talk to you about anything that happened at Broad River besides me?

A. No.

Q. Okay. Have you ever observed a weapon in your work? Have you ever seen a weapon in anybody's

cell?

A. No.

Q. Ever found a shiv, a shank?

A. No.

Q. Never seen one?

A. Well, I seen these because I had a comrade that was on the contraband team, so -- you know, when they take pictures of it. Oh, look what I found. But as far as me seeing one, no, never did.

Q. Okay. Did you ever see Dashaun Simmons on the night we're talking about?

A. I plead the Fifth.

Q. Okay. All right. What's the policy for -- if an inmate needs medical attention --

A. Uh-huh.

Q. -- what's the policy for -- when that inmate says to a corrections officer I need medical attention, what's the policy? What is an officer supposed to do at that point? And I'm just asking you -- I'm not asking you about your experience with Dashaun.

A. Right.

Q. I'm asking what policy is when you see somebody who is in obvious need of medical attention.

A. It's been a minute, but, if I'm not

mistaken, we're supposed to call medical -- no. You're supposed to call your supervisor and inform your supervisor, and I believe your supervisor calls medical, and, if I'm not mistaken, a white shirt is supposed to bring a nurse down to the unit.

Q. Okay. If somebody -- if somebody has an obvious injury, and they make a request for medical attention, the officer is supposed to immediately make a call to their superior?

A. Right.

Q. Okay. And if that happens, if a CO observes somebody with a stab wound or something like that covered in blood, and they don't immediately call their supervisor, that would be a policy violation?

A. If I'm not mistaken, yes.

Q. Okay. And then is all that documented in a log or something somewhere?

A. Yes. In our log book. If I'm not mistaken, I have in the past called medical --

Q. Okay.

A. -- to get attention for an inmate down either in the unit or in the lockup.

Q. Okay.

A. So I've always followed the procedures and called my supervisor and then get medical to get

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someone down there, or someone would come and escort them to medical.

Q. Okay. We asked Ms. Livingson about the call that came in and where that would be documented and logged. Do you know where that might be documented and logged in SCDC's system?

A. I'm not sure, no. I don't know.

Q. Okay. If a CO whether it's a person in the control room or whether it's somebody working in a unit is put on notice of a life threatening situation, is that event supposed to be logged?

A. If I'm not mistaken, it should be, yes.

Q. And if it's not logged would that be a policy violation?

A. I guess. I'm not sure.

Q. Okay. If an officer is put on notice of an illegal cellphone -- let me back up. Have you ever observed prisoners with cellphones?

A. No.

Q. Have you ever found a cellphone?

A. No.

Q. What's the protocol for being put on notice of a prisoner with a cellphone?

MR. DeMASTERS: Object to the form. You can answer.

THE WITNESS: Well, I've never been in that situation, but as far as the guideline, if I found someone with a cellphone, my procedures would be call my supervisor, let them know, hey, I see an inmate with a cell -- am I going to go grab it myself? No, I'm not, but --

BY MR. HAWKINS:

Q. Why not? I didn't mean to interrupt you. I'm curious about that. Why would you not go grab the cellphone yourself?

A. Well, man, those -- to be honest, it wouldn't be a wise decision to do that.

Q. Why?

A. It's just not a smart thing to do.

Q. Well, I'm not trying to be difficult, but I've got to ask you this in front of a jury why that's dangerous, so I just want to know. It's just not wise is not a reason. I need to know why it's not wise.

A. Because them inmates, they'll fight over that cellphone. They'll fight, and they'll go to drastic measures to keep that cellphone.

Q. Okay. That's their connection to the outside world?

A. Yes. I believe -- yes.

Q. Do you think SCDC had sufficient measures

in place to find and remove cellphones when you worked there?

MR. DeMASTERS: Object to the form.

THE WITNESS: No.

BY MR. HAWKINS:

Q. Do you think SCDC in essence sort of had willful ignorance when it came to cellphones?

MR. DeMASTERS: Object to the form.

THE WITNESS: Yes.

BY MR. HAWKINS:

Q. Is it fair to say SCDC for lack of a better term looked the other way to some extent when it came to cellphones?

MR. DeMASTERS: Object to the form.

THE WITNESS: Yes. You could say that.

BY MR. HAWKINS:

Q. All right. So -- because you worked there and you know about policies, procedures and what's acceptable, when Livingson received this call --

A. Uh-huh.

Q. -- from an inmate with a cellphone, what was the procedure from there? What should she have done as soon as she got a call from a prisoner who said that I'm in Marion unit and I have a cellphone?

A. Oh, I don't know what procedure she took,

but, like I said, as for me -- well, of course, they wouldn't put me in the booth. I wish they would have. But as far for me, if I saw an inmate with a cellphone, I'm calling my supervisor, informing him that this is what I see, this is the cell number -- it's the room number and the inmate name and ID that I see with the cellphone, this is his room, and then I would just have to wait until the contraband team comes in to get it, but I'm not taking matters into my own hands.

Q. That's fine. But you would report it, right?

A. Yes.

Q. If a prisoner had an illegal cellphone, policy would require the officer who found out about that cellphone to report that cellphone or otherwise document the event, right?

MR. DeMASTERS: Object to the form.

THE WITNESS: I guess. Yes.

BY MR. HAWKINS:

Q. I mean, would it be acceptable for an officer to get a call from inside a jail -- from inside a prison and not report that to anybody? Would that be acceptable?

A. No.

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Q. So the reason I'm asking all this is -- and this is a big part of our case for gross negligence against SCDC. It's my understanding that -- and this is from Livingson's mouth. I don't think there's going to be a question about this, but it's my understanding that she got a call from a prisoner with a cellphone that says, hey, this guy has been stabbed, he's --

(Mr. Hawkins' microphone is addressed.)

MR. BALTHAZOR: You've got to start the last couple -- the last hour over.

MR. HAWKINS: Yeah. Sorry.

VIDEOGRAPHER: That's good.

BY MR. HAWKINS:

Q. It's my understanding from Ms. Livingson that she gets a call from an illegal cellphone. It's obviously illegal because it's from a prisoner, you know, in Marion unit. She tells Collins I just got a call that said somebody's gonna bleed out, and then Collins, one, doesn't record that anywhere that I know of. So from your training with SCDC and having worked at SCDC is that acceptable to get a call like that about, one, an injury and, two, an illegal cellphone and to not record it anywhere?

A. Oh, I wasn't aware of that.

Q. Okay.

A. Yeah, I wasn't aware of any of that.

Q. Okay. So I'm gonna tell you -- I'm gonna tell you what she told me, and then I'll ask you questions about it.

She says I was working, and in her statement -- I can show that to you if you want to see it, but it says at about 3:50 a.m. she gets a call from inside Marion unit, and the person says there's -- you know, Dashaun Simmons is stabbed and he's gonna bleed out or he's gonna die if he doesn't get medical help immediately. So she calls Collins and says, hey, I just got this call from inside Marion unit, and then Collins doesn't go down there, he doesn't record that anywhere as far as I can tell, he just radios you and says, hey, Hall, everything good down there, and that's it. So I'm trying to figure out was Collins supposed to do something when he got that information from Livingson? I assume he was supposed to do something.

A. I guess.

Q. Should he have gone down there and checked? I mean, as a former SCDC employee, what was acceptable? I mean, was it acceptable for him to do nothing?

MR. DeMASTERS: Object to the form.

THE WITNESS: If you want to get technical, the acceptable would have been to sign my transfer and let me go to day shift. That -- that -- that's what's the whole acceptable -- would have been acceptable.

Now, as far as what transpired with them, I can't speak on them because I don't know, and, to be honest, it's just kind of my first time hearing this, if I'm not -- this is my first time hearing this.

MR. HAWKINS: Yeah, let's mark this. That's -- this is Collins' voluntary statement, and let Mr. Balthazor look at that when you -- just take a moment and have a look at it.

(EXHIBIT 6 was marked for identification.)

BY MR. HAWKINS:

Q. Do you want to take a chance to look at that before I ask you questions about it? You can take as long as you want.

A. No, I'm fine. You can ask, because I'm --

Q. Okay. This is Collins' statement. It says -- and this -- for the record, this is Bates 10448-F-00019, and it says on July 18th, 2017, sometime after 9 p.m. count was clear the control room officer Corporeal Livingson stated that she was receiving phone calls -- plural. She says calls with

an S -- from an unknown male. The male stated to Corporeal Livingson that an inmate in Marion unit had been stabbed and was bleeding out if he doesn't get help soon.

Okay. Let me stop right there and ask you a question about that. This is Collins saying this is what happened. This is the call Livingson received. Is an SCDC employee who gets notified that an inmate is gonna bleed out if they don't get help soon, is it acceptable to do nothing?

MR. DeMASTERS: Object to the form.

THE WITNESS: I plead the Fifth. I can't answer -- I can't answer on their behalf.

BY MR. HAWKINS:

Q. Well, no -- so I'm not asking you about -- I'm not asking you about privileged information. I'm asking from you working at SCDC and your training you received in the academy and so forth is it -- was it okay for Collins to get this call and not take some action to see if it was legitimate?

A. According to policy -- policy writes when you get an emergency you are supposed to react fast, yes.

Q. Okay. Go see what's going on?

A. Uh-huh.

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Q. Is that a yes?
A. Yes.
Q. Go see if there's really somebody with an illegal cellphone?
A. Yes.
Q. Do you have any evidence -- and I know that you said this is your first time hearing this. Do you have any evidence that Collins did anything when he got this notification other than radio you? Did he do anything else that you know about?
A. No. Not that I know of, no.
Q. Okay. And he radioed you, and you said -- well, you plead the Fifth to some subsequent questions, but you said when he radioed you it was a while before he even got down there?
A. Yes. If I'm not mistaken, yes.
Q. Okay. So I'm gonna read some more of this statement. It says -- and it's hard to read this, so I may pause and mess some stuff up, but it says after about a few of these phone calls Lieutenant Collins went to Marion unit. Okay? So that makes sense because you said it was a while before he got down there. I guess he had received multiple -- or Livingson had received multiple phone calls about this inmate who was stabbed and bleeding out.

A. Excuse me.
Q. You're good. Do you have any evidence that Collins or Livingson did anything during that time period to come check on you, to come check on Marion unit or do anything else?
A. No. Not that I know of, no.
Q. And then it says at approximately 12:15 a.m. I, Lieutenant Collins, while conducting a security check in Marion unit, I observed 20 to 30 room doors not secured on the left.
Is that consistent with what you remember? Because that's when he came to your unit.
A. I guess I plead the Fifth on that one.
Q. Okay. When -- and I'm asking you questions about before anybody -- before Collins found Simmons. I'm asking you questions before that.
When it took him a while to get there, and he finally comes down, and he's saying he notices these doors unlocked, did he talk to you? What did he do as soon as he got down there?
A. Like I say, I plead the Fifth on that, too.
Q. Okay. No evidence that he was in a hurry to do anything?
A. I plead the Fifth on that, too.
Q. Okay. Then it says I instructed Officer

Hall to secure these room doors, and I observed Officer Hall secure at least 20 of these doors.
Is that consistent with what you remember?
A. I plead the Fifth to that, too.
Q. Okay. And you look -- you look frustrated by some of this. Is some of this inconsistent with what you remember?
A. I plead the Fifth to that, too, man.
Q. Okay. Then it says -- and Collins says -- okay. So then it says -- Collins says I did not found -- I think it's supposed to be find -- I did not find a victim on the left side of Marion unit. I then waited on Officer Hall to come to the right side of Marion unit.
Is that consistent with what you remember?
A. Yes. I believe so.
Q. Okay. Did officer Collins -- I guess it was lieutenant?
A. Yeah. Lieutenant.
Q. Okay. Did Parker ever come down there?
A. Parker never came down there.
Q. Where was Parker during this time?
A. I think he was in lockup.
Q. He could have come if he wanted to?
A. I think he was -- lockup is crazy itself,

too, man. Lockup is kind of crazy, too.
Q. There has to always be an officer there?
A. Right. Down in lockup you're supposed to have a supervisor and an officer.
Q. Okay. All right. We agree that Parker never came down there?
A. Parker never came down there.
Q. All right. Did Collins come down, look at the right side and then leave before he came back again?
A. If I'm not mistaken, doing his security check, yes, if I'm not mistaken.
Q. Okay. So it says at 9 a.m. [sic] Livingson got these calls and -- sometime after 9 p.m. Livingson got these calls. Then at 12:15 Collins goes down there. And you saw him then?
A. Yes.
Q. Then he left. He left Marion unit?
A. Yes.
Q. And then at some point he comes back to Marion unit, right?
A. Right.
Q. And is that the time he found Simmons?
A. I guess. I'm not sure. I plead the Fifth.
Q. You weren't with him when he found Simmons,

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or were you?
A. I plead the Fifth.
Q. Okay. It says an inmate started beating on a room door so I instructed Officer Hall to open said door. At this time I observed inmate Simmons, Dashaun, SCDC No. 362125, sitting on the bottom rack with blood all over his uniform. I instructed inmate to stand up, and I looked under his shirt and observed multiple stab wounds to his neck, right and left hands. Inmate Simmons was removed from Marion unit and escorted to medical to be medically assessed. During that time Inmate Simmons stated that [sic] this office -- that [sic] this officer -- that Officer Hall had showed O [sic] inmates into his room unlocking his door so that they could attack him.
Do you disagree with any of that?
A. I plead the Fifth. Disagree.
Q. Well, you can disagree or you can plead the Fifth. There's no right or wrong answer. But this is your chance if you don't want to plead the Fifth to tell me if you disagree with any of this.
A. I plead the Fifth.
Q. Okay. I want to go back to Kennedy's statement. I think that's No. 5 over there if you need to look at it. But Kennedy says in his statement

that -- well, first of all -- first of all, he says that he reported to shift lieutenant Parker that when you came on duty you started unlocking all these doors.
A. Uh-huh.
Q. Right? And you disagree with that?
A. I disagree with that, yes.
Q. And this is way before Simmons got stabbed. This is when you came on shift. It was your testimony I think that the doors were already unlocked when you got there.
A. Yes.
Q. Do you know why he would say that you came on shift and started unlocking doors?
A. I mean -- sorry. I'm not laughing at the situation.
Q. No, no, no.
A. I'm just laughing at what he decided to put down in his statement, because that doesn't make any sense like --
Q. Why would you create work for yourself?
A. Right. That's creating work for myself when all I have to do is come in, exchange the keys, walk around, do my security check, do my count, and do my security check every 30, 40 minutes, walk around

the premises and make sure everybody is in their cell and everybody's fine. So why would I come in and open up doors?
Are we going to get to -- sorry. Not to jump ahead, but are we going to get to Lieutenant Parker's statement?
Q. I don't know if we have that actually. If we do, we will. I just don't -- I don't know.
A. Oh. Okay.
Q. Have you read his statement?
A. Yeah. I've read his statement.
Q. Okay. Go ahead and tell me what you --
A. No, I don't want to speak on his because I see that we're going through everybody's statement, so I just wanted to make sure that if we're getting statements, and Kennedy mentioned he called Lieutenant Parker --
Q. Yeah.
A. -- I just wanted to make sure that I'm just getting -- we're doing a thorough deposition with everybody's statement.
Q. Yeah. And also we're going to take these people's depositions, too. Parker, Collins -- we're going to take all these people's depositions.
A. Okay.

Q. Yeah. Parker is not in the -- he's not in the stuff we got from Jack Swerling. We may have a document in here --
Yeah, we don't -- it doesn't look like Garris interviewed Parker.
A. Oh, Garris interviewed him. He just didn't want to put that in the paperwork.
Q. So -- okay. So this is important. We've never been notified that such a statement existed. We've never been put on notice that a document was generated that reflects Parker's statement. Is his -- I mean, is his statement going to be important to this lawsuit?
A. His statement is -- it doesn't add up with what Kennedy's talking about.
Q. Okay. Tell me about that. Since we don't have his statement, just tell me about -- we're gonna send a supplemental request to try to get it. Yeah, have you seen the --
A. It's part of the -- I don't have it with me, but I do know it's part of the discovery package because Kennedy mentioned that he called Lieutenant Parker and alleged told him that I was opening up doors --
Q. Right. And --

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A. -- and that's not true.
Q. Okay. And you know that Parker gave a statement and that a written statement exists somewhere?
A. Right. A written statement does exist.
Q. And Jack could get a copy of that? Jack Swerling?
A. He probably does have a copy of it.
Q. Okay. Can you get a copy of that or get Jack to give a copy to Mr. Balthazor so we can get that in discovery?
A. Yes.
Q. Okay. And we can agree that -- I know you don't want to have your deposition taken at all, but --
A. Right.
Q. -- we'll agree that we'll come back and ask you questions about that if we need to.
A. No, I'm only -- I didn't mean to name drop, because, like I said, I seen that you came with my statement, you came with Livingson's statement and with Lieutenant Collins' statement, and I just wanted to make sure that the other statement that counters what Kennedy's talking about is also involved as well.
Now, this situation right here is the only problem

I've been having with this. Since this case occurred it's kind of like Agent Garris or maybe SCDC is only using people to bury me like -- you know what I mean? Like my only issue is just like how could you have a worker working there for 15, 16 months, no write-ups, who you was willing to waive to promote but yet have nothing bad to say about me? That's just what I'm saying. Like I haven't heard not one thing good about me at my time at SCDC. Like that's crazy.
Q. Okay. I'm gonna make this an exhibit. This is a list of what we received in response to the discovery -- yeah. This is what we received as part of Garris's report, yeah, and it includes the items that were listed in his report, and I'm gonna let you look at that before we mark it.
A. Okay.
(EXHIBIT 7 was marked for identification.)
BY MR. HAWKINS:
Q. Is there anything missing that you think Garris should have included, like Parker's statement?
A. Yeah, I think he could have included Parker's statement, because you've got to think about it. If Officer Kennedy is saying that he called Lieutenant Parker and let him know what I was doing, why wouldn't you interview Lieutenant Parker?

Q. Anybody else that's left out of that should be included?
A. Well, like I say, I don't know. I mean, I know we had the thing, but I don't know -- I know my statement was getting -- was written. I don't know. All I know is from what I have from the discovery. That's it.
Q. Is there any other -- is there any witness -- because I can tell you right now SCDC's position is gonna be this is your fault and it's not our fault --
A. Uh-huh.
Q. -- at trial. Is there any witness that I need to interview before we get to trial that's important to this case?
A. Not that I --
MR. DeMASTERS: Object to the form.
THE WITNESS: Not that I -- like I say, I don't -- from my knowledge, I don't know. All I know is Kennedy mentioned Lieutenant Parker. So where is Lieutenant Parker's paperwork at --
BY MR. HAWKINS:
Q. Okay.
A. -- I mean his interview or statement at?
Q. All right. Anybody else's testimony you

think would be important for trial whether it's to clear your name or to figure out what happened or for any reason?
A. My question is, do I have to take part of this? Like do I -- like do I have to? Because, like I said --
Q. Do you have to come to trial?
A. I mean, do I have to take part of this? Because, like I said, my criminal charges have been dropped already, so it's kind of like -- now, maybe I'm being -- maybe I don't fully understand, but I do some, but it's kind of like I'm still being dragged in the court system. So I'm trying to understand why am I still being dragged in the court system if my charges was dropped.
Q. Okay. So -- and I'll let your lawyer jump in at any point on this, but there are two courts. There's a criminal court --
A. Right.
Q. -- you know, and there's civil court. We don't have anything to do with criminal court. We can't bring charges. We don't work for the solicitor. We can't do anything in criminal court. Well, she can. She does some criminal defense work. But this is not a criminal case. That is a civil case for

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civil liability against SCDC for my deceased client Dashaun Simmons. Our allegation is that SCDC was grossly negligent in their retention and supervision of him and that SCDC dropped the ball and that that led to him getting injured, so we're trying to get money for his estate through damages. You're a witness because you were working at the time. Whether you were or weren't involved, you were there at the time so you're a witness. That's why you're --

A. Okay.

Q. That's why we're talking to you in this case.

A. Okay.

Q. Our job is to show that SCDC didn't follow the rules, didn't follow policy and allowed this person to be injured while in their custody. Do you understand?

A. Yeah. I understand that part, yes.

Q. Do you think SCDC's, the way they handled things led to Dashaun being attacked?

MR. DeMASTERS: Object to the form.

THE WITNESS: I think the way they handled me was uncalled for, unfair and not right.

BY MR. HAWKINS:

Q. After the fact?

A. Before the fact. Before the fact and after the fact. I was -- I was -- I was handled in a way that wasn't even necessary. But I know it's not about me. I'm sorry. I didn't mean to make it about me.

Q. No. No.

A. I didn't mean to make it about me.

Q. No. That's valuable information.

A. But it's just -- you know like -- you know?

Q. Well, if -- so -- so if what you're saying is true, and if SCDC just drooped the ball and tried to figure out somebody they could blame it on, and that person is you, then I want to know that. The jury wants to know it. So if you think that's what happened, by all means say whatever you want to, because now's your chance before trial.

MR. DeMASTERS: Object to the form.

THE WITNESS: I mean -- you can take that. Like I said, just from the jump street, from me -- like I said, I followed every procedures that -- I followed every procedures of an employee would do with an employer when you tell us if you have any problems, any situations, any concerns about the workplace come and talk to us. So I was always at headquarters talking to someone, talking -- well, speaking to someone of authority and power that could do

something. You know? So my thing is it was on record that I had some concerns, and nothing was done, and then to throw me under the bus, you know, with crazy allegations being brought for me, all that's completely false, is just ridiculous, man.

BY MR. HAWKINS:

Q. What issues did you report to headquarters?

A. What issues I reported?

Q. Uh-huh.

A. A bunch. I reported about inmates not listening, not wanting to go in their room at lockdown. I reported about my concerns of not wanting a criminal case put on me for something like this happening. Do you know what I mean? So --

Q. So, if I understand you correctly, you said you reported to headquarters before this happened, hey, in essence, something bad's gonna happen and I don't want to get in trouble when it does?

A. Pretty much.

Q. Is there a written memorialization of that anywhere? Any --

A. You know what? When it came to that -- when it came to that, I wish I would have wrote -- I wish I would have wrote my statement and, you know, been more -- been more assertive when it comes to who

I'm speaking to, what date, what I said about it about what I was going through, but I did let it be known that, hey, you know, these inmates are not listening and I don't want to catch the blame for a situation if something would happen. I don't want to be the one blamed. I don't want to be arrested. I don't want charges on me. You know? I don't want to be fired. So I did try to remove myself from the situation. I even went as far as telling Warden Bush about the situation. You know? He was aware of what I was going through, and, you know, he sat on the phone and he begged me, oh, don't give up on me, you've got help coming, I'm gonna do something for you, I'm gonna make it right, I'm gonna move you, put you in a better situation so that won't be a concern, and I kept telling him like, man, like I need to be moved, man.

Q. You got to my next question already. I was gonna ask who did you report your concern to?

A. Warden Bush. I can't think of the lady in the headquarters. I think Ms. Unthank.

Q. Carrie -- I think her name's Carrie Unthank.

A. I went to another -- I think Ms. Unthank, she's the one who does the -- I think the transferring. I spoke to Ms. Unthank, and I also

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spoke to the lady who handles the transferring. I actually went up there physically and put in my transfer paperwork. I spoke to her for about like an hour-and-a-half. We had a very good conversation. I let her know that --

Q. Ms. Unthank and yourself?

A. Well, whoever's in charge of the transfer, who does the transfer, who you can transfer prisons or shifts, I believe that's -- we had a good hour-and-a-half. I let her know, you know, I like this job, it's the best job I have, but, you know, at Broad River it's crazy. I see the way how they handle officers when something goes wrong, they just throw them under the bus and next man up, and I told her I didn't want to be caught in that situation. So we spoke, and she informed me that even with me putting in my transfer paperwork that if Warden Bush don't sign it it doesn't happen.

Q. What other officers had been thrown under the bus?

A. Well, I don't know. What I mean by thrown under the bus is like -- let me clarify myself. What I mean by thrown under the bus, I mean like if a situation happens, from my eyes and from what I seen, SCDC is always on the opposite side of them. Like, I

never seen a case where something -- well, if we're talking about bringing in drugs or you're allowing foul things to happen, then, yes, I understand, but from what I've seen, if there's any type of like allegations, you know, they've always took the opposite side of the officer, like, you know, it's never been a time to where, oh, no, that's a good officer, we don't believe he did that. You know what I mean? It's always been, oh, they're guilty. They did it. We fired them and on to the next type of deal.

So once I seen that that's how they handle things, I figure I need to get on day shift, and the reason why I wanted to go to day shift is because there's more peoples there -- there's more people there. The warden's there. It's a little bit more help compared to a night shift to where everybody is gone and it's just that shift there. So that was the main reason why I wanted to get off night shift.

Q. Besides -- and we have to take these people's depositions. So they'll testify at some point. But besides Warden Bush and Ms. Unthank, who else specifically did you report that --

A. There's another lady at headquarters. I can't remember -- see? It's been years. I can't

remember -- I can't remember their names. But as far as me being up there, I was up there.

Q. Would those conversations be commemorated somewhere? Would there be a record of that we could look at?

A. See? That's where I messed up. I didn't think to write everything down on what was discussed, and, you know, that's the issue right there.

Q. What were the concerns that you reported -- besides potentially getting in trouble, what were the other concerns that you reported to these people?

A. That was mainly it, you know. I felt the need to protect myself, and I thought that's what I was doing. But obviously that held to no avail because even before they arrested me I tried to tell them, hey, I spoke to this person, I spoke to that person. Warden Bush, I told you this was going on. And Agent Garris and his buddies was quick to slap the cuffs on me, man.

Q. Were you afraid for your safety when you reported these concerns to Bush, Unthank and others?

A. More afraid of losing my job because, like I said, before this happened I loved being a CO because I can work my overtime, save my money up, and on my long days off or whatever, my three or four day

weekend, I can go out of town and have fun and then come back and work. I had a system set in place. So I enjoyed the job. I loved the long hours. Yes, the inmates was -- they was somewhat of a headache because of not listening and whatnot, though, but it wasn't my safety. It was more of my job and a situation like this occurring.

Q. Well -- so what do you want to tell the jury at trial about SCDC? In other words, when SCDC puts up their witnesses, and they say this guy was just rogue, he did this on his own or whatever, what do you want to tell the jury about SCDC?

MR. DeMASTERS: Object to the form.

THE WITNESS: I went -- I went through proper procedures. I went through my shift supervisor, informed them. I went to the major. I don't remember the major's name who was there when I was there, but he was helpful. He put in my paperwork. He signed off on it to get me on day shift out of the situation. Then the associate warden Washington, if I'm not mistaken what his name was, he decides to block the major's move. And I went to the major, and I spoke to him, and we couldn't understand why he did what he did. Then I put in another paperwork to get transferred off the shift, and then I

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realized that me being transferred is not gonna happen for some odd reason, so that's when I started putting in for promotions only on day shift. I went to headquarters. I spoke to people in power. So, with this, leading up to this situation, or the problem that's at hand, I did everything in my power to prevent anything from happening on my watch. And I was a good officer. I worked hard, and I was dedicated, man.

BY MR. HAWKINS:

Q. They didn't put anybody down there to help you when they were supposed to have at least two other people down there helping you?

MR. DeMASTERS: Object to the form.

THE WITNESS: I asked for help. So -- like I said, it wasn't no secret. So, I mean, I could understand if I'm being blamed because I didn't say anything, I didn't tell my supervisor, I didn't go to the major, I didn't go to the captain, I didn't go to the lieutenant, I didn't go to headquarters. Like I said, I took the proper steps, you know, and it's kind of like I shouldn't have to quit a job to prevent this from happening. I should be able to go speak to a supervisor and let them know my concerns and changes should have been made.

BY MR. HAWKINS:

Q. Do you know what the Insurance Reserve Fund is?

A. No.

Q. It's like an insurance company for SCDC and for other government agencies in South Carolina.

A. Uh-huh.

Q. They hire lawyers to defend them when they get sued. We sued them. We sued SCDC, so they hired Dave to represent them. He represents the South Carolina Department of Corrections.

A. Okay.

Q. And we've gone through some back and forth you and I about SCDC and your problems with SCDC and how they blame other officers. Do you think it's a good idea for the Insurance Reserve Fund to get a lawyer from the same firm as the firm representing them to represent you?

MR. DeMASTERS: Object to the form. That's an improper question --

MR. BALTHAZOR: Object to the form.

MR. DeMASTERS: -- okay? I was working at another firm when I was hired to represent -- I transferred to Pete's firm. If you're going to misrepresent stuff like that, Josh, I'm glad the

camera's on. That's not fair or accurate.

MR. HAWKINS: Dave, hang on a second. Dial it back, because this ain't personal. The IRF has the same law firm representing SCDC, who's blaming him, and him. That's a direct conflict. I'm not saying it's your fault. It's the Insurance Reserve Fund's fault, and they knew that before they allowed both of y'all to work on the same case. We have to get this on the record. It's not personal. I like you. I don't like the Insurance Reserve Fund.

MR. DeMASTERS: There was no conflict when this case began.

MR. HAWKINS: There is a conflict right now. Y'all work down the hall from each other.

MR. DeMASTERS: We don't talk about this case, as I told you.

MR. HAWKINS: I'm not implying that you did anything improper. What I'm saying without implying anything is that the Insurance Reserve Fund knew who represented him and knows who they hired to represent SCDC. That's what I'm saying, and that's what happened.

BY MR. HAWKINS:

Q. So I'll go back to you. Do you think it's a good idea for the Insurance Reserve Fund to hire

these two lawyers who work at the same firm to represent SCDC and you? Is that a good idea to you?

MR. DeMASTERS: Object to the form.

MR. BALTHAZOR: I'll object to form, too.

THE WITNESS: Wow. Can I plead the Fifth for that? I'm sorry, because I don't know like -- I don't -- you know, like, I know Pete. He's my lawyer. He's helping me with this case. So I don't -- you know?

BY MR. HAWKINS:

Q. Well, I don't think you can plead the Fifth to that one because it's not about the events --

MR. BALTHAZOR: He just answered it.

BY MR. HAWKINS:

Q. -- it's about what constitutes a conflict or not, and given your problems with SCDC would you have preferred the IRF hired an attorney who doesn't work for the law firm they hired to represent them in this case?

A. I mean, does that help me out either way or not --

Q. Well, if you're asking my opinion, yeah, I think it's a big help for the Insurance Reserve Fund to hire a firm who doesn't have a conflict to represent you instead of their firm that's defending

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them in a lawsuit.
MR. DeMASTERS: Object to the form.
MR. BALTHAZOR: Same objection.
THE WITNESS: I'm sorry, it's not --
MR. BALTHAZOR: You can answer --
THE WITNESS: I'm sorry --
MR. BALTHAZOR: You can answer if you know.
THE WITNESS: I guess. I mean -- you know what I want? I want SCDC to clear my name, man. Clear my name.
BY MR. HAWKINS:
Q. Do you have a preference about whether or not this case is settled or goes to trial?
A. I'm sorry?
Q. Do you have a preference about whether this case settles or goes to trial? In other words, would you rather this case be settled before there's a trial or would you rather go to trial so you can tell the jury your side of what happened?
A. Not to be rude or anything, but I feel like -- to be honest, I feel like both sides is burying me, whether it's SCDC is burying me for whatever reason, and then you've got Simmons' family people or whatever is burying me. So, to be honest, I would rather not even touch it, man, to be honest. I

would rather not touch it.
Q. Were you ever asked or shown a conflict waiver or told about a conflict?
MR. BALTHAZOR: Objection. You don't need to answer that. That would be attorney --
MR. HAWKINS: That's a speaking objection. If you're instructing him not to answer, you can, but otherwise --
MR. BALTHAZOR: I'm instructing him not to answer on attorney/client privilege grounds.
BY MR. HAWKINS:
Q. So your lawyer has instructed you not to answer. You don't have to answer that question. He'll file a motion for a protective order.
Is there anything that you wish the South Carolina Department of Corrections had handled differently after Mr. Simmons was injured?
A. Yeah, man. They should have stood up for me. Instead of Warden Bush and Agent Garris and everybody running around trying to get a bunch of lies together, they should have stood up for me and said, no, Hall wouldn't do that, or let's just wait until the investigation is done and then we'll see. But, no, they just buried me, man. Like, they just buried me. They didn't want to help me out. They didn't

want to do anything.
Q. Can you tell me, without giving anything that's privileged, can you -- because, you know, when we got you served finally, Mr. Balthazor called my co-counsel Andre Rembert and asked if we could have the deposition at his office in Columbia. Can you tell me why your preference was to have a deposition in Columbia if you live in Charlotte?
A. To where my attorney could -- so I could have both attorneys present.
Q. Because he was your attorney then at that time?
A. Right. Right. Jack's my attorney for this criminal case. Like as far as the criminal case is, then he's my attorney, yes.
Q. And Mr. Balthazor represented you at that point where he called you, too?
A. For the --
Q. For the civil case.
A. -- for the civil case, yes.
Q. He represented you?
A. Yes.
Q. Okay. Where were the nearest cameras -- I know you said there were no cameras in Marion unit. Where was the closest place to you where there were

cameras?
A. I don't know if SCDC -- I mean, I know they have cameras outside, like outside the buildings, but I don't know if they have cameras -- I guess -- I'm gonna say outside. From my knowledge, it was outside. Like outside.
Q. Are there any cameras -- because we asked for all video footage, surveillance and pictures related to this action in any way. We did that from the first time we filed a lawsuit years ago. So are there any -- would there be any cameras that would have caught anything we're talking about; Livingson getting the phone call in the control room; Collins or Parker receiving notification on a walkie-talkie or a radio? Are there any cameras that would have captured any of that stuff that you know about?
A. Not to my knowledge, no.
Q. Is there any room where you look up and see a camera?
A. Not to my knowledge, no.
Q. So if there had been cameras in the area, if there had been cameras in the Marion unit, that would show that you -- that could show that Garris's report wasn't necessarily accurate, right?
A. I'm sorry if I laugh when I hear his name,

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it's just -- he just buried me, man. It's like -- it would show that his whole investigation -- forgive me, but his whole investigation was a complete joke, man. I feel like he was there just to put a case on me and put me in prison, man. That's what I feel like Garris's whole angle was because everything he said about me was a lie.

Q. Do you have any idea why -- do you have any idea why -- Livingson and you and I'm sure other officers are gonna agree that Marion unit was the worst unit at Broad River. Do you have any idea why SCDC didn't have any cameras or monitoring devices in the most dangerous unit at Broad River?

A. No. I don't have no reason why, no. I don't know any reason why. I don't know any reason why.

Q. Do you wish now that they had had cameras there?

A. Yes. Because with the cameras there they would have seen that everything that I'm saying is true.

Q. And with cameras there they could have seen if Dashaun was -- if there was actually an inmate bleeding out without radioing --

A. They would have seen everything. Right.

They would have seen everything.

Q. They could have seen whether Kennedy or you opened the doors?

A. Right.

Q. They could have seen inmates making calls with illegal cellphones?

A. I wouldn't go that far, because all the inmate's gotta do is go in their room, but if we're talking about having cameras on the ground as far as seeing the unit, you know, like the shower areas, the bathroom areas and the TV areas, that's true. I mean, if you want to put cameras in their room, then, right, then they would have seen everything.

Q. That would have been a way that SCDC could have protected you and other guards of false allegations or whatever?

A. Yes. I mean, if you want to get technical, I'm a lockup officer, so like I really -- I really belonged in lockup, but because everybody was whining and complaining about the Marion unit, they pulled me out of lockup and just threw me in the Marion unit. So that's why I was trying to go to day shift, because I said if you want me to work the Marion unit I'll work the Marion unit on day shift, I don't want no part of Marion unit on the night shift.

Q. You were put on the thing you didn't want to do the most?

A. Yes. And that's why I put the transfer in. That's why I kept going up front and informed them -- every night I would let them know, hey, man, you know what, these inmates are not listening, they don't want to go in the room, our shift is short. So I'm being transparent with everybody.

Q. Okay. This part where Kennedy says -- well, let me back up before I ask you that because we kind of went down a different -- chased a different rabbit.

You don't -- did you ever tell me if you prefer if this case is settled or goes to trial?

A. I prefer not to touch it, man. I just want to go on with my life, man. Like I said, not to be rude, because both sides is burying me. Because SCDC is blaming me for the situation as if I didn't tell them anything, and then Simmons' estate is dragging me through the mud with this whole situation as if I'm responsible for everything that happened to him, which I'm not. Because after I was falsely accused and lied on, I was charged, handcuffed, embarrassed, put in the county for three weeks, and I had to walk -- I walked the last four or five years, six years of my life with

a case pending. So I would rather not -- I would rather not even get involved with this. Like, whatever they've got already, just use that and leave me out of it.

Q. You mean -- whatever who got?

A. I mean whatever evidence y'all already have already as far as -- like just run with that. Like, you don't need me. Like, stop bringing my name up because -- no, I'm just saying because they already -- he already did enough, man. Like, he lied on me. He got me fired.

Q. Well, I would have never known your side of it if I hadn't talked to you.

A. Well, I mean, you've got my statement.

Q. Yeah, but that's not nearly what I got today through -- I don't know -- three-and-a-half hours.

A. Right. I mean, it's like they keep trying to hunt me down as if -- you're trying to hunt me down as if I'm the missing piece. I'm not the missing piece. Like, you already have what you have already, so go with that and leave me out of it.

Q. Yeah. And, unfortunately --

A. Yeah, I know it don't work like that, but -- so it's kind of like I'm in the middle of

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something I don't want nothing to do with. You know?

Q. Oh, I hear you. And that's why we videoed this in case you go missing again --

A. Oh, no, no. I'm not gonna run. I'm gonna be -- Charlotte's home now.

Q. Okay.

A. You know? So I'm not going nowhere. My address -- my address is gonna be the same. My number is gonna be the same.

Q. You and your wife live here?

A. Yes. We live here now.

Q. Do y'all have any kids?

A. No kids. No.

Q. How long have you been married?

A. About -- if you see this, sorry I forgot. About a year-and-a-half.

Q. Okay.

A. October makes two years, I believe. October makes two years married.

Q. Y'all got roots down here. You don't plan on going anywhere?

A. No. I don't plan on leaving Charlotte. Charlotte is home for us. This is where we want to be.

Q. Okay. Well, when Kennedy -- to back up to

Kennedy's statement again, when he said -- he said, you know -- sorry.

VIDEOGRAPHER: You cut your sound off. You're good now.

BY MR. HAWKINS:

Q. When Kennedy said as soon as Hall got here he starts unlocking all these doors, do you think Kennedy may have said that to cover himself because he already had everybody out of their dorms?

A. Yes.

Q. But you didn't ever confront Kennedy about that?

A. Because it was a constant -- it's a constant -- that's what he always does. I could never understand. No matter what unit he's in, if they're supposed to be locked down because of a situation, he always has a bunch of guys out. That's just what he does.

Q. So when Collins -- when Collins came down sometime after nine, Livingson gets the calls. At 12:15 Collins goes down. He comes back up. At some point he decides to go down again. Do you know -- when Collins got there -- when Collins got there -- and I'm not getting into the stabbing. When Collins got there he says that he watched you lock about 20

doors -- secure about 20 doors.

A. Uh-huh.

Q. How long would that take?

A. Well, I guess I plead the Fifth on that. Can I plead the Fifth on that, or that's not --

Q. I don't -- well, I think -- I won't ask you specifically about that night. I'll just ask you how long does it take to secure 20 doors?

A. If they're already in their room already --

Q. No, no. This is -- from what you told me --

A. So are we talking about when people is out already?

Q. Yeah.

A. That could take about -- like, no exaggeration, that could take about -- well, what it should take is ten, 15 minutes, lockdown, everybody go in their room, but, unfortunately, in the correctional officer world it doesn't work like that. So trying to lock down 20, 30 doors with two people in there, that could take about a couple hours.

Q. Okay. Because you've got to wrangle them up?

A. Right.

Q. You're herding cats?

A. I'm sorry?

Q. You're herding cats, essentially?

A. Right. You know, lockdown, you know, bedtime. Like, you know, they don't want to hear that, so --

Q. Yeah.

A. So when you tell them lockdown, you might have four people run in the shower. Then you might have two, three other people -- no. Six or eight people who want to make their food. You know how they make their own food? And you've got other people who are watching TV and just pays you no attention. So that's why I told SCDC I need help, because when it's time to lock them down -- the only thing that I can do is say, inmates, it's time to go in your room, lockdown time. So, yes, you have your -- out of a hundred people, you'll have your 25 or 30 people -- rooms -- are people who will just, all right, Hall, we're going in, and you start locking them down. You do have those people. So it's not like all 100 people -- inmates -- are refusing to go in their room. You have that 20, 30 inmates who want to run around and do everything else instead of go in their room. So it's like I can't make you go in the room. You know, I can't grab you by the back of your collar and

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throw you in your room.

Q. Especially when it's just you?

A. Right. Especially if it's just me. I can't do that. So all I can do is, yo, lock down, lock down, and whoever's standing by their door, yo, Hall, are we ready to go in? Go upstairs, downstairs, lock the door. Okay, they don't want to go in their room, so I'm going back to the left side. Yo, lockdown, lockdown, all right, Hall, I'm ready, until people -- everybody go in their room.

And I told SCDC that, that that's what it's been. Prior to that event happening that that's how it's been every night in there. Not unless I go in there and they're already locked down, then there's no problem. I don't have any problems because they're already locked down. I do my security check. If they've got kitchen workers, I let the kitchen workers -- because they come in -- they come in from working all day in the kitchen, so I don't want to be an A-hole and just throw them in their rooms, so I let them take a shower -- and it's not a bunch of kitchen workers. It's like maybe three or four kitchen workers. So, of course, if I let the kitchen worker -- oh, I can take a shower? Yeah, you can take a shower. So, of course his roommate -- you know what

I mean? His roommate gets the benefit from taking a shower -- but most of the time their roommates just stay in their room. Most of time they don't come out. The kitchen worker, he'll take a shower and he'll warm his food up and he'll eat. Then in the morning time I've got kitchen workers, and you've got people who need their insulin shots or dialysis or whatever the case may be, so of course I've got to open up the door earlier -- and this is what I was referring to as lockdown. Open up the door. Let the kitchen workers out. Let the medical people out. Let them shower. Let them get themselves together. You know what I mean? Let them feel respectable about themselves by getting a nice clean shower, and then I send them on their way. That's what I meant by letting inmates out during lockdown time, not just randomly opening up doors letting random people or I have favorite inmates who I let do what they want to do. That's not -- Agent Garris took that out of complete context.

Q. Well, I'm trying to put together a timeline between when Collins got this call of somebody who was gonna die if they didn't get medical attention and when he actually found the person, and the timeline I've got so far is he -- is Livingson gets the call and tells Collins. Collins radios to you. Ten-four

everything is good. Then nothing happens until I guess there's another phone call --

A. Uh-huh.

Q. -- and then Collins goes down to where you are, and then you have to secure 20 cell doors before he finds Simmons. So what I got from your testimony is that time when he finally makes the trip down and you secure 20 cell doors, that had to take at a minimum 15 minutes but actually longer than that because people were out of their cells. Do I have all that correct?

MR. BALTHAZOR: Object to the form.

THE WITNESS: I can't remember that. I don't know.

BY MR. HAWKINS:

Q. Okay. But we can agree that the least amount of time it could take you would be 15 minutes to secure 20 doors? We can agree on that part?

A. I mean, if they're already in their room already and they're not out it's quicker than that, but if they're out, then that's a different story.

Q. And you said it could be two hours if they're already out?

A. Right. It they're already out, it could take a while to get them behind the doors.

Q. Okay. And according to some statements, when Collins got down there -- or at the time we're talking about there were people out of their cells. We can agree on that, that there was at least a few people out of their cells?

A. I plead the Fifth on that.

Q. Okay. All right. How far back can we go with people out of their cells where you feel comfortable not pleading the Fifth?

A. What do you mean?

Q. I'm trying to see -- I'm trying to get a picture, and you can plead the Fifth to whatever you want, but I'm trying to get as much of a picture as possible with that.

A. When I got there at seven, everybody was out.

Q. Okay.

A. I mean -- I'm talking about everybody was out, and Kennedy had a nurse --

Q. Let me stop you right there. And under that scenario where everybody is out it would take a long time to secure 20 doors?

A. Yes.

Q. Okay.

A. So that's why -- I mean, if you want to get

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technical, Kennedy is lying about -- you just brought this back to my memory. The only reason why Kennedy left that unit, Kennedy didn't leave the unit because Lieutenant Parker told him to leave he'll handle it. I've got to find my deposition, and I'll be sure to email Lieutenant Parker's statement, because it completely contradicts what Kennedy is saying, but the only reason why Kennedy left the unit -- which I thought he was coming back -- was because there was an inmate on the left-hand side -- there was an inmate on the left-hand side, and he said he was going to commit suicide, and he cut himself right in front of me. He cut his wrist right in front of me -- that's what I don't understand. Did Agent Garris show y'all my SCDC uniform with the blood on top?

Q. No.

A. I figured that. But any-who, the inmate in front of me, he sliced his wrist right in front of me. He said, hey, Hall, I'm gonna commit suicide, and he wiped his blood on me, and that way I had to stop locking doors that Kennedy opened up, I had to go through proper procedures. I called my Lieutenant and let him know that I've got an inmate down here that says he's gonna kill himself and he sliced his wrist right in front of me and he wiped his blood on me, and

from there the proper procedures was tooken to get -- I think it was two inmates. Because when they do that you've got to send them to suicide watch.

Q. This happened the same night that --

A. Right.

Q. -- Simmons was stabbed?

A. This -- no. With that situation happening, that was the only reason why Kennedy was able to leave, because -- first of all, he didn't even help me do count. I had to do count all by myself. You know what I mean? Like, we're supposed to -- he's supposed to count the left side, I do the right side, and then we switch, left side right side to make sure we have the same number. So, as soon as I came in there and he had everybody out, and then maybe 20, 30 minutes later, oh, Hall, I've got to go take this inmate to -- wherever the suicide watch place is at. Because inmates does that. You know what I mean? That's what inmates do, which there was nothing wrong with the guy, he just didn't want to be on lockdown, but still, I followed procedures to get him off the unit. But Kennedy never came back. So he left me with both sides of a bunch of inmates out.

Q. But that's not before -- sometime between when you got there to relieve Kennedy and when this

stabbing happened later in the night an inmate stabbed himself -- or cut himself in front of you?

A. Right. He did it right in front of me, and Agent Garris is aware of this. He took my shirt -- do you see where I'm going with this where Agent Garris, he's picking and choosing what to show as evidence? I bet you -- I bet you as much that he never even -- once the blood came back not Simmons -- because I know he thought it was Simmons' blood that was on me. Right? And I seen he was looking at it. So when he asked for my uniform I just took it off and I gave it to him. I said, that's not his blood. I said, that's another inmate's blood that you see on my shirt.

Q. So presumably there are test results somewhere because Garris collected the shirt from you and took it for testing?

A. Yes.

Q. And did they take pictures of the shirt of you wearing the shirt?

A. If I'm not mistaken, yes. If I'm not mistaken --

Q. We haven't received any pictures.

A. I told you, man. Agent Garris, man. He been after me since this whole thing.

So that's the only reason why Kennedy was able to

leave because protocol procedure-wise at SCDC, when the night officer comes in, the first thing we're supposed to do is conduct count. You know what I mean? We come in. We conduct count. Either we count -- like I say, either we count one side together -- that's how most of the people are. You have two officers, one on the right and one on the left. Before he leaves he counts the right, I count the left, and then I count the right and he counts the left and make sure we have the same count. So he ran out on me even before count -- even before count cleared he ran out.

Q. Kennedy?

A. Yeah. Kennedy ran out on me before count cleared only because the dude cut himself in front of me and wiped his blood on me, and I followed procedures on what I was taught at the academy was call up front and let them know we have a suicide watch, an inmate is trying to commit suicide, you seen him cut himself, and they came and got him. That's the only reason why he was able to run up out of there. It had nothing to do with Lieutenant Parker telling him to leave because he'll handle it.

Q. Kennedy gave this statement at 1:34 p.m. on October 2nd. So, several months after the event.

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A. Yeah. That's the funny part. Like, why you wait until -- as a matter of fact, when he gave that statement I don't even think he was employed. I think he quit. After this situation happened I think he quit, or shortly after that he quit. But why would you wait from June -- I mean from July to October to --

Q. Who was the inmate that wiped his blood on you?

A. I can't remember his name.

Q. What did he look like?

A. He was an African American brother. African American. And the only reason why he was able to cut himself in front of me was because I guess the glass thing in the door was already cut.

So I'm doing count -- no, no, no. I'm locking people -- I'm trying to see which doors is locked already, and I was standing in front of him, and he just straight on cut himself. Hall, I'm gonna commit suicide, I want to kill myself. Cut his wrist, wiped his blood on my shirt, and then I had to stop what I was doing to get him help.

Q. What did he cut himself with?

A. It was a glass -- like the glass sharp thing within the door -- or within the window. It

looked like it was -- it looked like they busted the window -- because Marion is like that -- like they busted the window, so he just full-on cut himself.

Q. Had that window been busted for a while?

A. I guess.

Q. So SCDC had allowed this broken window to just remain unrepaired for however long it was unrepaired for?

MR. DeMASTERS: Object to the form.

THE WITNESS: It could have happened that day. Like I say -- like I said, Marion is crazy. So it could have happened that day or it could have happened several months back. I don't know.

BY MR. HAWKINS:

Q. So this inmate cut himself with some glass, wiped it on your shirt. You had to stop what you was doing. And then when Garris talked to you the next morning or the morning following this event he asked you about the blood on your shirt?

A. Yeah. Because that's -- because I knew he was looking at it, so I just -- I let him look and ask his question, and he told me, oh, how did the blood get on your shirt? And I told him how the blood got on my shirt. I said an inmate cut himself and he wiped his blood on me. And he was like, can I take

that shirt and run it to the lab? I said, sure, no problem, but nowhere in the discovery does he bring up the blood shirt. If I'm not mistaken, at the preliminary hearing I told Jack to ask Agent Garris about --

MR. BALTHAZOR: Wait a second. You don't have to testify to anything you talked to Jack Swerling about.

THE WITNESS: Okay. I won't say nothing else. Okay. But, yeah, there should be a bloody shirt -- not a lot of blood but just a little blood to catch the eye as an investigator that you can find that should be in records somewhere.

BY MR. HAWKINS:

Q. Well -- so we sent a subpoena to Jack Swerling's office for everything related to your criminal defense. I assume the analysis of that shirt would be something Jack would have, and we didn't get anything in response. Do you know if Jack has any -- I'm not asking you what you talked to Jack about. Do you know if he has the documents that show the analysis of the blood or that show that your blood -- excuse me -- shows that Dashaun Simmons' blood was not on your shirt?

A. You've got to go to Agent Garris for that.

That's the man, because he's the one I gave my shirt to.

Q. Well, he was supposed -- Agent Garris was required -- or the solicitor was required to give exculpatory evidence to Jack Swerling.

A. Right.

Q. So if SCDC and the solicitor didn't do that, then we need to find out what happened to that shirt and the analysis.

A. I'm sorry. I'm not laughing at the situation. It's just Agent Garris, man, he's -- like I said, he's been zero kind of help for me. It's kind of like he -- he kind of handled me as if he was a prosecutor or something. And no offensive if you're a prosecutor --

Q. I'm not.

A. -- but I'm just saying that's how he came at me, man.

Q. Okay. Well, I guess we need to send a request.

A. Yeah. You've got to put that paperwork in. Agent Garris, give them the shirt, brother.

Q. Do you know where the shirt is now?

A. No. Like I said, I haven't seen it since that night when the situation happened. I haven't

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seen the shirt. I haven't seen the shirt. I haven't seen no results of the blood on my shirt or nothing.

I have a question. You know, as an agent, Garris -- and I'm not trying to be sarcastic. I'm just asking a question. With an investigator like that, when you're involving SLED, is SLED supposed to just build up evidence to put a case on you or is SLED supposed to collect all the evidence and then decide is it worth putting a case on a defendant or not?

Q. Now, the people in this room can answer that question better than I can. It's my understanding that if there's a -- if there's a stabbing, which is what happened, SLED or Garris or whoever would come in and investigate the facts as best they can, and when they have a suspect they'll start, you know, pursuing -- pursuing evidence that supports a charge against that suspect, I think. I don't know how they do it, but that's my guess.

A. So, basically, if Agent Garris did a thorough investigation, and the blood came back negative, he had enough power and authority to say, hey, you know what, Officer Hall is not at fault right now -- Officer Hall is not at fault. SCDC just kind of dropped the ball on this, and it wouldn't have gone this far -- what I'm asking is, would he have been

able to prevent all of this from happening?

Q. Not only would he have been able to, but the state has an obligation -- they're required to provide exculpatory evidence to your defense lawyer. That's a requirement.

MR. DeMASTERS: Object to the form.

THE WITNESS: And I was just asking because I wasn't sure of Agent Garris's position.

BY MR. HAWKINS:

Q. That may not have been, in fairness, Garris's fault, because if he -- he could have turned over the analysis to SLED or whoever was doing the -- whoever was prosecuting the case, and, you know, maybe -- they all work for the state. They're all a part of the government.

A. Right.

Q. So I don't know what conversation took place between Garris and SLED or Garris and -- and who the solicitor was. I don't know. But we'll figure that out. We've sent a subpoena to the solicitor's office, so we're going to take somebody's deposition at some point.

A. If Agent Garris would have did a better job this could have been dismissed, and I could have been back to work and just moved to a totally different

post. If it -- I'm just saying if --

Q. I don't know.

A. Okay. Okay.

Q. I don't know. I don't -- I don't know.

A. All right.

Q. We took Garris's deposition. I think -- because you're represented by Mr. Balthazor, I think you're entitled to probably ask your lawyer for a copy of that deposition transcript so that you can read his entire deposition transcript. I think you're probably entitled to that.

A. I don't want to read it. I already know what he's saying.

MR. BALTHAZOR: I don't represent any party in that case where that deposition was taken.

MR. HAWKINS: He's already said you represent him for this 2018 case, and so -- especially because y'all work down the hall from each other you could get him a copy if you asked for it.

MR. DeMASTERS: He's not a party to that case.

MR. HAWKINS: He represents him in this case.

MR. DeMASTERS: But he's not a party in this case. Every single case he's been named in he's

been dismissed.

MR. HAWKINS: What are y'all fighting about? Why are y'all opposing the fact that he can see Garris's sworn testimony?

MR. DeMASTERS: I'll be happy to give it to him, but --

MR. HAWKINS: What's the basis of misrepresenting this?

MR. DeMASTERS: He's not a party to the state case.

MR. HAWKINS: What does that have to do with anything?

MR. DeMASTERS: Everything.

MR. BALTHAZOR: You made it sound like I had some part in that case where Garris's deposition was taken.

MR. HAWKINS: You do. You're here right now.

MR. BALTHAZOR: I don't. This is -- this is not a case where Garris's deposition was taken. His deposition, as I understand it now, was taken in the state case. Correct?

MR. HAWKINS: Garris's deposition was taken in the 2018 state case, and this deposition is being used for all cases, which includes the 2018 state

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case.
MR. BALTHAZOR: I don't have any answer. I don't know if this deposition will be able to be used.
MR. HAWKINS: It will. It will. I've done it -- at trial -- and we've put it on the record, and there's been no objection, so we're going to.
MR. BALTHAZOR: That's fine.
MR. DeMASTERS: We didn't put it on the record.
MR. HAWKINS: Yeah, we did. We can read it back if we need to.
COURT REPORTER: Gentlemen, one at a time, please.
MR. DeMASTERS: He's gonna come down there and testify. He's already said he will.
MR. HAWKINS: Well, good. Good. He don't want to, but that's fine.
MR. BALTHAZOR: That may be when the time comes that this is able to get used at that deposition. The only thing I was clearing up was that you were asking about Garris's deposition, and I don't have a copy of Garris's deposition. I was not involved, and I have not been involved in --
MR. HAWKINS: Okay.
MR. BALTHAZOR: -- the 2018 case.

MR. HAWKINS: Okay.
MR. BALTHAZOR: That's the only thing I'm clearing up.
MR. HAWKINS: And here's the response to that: You are now representing him in this case, in this 2018 case that we're talking about --
MR. BALTHAZOR: Wrong.
MR. HAWKINS: No. That's not wrong. We put that on the record.
MR. BALTHAZOR: You put that on the record.
MR. HAWKINS: Yeah. Because it's true.
MR. BALTHAZOR: It's not true.
MR. HAWKINS: You wouldn't be sitting in here if you didn't represent him on that case.
MR. BALTHAZOR: I represent him in the case that was noticed for this deposition --
MR. HAWKINS: Right.
MR. BALTHAZOR: -- today --
MR. HAWKINS: Right.
MR. BALTHAZOR: -- that he used to be a defendant --
MR. HAWKINS: We already talked about that.
MR. BALTHAZOR: He used to be a --
MR. HAWKINS: I don't know why this is a point of contention.

MR. BALTHAZOR: Because I'm trying to clear up the record as to what cases Hall was involved in and what cases I represent him in. I've represented him in his individual capacity in the federal lawsuit that was noticed for the deposition today, and that's it. One thing in Exhibit 1, I flat out tell you I have never represented -- I do not represent Hall in the 2018 case, the state case, and I never have. That's true.
MR. HAWKINS: Yeah. That's what you wrote.
MR. BALTHAZOR: Yes.
MR. HAWKINS: That's what you wrote.
MR. BALTHAZOR: Are you saying I'm misrepresenting something to you?
MR. HAWKINS: Absolutely. I think you represent Mr. Hall for all cases he's involved in in any capacity, and I think you tried to find -- I think you tried to find a nuanced way you could claim you didn't so you didn't have to produce him for deposition. That's exactly what I think. I think that's the reason that you called Andre, so it wouldn't be written down anywhere, and tried to move the deposition to Columbia. I think that's the reason you have prevented his deposition from taking place already when we've been seeking it for months.

MR. BALTHAZOR: I think it's ridiculous to --
MR. HAWKINS: I agree, and we can stop right there.
MR. BALTHAZOR: -- put any wrongdoing on me calling to change the location of a deposition. In what world is that -- in what world is something wrong with that?
MR. HAWKINS: In a world where we try to be civil and follow the rules of civil procedure in civil proceedings.
MR. BALTHAZOR: All I asked for was to move it from Charlotte to Columbia, and here we are --
MR. HAWKINS: We served a notice on you--
MR. BALTHAZOR: -- and here we are in Charlotte.
MR. HAWKINS: We're doing this on the record?
COURT REPORTER: Yes.
MR. HAWKINS: We served a notice on you a long time ago, and you said, well, he hadn't authorized me to -- you were talking to him on the phone. I know that. He told me that.
MR. BALTHAZOR: And I said I do not represent him in the state case. The 2018 state case.

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I do not represent him in the state case. I represent him in this case, and I filed -- and we all know that. I filed multiple motions to dismiss.

MR. HAWKINS: That's not what he thinks. He thinks you represent him in cases including the 2018 case. That's what he said on the record.

MR. BALTHAZOR: I don't know why he thinks that.

MR. HAWKINS: Well, I would think it if I were him.

MR. BALTHAZOR: We can look at everything I've ever sent him. There's nothing I've ever sent him in the 2018 state case.

THE WITNESS: I've got a question. What's the 2018 state case?

BY MR. HAWKINS:

Q. The 2018 state case is the case against SCDC where we've alleged gross negligence. We allege that SCDC was grossly negligent in their retention of supervision of Simmons and that led to his injuries. You're not a defendant in that case. That's what we're talking about.

A. Okay. I never heard of the 2018 before.

Q. You never knew that you were a witness to a case where SCDC was named because Simmons was stabbed?

That's what we've been talking about this whole time.

A. I know what we're discussing, but, no, I didn't know that that was -- but besides that --

Q. There's like six of them.

A. But I know he has put in multiple papers for dismissal.

Q. What are you talking about?

A. Well, I thought we had put in paperwork to get this case dismissed --

MR. BALTHAZOR: And you have been dismissed.

THE WITNESS: -- in this civil case. Yeah. So that's -- yeah. That's what I thought the --

BY MR. HAWKINS:

Q. You're talking about Mr. Balthazor --

A. Yes.

Q. -- has filed a motion to dismiss --

A. I thought so.

Q. -- in the federal action?

A. I thought so.

Q. Okay. And that's what you're talking about when you say put in papers for dismissal?

A. Right.

Q. Okay. And you have been talking to Mr. Balthazor way back then, right?

A. We speak.

Q. Yeah. I mean, before he filed a motion to dismiss, surely y'all had -- don't tell me about it, but y'all had a conversation?

A. We spoke. Yes.

Q. Yeah. And he could reach you at any point in time from that point forward?

A. Yes.

Q. He had your phone number?

A. Yes.

Q. And he knew your address?

A. Yes.

Q. You would have been somewhere if he told you to be there for a deposition. You would have obeyed him, right?

A. We spoke. We spoke, you know. We spoke.

Q. Okay. Had Mr. Balthazor coordinated a deposition and asked you to be there, you wouldn't have refused, would you? You can't look to him for answers during --

A. No. I'm sorry. No. If it comes to deposition, I would be here, and --

Q. Okay.

A. -- that's why I'm here today --

Q. Okay.

A. -- because I got subpoenaed. So that's why I'm here.

Q. All right. All right. Let's go back -- do you need to take a break?

A. No. I'm fine.

COURT REPORTER: I do.

MR. HAWKINS: Okay.

VIDEOGRAPHER: The time on the monitor is 1:58 p.m., and we are off the record.

(A short recess was then taken.)

VIDEOGRAPHER: The time on the monitor is 2:09 p.m., and we are on the record.

BY MR. HAWKINS:

Q. Besides Livingson, Collins, Kennedy before you relieved him, and Parker, who else was working the night that this happened?

A. Besides my coworkers on that night shift?

Q. Yeah. Who all was working at Broad River that you can remember? All the names you can remember.

A. Wow. We had an Officer Douglas. This was a long time ago, to be honest with you. I don't remember -- I don't remember my shift coworkers' names anymore.

Q. What document can we -- what document can

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we request from SCDC that will have a list of everybody working at Broad River for your shift?

A. Wow. They should have that on record, right?

Q. Yeah.

A. Wow. When it comes to that, I'm not sure. I guess the admin.

Q. Is there a roster anywhere that shows, you know, this is the roster for tonight, this is the -- these are the employees that are working on, you know --

A. Wow. When it comes to that, I'm not sure, but there should be. They should have something. I don't know what they keep on records, but the records office should have something.

(EXHIBIT 8 was marked for identification.)

BY MR. HAWKINS:

Q. I'm going to ask you some questions from an email that Agent Garris sent to -- actually, I'm sorry. This is an investigative report. It just looks like an Outlook email. I'm going to ask you some questions about -- or from Garris's report.

So this right here says according to Associate Warden Gregory Washington and BRCI incident reports, on July 18th, 2017, inmate Dashaun Simmons was stabbed

multiple times by other inmates.

That Associate Warden Washington, have you ever spoken with him?

A. Yes. I spoke to him. He was the one who -- he was the one who blocked my move from going to day shift and getting off the night shift.

Q. Okay. Did you ever talk to him about this event?

A. Did I go to him about this situation or prior to this -- you know, I'm not quite too sure.

Q. Was he working at Broad River -- I know he is referenced in this report, but was he working at the time that this stabbing happened?

A. No, no. I think -- he's day shift.

Q. So he wasn't there?

A. No. So that's why I wanted to go to day shift, because everybody is there.

Q. And then he talks about -- and this is on the next page here. It says that, you know, the date this happened, July 18th, 2017, Agent Garris interviewed Corporeal Hall. Hall was advised and acknowledged his Miranda rights and provided a voluntary statement.

So you were given your Miranda rights?

A. Yes.

Q. By Agent Garris?

A. No. You know what? No. I wasn't given no -- was -- you know what? I guess I was, yes.

Q. Okay. But you gave a voluntary statement?

A. Yes.

Q. Did you ever ask for counsel or anything?

A. No.

Q. Why didn't you ask for counsel?

A. Because at that time I didn't anything -- I didn't do -- well, at that time I didn't know Agent Garris was out to get me and against me, to be honest with you.

Q. You didn't think you needed a lawyer?

A. Right. I didn't think I needed a lawyer.

Q. And then he goes on to describe what you described to him. It says Hall provided the following information. He was assigned to Marion unit. Around 12 a.m. Lieutenant Collins came to check the unit and discovered inmates in [sic] doors unlocked.

Is that true the way you remember it?

A. I'm sorry. Say that again.

Q. It says -- and it's down here under summary. Let me make sure you have the -- I don't think you have the right place. Yeah, yeah, yeah. It's right there.

Corporeal Hall provided the following information. He was assigned to Marion unit. Around 12 a.m. Lieutenant Collins came to check the unit and discovered inmates in [sic] doors unlocked.

A. I plead the Fifth on this.

Q. Okay. It doesn't say anything in here about receiving a phone call about an inmate who was bleeding out or who needed medical attention. Do you know why that wouldn't be included in what Garris chose to write down?

MR. DeMASTERS: Object to the form.

THE WITNESS: I told you Agent Garris, he's -- I don't know what Agent Garris was doing. I'm thinking he's -- not to knock his character, but I'm thinking Agent Garris is an upright standing man to be working at SLED, but there's a lot of loopholes in his investigation.

BY MR. HAWKINS:

Q. It says Corporeal Hall missed locking some doors when he took over the unit at shift change.

Is that inconsistent with what you remember?

A. It's inconsistent because everybody was out already.

Q. Okay.

A. And I told Agent Garris -- I told Agent

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Garris that, that Kennedy had everybody out, but I guess stuff like that is not important to him.

Q. And then it says at around 2 a.m. he received notice that an inmate was bleeding.

Now, I don't know -- from the way this is written it looks like he's talking about Collins, but the last person referenced is you. How do you read that? Do you read that --

A. I read it as at around 2 a.m. he received a notice that an inmate was out bleeding. He conducted a security check of his unit but was unable to locate anything.

Q. Who is the "he" there, is that you or is that Collins?

A. I reckon that has to be me instead of putting my name in there. I reckon he's referring to me.

Q. It says around 2 a.m. Do you see that? What time did you -- do you recall what time you got the call -- the reason I'm asking you this is because the time span is so big. We know it happened sometime after 9 p.m. Brittany Livingson has said she got a call at 3:50 a.m. We don't know what time it happened. This says 2 a.m. that somebody noticed an inmate was out and bleeding. Is that the person who

tried to commit suicide or --

A. No. He was -- like I say -- it says it right here in black and white, you know. Like I said, the reason why I'm pleading the Fifth towards these questions is because I really don't want nothing to do with this case. But as far as the nine, the two, the three, whatever time frame that they have, I'm not aware of it.

Q. You don't remember what time they called you and said, hey, Hall, is everything all right in Marion unit?

A. No. I don't remember the time that they called. All I know is every 30 minutes, 40 minutes I do my security checks.

Q. Do you know who the inmate out and bleeding was?

A. No. I don't know who that was.

Q. Then it says Lieutenant Collins and a nurse came down and located Simmons in his cell. Hall admitted that he has let inmates out in the past to warm up food and let them shower during lockdown.

A. But he -- like I said, when it came to that, Agent Garris deceived me with that.

Q. Okay. And we go on, and it says on the same night Agent Garris interviewed Correctional

Officer Brittany Livingson and obtained a voluntary written statement. Livingson provided the following information. She was assigned to the control room. She received a call stating that an inmate was stabbed in Marion unit and she notified Collins.

Did Garris ever discuss that with you?

A. No. Garris never discussed nothing with me.

Q. He just said give me a statement about what happened?

A. Yes. All he said was give me a statement about what happened, and that was it. I didn't learn of -- well, you know what? I think he did -- did he -- see? I can't remember if he discussed Kennedy -- all I know is once I got my discovery, that's when I was able to see what everybody said. That's why I wanted to bring up Lieutenant Parker's name, because Lieutenant Parker in his statement says that Kennedy never called him in lockup, Kennedy never told him that I was letting inmates out, and he never told Officer Kennedy to go home.

Q. Is it your position -- there's no right or wrong answer to this. Is it your position that Parker's statement didn't jive with Garris's theory that you did whatever and so he didn't include that in

his report?

A. Yes. And if I'm not mistaken, I think I have my discovery at the house.

Q. Yeah.

A. So, once I get there -- I hope it's at the house. Either at the house in Charlotte or the house in Augusta. Once I get that, I will send an email, because it totally contradicts what Kennedy said.

Q. You can get that information to Mr. Balthazor so he can provide it to us?

A. Yes. If I can find it, yes.

Q. Okay. Thank you. Who -- I'm missing something. Who was Miller again?

A. I don't know a Miller. I don't think there was --

Q. It says on -- this is right here. It's on the next page. It says on July 18, 2017, AC -- what does that stand for? AC.

A. I have no clue.

Q. -- AC Miller interviewed inmate Dashaun Simmons --

MR. DeMASTERS: Assistant Chief Rayford Miller.

BY MR. HAWKINS:

Q. Have you ever met him?

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A. Is he the elderly baldheaded Caucasian guy? Because if that's him, him and Agent Garris was doing a lot of planning before they came in the room. I seen them talking back and forth with each other.

Q. How long did they talk for?

A. They stood at the door probably about -- I can't remember the time, but I know he did come in initially with Agent Garris. I think he's baldheaded, an elderly Caucasian guy, and they spoke for a little bit, and then they came in. Then Agent Garris was sitting with him, he was asking me questions, and then he had left the room, and Agent Garris conducted the rest of my interview by himself.

Q. He ever talk to you directly?

A. No.

Q. Then they get into -- it says in Miller's report Simmons was asleep in his bunk when Corporeal Hall opened the door and several inmates entered the cell and attacked with an axe-type weapon. The inmates are all members of the Bloods and are known by their nicknames Shoestring, Maserati, Red and Ray Ray. Inmate Simmons stated the cell where he was sleeping was not his assigned cell and he was assigned -- and his assigned cell was on the other wing of Marion unit.

Is any of that inaccurate?

A. I don't know. And I'm saying I don't know because --

Q. You can plead the Fifth now. That's about the event. You can plead the Fifth if you want to.

A. Oh, I plead the Fifth. I plead the Fifth on that. But what I'm saying is, as far as -- as far as inmates being in their -- one thing I do know that is accurate, as far as the inmates being in their right cell, no, they're not in their right cell. They're all over the place.

Q. And that is something that is an obvious policy violation?

A. Right.

Q. And that's something that was allowed to go unchecked routinely in Marion unit?

A. Well, that's not a problem just in the Marion. That's a problem all over the yard where inmates will have an assigned room on the left side but they're on the right side, or if they're supposed to be on the left side on 201 but they're in like 240. So they're never in their right exact room.

Q. Why do inmates go in the wrong cell or a different cell?

A. I guess because they'd rather bunk up with

a friend, or maybe they're bunking with someone who they don't like or who they don't get along with.

Q. Is it ever because of homosexual relationships?

A. Well, that could be a big case, too.

Q. Did you observe any of that?

A. No. I've never seen that done.

Q. Okay. Do you know if that's true, if Simmons was actually in the wrong cell?

A. If he's admitting it, then I don't know. If he's admitting that he's in the wrong cell, then those are his words.

Q. Well, that's what Garris wrote down. We can't ask him, he's dead. But if you don't have any information, you just don't, but do you know if he was in his --

A. I don't know.

Q. Is there any evidence he was in the wrong cell that you know about?

A. The best thing they can do is if they still have the roster is look at the roster and what room he was supposed to be in and what room he was in.

Q. Okay. But you don't know if he was in the wrong cell or the right cell?

A. No.

Q. So had you ever met an inmate named Timothy Rainey?

A. No. I never met Rainey before.

Q. Have you ever read that part of his -- that part of Garris's report?

A. Yes. When did he interview Rainey?

Q. I guess on August 23rd, 2017. It says Agent Garris interviewed Timothy Rainey.

A. I don't know who Rainey is. I never -- I don't know him. I don't know them by name.

Q. So, looking down at that same page -- this has got to do with timeline a little bit -- it says on July 18, 2017, sometime after 9 p.m. count had cleared. Collins -- he is Collins, I think -- was notified by Livingson who was working in the control room that she was receiving calls from an unknown male stating that an inmate had been stabbed in Marion unit.

So, again, you can't offer any clarification as to when the phone call went through to Livingson or when she called you?

A. No.

Q. You just don't remember?

A. No.

Q. But we can agree it was after 9 p.m.?

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A. Yes. We can agree with that.
Q. But we don't know if it was 10 p.m., 11 p.m. or 1 p.m or --
A. No.
Q. -- excuse me -- 1 a.m.?
A. No.
Q. Okay. Did you ever hear any beating on a cell door that evening?
A. No.
Q. He said that he watched Corporeal Hall -- this is what we were talking about earlier -- lock 20 doors.
We agreed that that could take 15 minutes or two hours depending on the state of things.
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. And then at this time there were people out of their cells, right?
A. I plead the Fifth on that.
Q. Okay.
MR. HAWKINS: Yeah, let's take a break.
VIDEOGRAPHER: The time on the monitor is 2:28 p.m., and we are off the record.
(A short recess was then taken.)

VIDEOGRAPHER: The time on the monitor is 2:30 p.m., and we are on the record.
BY MR. HAWKINS:
Q. Not about the event itself, but before the event took place Dashaun indicated he had received some threats. Had you heard anything about that?
A. I don't know anything about that.
Q. Was there a gang riot that happened on the night of the stabbing? When you were working did you observe anything that could be viewed as a gang riot?
A. No.
Q. I'm going to show you some logs. I want to see --
MR. BALTHAZOR: Can I look at those first? I don't think I've seen those. I doubt the witness has seen those before.
MS. JEDZINIAK: Pete, if you want, that's the rest of the --
MR. BALTHAZOR: This is --
MS. JEDZINIAK: So those are the pages that Josh is going to ask about, but this is the whole exhibit -- or the whole production from Dave. It's all one.
MR. BALTHAZOR: All right. I'm going to ask for an opportunity to go talk with Mr. Hall about

this. I've never seen this, and I don't think he's ever seen this before.
MR. HAWKINS: All right. A 30(j)(8) request?
MR. BALTHAZOR: Yes, if that's the -- or whatever the local civil rule that is the same as that. But just these two pages are being asked about?
MR. HAWKINS: Uh-huh.
MS. JEDZINIAK: Yeah. But if you want, for completeness that's the whole --
VIDEOGRAPHER: The time on the monitor is 2:34 p.m., and we are off the record.
(A short recess was then taken.)
VIDEOGRAPHER: The time on the monitor is 2:38 p.m., and we are on the record.
(EXHIBIT 9 was marked for identification.)
BY MR. HAWKINS:
Q. Mr. Hall, I've provided some excerpts from the Marion log book for the night we're talking about, and when you've had a chance to look at that -- and you went outside and talked to your lawyer about it just now. Do you remember -- have you ever seen that before, that document?
A. This is a log book.
Q. Yeah. Is there -- is that just for Marion

unit or is that for -- is that a log book that exists for Broad River? In other words, is that document just for Marion unit or is it for the prison?
A. Every unit has a log book.
Q. Does the control room also have a log book?
A. Yes. I believe so. I never worked the control room before, but I believe so.
Q. If a call was made to the control room about an inmate who was stabbed and bleeding out, is that something that would be -- that should be in a log book?
MR. DeMASTERS: Object to the form.
THE WITNESS: I plead the Fifth on that.
BY MR. HAWKINS:
Q. Okay. Well, I'm not asking you about the event that happened. As far as log books go, if there's a danger to an inmate or injury to an inmate is that something that is recorded in a log book?
A. It should be recorded, yes.
Q. Okay. Do you know if the phone call from the illegal cellphone to Livingson was ever recorded in any log book?
A. I'm not aware --
MR. DeMASTERS: Object to the form.
THE WITNESS: I wasn't even aware of that.

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BY MR. HAWKINS:

Q. Okay. Let me see this just for a minute. And this is -- for the record, it's 10448-K-00008 and 9.

So -- okay. I'm looking at 7 -- I'm looking at 7 -- I'm trying to see if it's a.m. or p.m.

Okay. So I'm looking at from 7 a.m. down to 3:50 p.m. All that -- anything written down up to seven where rollcall is in progress, that would have all taken place before you got there?

A. Yes. I believe so.

Q. Okay. So now looking to -- this is when you came to relieve Kennedy starting at about -- well, it says 7 p.m. roll count in progress, and then I don't see -- I don't see anywhere in here where there's a count cleared. If a count's done, and it's done properly, and everybody's accounted for, is that count cleared?

A. That should be logged in the book, yes.

Q. Okay. So the first time I see count cleared is at 12:55, and I'm gonna highlight that. Is there -- am I missing something? Is there another -- because it says count still is not cleared at 8:02 and 8:30, 9:30, 10 o'clock, 11:30. All these say count not cleared. The first time after you came to work I

see count cleared is almost one o'clock in the morning.

MR. BALTHAZOR: Object to the form.

THE WITNESS: I don't know who that is. I've got to plead the Fifth. That's not my handwriting.

BY MR. HAWKINS:

Q. Okay.

A. I don't know who that -- I don't know -- that's not me.

Q. You didn't write this down?

A. No. That's not me. That's too nice to be my handwriting. That's not my handwriting.

Q. Yeah. Who is Durst?

A. Durst is another officer that was on my shift.

Q. He was on your shift but not in Marion unit because you were the only one there?

A. Right.

Q. So did Durst write all these -- whoever is on the unit, whoever's working there should be the one writing in the log book, right?

A. Right.

Q. Okay. So did you write in a log book on the night --

A. I wrote in a log book, yeah.

Q. But this one here --

MS. JEDZINIAK: Can we go off the record?

MR. HAWKINS: Yeah. Can we go off the record?

VIDEOGRAPHER: The time on the monitor is 2:43 p.m., and we are off the record.

(A short recess was then taken.)

VIDEOGRAPHER: The time on the monitor is 2:50 p.m., and we are on the record.

BY MR. HAWKINS:

Q. All right. You had a chance to look at this and talk to your lawyer about it?

A. Uh-huh.

Q. Okay. Now, I'm looking at -- this is for -- it starts on July 17th -- or it starts on the 16th but this part here is on the 17th when you came to work sometime after seven. I know you pleaded the Fifth when you got there, but I think it was sometime after seven. I don't see -- is there anywhere on here about you having blood wiped on you or anything? Am I missing anything? Did you report that?

A. Let me see this again.

Wow. I can't believe I didn't log that in the book. It must have been a crazy day that night.

Q. That's all your -- that's your handwriting, though? You --

A. Right. That's my handwriting.

Q. So where does your handwriting start on this document, this Exhibit 9? And this is, for the record, 10448-K-00007. Tell me where your handwriting starts.

A. Right there.

Q. E-1? Where it says E-1?

A. No. D-2.

Q. D-2? So right here where it says D-2 shift 7-17-17, from there down that's your handwriting?

A. Yes.

Q. And it says that you arrived at 7:15 to relieve the D-1. That was Kennedy?

A. Yes.

Q. And it says right here that you were the only one in Marion unit?

A. Yes.

Q. And that's consistent with what you told me already?

A. Yes.

Q. And that's in violation of the requirement that there be at least three officers in Marion unit?

A. Uh-huh.

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MR. DeMASTERS: Object to the form.
BY MR. HAWKINS:
Q. Is that a yes?
A. Yes. I believe so.
Q. It says I have keys to the left and right side of the unit. Radio -- is that -- what does that say, phone on the left and right side?
A. Yes.
Q. What does that mean?
A. So I was just writing down -- I was just trying to write down I have a phone on the right side and a phone on the left side.
Q. What does this mean where it says red phone on the left and right side?
A. Red phone on -- if I'm not mistaken, I think both sides have a red -- is there a red phone in there? I think so. Which is supposed to be like an emergency, I think. I'm not quite too sure.
Q. It's a red phone for you to make calls or receive calls?
A. I think it's a red phone to pick up -- I can't remember -- I can't remember the red phone, but, if I'm not mistaken, they've got a red phone in there where you just pick up, and I think it rings somewhere. To be honest, I can't remember that with

the red phone. I don't remember why I wrote down the red phone.
Q. But it's for emergencies?
A. I believe so, yes.
Q. Did anybody ever make or send a call from the red phone about Simmons?
A. You know, I could be wrong on that. I don't know why I put the red phone in there. To be honest, I don't -- I can't understand. I don't know if there's a red phone or not. Sorry if I'm sounding uncertain and unsure, but it's been years. And I know it's written down, but I don't know where I got the red phone on the right and left side came from. I don't know where I got that from.
Q. What is a security check? It looks like you started doing security checks about ten minutes after eight --
A. Right.
Q. -- on the 17th. On July 17th, 2017.
A. Well, a security check is basically me walking -- walking the -- walking the unit.
Q. Okay. And you did a security --
A. With inmates -- yes, you can do security checks with the inmates out. So whether the inmates are behind their door or they're out. Because, like I

say, I work overtime on day shift as well. You can still do a security check with inmates being out their rooms. And of course you do it with them being in their rooms.
Q. Overtime means you make more money?
A. Yes.
Q. So you wanted to work overtime so you could make a little extra money?
A. Yes.
Q. Was that a fairly common thing with corrections officers?
A. Some did. Some didn't. But as for me, I was -- to be honest, I was determined and motivated. I wanted to get my stripes. I wanted to make a little more money, so I just wanted to work OT. If I was tired or if I felt like I was wasn't able to do my job I wouldn't come in to work on my days off. So it never -- so it wasn't -- that night wasn't a night to where I was just burned out and tired and didn't care, no. I was just --
Q. No, I'm not -- that's not what I'm implying.
A. Okay.
Q. What I'm implying is, I think with some companies overtime is sort of competed for. In other

words, there might be more than one corrections officer who wants overtime. You might get it because you've worked in the past or something. Did you know of at least some other officers who liked to work overtime?
A. We had a couple people who liked to work overtime.
Q. And the point I'm getting to here is that you were the only one on duty, but if SCDC was short-staffed they could have asked one of the other people who wanted overtime to work?
A. Well, the problem is it's not -- actually -- well, at the time SCDC didn't have mandatory overtime, so it's like -- it was unlimited overtime. So whenever you wanted to work, you could just come in or you could let a supervisor know, like me, I would let them know, you know what, I want to work on your shift, I've got the weekend off, so I want to come in and work two days, so they would know that I'm coming. Or if you're going in the hospital you've got to let your supervisor know, hey, can you put me down at the hospital, and you can go sit at the hospital for 12 hours. So it wasn't no -- you didn't have to sign up for it, and there was no competing for it because they were short, so overtime was always

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available.
Q. Okay. So you did a security check at -- the first one listed -- you get there at 7:15. The first one listed after that is I guess about 55 minutes later at 8:10, and then you do one at 8:40, 9:10, 9:40, 10:10, 10:35, 11:05. Is that -- am I reading that correctly?
A. Yes. Because I'm always -- I'm always on the rock. I'm always out. I'm always out.
Q. So this is 12:15. This is the time that Collins said he did whatever he did and came down there the first time. Can you read that for me at 12:15?
A. Both inmates in room 212 has been removed from Marion.
Q. What roommates were --
A. If I'm not mistaken, I want to say -- wow. Is that the left side or the right side?
Q. I don't know.
A. It doesn't say. But, like I said, I had an inmate -- see? Now I'm trying to think. Because you had multiple -- it was multiple inmates in there. Only one inmate -- it was one inmate in the room. He cut himself, and he wanted to go to get off the unit. Now, did we remove both of the inmates? I can't

remember because I don't know if that's the left side or the right side, but, like I said, on my account, we did remove inmates and send them to the suicide watch unit.
Q. And one of those people is the person that wiped blood on you?
A. See? I can't remember, because, like I said, this is a while back, so I can't remember if it was both of them acting up like that or it was just one. I'm being honest. I don't remember.
Q. And this says -- right here at the top this says D-2 shift. That's just the shift you were on?
A. Right.
Q. And that D-2 means second shift --
A. Yes.
Q. -- day two?
A. Yes.
Q. And D-1 would be first shift and D-3 would be third shift?
A. D-2 is night shift. D-1 is day shift.
Q. Okay. All right. So -- yeah. Because you were working all through the night. I'm sorry.
A. Yes.
Q. Okay. And how long is a shift?
A. Twelve hours.

Q. So you would come in at 7:15 and get off about 7:15?
A. Eight, nine o'clock sometimes, but yeah --
Q. Get a little overtime in?
A. Get a little overtime in, too. Well, I would only do that on my last day. Like if I'm working two days, then on my last day I might do like 16 hours because the next day I'm not working. So, like I said, I had a system. So --
Q. Yeah. And then you -- is it you clocked in or you wrote your time down?
A. I believe we -- I believe we had -- I think we was doing both -- no. I think we were -- it was a time sheet.
Q. Okay. So everybody that worked that night would have written there except for salaried employees --
A. You know what? Thanks for bringing it to my memory. We do have an ID that we would have to scan in with so just in case a riot or something goes down they would know which officers are in the facility and which ones are not.
Q. So we'll be able to tell, if we request that information, everybody that was working at Broad River and everybody whose ID had been read that says

I'm on duty, I'm here I'm working?
A. They should be, yes.
Q. We would know all the officers that were available to help you out or respond to a call about somebody having a cellphone or stabbed or whatever?
A. It should be. All that should be logged.
Q. If there were 30 different employees there who could have -- you know, you just needed one of them to help you respond or Collins to respond to a report of somebody being stabbed, we'd be able to tell that from this information?
A. You should be able to tell, yes.
Q. And then it goes to -- we're getting past midnight. Security check completed at 12:20, 12:50, and then at one o'clock there's a count in progress. And is that the process where you're supposed to count one side while another employee counts the opposite side and then y'all switch?
A. That's what it was supposed to be, but I was by myself so I had to count both sides.
Q. Then it says at 1:35 you called in the count -- you called in the count for the left and the right. So at one o'clock a.m. did you see -- or at 1:35 a.m. did you see anything amiss?
A. I'm sorry?

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Q. Did you see anything out of the ordinary at 1:35 a.m.?

A. No, because I was conducting count.

Q. And, so, then at least as -- you got to work at 7:15, and so six hours and some change -- six hours and 20 minutes later at 1:35 you hadn't observed anything you needed to call in or anything like that?

A. No.

Q. And then it says at 5 a.m. OCF [sic] Peterson was at the dorm to take over for you. Is that the person who was going to relieve you like you relieved Kennedy?

A. No. He was on my shift.

Q. He was on your shift but he worked somewhere else?

A. Right. He was in a different part of the prison. Where, I don't know.

Q. Why are there no entries between 1:35 and -- because they're pretty regular up until 1:35 --

A. Uh-huh.

Q. -- and then they stop.

A. I plead the Fifth on that.

Q. Okay. Is it because that's when the whole thing with Simmons started about 1:35 a.m.?

MR. DeMASTERS: Object to the form.

THE WITNESS: I plead the Fifth on that.

BY MR. HAWKINS:

Q. Okay. And is this still your handwriting at 6:20?

A. Can I see that?

Q. Yeah.

A. No. That's not my handwriting.

Q. So your handwriting just goes to 5 a.m.?

A. Yes.

Q. It looks to me like the same handwriting here at 6:20.

A. No. See -- well, actually, at five o'clock it stops. See? Five o'clock is Officer Peterson in the dorm to take over.

Q. So that's Officer Peterson writing down that?

A. Right. That's not my handwriting.

Q. So we need to take Officer Peterson's deposition to see if his handwriting starts here?

A. I guess, if you --

Q. What's Peterson's first name?

A. I don't know.

Q. You don't remember?

A. No, I don't remember.

Q. The policy related to inmates being in their cells during lockdown. Do you know why that policy is in place?

A. It's a hazardness [sic].

Q. It's unsafe for inmates to just be out?

A. Right.

Q. It's dangerous not only for inmates but also for corrections officers like you?

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. So that policy is in place for safety?

A. Yes.

Q. You never had any problems with Garris before he wrote his report?

A. Never knew who he was.

Q. And during the whole time during this night that we're talking about -- I know there's certain questions you can't answer at the advice of your counsel about the stabbing, but during the whole night we're talking about from the time you got to work at 7:15 until you left the next morning, whenever that was, during this whole time you were working as a SCDC corrections officer?

A. Yes.

Q. You were working at the direction of SCDC?

A. Yes.

Q. So, like I said at the beginning of the deposition, you had keys that were issued by SCDC?

A. Yes.

Q. A radio issued by SCDC?

A. Yes.

Q. A uniform issued by SCDC?

A. Yes.

Q. And you were doing things in your performance of SCDC duties?

A. Yes.

Q. You never went rogue and decided to do something to spite SCDC?

A. No. I never did -- actually, to be honest, I was kind of happy because I got a promotion and I was going to day shift. So it was like I was finally was getting what I wanted after six months -- literally now. This was like from December of 2016 until all the way up I'd been fighting to get -- I was fighting to get off that shift. So it wasn't no one week, two week, three weeks, one month, two month, three month battle. I'd been going back and forth with them for a while to get me off that shift. Excuse me.

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Q. As far as any criminal acts or criminal conduct or anything your charges have been dismissed?

A. Yes.

Q. There's no pending criminal charges against you?

A. No. I'm an upright standing man, and I was an upright standing man before I got the uniform, upright standing man while I was in uniform and an upright standing man right now sitting in front of you today.

Q. How long did you sit in county?

A. Three weeks.

Q. Richland County?

A. Yes, sir. Three weeks.

Q. Anything happen to you while you were in there?

A. No, sir.

Q. And your fiance helped you make bail?

A. Yes, sir. The only reason why I sat that long is because coincidentally when I got arrested, I guess the following week in SCDC in South Carolina they have some -- I guess some beach day or beach week when the courts are closed. I don't know. Something like that. So we couldn't get a magistrate judge to grant me bail. I don't know if that's true or not,

but that's what we was told.

Q. You had to sit in jail extra because magistrates were at the beach?

A. Something about when the courts are closed and all the solicitors and defenders are out at the beach chilling. Something like that.

Q. So you had to sit in jail for the solicitors conference. Okay.

A. Oh, it's the solicitors -- oh, I apologize. I was told that it was beach week for y'all where every week [sic] they go to the beach and relax.

MR. DeMASTERS: I wish we had a beach week.

BY MR. HAWKINS:

Q. Solicitors gone wild.

A. I'm sorry. That's what I was told. Thank you for correcting me. Conference week. Sorry about that.

MS. JEDZINIAK: Basically it's beach week.

MR. HAWKINS: It's at the beach probably.

BY MR. HAWKINS:

Q. And fair to say you didn't do -- you didn't do anything, no intentional act or anything like that to --

A. No, sir.

MR. DeMASTERS: Object to the form.

THE WITNESS: I always follow rules, guidelines, even though -- even if I wasn't able to follow policy through, but I've always made the upright standing decision always.

BY MR. HAWKINS:

Q. Okay. And the reason I'm asking you is if we get a verdict against SCDC, and they take the position that they don't have to pay the verdict because you committed some intentional act, you would disagree with that?

MR. DeMASTERS: Object to the form.

THE WITNESS: I'm sorry. Say that again.

BY MR. HAWKINS:

Q. If we get a verdict against SCDC, and SCDC tries to avoid paying that verdict, and they say that's not our fault, Hall did some intentional act, is it fair to say you would disagree with that?

MR. DeMASTERS: Object to the form.

THE WITNESS: Yes. I would disagree.

BY MR. HAWKINS:

Q. Okay. What's your -- the fiance who helped you make bail, is that your wife now?

A. Yes. It's my wife now.

Q. What's her name?

A. Ciara Hall.

Q. Is that with a C or an S?

A. Yeah. C-I-A-R-A.

Q. Ciara Hall. And y'all live together at the same address?

A. Yes, sir.

Q. What is your -- what was your cellphone number at the time that this happened?

A. Same telephone number as it is now.

Q. What is that?

A. 803-466-5201.

Q. And is that Verizon?

A. Well, at the time it was Boost, but now I've got T-Mobile. So I was able to keep the number.

Q. And if we subpoena -- if we subpoena phone records from Boost for that time period, and then we compare those phone records to incoming calls from illegal cellphones at the landline in the control room, will there be any overlap? Will there be --

A. With my cellphone?

Q. Yeah.

A. What do you mean by that?

Q. Well, what I mean is, if there's somebody making -- and I think SCDC's -- one of SCDC's theories is that you're Blood affiliated, so I'm trying to figure out -- what I'm trying to figure out is if

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there was somebody making an illegal -- a phone call with an illegal cellphone from inside a cell, would that number show up making any phone calls to your personal cellphone?

A. No.

Q. Will any -- if we subpoena phone records will there be any phone calls from numbers from Trac phones from inside the jail?

A. No.

Q. Okay. You've never been a part of any gang?

A. No.

Q. Do you know anyone who's been a part of any gang?

A. No.

Q. All right. I don't have anymore questions for you. I assume that Dave probably has a good bit, and your lawyer may have some for you, too. So, if they prompt me to ask something, I'll ask some more, but I'm gonna wait and see what they ask you.

MR. DeMASTERS: I've got to get the microphone.

MR. BALTHAZOR: Oh. We'll switch spots. Sorry.

MR. DeMASTERS: He said I need to be miked

up.

MR. BALTHAZOR: I didn't realize.

MR. DeMASTERS: That's all right.

CROSS-EXAMINATION

BY MR. DeMASTERS:

Q. Mr. Hall, good afternoon. My name is Dave DeMasters. I represent SCDC in the lawsuit that's been filed in Richland County. Okay?

A. Uh-huh.

Q. Have you ever met me before today?

A. No.

Q. Have you ever seen me before today?

A. No.

Q. Okay. I didn't think so. Are you aware that Mr. Hawkins' firm has filed two lawsuits that name you individually?

A. No.

Q. You're not aware about those lawsuits where you've been named individually that Mr. Balthazor represented you?

A. No.

Q. Okay. Are you aware about any lawsuits being dismissed?

A. Okay. Hold on. Yes. Okay. My bad. I was aware of the lawsuits. I know some got dismissed.

I think one or two of them got dismissed, or something like that.

Q. And I'll represent to you Mr. Hawkins' firm filed a lawsuit against you, I think in 2019, I believe in federal court, naming you as well as Travis Reece and Christine [sic] Livingson. Okay? And that lawsuit was dismissed. In about -- about I think 2021 sometime they filed another lawsuit against you naming you individually, and that lawsuit was dismissed as well. Is that your recollection?

A. Yes.

Q. Okay. Have you ever been named in a lawsuit pending in Richland County in Richland County Court of Common Pleas?

A. No.

Q. Okay. I didn't think so. I know the answers to these questions, but I want to make sure I get them on the record. Okay?

You're not a party to that lawsuit, are you?

A. No. Not to my recollection, no.

Q. Okay. I mean, they could have named you, but they didn't, right?

A. Which lawsuit again?

MR. HAWKINS: Let me put an objection on the record, if it's all right with you, just a running

objection on relevance and other grounds, or do you want me to make it every time?

MR. DeMASTERS: I mean, if want to make trial objections at a discovery deposition, that's okay, Josh.

MR. HAWKINS: Yeah. I'll make it every time if you want me to. I was just trying to streamline it.

MR. DeMASTERS: Whatever you want to do.

MR. HAWKINS: No, I'm asking is it okay with you if I put a running objection --

MR. DeMASTERS: Yeah. That's fine.

MR. HAWKINS: Okay. I'll just preserve this for trial.

BY MR. DeMASTERS:

Q. And I'll represent to you, Mr. Hall, there's a filed lawsuit in Richland County Court of Common Pleas naming SCDC. That's what Mr. Hawkins has asked you a bunch of questions about regarding that incident. Okay?

A. Uh-huh.

Q. And you are not a named party in that lawsuit. The civil action number is a 2018-CP-40-4850. Okay?

A. I wasn't aware of that.

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Q. Right. I think you became aware of that lawsuit today. Right?
A. Right. Yes.
Q. And that's the lawsuit that's on the trial roster, and that will likely get tried in November of this year. The other lawsuits that you were named in, they've all been dismissed. Do you understand that?
A. So why am I here?
Q. I agree. They noticed your deposition. They named you in the lawsuits. It wasn't SCDC that did all that. Okay?
A. Okay.
Q. Now, I do want to go back through and ask you some questions about some of the documents that he asked you about, and this would be Exhibit 9. These are the log book pages, correct?
A. Yes.
Q. And I remember you testifying or it being in a log book that there was a 1 a.m. count done -- a 1 a.m. count completed; is that right?
A. Yes.
Q. Now -- and the same goes for my questions. If you think -- and I don't want to invade on any of your privileges. So if a question I ask you you don't want to answer, just say I assert my privilege. Okay?

A. Okay.
Q. The 1 a.m. count, when you're doing that count are the inmates locked in their cells?
A. I plead the Fifth.
Q. Okay. When you were working in Marion unit at least that evening were you locked in there?
A. You mean was I locked in the unit?
Q. Yes.
A. Yes.
Q. Okay. So you couldn't leave that unit unless someone let you out; is that right?
A. Correct. Yes.
Q. Okay. Do you remember who locked you in that unit that night?
A. The yard sergeant.
Q. Was it Sergeant Wright?
A. Whoever -- yes. Yes. I believe so, yes.
Q. Now, when you were locked in the Marion unit does anybody else have a key to the cells besides you?
A. Me and Officer Kennedy because Officer Kennedy is in there, and like I said before, everybody was out already when I got there.
Q. Did Officer Kennedy -- he ended up leaving the Marion unit --

A. Yes.
Q. -- that evening, right?
A. Yes.
Q. Prior to seven or eight p.m.; is that right?
A. I guess so. I want to -- yeah, I guess. Yes. And when he left me, everybody was out.
Q. Okay. And when he left that unit you were the only one there that had a key to the cells; is that right?
A. Yes.
Q. Okay. And I know there was some questions about why inmates might go to different cells. Sometimes they could go to different cells to use drugs; is that right?
A. Yes.
Q. And I don't remember. This has gone on a long time. Do you remember Dashaun Simmons at all?
A. No.
Q. Here. I'll show -- do you recognize him in that picture?
A. No.
Q. Okay. They've seen it. It's the only color picture I have of Mr. Simmons. So you don't recognize Mr. Simmons, then?

A. No.
Q. All right. So you're not aware of him being involved in any gangs or anything?
A. No.
Q. Okay. What about -- have you ever heard the name Taquan Montford?
A. No.
Q. He went by Shoestring. Do you recognize his face?
A. No, sir.
Q. Okay. And I'm gonna ask you -- like I said, I'm gonna ask you some questions that you probably don't know the answers to. I just want to confirm it here so I know at trial if I ask you the question I know the answer. Okay?
A. Okay.
Q. What about an inmate named Hasien Ransom? Do you recognize him?
A. No.
Q. Okay.
MR. HAWKINS: You can --
BY MR. DeMASTERS:
Q. Yeah. He doesn't need to see them. He was there on Friday when I went through all these same things. What about Jquan Scott, do you recognize him?

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A. No, sir.
Q. And, finally, Xavier Hemingway. Do you recognize his name?
A. No, sir.
Q. Okay. And I think, from my understanding of your testimony, the investigative report from police services, you've seen this before, right?
A. The one you showed me today?
Q. Yes. This -- I guess this would be Exhibit 8. Had you seen that before today?
A. Not to my recollection, no.
Q. Okay.
A. I could have. I could have. Like I say, this is 2017, and it's 2023 now, so -- so it's a no or a yes. I don't know.
Q. Okay. Are you aware prior to today that their client, or now his estate, had told Mr. Garris that you had opened the door to his cell and allowed those inmates to stab him?
A. Who said that?
Q. Mr. Simmons. Dashaun Simmons.
A. Yes, sir. I was aware that I was falsely accused of that.
Q. Okay. You're aware that that's what Dashaun Simmons told Mr. Garris?

A. Yes.
Q. Okay. Are you aware that inmate Timothy Rainey also had told Agent Garris that you had opened the door to Mr. Simmons' cell and allowed inmates in to stab him?
A. Yes. I was aware of that, yes.
Q. Okay. So you're aware at least that two inmates had made accusations against you for opening up the cell door?
A. Yes.
Q. Agent Garris didn't make that up, right?
A. I'm sorry?
MR. HAWKINS: Objection, speculation.
BY MR. DeMASTERS:
Q. Agent Garris just didn't make that up?
MR. HAWKINS: Same objection.
THE WITNESS: Agent Garris didn't do a thorough job of the investigation.
BY MR. DeMASTERS:
Q. All right. Well, let me get into that. Do you have any -- besides working at SCDC do you have any other law enforcement background?
A. No.
Q. You ever taken a class on criminal investigations?

A. No.
Q. Okay. But your testimony is today that Agent Garris did a sloppy job during this investigation?
A. Yes.
Q. Okay. Did you have any issues with Lieutenant Ulysses Collins?
A. Yes.
Q. What are your issues with Lieutenant Collins?
A. I wanted to get off the -- well, I take that back. No. I didn't have no issues -- I didn't have no issues with Lieutenant Collins because the issues that I had was beyond his -- beyond of his control. So, no. I take that back. I didn't have any problems with him.
Q. Okay. And I think you didn't have any issues with Brittany Livingson, right?
A. No. I had no issues with her as well. No issues with Officer Kennedy as well either besides him opening up the doors for everybody when they should be locked down.
Q. Were you ever Kennedy's supervisor?
A. No.
Q. Okay. Because I know you said you had

written him up -- I believe that's what you testified earlier that you had written him up in the past.
A. Yes.
Q. And you did?
A. Yes.
Q. You can do that without being a supervisor?
A. No. It's not really -- it's not really -- what do they call it when you have a complaint against your coworker? So I'm not sure if the proper word is written up or it's just -- I forgot what they call it, but you can write up -- yes, if you see your coworker doing something wrong or breaking policy, yes, I do have the power to write him up just like Officer Kennedy, if he sees me doing something I shouldn't be doing, he has the right to write me up as well.
Q. Okay. Are you aware of Officer Kennedy being disciplined or being suspended for anything?
A. No.
Q. Okay. Did you ever talk to Warden Bush about this incident that occurred on July 18th or 17th of 2017?
A. No. I don't believe so, no.
Q. Because I know from your prior testimony you had been making -- expressing concerns to Warden Bush about how you wanted to move to day shift.

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A. Yes.
Q. Okay. Was any of that in writing?
A. I think I told them -- no. I never put any of that in writing, no.
Q. Okay. And then you also I think testified you had spoken to a major, and the major had actually approved your transfer to day shift --
A. Yes.
Q. -- but Associate Warden Washington overrode it. Is that right?
A. Yes.
Q. Was the major, was he James Parish?
A. No. It wasn't James Parish. It was -- I don't want to say a black major, but he was a colored --
Q. African American?
A. African American is the proper word, yes.
Q. Do you remember his name? Last name? First name?
A. No. I don't remember his first or last name.
Q. Okay. Did you ever have any -- and I think I know the answer to this, but did you ever have any issue with Dashaun Simmons?
A. No.

Q. I mean, you gave him no reason to lie, correct?
A. I'm sorry?
Q. I mean, you wouldn't -- do you have any evidence that Dashaun Simmons would be a liar?
MR. HAWKINS: Speculation objection.
THE WITNESS: I plead the Fifth on that.
BY MR. DeMASTERS:
Q. Okay. Did you ever have any issues with inmate Timothy Rainey?
A. I plead the Fifth on that. Don't know him.
Q. Okay. Look through the exhibit with the police services report. If you'll go to I guess page 2 -- or page 3. Actually, page 4. Have you ever seen Lieutenant Parker's statement that you testified about?
A. Yes. It's in the discovery.
Q. Okay. And I'm just looking at the third paragraph down. It states, October 5th, 2017, Agent Garris interviewed Lieutenant Parker at BRCI. Lieutenant Parker could not remember the events that occurred on July 17th, 2017.
And I'll represent to you I've never seen a statement from Lieutenant Parker, and it looks like according to Agent Garris's report he didn't get a

statement from Lieutenant Parker.
A. Well, it says right here. It says that Lieutenant Parker could not remember the events of July 17th.
Q. Right.
A. So that's a statement.
Q. Well, that's what he told him during the interview.
A. Right.
Q. Okay. And I was just looking to see if you had ever seen like a formal written statement like you had given.
A. Oh, no. This was the statement, because even though this is not a full-blown statement, but it also contradicts what Kennedy said about him calling Lieutenant Parker and telling him I was opening up all the doors and Lieutenant Parker telling him to go home.
Q. So you think by Lieutenant Parker telling Agent Garris that he could not remember the events that occurred on July 17th, 2017, it contradicts what Matthew Kennedy said?
A. I plead the Fifth on that.
Q. Okay. You were asked some questions about grievances. Did you ever misplace any grievances when

you were at SCDC?
A. No.
Q. Did you ever observe any other officers misplace grievances while you were at SCDC?
A. No. That's what it is. I think you can write a grievances on a -- can we do it on a coworker, a grievances, or is that only on inmates? I think I wrote a grievances on him.
Q. On Matthew Kennedy?
A. Yes. That's what it was. Not an incident -- yeah, grievances.
Q. Okay. Do you believe Agent Garris was out to get you from the get-go?
A. Yes.
Q. Yeah, I believe you testified that Garris just wanted to come up with something to put you in prison; is that right?
A. Yes.
Q. And I think I know the answer to this because I think you already testified to it. I'm gonna be real quick. Did you ever receive any formal disciplines while you were at SCDC?
A. No. Well, that one little from having my boots unlaced up. That was the only written up that -- from my knowledge, that was it.

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Q. You were never suspended when you were employed at SCDC, right?
A. Leading up to this event, no.
Q. Right. Yeah. I'm not talking about -- I'm talking about everything prior to this event.
A. Okay. No.
Q. Are you aware of SCDC doing a background check on you when you were being -- during the interview process?
A. Yes.
Q. And I believe you said you had two in-person interviews?
A. Yes.
Q. Okay.
A. The only reason why I had two was because when I went there I had cornrows and I didn't cut my hair because I wanted to make sure I get the job before I cut my hair, so the recruiter told me to come back tomorrow with your hair cut and be professional, and I cut my hair, and then I came back for the interview.
Q. Okay. And then I believe -- how soon after that you were hired did you go to the training?
A. I want to say a couple weeks.
Q. Have you always worked at Broad River?

A. That's the only place I worked at.
Q. How long was the training you received at SCDC?
A. I think it was six to eight weeks.
Q. And then my understanding is you also had yearly training; is that right?
A. I don't think I made it that far to the yearly -- the yearly training. I know I went to the range within my like 15, 16 months there. I did go the range. After the academy I did go to range after that.
Q. Now, when you were at Broad River did you only work the Marion unit?
A. No. I worked everywhere at Broad River.
Q. Okay. Did you work in all the dorms?
A. Yes.
Q. Okay. And I understand, and I just want to confirm -- let me scratch that. How long did you work at SCDC?
A. Fifteen months.
Q. Fifteen months. And during that 15 months my understanding is that you never saw a cellphone by an inmate?
A. No.
Q. And that you never saw an inmate in

possession of a homemade weapon?
A. No.
Q. Did you ever see any inmates with contraband during those 15 months?
A. No.
Q. Okay. And, so, you had been in all four units I believe at Broad River, and you had been working there for 15 months, and you never saw one cellphone, one homemade weapon or one piece of contraband?
A. That's because I was a respectable officer, so they already knew -- they already knew how I conducted myself and I would do my job. That's why I never seen it.
Q. I want to pull out one more exhibit. Mr. Hall, I'm handing you what's been marked as Exhibit 3, and I believe that's your statement?
A. Yes.
Q. And did Agent Garris force you to complete those statements?
A. The first one or the second one?
Q. Either.
A. He never forced me to write either statement.
Q. Because -- right. At the very top it says

voluntary statement, right?
A. Right.
Q. And I understand from your earlier testimony is that you believe that Agent Garris deceived you on your second statement?
A. Yes, he did.
Q. Okay.
A. Because when he asked me about that, I told him specifically. I said the only time I let inmates out during lockup -- during lockdown time is when if they're a kitchen worker and they're coming back from kitchen and they wanted to shower, or in the morning time if they're going to work and they want to shower in the morning time I let them out, or dialysis or insulin, and after I told him that, the only thing he told -- this is what he told me specifically, well, just write down in the past you let inmates out during lockup time to warm up their food or whatnot. So that's why I said he deceived me on the second part.
Q. So Agent Garris told you to write what you wrote?
A. Yes. This right here, this is what he told me to wrote.
Q. Okay. You signed this statement, correct?
A. Yes.

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Q. That's your signature on the page?
A. Yes. I signed it.
Q. But it's your testimony today Agent Garris told you to write in the past I've let inmates out to warm up their food and also let them take a shower during lockdown?
A. Right. Because if I knew that this would have been -- this was what he was gonna use to throw in my face, I would have been more detailed. Like the first statement I wrote, I'm very detailed about it, and in this one right here you see me just getting to the point, but I would have wrote kitchen workers that has to be to work -- or kitchen workers that's coming back from work and would like to take a shower, and it's lockdown time, I let them shower and warm their food. I would have been a whole lot more detailed than this right here in the past me just letting inmates out, but I didn't know he was gonna use this as the probable cause to drag my life out.
Q. Did he tell you you could not write kitchen workers on that statement?
A. No. He didn't tell me I couldn't. But he just said just write down in the past I have let inmates out to warm up their food and take a shower.
Q. Were you aware you were under investigation

at that time?
A. I'm sorry?
Q. Were you aware you were under investigation at the time you gave your statement?
A. No.
Q. Okay. You're aware he read you your Miranda rights?
A. Yes.
Q. Okay.
A. And, question. What was I under investigation for?
Q. The assault of Dashaun Simmons.
A. Oh. Okay. I thought it was --
Q. Mr. Simmons had told the investigators that you let those inmates in to beat him up or to stab him.
A. Oh. Okay.
Q. That's the whole reason you were -- it's because of Mr. Simmons not because of anything Agent Garris did.
A. Oh. Okay. I thought I was under investigation --
MR. HAWKINS: Object to the form of the question.
THE WITNESS: I thought I was under

investigation for something else.
BY MR. DeMASTERS:
Q. So when you were talking to Agent Garris on the 18th you thought you were under investigation for something else?
A. No. I'm talking about -- I'm aware of this situation, but I thought it was another situation that SCDC was investigating me for.
Q. No. I'm only involved in this lawsuit --
A. Okay.
Q. -- where SCDC is being sued, and, you know, the only reason your name came up is because Mr. Simmons identified you as the individual that unlocked his door and allowed those inmates to stab him.
A. Okay.
Q. Did Mr. Garris tell you you couldn't leave until you filled out this statement?
A. Wow. That I don't remember.
Q. Okay. Where were you at Broad River when you wrote these statements, were you in the warden conference room or were you back in Marion?
A. No. I was in the conference room.
Q. Okay. Up by the warden's office?
A. Yes.

Q. And I know you testified earlier that another SCDC police services individual might have been there. Rayford Miller. The old man with the bald head you said?
A. Yes.
Q. Was there anybody else there when you were giving these written statements?
A. No. Not to my knowledge.
Q. And just so I understand, going back to Lieutenant Parker's statement. When you talk about his statement you're talking about the sentence in the police services report?
A. If I'm not sure -- I thought it was something more than that. I didn't know it was that -- I didn't know it was just that short sentence -- that short of a sentence. I thought he said more. So I stand corrected.
Q. And I think you testified Lieutenant Parker actually -- he gave you a reference, or you asked him for a reference after all this happened; is that right?
A. Yes.
Q. Is he your friend?
A. No. He's not my friend. Lieutenant Parker is a mentor of mine.

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Q. Okay.
A. He's a mentor.
Q. How long -- and Lieutenant Parker I understand was working the day shift, right?
A. Right.
Q. Okay.
A. That's the shift that I wanted to go to because he's my mentor and I wanted to learn and soak up the knowledge from him.
Q. Do you still talk to Lieutenant Parker?
A. I haven't -- we don't have a relationship like that, but I did call him out the blue and ask him for a reference, and he was kind enough to say that he would do it, but as far as us hanging out together and -- no.
Q. The reference, what kind of job was it for?
A. Oh. I was trying to get back to being a corrections officer.
Q. At the South Carolina Department of Corrections?
A. No. Not at SCDC.
Q. I didn't think so. Where were you looking?
A. Augusta State Medical Prison.
Q. Okay. Mr. Hall, I appreciate your time today. Those are all the questions I have at this

time. Please answer any other questions.
MR. BALTHAZOR: I don't have any questions, Mr. Hall.
MR. HAWKINS: I have one.
REDIRECT EXAMINATION
BY MR. HAWKINS:
Q. Parker. That was your mentor?
A. Yes.
Q. And that's the only person that we've talked about that Garris didn't include a statement from?
A. Well, I guess his statement is no longer needed, because I thought -- I thought he said more. But if that's all -- if that's all that was said, then that's all that was said, but I thought he said more in his statement. So I stand corrected.
MR. HAWKINS: I don't have anything else.
MR. DeMASTERS: I have nothing. Thank you, Mr. Hall.
MR. BALTHAZOR: I don't have any questions, but before go off the record, maybe he can -- maybe Mr. Hall can walk out. I just want to say something else --
MR. HAWKINS: Yep.
MR. BALTHAZOR: -- to the attorneys.

COURT REPORTER: On the record, sir?
MR. BALTHAZOR: Yes. On the record, please.
THE WITNESS: Am I free to go?
MR. HAWKINS: Unless you want to hang around and talk to me afterwards. Otherwise you're free to go.
THE WITNESS: Do we need to talk first?
MR. BALTHAZOR: We can talk whenever you want.
THE WITNESS: Do you want to call me on the way home?
MR. BALTHAZOR: I will.
THE WITNESS: Okay.
(Court reporter request for clarification.)
MR. BALTHAZOR: Yeah. We'll just say he will read and sign. We'll make it easy.
(Mr. Hall left the deposition.)
MR. BALTHAZOR: The only thing I wanted to mention, and just so we've got it on the record, there was some mention by you, Josh, during the deposition of taking his deposition again if there's new material that shows up.
MR. HAWKINS: Uh-huh.
MR. BALTHAZOR: I'm not agreeing to that.

I mean, you may file the appropriate motion at the time, but I just wanted to be clear that any silence by me on the record at the time you made any statements about reconvening his deposition was not my agreement to anything, because, you know, depositions, you always learn stuff new in a deposition. It doesn't mean you get to retake somebody's deposition just because you learn something new. So I just wanted to put that on the record.
MR. HAWKINS: That's it.
COURT REPORTER: Okay. We'll wait for Ira.
VIDEOGRAPHER: The time on the monitor is 3:39 p.m., and we are off the record.
COURT REPORTER: Mr. DeMasters, will you be ordering a copy of this transcript, sir?
MR. DeMASTERS: Yes. I would like a PDF with exhibits.
COURT REPORTER: Mr. Balthazor, will you be ordering a copy of this transcript, sir?
MR. BALTHAZOR: Well, will you be sending me a copy that I can forward on to --
COURT REPORTER: I don't understand your question, sir.
MR. BALTHAZOR: Well, he's got to read and sign, right? Are you going to send it directly to him

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or --

COURT REPORTER: Well, if you're not ordering a copy as his attorney, then, yes, there's a different procedure for the witness to read and sign if his attorney is not ordering a copy.

MR. BALTHAZOR: Okay. Well, I'll order a copy. I want an electronic copy.

(The witness, after having been advised of his right to read and sign this transcript, does not waive that right.)

(Deposition was concluded at 3:39 p.m.)

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

CERTIFICATE OF VERBATIM TRANSCRIPT

I, Mindy Vislay, Court Reporter and Notary Public for the State of North Carolina at Large, do hereby certify that the foregoing transcript of ANTHONY H. HALL, II, was taken by me and transcribed by me and is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

In witness whereof, I have hereunto set my hand this 13th day of May, 2023 at Charlotte, North Carolina.

Mindy Lynn Vislay
#200926400076

CHANGES AND SIGNATURE

WITNESS NAME: Anthony H. Hall, II, 05/01/2023

PAGE	LINE	CHANGE	REASON

I, Anthony H. Hall, II, have read the foregoing transcript and hereby affix my signature that same is true and correct, except as noted above.

Anthony H. Hall, II

Exhibits

HallA 1 3:18 34:20 171:6
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EXHIBIT 13

Background Check

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION
CIVIL APPLICANT RESPONSE

NAME	CASE NUMBER	OCA/COUNTY NUMBER
HALL II, ANTHONY H		

SOCIAL SECURITY	SEX	RACE	DOB
[redacted]	M	B	[redacted]

PRT REC
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ORI	AGENCY NAME & ADDRESS
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CENTRAL RECORDS REPOSITORY
SOUTH CAROLINA LAW ENFORCEMENT DIVISION

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THIS INDIVIDUAL HAS BEEN FORWARDED
TO THE FBI.

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1.07:SC040125C
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1.11:19.69
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2.002:00
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2.018:HALL II,ANTHONY H
2.059:N
2.073:SC040125C
2.075:CIVIL APPLICANT RESPONSE


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2016/01/07     FEDERAL BUREAU OF INVESTIGATION
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EXHIBIT 14

State Hall Deposition

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND 2018-CP-40-04850

RANDLE JACKSON, Personally and as the Personal Representative of the Estate of Dashaun Simmons,

Plaintiff,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

Defendant.

CERTIFIED COPY

VIDEOTAPED DEPOSITION OF ANTHONY HOWARD HALL, II

This is the videotaped deposition of ANTHONY HOWARD HALL II, taken at 8300 Falls of Neuse, Raleigh, North Carolina, pursuant to Notice of the parties and in accordance with the South Carolina Rules of Civil Procedure before Kathleen M. Van Voorhis, RPR, on the 11th day of July, 2025, beginning at 10:52 A.M.

The reading and signing of this transcript is waived.

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A P P E A R A N C E S

Plaintiff: Hawkins & Jedziniak, LLC
1225 South Church Street
Greenville, South Carolina 29605
Joshua T. Hawkins, Esq., appearing

Defendant: Davidson Wren, PA
1611 Devonshire Drive
Second Floor
Columbia, South Carolina 29202
William H. Davidson, II, Esq., appearing

Also Present: Dillon Tyndall, Videographer

I N D E X

E X A M I N A T I O N S

EXAMINATION PAGE

Examination by Mr. Hawkins 4
Examination by Mr. Davidson 76
Examination by Mr. Hawkins 117

E X H I B I T S

MARKED

Plaintiff's Exhibit 1 (Statements) 17
Plaintiff's Exhibit 2 (Letter) 43
Defendant's Exhibit 1 (Log Book) 111

VIDEOGRAPHER: We are now on the record. This is the beginning of media unit number one. Today's date is July 11, 2025. The time is 10:52 A.M. The deponent is Anthony Howard Hall, II in file number 2018-CP-40-04850. Will all counsel please identify themselves for the record, afterwards the court reporter may swear in the witness.

MR. HAWKINS: Joshua Hawkins for the Estate of Dashaun Simmons.

MR. DAVIDSON: William Davidson on behalf of the South Carolina Department of Corrections.

ANTHONY HOWARD HALL, II,
having been duly sworn,
was examined and testified as follows:

EXAMINATION BY MR. HAWKINS:

Q. Mr. Hall, my name is Josh Hawkins. I represent the estate of Dashaun Simmons and I'm going to take your testimony for presentation at trial, so a jury is going to see this. It's going to be played for a jury, you understand that?

A. Yes.

Q. Okay. And you understand that you're under oath and everything that you say is subject to being under oath and you're sworn to tell the truth, you understand that for the jury?

A. Yes.

Q. Okay. By the time your deposition is played for the

jury, a lot of this stuff will be in evidence so I'm not going to go through the whole background of what happened. I'm just going to ask you some substantive questions, okay?

A. Yes.

Q. Okay. Did you work for SCDC in July of 2017?

A. Yes.

Q. Okay. And does that include the night of July 17th to 18th of 2017?

A. Yes.

Q. To the best of your recollection, were you working night shift on the night of the 17th through the 18th of 2017 in July?

A. Yes.

Q. Okay. And I'm not, you know, asking you anything about the substance of what happened on that night yet, but are you aware that there was an attack on an inmate on the night that we're talking about?

A. At the moment, no, but throughout the process of the night, yes.

Q. Okay. When you say at the moment, what do you mean?

A. I mean as in me taking part of it, no.

Q. Okay. But you are aware as we sit here today that there was an attack?

A. Yes, I'm aware.

Q. Okay. As we sit here today are you aware that an

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inmate named Dashaun Simmons was attacked?
A. Yes.
Q. Okay. And do we agree that he was attacked on the night of the 17th going into the 18th, the same night that you were working as a corrections officer?
A. Yes.
Q. Okay. At the time you were working what was the policy for the number of guards required to be in Marion unit?
A. Supposed to have been, I think policy wise it's supposed to have been four but I think because they're short I think it was supposed to have been two.
Q. Okay. All right. Is there any doubt in your mind that the policy required more than one single guard to be working at Marion unit at night?
MR. DAVIDSON: Object to the form.
Q. You can answer. He's going to make certain objections. He's preserving his objections for trial. You still answer the question. So, I'll ask you again. Is there any doubt in your mind that policy required more than one guard to be in Marion unit on the night you were working that we're talking about?
A. Yes.
MR. DAVIDSON: Same objection.
Q. Okay. Do you know why at least two officers were required to be working at Marion unit during night shift?

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A. It's a lot for one officer to handle both units.
Q. Okay. What time did your shift start that night?
A. At 7:00.
Q. Okay. Before you got there were any of the inmates allowed to be out of their cells when you got to work at 7:00?
MR. DAVIDSON: Object to the form.
A. That unit was on lockdown so nobody should have been out by the time I got there.
Q. Why is it that nobody should have been out during lockdown?
MR. DAVIDSON: Same objection.
A. If I'm not mistaken, I believe they assaulted an officer a couple of days or weeks prior if I'm not mistaken. They did something in the unit.
Q. Okay. Regardless of whether or not the unit was on lockdown before 7:00 when you got there, are inmates generally allowed to be out of their cells between 7:00 P.M. when the time you got to work and 7:00 A.M. when the next day starts?
A. Well, normally to my recollection when we get in at 7:00, yes, inmates can be out but if that unit is on lockdown for like whatever type of disciplinary action then nobody should be out. So, technically normally, yes, they are out but when they're locked down no one should be out.
Q. Okay. Were there any inmates out of their cells when

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you got to work?
A. Yes.
Q. Okay. What officer was working before you got to work?
A. It was Officer Kennedy.
Q. Okay. So, these inmates, do you know how many inmates were out when you got to work?
A. I don't know. All I know is when I got to that, walk through the fence before I got to the door I could hear them out so when I walked in the sallyport and I looked through the window, both windows, he had a bunch of them out. They was out already.
Q. Okay. All right. Did that violate policy?
MR. DAVIDSON: Object to form.
A. Yes.
Q. Okay. Can we agree that, and I know that and I wasn't there so I don't know what happened, opposing counsel wasn't there, he don't know what happened, but you were there so I'm going to ask you, regardless of whether it was Kennedy or you that had these people out can we agree that these, all of these inmates that were out at the time were out in violation of policy?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Okay. And just to reiterate before we go into the

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next batch of questions, did policy require SCDC to have at least two guards in Marion unit on night shift?
A. Yes.
Q. Okay. Was that a critical unit?
A. Very critical, very critical unit.
Q. Okay. As far as classifications of units go, was that classified a critical unit?
A. Yes.
Q. Okay. Did SCDC to your knowledge through Collins or Parker or any other supervisors ever make any efforts to utilize overtime or pull any officers from any other locations and put them in Marion unit so there would be the required two officers instead of one, to your knowledge?
MR. DAVIDSON: Object to the form.
Q. Did that ever happen?
A. No, that never happened.
Q. And SCDC had you alone in Marion unit for this second shift we're talking about? I guess it was second shift?
A. Yes. Second shift, yes.
Q. Okay. Did SCDC violate policy by having you alone in Marion unit at the time we're talking about?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. At the time we're talking about, the shift that we're talking about were you wearing an SCDC uniform?

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A. Yes.
Q. Were you acting at the direction of SCDC?
A. Yes.
Q. Were you acting within the scope and force of your employment as an SCDC officer?
A. Yes.
Q. Were you clocked in and on-the-job?
A. Yes.
Q. Were you subject to the supervision of SCDC supervisors?
A. Yes.
Q. Were you required at this time to follow SCDC policies?
A. Yes.
Q. Did you have an SCDC issued radio?
A. Yes.
Q. Were you performing SCDC duties?
A. Yes.
Q. Okay. Were you required to follow SCDC policies and post orders during the time that we're talking about?
A. Yes.
Q. And were you required to, during the course of your shift, ensure that prisoners stayed appropriately in their respective cells and that they did not wander around Marion unit? Was that part of your job?

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A. MR. DAVIDSON: Same objection.
A. Yes.
Q. Okay. When you started to work for SCDC did you file an application online?
A. I believe it was in person. I believe I went in person and did an application. It could have been online. I don't remember that one but I think it was in person.
Q. All right. I'm going to hand you page 44 of your previous deposition and I'm going to ask you to read lines 3 through 6?
A. Okay. I got you.
Q. Does that refresh your memory about how you came to work for SCDC?
A. Yes, it does. Do I read it?
Q. No. No. No. I'll just ask you again. Did you come to work for SCDC by applying online?
A. Yes, I did. Yes.
Q. And then after that did you then have a couple of in person interviews?
A. Yes.
Q. And did those last about 20 minutes a piece?
A. Yes.
Q. Okay. And then after that were you hired and given uniform and training and that sort of thing?
A. Yes.

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Q. All right. Did you have, because I don't know the attire for corrections officers, did you have a badge?
A. Yes.
Q. Okay. So, after these two 20-minute in person interviews and online application SCDC gave you a badge, a uniform, keys, that sort of thing?
A. Yes.
Q. Okay. And did SCDC ever subject you to a polygraph test or anything like that?
A. No.
Q. Okay. Do you have any gang tattoos or tattoos that signify gang affiliation?
A. No.
Q. Have you ever been in a gang?
A. No.
Q. In June of 2017 did SCDC agree to give you a promotion to corporal notwithstanding the fact that you did not have the requisite training?
A. Yes.
Q. Okay. Did you accept that position?
A. Yes.
Q. And was that before the attack on Simmons that we are talking about?
A. Yes.
Q. Okay. Did you know Dashaun Simmons before he was

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attacked at Broad River?
A. No.
Q. Okay. All right. Did you say that you got to work on the night of the 17th at about 7:00 P.M.?
A. Yes.
Q. Okay. At sometime close to maybe midnight or sometime during the night did you receive a radio call from a supervisor named Collins sometime during the night?
A. Yes. Yes.
Q. Sorry. Were you finished?
A. No, you're fine.
Q. Okay. All right. Now, you came to work at 7:00 so you were obviously there at 9:00 P.M., correct?
A. Yes.
Q. So, between the hours from 9:00 P.M. to whenever, well, let me back up. Did Collins sometime around midnight actually come to Marion unit for either a security check or some other reason?
A. I believe so, yes.
Q. Between the hours that transpired between 9:00 P.M. and when Collins finally came to Marion unit, did at any time between those two things did Collins ever come offer you any help, check on any reports that came in, or anything like that?
A. No.

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Q. Okay. Are you aware of a call coming in to the control room from inside Marion unit or from inside from one of the prisoners with an illegal cell phone, do you know anything about that?

MR. DAVIDSON: Object to the form.

A. I was told about that. When they finally got a hold of me I was told a call came from the inside.

Q. Okay. What is the policy for when SCDC employees are put on notice that a guard -- that an inmate has a cell phone?

A. They're supposed to go in there and get the phone. They're supposed to lock it down, if I'm not mistaken. I wasn't a part of the red team or the contraband team, but I'm assuming they're supposed to go in there and flip the unit upside down until they find it.

Q. Okay. So, between 9:00 P.M. when you were working and whenever Collins came to Marion unit, did you ever see the red team or any SCDC employees ever come down there to investigate the use of an illegal cell phone?

A. No.

Q. Okay. Anybody even ask you, hey, is there an illegal, have you seen an illegal cell phone?

A. No.

Q. Okay. Sometime after 9:00 P.M. did Collins call you on the radio and say is everything good in Marion unit, did

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that ever happen?

A. Is that in my report? Did I say he did that because I want to say he called. I want to say I got a call about the incident, but.

Q. I'll hand you I'm going to hand you your --

A. That part is a little sketchy.

Q. I'm going to hand you two written statements that you offered that were made exhibits to your previous deposition.

A. Let's see.

Q. Opposing counsel has these so put that on the record. Yours may be all in one exhibit, yeah.

A. This is Kennedy's.

Q. Is that yours?

A. And that's Collins'.

Q. I'm sorry. I gave you the wrong one. Okay. All right. Those should be your two statements.

MR. DAVIDSON: What exhibit are those, Mr. Hawkins?

A. I guess I'm going to say no because I didn't write it in here so I'm going to say no because I don't see it in my -- So, I'm going to say no because I don't recall. It's not in my statement.

Q. I'm going to hand you page 67 of your deposition.

A. Okay. So, yes, he did I guess. I'm sorry. Let me read. Okay. So, yes.

Q. So, after reading a portion of your previous

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deposition, I'll just ask you again so it's clear on the record, do you recall Officer Collins calling down to Marion unit at some point asking you if everything was all good?

A. Yes.

Q. Okay. In addition to calling you to say, hey, everything all good in Marion unit, did Collins ever come check on you personally immediately after that?

A. No.

Q. Did he ever come check on any potential medical emergency existing in the unit?

MR. DAVIDSON: Object to the form.

A. No.

Q. Did he ever come to search for any cell phones?

MR. DAVIDSON: Object to the form.

A. No.

Q. Did he do anything immediately after he called down there to offer assistance or investigate the calls from cell phones or to look for Simmons or to do anything?

A. No.

MR. DAVIDSON: Object to the form.

Q. I'm going to make your statements, first of all, are those your statements?

A. Yes, those are my statements.

Q. Okay. Both of these, your July 18th statement and then your, well, your July 18th statement at 7:25 A.M. and

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then your July 18th statement at 11:10 A.M.?

A. Unfortunately yes. The second statement, yes, that is, that's me.

MR. HAWKINS: Okay. If I make these exhibits can you just put stickers over that?

MR. DAVIDSON: Note an objection.

(Whereupon, Plaintiff's Exhibit 1 is marked for identification.)

Q. Those both appear to be fair and accurate copies of your statements?

A. Yes.

Q. They do?

A. Yes.

Q. Okay. All right. Well, I'll just ask you, who took these statements? Who asked you to give these statements?

A. Agent Garris.

Q. Agent Garris. Okay. Do you know why Agent Garris got one statement from you at 7:25 in the morning and then another one almost four hours later?

MR. DAVIDSON: Object to the form.

A. No. Agent Garris was fishing. That's all.

Q. Okay. What was added? Just look at your statement and tell the jury, if you would, what was added to your original statement?

MR. DAVIDSON: Object to the form.

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A. What was added four hours later, which I was coerced, may I say that?
Q. Did you say you were coerced?
A. Yes.
MR. DAVIDSON: Object to the form.
Q. Let me ask you a question about that. Who do you believe coerced you?
A. Agent Garris and the reason why I'm saying that is because here is what he, this is what he told me to write down. I should have thought about that before me writing it down and signing it or I should have wrote it down the way how I told him.
Q. Okay. What's the difference between, this is your statement so it's not hearsay, you can testify about it, what is the difference between the original statement you gave Garris and then what you added?
MR. DAVIDSON: Object to the form.
A. In my original statement I told him exactly what happened, my original statement, and then I guess when I told him what happened in the original statement then he came back and then he asked me, he asked me again like have you ever let anybody out after lock out, I mean after lockdown time have you ever let anybody out and I said the only inmates I might have left out when it's lockdown time is when we have kitchen workers coming back and it's probably like one or two, maybe a

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couple workers so if they have a roommate and while their roommate is showering if they want to shower I let them shower. If they want to warm their food up I let them warm their food up because their roommate is out warming their food up and trying to shower when they come back from the kitchen.
Q. Is there ever a scenario on your shift between 7:00 P.M. and 7:00 A.M. when it's acceptable to have 20 to 30 inmates out of their cells?
MR. DAVIDSON: Object to form.
A. No.
Q. Would policy prohibit SCDC, whether it was you or Kennedy or Parker or anybody from having 20 to 30 inmates out of their cells between 7:00 P.M. and 7:00 A.M., would policy prohibit that?
A. Yes.
Q. Okay. All right. And so from the times on those, and we will move to have those in evidence at the appropriate time, but from the times on those statements, one of them being around 7:30, one of them being after 11:00 A.M., do you have any idea, did you observe anything that gave you any idea why Garris got one statement from you early in the morning and then came back almost at lunchtime and got another statement or an addition to the statement?
MR. DAVIDSON: Object to form.
A. No.

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Q. Do you know of anyone else he did that with, any other witnesses?
MR. DAVIDSON: Object to form.
A. Not that I know of, no.
Q. Okay. And then we talked about it a little bit before but is it a violation of policy to open a cell door during lockdown?
A. Yes.
Q. Okay. So, when you started your shift at 7:00 P.M. did SCDC have you in Marion unit alone for all of the hours that transpired between when you got to work and when you got the call from Collins?
A. Yes.
Q. And then did SCDC have you in that unit alone also from the time Collins called until Collins came down for a check around midnight or whatever it was?
A. Yes.
Q. Okay. And then did Collins tell you that he found anything amiss at midnight?
A. No.
MR. DAVIDSON: Objection.
Q. Okay. Did you see, between the time Collins came down at midnight and 4:00 A.M. or 3:55 A.M. were you in Marion unit alone by yourself for that entire time for between 12:00 and 3:55 A.M.?

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A. Yes.
Q. Okay. Did anybody ever come to help you during that time?
A. No.
Q. Did any supervisors ever come to check on you or to make sure everything was okay?
A. No.
Q. When did you first, when did you first learn that Dashaun Simmons had been attacked?
A. When I got the call. They had to call me on the radio. I was doing a security check. I believe I was on the left side doing the security, I want to say I was on the third tier doing the security check and I got a call on the radio, Officer Hall, please call me at my office. I went down and I made the call and that's when I was made aware of the situation.
Q. Okay. So, whoever made the decision, whatever SCDC supervisors made the decision to have you working alone in Marion unit, that decision is it fair to say would be separate and distinct from the occurrence of when Dashaun Simmons actually got stabbed sometime during the night?
MR. DAVIDSON: Object to form.
A. Yes.
Q. Would those be two separate things that happened?
MR. DAVIDSON: Same objection.

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A. Yes.
Q. Okay. When you got to Marion unit, earlier you said when you got to work at 7:00 you could hear inmates. Did you see inmates out of their cells when you got to Marion unit at around 7:00 P.M.?
A. Yes.
Q. Okay. And did you say Kennedy was the officer working before you?
A. Yes.
Q. Did Kennedy make any effort to help you get those inmates back in their cells?
A. Very little so I'm going to say no.
Q. Per policy was that first shift officer, Kennedy, supposed to have all of the inmates in their cells with the doors locked before you came to work?
MR. DAVIDSON: Objection to form.
A. Yes.
Q. Had he followed that policy, Kennedy?
MR. DAVIDSON: Object to form.
A. No.
Q. Was Kennedy supposed to help you do a count before you started working or as your shift started?
A. Yes.
Q. Okay. Did Kennedy help you do that count?
A. No.

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Q. Did you say anything to anybody about Kennedy leaving without assisting you with the count?
A. It was so much going on so I'm going to say no.
Q. What, describe for the jury the process for how a count is conducted when you come on shift?
A. Count is conducted when we come on shift. We have everybody locked behind doors and you have one officer on the left wing, one officer on the right wing, and we have our roster and we are supposed to go by our roster and we are supposed to physically see two inmates. If I'm not mistaken, they're supposed to have their ID badge on them too. It has been a minute. I know there's supposed to be one officer on each side conducting the count and then once counting the opposite sides we switch sides and then we do another count that just to double check to make sure our numbers is right and then after we both count both sides we come together and we're supposed to count to make sure we have the exact numbers for the left and the right wing.
Q. Okay. Was this something that happened routinely or let me back up. Did you typically relieve Kennedy? Was that the person you typically relieved?
A. Most of the time, yes.
Q. In your observations about how Kennedy did his job, was it common for Kennedy to have people out of their cells when you got to work?

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MR. DAVIDSON: Object to the form.
A. Yes.
Q. Was it common for Kennedy to leave without assisting you with the count?
MR. DAVIDSON: Same objection.
A. That was the first time he did that. That was the first time where he actually just left, but other times I can't remember him doing that but that time he did just leave.
Q. Did you ever report to your supervisors or anybody else at SCDC that Kennedy would have people out of their cells when you got to work?
MR. DAVIDSON: Object to form.
A. Yes.
Q. Who did you report that to?
A. My supervisor, I believe.
Q. Which supervisor?
A. Lieutenant Collins.
Q. Okay. So, did Collins do anything to correct the issue with Kennedy having people out of their cells?
A. Well, the first time I made a complaint they did bring, his shift did come in there.
Q. Who is his?
A. Excuse me. I apologize. Officer Kennedy's shift, they did send officers down there to help put the inmates away

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and I believe he got written up for it the time that I did say something.
Q. Okay. So, before this happened you had given SCDC notice that there was an issue with Kennedy having people out of their cells?
A. I gave SCDC notice about that and also as well some of the problems I was having at the Marion unit. I'm not trying to jump ahead of you, but yes, I did let it be known.
Q. Okay. And did SCDC do anything to cure any of the issues that you put SCDC on notice of?
A. As far as Kennedy, the first time I did do a complaint they did write him up for it but as far as me letting them know the issues I was having in the unit, no. The only thing they ever told me was you got help on the way, just hang in there with us, hang in there with us and keep doing your job.
So, had you told one or more supervisors before this happened that you need help, you need the required second officer to be on shift in Marion unit during the night shift?
MR. DAVIDSON: Objection to the form.
A. Yes.
Q. You had told SCDC that?
A. Yes.
Q. And did SCDC ever get you that required second officer?

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A. No. Sometimes they did but most of the times no. Most of the times it was just me in there.
Q. Okay. How long do you think that went on for where you would most of the time be alone in violation of policy at Marion unit at night?
A. I don't want to reach but there was times where I had someone but I want to say majority of the time it was just me in there most of the time.
Q. Okay. All right. Now, again, I'm not going to ask you anything about you or substantive or anything like that, but I want to understand these, what we can agree on. These people who attacked Simmons, you know, whether they were out of their cells because of you or because of Kennedy or because of Collins or whoever, can we agree that these people who attacked Simmons were not supposed to be out of their cells at the time of the attack?
MR. DAVIDSON: Object to form.
A. Yes, they're not supposed to be out.
Q. Okay. And they were out of their cells able to access another cell because of that policy violation?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Okay. Would you describe the atmosphere when you got to work on the night of the 17th as chaotic?
A. Yes.

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Q. Did SCDC at least on some occasions have Kennedy working in Marion? Before you would come on shift, to your knowledge did you observe times in the past when Kennedy was working in Marion unit alone in violation of policy?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Go ahead.
A. Well, hold on. I'll take that back because on the day shift they have like unit captain so they have people working in the unit that's not in uniform, but when I got there, by the time I get there whoever the daytime officer is, they are in there by themselves, not unless that unit captain or whoever works in the unit is actually still there.
Q. Okay. And in a unit like this that's critical, and I ask you because you worked there and you're aware of the policies, did policy require SCDC to pull from other locations or to utilize overtime to fill vacant spots; in other words, if SCDC only has one officer, Kennedy, you, or whoever it is in Marion unit that's critical and requires two officers, is it your understanding, and tell me if I'm wrong, SCDC is supposed to utilize overtime, pull officers from other locations, or let officers work overtime so they can fill that required second spot?
MR. DAVIDSON: Object to the form.
A. Yes but nine times out of ten with SCDC a person

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coming in to do overtime, they're looking to fill the hospital first. Some odd reason the hospital is always priority.
Q. But regardless of what the person working overtime wants to do, is it your understanding that SCDC is supposed to make sure that a critical unit has two officers working?
A. Yes.
MR. DAVIDSON: Object to the form.
Q. Can we go off for a second?
VIDEOGRAPHER: We are now off the record. The time is 11:26 A.M.
(Whereupon, a recess was taken.)
VIDEOGRAPHER: We are back on the record. The time is 11:28 A.M.
Q. All right. I want to revisit a little bit your statement that's in evidence now. We talked about it a little bit before. Did you add the statement when Garris came back to you the second time, did you add the statement, "In the past I have let inmates out to warm up their food and also let them take a shower during lockdown"? Was it your testimony, again, I'm not taking your side or Garris' side, I'm just asking, was it your testimony that Garris told you to write that down?
MR. DAVIDSON: Object to form.
A. Yes.
Q. Okay. Do you have any idea why?

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A. When Agent Garris came in there to do his investigation it kind of felt like, I'm going off feeling, but it kind of seemed like he was going after me like as if I was a dirty officer that he was looking for anything dirty to put on me.
Q. Okay. So, let's talk about that. In the interest of transparency and so the jury understands what's going on, are you aware that SCDC claims that you were involved knowingly in this attack or that you helped these attackers, are you aware of that?
A. Yes, I'm aware.
Q. Okay. And are you aware that I represent the family of the person who was attacked and we have sued SCDC?
A. Yes, I'm aware.
Q. So, in full transparency are you aware that we have sued SCDC and that we say that either you or Kennedy or some combination of these officers did something grossly negligent? I just want to be transparent. Are you aware that's what's going on?
MR. DAVIDSON: Objection to form.
A. Yes, I'm aware.
Q. Okay. You're aware that I represent the family of the person who was hurt by this attack?
MR. DAVIDSON: Objection to form.
A. Yes.

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Q. With that being said, did you ever I guess when did it dawn on you as you were talking to Garris that you were being, that you were either being investigated for a crime or that Garris thought you were a dirty officer as you said?
MR. DAVIDSON: Objection to the form.
A. Right.
Q. When did that dawn on you?
A. I want to say at the preliminary hearing is when it kind of really like when it really sunk in. I would say the preliminary hearing.
Q. Okay. Did you hear Garris say anything at the preliminary hearing that you disagreed with?
MR. DAVIDSON: Object to form.
A. Yes.
Q. Okay. But, again, regardless of whether SCDC is right or you're right or something else, we agree that on the night that this happened, well, I'll just ask you, was anybody on the night that this happened besides inmates and SCDC employees present in Broad River at the facility?
A. Yes.
Q. Who else was present?
A. That night at the facility?
Q. Uh-huh.
A. My shift, I can't remember the officer's name, my shift.

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Q. An officer would be somebody who works for SCDC. I'm asking besides inmates --
A. I'm sorry. No. Just the inmates and the workers, right.
Q. Okay. All right. So, whatever happened in Marion unit is it fair to say the only people that were involved were inmates and SCDC employees?
A. I want to say inmates. I didn't, I didn't open no doors, so I mean.
Q. Well, now I get that's your position.
A. I get what you're saying. Yes. I get what you're saying. Yes. Forgive me. I get what you're saying. I understand what you're saying now. Yes.
Q. I just want to nail down for the jury all of the people that were present so we are in the same universe there.
A. I understand what you're saying.
Q. Okay. Had you ever asked to transfer from Marion unit before July 17th of 2017?
A. I actually transferred from Broad River, so yes, you can say that, yes.
Q. You transferred?
A. You know, I never transferred. I was trying to transfer, so.
Q. What I'm asking is had you ever tried to transfer from working at Marion unit to working at another unit or another

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jail before this event?
A. I don't have control over that like when I go into work they automatically put you in the unit. Sometimes they rotate you and sometimes you will just be a sitting duck in one spot.
Q. Okay. I'm going to hand you pages 80 and 81 of your previous deposition and just read starting on line 24 on 80 and then into page 81.
MR. DAVIDSON: Same objection.
A. Yes. Okay. Yes.
Q. Okay. So, had you ever tried to transfer?
A. Yes.
Q. And why did you try to transfer? What was your reason for wanting to transfer from Marion unit to work somewhere else?
A. My reason was because I had seen a lot of officers get in a lot of situations. They get jammed up working in the Marion unit.
Q. What does that mean for the jury, jammed up?
A. Any time something goes on, something happens, it's like the officers always getting the blame. They always taking the fall. So, once I seen that that's how SCDC handles things that's when I started to try to transfer and move.
Q. Had you ever informed, had you ever informed headquarters or anybody up the chain about problems with

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Marion unit before the night of the attack?
MR. DAVIDSON: Objection to form.
A. Yes.
Q. What problems were there with Marion unit that you reported?
A. When I reported, well, my biggest problem was like working there by myself was trying to get them behind the door for lockdown, trying to get them behind the doors.
Q. Okay.
A. So, I let it be known that lockdown is taking me hours to get everybody behind the doors. I let it be known that I call for backup around 7:30 or whatever the case may be and no one shows up until like around 12:00 or 1:00.
Q. Okay. Before this happened, these charges and all of this other stuff that happened, this attack, had you ever, besides being a kid or something, had you ever in your adult life been in any trouble with the law?
A. No.
Q. Since this, since all of this happened have you ever been in trouble with the law?
A. No.
Q. All right. And at some point did you request a transfer to day shift because SCDC had routinely put you in Marion unit alone?
A. Yes.

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Q. All right. Would it be fair to say from what you have told me so far and what you told the jury, is it fair to say that SCDC did not run Marion unit in an orderly fashion?
MR. DAVIDSON: Object to form.
A. Yes.
Q. Did SCDC follow policies when it came to Marion unit?
MR. DAVIDSON: Same objection.
A. No.
Q. Did you witness problems with SCDC documenting events that happened in Marion unit while you worked there?
MR. DAVIDSON: Object to the form.
A. I heard but never witnessed.
Q. Okay. Have you ever been made aware of inmates complaining about SCDC losing grievances or not processing grievances?
MR. DAVIDSON: Same objection.
A. I heard but never witnessed.
Q. Okay. Because, well, let me back up. Would you categorize Marion unit as a rough unit?
A. Yes.
Q. Okay. Because of the issues with Marion unit and the nature of the unit did SCDC at any point ever provide you with any training specific to Marion unit?
MR. DAVIDSON: Objection to the form.
A. No.

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Q. Okay. And at some point did you write a complaint about Kennedy violating policy by letting inmates out of their cells when those inmates were not supposed to be out of their cells?
A. Yes.
Q. Okay. And what was the substance of that complaint? Just expound a little bit on why you made the complaint.
A. It's tiring, man. It's hard to get them behind the door. So, when I came in that specific shift and he had them out, I was just annoyed with it and I just I went and I called up front.
Q. And that was before July 17th of 2017?
A. Right. That was months prior.
Q. So, before this attack happened is it fair to say you put SCDC on notice of people being out of their cells when they weren't supposed to be out of their cells?
A. Yes.
MR. DAVIDSON: Object to form.
Q. And did SCDC do anything to cure that or fix that before the attack happened?
MR. DAVIDSON: Same objection.
A. No.
Q. All right. Just to back up a little bit, you were by yourself this whole time down in Marion unit?
A. Yes.

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Q. Did any supervisors ever come to check on you or to supervise you or give you any kind of direction at all?
A. Are you speaking on that specific night?
Q. This specific night, yeah.
A. No.
Q. Okay. Did Collins ever come down and just say, hey, I want to make sure you don't need any help down here?
A. No.
Q. Did Parker ever come down and say, hey, I want to make sure everything is going according to policy?
A. Parker is not on my shift but that's a no.
Q. Okay. What about Livingston, did she ever come down to try to help you?
A. Livingston is not on my shift either, so no.
Q. Okay. But you're aware at this point and I don't know when she leaves but you're aware that Livingston did get a call around 9:00 P.M. or sometime after that?
A. From what I was told, yes.
Q. Do you know Livingston at all?
A. Personally, no. I might have worked a couple shifts with her, but no, I don't know her.
Q. Okay. And you said that SCDC was supposed to have Marion unit locked down before you went to work at 7:00 that night?
A. Yes.

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Q. And SCDC was supposed to have everybody in their cells?
A. Yes.
Q. But notwithstanding that, again, whether it was you or Kennedy or whoever it was, at some point there were 20 to 30 people out of their cells in violation of policy?
MR. DAVIDSON: Object to form.
A. Yes.
Q. If everybody had been in their cells when you got there, is that a scenario that's more or less work for you when you get to work on your shift?
A. That works more for me.
Q. Talk about that?
A. It works more for me because everybody is already behind their doors so that means I can come in, do a security check and then get started on count.
Q. Okay. So, I guess what I'm asking is because you're the only officer that was there after Kennedy left, right?
A. Yes.
Q. Okay. All right. Explain the difference between, explain the difference in the amounts of work it would be if you get there and Kennedy has everybody in their cell and you get there and Kennedy has lots of people out of their cells, talk about the difference in the amounts of work that is for you when you get to work?

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MR. DAVIDSON: Object to form.
A. We will go with when people are not being in their cells. That's what it was. It's a whole lot more work. Like I said, it's hard to get them guys behind the door. All I can do or all of the officers can do is give a command or give directions, however you say it, inmate, it's time, it's lockdown time, go in your room. That's all I can do. It's time to go in your room and nine times out of ten they're not going to listen. They're going to continue to run around. So, you got to have patience. You got to have patience with them. So, I tell them go in their room. Some do go. Some will say I'm ready to go and I lock them down. The ones that don't go, inmate, come on, you need to go in your room, it's lockdown time. Then I'll go across to the other wing and do the same thing, it's lockdown time, you all need to go in your room. The ones that goes in I lock the door. The ones that don't want to go in, they're still running around, I give the same command, it's time to go in your room. Then I go back to the other wing and do the same thing, it's time to go in your room, it's lockdown time. The ones that go in, I lock them down. The ones that don't I give a command and I go back to the other wing. Now, that's what I had to do on a consistent basis at Marion unit compared to if they was already locked down I go in there, I do my security check, I speak to the officer, we do our count. There is no hassle. Everybody is

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behind the door.
Q. The only way any guard or the only way any inmate can be out of their cell is if a guard opens a cell door with a key?
A. Right.
Q. And is it, I mean, the answer to this is obvious but would you say it's more dangerous for multiple inmates to be out of their cells when there is one guard working?
A. Yes.
Q. Do you know why Kennedy would have people out of their cells if he was the only guard working? Why would he have multiple people out of their cells?
MR. DAVIDSON: Object to the form.
A. I don't know why.
Q. Did you ever feel threatened or in danger with multiple people out of their cells when you were working alone?
MR. DAVIDSON: Same objection.
A. Yes.
Q. Did you talk to Parker about a recommendation or reference for a job after everything happened on the 17th at some point?
A. Yes.
Q. Okay. Was he going to give you a recommendation or reference?

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A. I believe so, yes.
Q. Have you talked to Parker since?
A. No.
Q. Did SCDC ever find contraband on officers during your time working at SCDC?
MR. DAVIDSON: Object to form.
A. Yes.
Q. Did that happen several times?
A. It happened several times, yes.
MR. DAVIDSON: Objection. Same objection.
Q. What kinds of contraband were discovered on officers while you were working at SCDC that you know about?
MR. DAVIDSON: Same objection.
A. That I know about, cigarettes, drugs, mainly drugs and cigarettes mainly.
Q. Okay. So, was SCDC, from what you observed, did SCDC appear to be fully aware that officers can violate policy?
MR. DAVIDSON: Object to form.
A. Yes.
Q. Did SCDC appear to take certain precautions against contraband like making officers go through metal detectors and pat down searches upon coming to work?
A. Yes.
Q. Notwithstanding that SCDC had you, at times Kennedy, at least working by themselves in a unit that required two

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officers?
MR. DAVIDSON: Object to form.
A. Yes.
Q. And is part of that reason from your understanding and your training from working at SCDC, is part of the reason for that two guard policy is that two guards make it less likely one of the guards will violate policy?
MR. DAVIDSON: Objection to form.
A. Yes.
Q. Did you generally work a lot of overtime when you worked at SCDC?
A. Yes.
Q. Okay. Why was that?
A. I liked to work OT just trying to get ahead.
Q. Okay. What do you mean trying to get ahead?
A. Just trying to take advantage of the overtime. If I'm able to work overtime I will work the overtime so like either I work overtime at the prison or I'll go to the hospital, either one.
Q. Do you know if your propensity to work overtime and your willingness to work overtime had anything to do with SCDC being willing to waive the training request for your promotion back in June of 2017, before this happened?
MR. DAVIDSON: Objection to form.
A. Yes.

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Q. Okay. And is that a letter that was connected to that waiver?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Is that statement consistent with what SCDC employees and officials communicated to you about the waiver?
MR. DAVIDSON: Object to form.
A. Yes. I believe so, yes.
Q. Okay. Just read that out, if you would.
A. "Please be advised, Broad River Correctional Institution would like to request a waiver on the criteria which requires 18 months".
Q. Slow down just a little bit for her.
A. I'm sorry. Excuse me. I'm sorry. I'll slow down. "Requires 18 months experience for the Corporal II position. The applicant that we have selected, Correctional Officer Anthony H. Hall, II, 058120, is shy by four months of the requirements. Correctional Officer Hall was by far the better of all the candidates interviewed and has proven that he is capable of fulfilling this position and ultimately we would not want to lose a candidate based on the length of his experience."
MR. HAWKINS: Now, we are going to make this Exhibit 2.
MR. DAVIDSON: Note my objection.

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MR. HAWKINS: We will offer this into evidence at the appropriate time.
(Whereupon, Plaintiff's Exhibit 2 is marked for identification.)
Q. When an inmate alerts a guard, whether it's a supervisor or a guard doing rounds or whatever, when an inmate alerts a guard of the need for medical help, what is the policy for how that guard reacts to that request or need for medical help?
MR. DAVIDSON: Object to the form.
A. If an inmate requests some type of medical assistance we are supposed to call our supervisor, inform our supervisor and the supervisor will come down and they will be escorted to the medical room.
Q. Okay. Is a guard or corrections officer that receives notification or indication that there is a medical emergency, are they supposed to react immediately?
A. Yes, immediately.
Q. Okay. After this call came in to Livingston that we have been talking about, after Collins in the control room received an indication that an inmate was stabbed or whatever happened, do you have any indication that Collins or Livingston or anybody did anything to investigate that potential medical emergency?
MR. DAVIDSON: Object to the form.

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A. No. I did it myself. Nobody came down. Well, when I got the call, immediately, I was on the left wing, when I got the call I went to the right side. This happened on the right side. So, I went on that side and they told me to check the wing, see if anybody is hurt. So, I went around knocking on doors trying to look inside rooms and see if I saw a hurt inmate.
Q. Okay. And so did you respond back to the call like after you got the call that said, hey, something is going on, whatever they said on the call, when you received the call how much time elapsed between when you got the call and when you responded back?
A. I want to say about maybe 15 minutes maybe, maybe 15. I feel like maybe a 15, 20 minute walk around the unit. I didn't rush. I kind of walked around trying to find the inmate.
Q. And you were the only one in the unit?
A. Yes.
Q. And neither Collins nor Livingston nor anybody from the control room or any other person from anywhere else in the facility came to help you or check on the potential medical emergency or anything like that?
A. They didn't come down until like hours, hours later. Maybe that 12:00, whenever he actually came down there, that's when we did another check to where we checked both sides.

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Q. Did you ever see Simmons at like between the time Simmons was discovered and the time that he went to the hospital, did you ever lay eyes on him?
A. Eventually, yes, I did.
Q. Describe what he looked like, I mean, the injured state of him?
A. He walked out.
Q. Okay.
A. Not to be funny but he did walk out. He walked out of the unit on his own will, his own legs. I think he had like a couple wounds or something like that. It was a while ago since this happened so his body wounds I can't really remember but I do remember he was able to walk out.
Q. Did you see blood?
A. I believe so, yeah. I believe there was blood. I think so, yes.
Q. Okay. Is it a policy violation for a guard to ignore an inmate's obvious need for medical attention?
A. Yes.
MR. DAVIDSON: Object to the form.
Q. Have you had to follow the policy related to a need for medical attention in the past for inmates?
A. Yes.
Q. Okay. Describe what you did? Describe the instance and then what you did?

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MR. DAVIDSON: Same objection.
A. Inmate requests medical assistance for whatever reason, like I said, I'll call my supervisor only because I'm not a supervisor, I'll call my supervisor and my supervisor would send another supervisor and a yard worker and they would come to the unit and come get the inmate and escort them to the medical room.
Q. Okay. What's the policy for when you're put on notice that an inmate has a cell phone or is using a cell phone? What's the policy for how a guard is supposed to react to that?
MR. DAVIDSON: Object to form.
A. Call your supervisor, let your supervisor know and they're supposed to call contraband to come in, get the phone.
Q. Okay. Did you ever observe any contraband team or any supervisor or anybody investigate the use of cell phones on the night we're talking about?
A. No.
Q. Okay. From your experience in working at Marion unit would it be fair to say that SCDC was willfully ignorant to the use of cell phones?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Is it fair to say that SCDC in essence looked the

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other way when it came to cell phones in Marion unit and Broad River in general?
MR. DAVIDSON: Same objection.
A. Well, I can't say it was completely because there has been a couple of times where they might have gone in there, but that night, yes. That night, yes.
Q. Okay. Is it ever, from your training and from working at SCDC is it ever acceptable for a guard to receive a call from an illegal cell phone inside the jail and then violate the requirement to report that call from an illegal cell phone, is that ever acceptable?
MR. DAVIDSON: Object to form.
A. No.
Q. And when Livingston reported to Collins the illegal cell phone call that the inmate made about Simmons being stabbed, did policy require Collins to act appropriately and promptly to that emergency situation?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Should Collins or somebody have gone to investigate both the medical emergency and the use of cell phones immediately?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Did that happen, to your knowledge?

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A. No.
Q. Do you know of Collins doing anything other than calling you on the radio and asking you if everything was okay?
A. That's all he did, yes.
Q. Okay. And, you know, did Parker to your understanding leave the same time Kennedy left?
A. That, I'm not sure because Parker is lock up. He's in lock up.
Q. Okay. But you know who I'm talking about when I say Parker?
A. Yes, I know who you're referring to. Yes.
Q. All right. At the time Kennedy was leaving and you were coming to work, did Parker ever come down to check on anything before he left that you know about?
MR. DAVIDSON: Object to form.
A. Not that I know of, no.
Q. Did you ever see Parker come down and check on anything?
MR. DAVIDSON: Same objection.
A. No.
Q. Did Collins come down, when he finally did come, and then looked to the right side of Marion unit and then leave again without finding anything, is that what happened?
MR. DAVIDSON: Object to form.

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A. Yes. We searched both sides. We did both sides. We did the left and we did the right. So, we searched both sides.
Q. Okay. And then he left without doing anything else?
A. Right.
Q. He didn't find anybody stabbed?
A. No.
Q. He didn't find any medical emergency?
A. No.
Q. He didn't do anything to address the cell phone issue?
A. No.
Q. He left and went back to whatever he was doing?
A. Yes.
Q. Do you know what, do you have any way of knowing what Collins was doing between 9:00 P.M. and midnight and then again between midnight and 4:00 A.M.? Do you have any idea what he was doing?
A. No.
Q. Okay. But he wasn't in Marion unit and he wasn't checking on you and he wasn't investigating anything as far as you know?
A. Yes.
MR. DAVIDSON: Object to form.
Q. Yes, that's correct?

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A. Yes, that's right.
Q. So, do you recall if it was or does it sound right that it was about 12:15 when Collins came to Marion unit?
A. Yes.
Q. And then how much time did he spend down there before he left again?
A. Man, I want to say 20 minutes at least, 15 to 20.
Q. How big is the unit? How big is Marion unit?
A. Marion unit is pretty big. It's a pretty big unit.
Q. Okay. Would he have had time, if he came down there and spent 20 minutes would he have had time to investigate every cell for a stabbing or for cell phones in 20 minutes?
MR. DAVIDSON: Object to the form.
A. We was knocking on doors so we was, (indicating) you all right, are you all right, are you all right. So, 20 minutes, I mean, it all depends on what you're looking for but is that could it have been longer, yes, could he have came sooner, yes.
Q. You and Collins, you know, this is well after 9:00 P.M., sometime around midnight, right?
A. Right.
Q. You and Collins sometime around midnight were going cell to cell knocking on doors but y'all were not going in every cell?
MR. DAVIDSON: Object to the form.

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A. No. We didn't go in cells, no.
Q. Despite the illegal cell phone use and despite the alleged stabbing y'all didn't go into the cells and see if anything was amiss?
A. No.
Q. Okay. Did Collins say anything before he left?
A. No.
Q. Okay. Was the next time you saw Collins or when was the next time you saw Collins? Was it not until 3:55 or whatever it was?
A. Yes.
Q. You didn't ever see Collins or anybody else that worked for SCDC between midnight and 3:55 A.M.?
A. No.
Q. All right. Do you think, have you seen Garris' report on what happened?
A. No.
Q. Okay. Do you think in investigating this, well, first of all, let me ask you when you found out Garris was investigating this stabbing and investigating you for being involved, did you have any desire for Garris to do a thorough investigation?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Why is that?

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A. Because I knew I was innocent.
Q. Did he leave out anybody's statement that you feel should have been included?
MR. DAVIDSON: Object to the form.
A. Not that I know of. Not to my recollection.
Q. Do you believe Parker's statement should have been included?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Okay. If it wasn't, and I don't know without looking at the stack, if it was not included do you feel that it should have been?
A. Yes.
MR. DAVIDSON: Object to form.
Q. Do you have any idea as to why it wouldn't be included?
A. No.
Q. Okay. How do you respond to Kennedy's, you can look at it if you want to, we have got it here, how do you respond to Kennedy's statement and allegation that you opened cell doors and allowed inmates to go out when they were not supposed to be out?
A. I think it's crazy to be honest with you and the only reason why I think his statement is crazy is I'm making more work for myself. I'm making my job harder by letting inmates

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out instead of keeping them behind the door. That's putting more work on myself.
Q. And to just make sure we have it on the record, before this happened with Dashaun you had reported to SCDC concerns about inmates being out of their cells when they weren't supposed to and other concerns?
A. Yes.
Q. You communicated all of that to SCDC?
A. Yes.
Q. And SCDC had not cured the problems you were putting them on notice of?
A. Yes.
Q. Yes, that's correct?
A. Yes, that's correct.
Q. Okay. In essence, you told SCDC something bad is going to happen at Marion if y'all don't address these issues?
MR. DAVIDSON: Object to form.
A. Yes.
Q. And despite having that knowledge and that notice did SCDC do anything to cure any of the issues?
A. No.
Q. Did you report concerns to Warden Bush and Ms. Unthank?
MR. DAVIDSON: Same objection.
A. Yes.

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Q. Did Warden Bush or Ms. Unthank ever do anything to remedy any of the issues that you were asking them to address in Marion unit?
A. No, never did.
Q. Do you think -- I just want to show you Kennedy's statement. Look at that. I'll ask you some questions. Again, I'm not taking sides. I'm not taking Kennedy's side or your side or SCDC's side. Do you think Kennedy indicated that you were letting people out of their cells because he was trying to cover for himself or something?
MR. DAVIDSON: Object to the form.
A. That's the only thing I could think of.
Q. Okay. We agreed earlier whether it was you, whether it was him, it was some SCDC officer had these inmates out of their cells?
A. Yes.
Q. All right. And everybody was supposed to be in their cells by 7:00 P.M.?
A. Yes.
Q. All right. Now, their was an issue that's come up before about the reason for Kennedy going home. Did Kennedy leave to go home because it was the end of his shift or did he leave because an inmate had inflicted some harm on themselves or something?
MR. DAVIDSON: Object to the form.

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A. Yes, that's why he left.
Q. That's why he left Marion?
A. Yes because an inmate inflicted some type of harm on themselves.
Q. What happened to the inmate?
A. I was doing a security check. Like I said, that unit was supposed to have been locked down all day. I'm doing a security check. I was speaking to an inmate. I was speaking to this inmate and his window or his glass shield was kind of broken. It was broke and he was just telling me how he's suicidal, excuse me, he cut his wrist in front of me and he wiped his blood on my shirt and told me he was suicidal, get me out of here.
MR. DAVIDSON: Objection to form. Move to strike.
Q. How did he wipe his blood on your shirt if he was in his cell or was he out of his cell?
A. He was in his cell but the cell, they have like a strip window about this thick (indicating) and it was broken, it was shattered and he had like some pieces of glass, sharp edges on his window shield so he just cut and wiped on me. He said I'm suicidal, get me out of here.
Q. And that happened in Marion unit?
MR. DAVIDSON: Same objection.
A. Yes.
Q. And did that happen after, well, obviously you were

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there so that happened before Kennedy had left?
A. Yes.
MR. DAVIDSON: Same objection.
A. You know what, this is when we was trying to lockdown. I'm trying to lockdown but I'm doing security check so Kennedy had a lot of people out but he did have some people behind the doors. Some people was locked down when I went in there.
Q. Okay. And then who, what did you do after that inmate cut himself and then put blood on you or wiped his blood on you, what did you do?
A. I went and I followed procedures. I called my supervisor. I let Lieutenant Collins know I got an inmate down here, he's suicidal, he cut his wrist in front of me and wiped his blood on my shirt.
MR. DAVIDSON: Object to form. Move to strike.
Q. Okay. Did you still have that same shirt on when you talked to Garris the next morning?
A. Yes.
Q. There was a stabbing. Did Garris ask you you got blood on your shirt, what's going on? Did he ask you about that?
A. No. Garris never asked but it wasn't a big strip of blood. It was little. It was noticeable. It was noticeable. So, when he was interviewing me about what happened I seen him looking at it but I already knew that's from an inmate that

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cut his wrist in front of me.
Q. Did he ask for the shirt or anything?
A. Yes.
Q. Did you give it to him?
A. Yes.
Q. Did you ever see the shirt again?
A. No.
Q. You gave the shirt to Garris so that SCDC could DNA, whatever they wanted to do, test it?
MR. DAVIDSON: Objection to form.
A. Yes.
Q. And then as far as you know does SCDC still have the shirt?
MR. DAVIDSON: Objection to form.
A. Yes.
Q. At some point, well, the criminal charges related to this, have all of those been dropped at this point?
A. Yes.
Q. That was after you gave the shirt to SCDC?
A. Yes.
Q. Did anybody, did Garris or anybody, after this happened, after this bloody shirt incident, did anybody ever indicate that they thought the blood was Dashaun Simmon's blood? Did anybody ever tell you that directly, we think that's Dashaun Simmon's blood?

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MR. DAVIDSON: Object to form.
A. No. They haven't told me that directly, no.
Q. But you think that that's what they thought?
A. Yes.
Q. Is that still Kennedy's statement in front of you?
A. Yes.
Q. What's the date on it down at the bottom?
A. October 2nd, 2017.
Q. This event that we're talking about happened in July 2017, correct?
A. Right.
Q. Did Garris or anybody ever indicate why SCDC waited so many months to get Kennedy's statement?
MR. DAVIDSON: Objection to form.
A. No. I don't know why they did that.
Q. I mean, Garris got a statement from you within a few hours and then came back and got more of a statement from you, right?
A. Yes.
Q. But he waited until October to get Kennedy's statement?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Did Kennedy or anybody in SCDC ever tell you why there was such a lag in time?

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A. No.
Q. So, that's about three months after the event happened?
A. Yes.
Q. At least?
A. Yes.
Q. Did you ever ask for a lawyer or anything when Garris was questioning you?
A. No, never asked.
Q. Okay. Did he, so he gave you Miranda warnings?
A. Yes.
Q. Consistent with the way they always do this, I guess?
A. Yes.
Q. And then you said, no, I'll give you a statement, I don't need a lawyer?
A. Yes.
Q. Any reason why you didn't ask for a lawyer?
MR. DAVIDSON: Object to the form.
A. I was innocent and I knew I had nothing to do with it.
Q. Did you give Garris the shirt after he gave you your Miranda?
A. Yes.
Q. So, he gave you Miranda, he Mirandized you, you gave

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him the shirt, no questions asked, then you gave a statement?
A. He read me my Miranda, did the statement, I verbally told him what happened and then I wrote down my statement and then he was speaking with me and then he noticed the blood on my shirt so I gave him the shirt that I was wearing, my working shirt.
Q. Okay. Do you know why Garris did not include in his report that, well, let me back up. Did you ever tell Garris that Kennedy had everybody out of their cells when you got there? Did you tell Garris that?
A. Yes, I told Garris that.
MR. DAVIDSON: Objection to form.
Q. Do you have any idea why Garris didn't include that in his report?
MR. DAVIDSON: Object to form.
A. No, I don't have any clue why he didn't.
Q. Did you ever ask Garris or have you ever spoken to him after you gave your statements?
MR. DAVIDSON: Same objection.
A. No, never spoke to Garris.
Q. I think I may have asked you before, had you ever met Dashaun Simmons, like before this happened had you ever met Dashaun Simmons and talked to him?
A. I seen him. He was in a couple of the units. I seen

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him.
Q. Did you know him?
A. No. I didn't know him, no.
Q. Did you have anything against him?
A. No, I didn't have anything against him.
Q. Do you know why these inmates who were out of their cells in violation of policy stabbed him?
MR. DAVIDSON: Objection to form.
A. No, I don't know why.
Q. Anybody ever tell you why?
A. No. I don't know why.
Q. That night, well, I'll ask you this, was it common in Marion unit for inmates to be in their unassigned cells; in other words, in cells they were not assigned to?
A. They did that all of the time.
MR. DAVIDSON: Objection to form.
Q. Does that violate policy?
A. Yes.
Q. When you would get to work in prior shifts and on the night we're talking about was it common for inmates to be in cells they were not assigned to?
A. Very common, yes.
Q. Do you know why that is, why SCDC allowed that policy to go violated and unchecked?
MR. DAVIDSON: Object to form.

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A. No.
Q. Did you do anything to try to correct that?
A. From what I witnessed, when the unit captain or unit supervisor did try to correct that, put them in their right rooms, as soon as that captain leave for the day I witnessed them move right back out, move right back to where they was at.
Q. I'm not trying to put you in a bad spot. I just have to ask. Did you do anything to make them go back into their proper cells?
A. All I can do is give a command. When they don't obey my command I get on the phone, call my supervisor and inform him what's going on.
Q. Okay. Had you made those calls before, hey, these people are not in their cells they're assigned to?
A. They already knew already. Marion, they already knew.
Q. Okay. Had you ever done it before in the past?
A. Done what?
Q. Called a supervisor and said there is people down here and they're not in their assigned cells?
A. Yes.
MR. DAVIDSON: Object to form.
Q. In the past when you called to report that did SCDC do anything to correct the problem?

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MR. DAVIDSON: Object to form.
A. I work on night shift so I'm assuming maybe day shift did something, but like I said when I would come back in it would be the same like you can't even go off the roster. You're supposed to go off the roster, two names, how many people in that room, both them people in that room supposed to be on the roster but you couldn't even go off that because it wasn't even the right people in the right rooms.
Q. Okay. Do you have any evidence to tell the jury about that SCDC ever did anything to correct the problem of putting people in their proper cells after you told SCDC they were not in their proper cells?
MR. DAVIDSON: Object to form.
A. No.
Q. Okay. We agree, I know that we disagree on, you know, whether things were done appropriately, whether it was you or Kennedy or whoever, we disagree but can we agree at least that somebody, whoever it was, made a call to Livingston that Livingston took from inside the jail sometime after 9:00 P.M., can we agree on that?
A. Yes.
MR. DAVIDSON: Object to form.
Q. Is there any way, well, let me back up. Do you have any knowledge about how these inmates hide cell phones or where they hide them or anything like that?

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A. No.
Q. Okay. So, whichever inmate it was, whichever inmates it was, I think there were multiple calls that came through --
MR. DAVIDSON: Object to form.
Q. Okay. Well, is it your understanding that multiple calls went through to control from inside the jail from contraband phones?
MR. DAVIDSON: Objection to the form. Object to the question.
A. Yes.
Q. Do you have any idea who the inmates were who made the calls?
A. No.
Q. Did SCDC ever do anything to find the cell phone even after the stabbing?
A. No.
MR. DAVIDSON: Object to form.
Q. Did SCDC ever do anything to find the weapons involved in the stabbing?
A. No.
MR. DAVIDSON: Object to form.
Q. And was Kennedy interviewed after the stabbing at some point? I guess in October?
A. In October, yes.
Q. And was Collins, was he asked to give a statement at

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some point?
A. I'm assuming he did, yes.
Q. Do you know if Garris ever went to the person in the cell with Simmons during the stabbing to get his account of what happened?
A. That, I don't know. I haven't seen that. I'm not sure.
Q. Have you ever been made aware that there was somebody else in the cell with Simmons?
MR. DAVIDSON: Object to the form.
A. Yes. We knew there was people in that room.
Q. Okay. So, at the time of the stabbing, at least as far as you knew, was somebody in the room, in the cell with Simmons on the night we're talking about?
A. I believe so, yes.
Q. Were there any cells, were there any cells that had only one person in them?
MR. DAVIDSON: Object to the form.
A. That's a possibility. It's a possibility.
Q. Okay. Do you know for sure one way or the other?
A. No, I don't know.
Q. Okay. Were there cells where there were too many people or more than there were supposed to be?
MR. DAVIDSON: Object to form.
A. That night, I don't know. I'm probably going to say

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no.
Q. Okay. How many people are allowed to be in any given cell?
A. It's supposed to be just two on lockdown time.
Q. Okay. Have you ever witnessed that, well, is that per policy it's supposed to be two during lockdown?
A. Yes. For count, count on lockdown only supposed to be two people in that room.
Q. Have you ever seen that policy violated where SCDC allowed more than two people to remain in a cell?
MR. DAVIDSON: Object to form.
A. I have seen it to where, you know, where you have to you're not supposed to be in there, come here, and put in the right place, I have seen it, yes.
Q. Okay. Should counts, any time a count is conducted should that be included in a log book?
A. I believe it is. It should be, yes.
Q. Did you, as far as you remember did you keep track of events to be recorded in the log book the way you were supposed to?
MR. DAVIDSON: Object to the form.
A. Are you asking me did I write down in that log book the call about what happened? If you're asking me that question, no, I didn't.
Q. Okay. Did you, generally speaking, and I don't know

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what the answer is, generally speaking did you try to keep up with entries in the log book the way policy required?
A. Yes.
Q. What does policy require officers to include in the log book, counts and what else?
A. Security checks.
Q. Anything else?
A. Counts, security checks, I think grievances, I think if an inmate is having a problem with someone else that's supposed to be in the log book, if an inmate is having an issue I think that should be in the log book. It's supposed to be, I believe so.
Q. Well, if anything out of the ordinary, uncommon or noteworthy happens should that be included in the log book?
A. Yes.
Q. In other words, if there is a report of an illegal contraband phone should that be reported and recorded in a log book?
MR. DAVIDSON: Objection to form.
A. Yes.
Q. If there is a potential medical emergency or stabbing should that be included in the log book?
MR. DAVIDSON: Objection to form.
A. Yes.
Q. Injury to an inmate, would that be something that

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would be typically included in a log book per policy?
A. Yes.
Q. Do you know why nobody recorded the phone call about the stabbing or Simmons in any of the log books?
MR. DAVIDSON: Objection to the form.
A. That would be on me.
Q. Okay.
A. I was more focused on trying to locate him but at the same time after we did our checks and the first time after we did our checks, I put this on me, after we did our checks the first time I should have went in the log book and wrote down, either me or Collins should have, one of us should have.
Q. Okay. What about is there another log book or is there any obligation for people in the control room to write anything in the log book?
MR. DAVIDSON: Objection.
Q. In other words, this call that came in, hey, there's an inmate stabbed, he's bleeding out, that Livingston gets, is she supposed to record that somewhere?
MR. DAVIDSON: Objection to form.
A. I never worked in the control room. I'm assuming. I don't know. They never put me in the control room before.
Q. Okay. Do you have any idea why there would be no counts cleared in the log book for July 17th through 18th until 1:00 A.M.?

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A. Do I know why?
Q. Yeah.
A. Because I was by myself trying to get them behind the doors.
Q. Okay. Should there, per policy should there have been some counts cleared in the log book between when you got to work and 1:00 A.M.? In a perfect world should that have happened?
MR. DAVIDSON: Object to form.
A. Right. If I'm not mistaken, it should have been two counts cleared. Two counts should have been cleared in that time from 9:00 to 1:00 A.M., if I'm not mistaken.
Q. So, that would be required by policy to include those cleared counts in the log book?
A. Yes.
Q. But that wasn't done?
A. Right.
MR. DAVIDSON: Object to the form.
Q. Did all SCDC employees have to scan in in order to go to work, scan their badge?
MR. DAVIDSON: Same objection.
A. Yes.
Q. Okay. So, was it your experience while you worked there that SCDC could know exactly how many people were working at any given time because everybody had to scan in?

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A. Yes.
Q. And SCDC should be able to tell from that when everybody left?
A. Yes.
MR. DAVIDSON: Objection to the form.
Q. Do you know of any security checks that were completed on the night we're talking about before 12:20?
A. Do I know of any security checks?
Q. Uh-huh.
A. I was in there, so yes. I think supposed to do security checks every hour on the hour on both sides.
Q. How often is a supervisor like Collins or somebody else supposed to come check on you?
MR. DAVIDSON: Objection to form.
A. That, I'm not sure. I'm not sure.
Q. Well, is it your understanding that a supervisor like Collins or somebody else is supposed to come at least sometime during the night to check on you, especially if you're by yourself to make sure you're okay?
MR. DAVIDSON: Objection to form.
A. Right.
Q. To make sure that there's no problems with Marion unit?
MR. DAVIDSON: Objection to form.
A. Yes.

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Q. And they're supposed to make sure an officer isn't violating policy or doing something nefarious?
A. Yes.
MR. DAVIDSON: Same objection.
Q. They're supposed to supervise corrections officers?
MR. DAVIDSON: Same objection.
A. Yes.
Q. Was there any supervision of any kind on the night we're talking about other than Collins coming down at 12:15 or whatever it was and then coming down again around 4:00 A.M.?
A. That's all there was, yes.
Q. Okay. No other supervisors came down during that time?
A. No, not that I know. No.
Q. Was there another count conducted at 1:35 as far as you remember in the morning?
A. I believe so, yes.
Q. Okay. And during count, is one of the purposes for count so that corrections officers can make sure that everything is all good and make sure there's no medical emergencies or fights or anything like that, is that part of the reason?
A. Yes.
Q. And so 1:35 would obviously be well after 9:00 P.M.?
A. Right.

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Q. And, again, just have to ask the question, whether it was you, whether it was somebody else, nobody at least by 1:35 had discovered anything related to Simmons, anything amiss from the time between 9:00 P.M. and 1:35?
MR. DAVIDSON: Objection to form.
A. Yes.
Q. And, in fact, nobody discovered anything to do with Simmons or medical emergency or anything else between 9:00 and 3:55 A.M. when Collins finally discovered Simmons?
A. Yes.
Q. All of that is correct?
A. Yes.
Q. Okay. Is it, I mean, would you agree that it's unsafe for inmates to be out of their cells in violation of policy when they're supposed to be in the cells?
MR. DAVIDSON: Objection to form.
A. Yes.
Q. Is it unsafe for 20 to 30 people to be out of their cells during lockdown?
MR. DAVIDSON: Same objection.
A. Yes.
Q. Is it unsafe for inmates to be out of their cells during lockdown?
MR. DAVIDSON: Same objection.
A. Yes.

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Q. Now, at some point after all of this happened with Simmons were you charged with some crimes?
A. Yes.
Q. Okay. What were you charged with?
A. Misconduct as an officer and an accessory I think it was before the fact.
Q. Okay. And did you get a criminal lawyer?
A. Yes.
Q. All right. And after talking to your criminal lawyer and being deposed the first time, did you invoke your fifth amendment right to silence for some questions?
A. Yes, I believe so.
Q. Did you plead the fifth to some questions?
A. No. I got to see the transcript, to be honest with you. I can't remember. I think so. Oh, you talking about when I -- excuse me, when we first --
Q. The previous deposition?
A. Yes. Yes. Yes. Yes. Yes.
Q. Okay. All right. Have all of those charges been dismissed now?
A. Yes.
Q. Okay. You don't have a lawyer here today with you?
A. No.
Q. You're not represented by anybody?
A. No.

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Q. Okay. Did you ever plead, after you were Mirandized by Agent Garris but before you got your lawyer had you pled the fifth to anything in response to Garris?
A. No.
Q. Did you only start pleading the fifth after you talked to your lawyer?
A. Yes.
Q. Do you think Garris intentionally lied about anything?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Why do you say that?
A. Like I said, when he came in, I don't want to go off feelings or anything like that, but when he came in and he was interviewing me it almost kind of felt like it wasn't an interview but interrogating. He was kind of like interrogating and he was just looking, he was just looking to put me away, looking for a dirty officer should we say.
Q. Okay. And, again, this isn't personal or anything like that. I represent the family so I got to ask you.
A. Right.
Q. Whether, you know, SCDC was right about your involvement or whether it was just oversight or regardless of the reason, can we agree that Dashaun Simmons was injured while he was in SCDC custody on SCDC's watch?

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A. Yes.
Q. Can we agree that the injury resulted as the result of several different policy violations?
MR. DAVIDSON: Objection to form.
A. Yes.
Q. Regardless of whether you're at fault, Collins or Kennedy, whoever it was, SCDC employees violated policies and that resulted in this injury?
MR. DAVIDSON: Objection to form.
A. Yes.
Q. Do you know why the criminal charges related to this were dropped?
A. Lack of evidence.
MR. DAVIDSON: Object as to the form.
A. I believe.
Q. Okay. Now that your criminal charges have been dropped, have you been, well, let me ask you this, because you were charged with a crime did that put a certain fear and apprehension and anxiety in you in general being charged with these crimes?
MR. DAVIDSON: Object to the form.
A. Yes.
Q. Do you want to, is it your desire to avoid committing any crime?
A. Yes.

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Q. Okay. Does that include perjury?
A. Yes.
Q. Okay. Have you been as truthful as you can be about everything that I have asked you today?
A. Yes.
Q. Is there anything you want to add to your testimony for the jury?
A. No.
MR. HAWKINS: All right. Please answer any questions Mr. Davidson has for you, SCDC's lawyer.
EXAMINATION BY MR. DAVIDSON:
Q. Mr. Hall, I want to kind of back up a little bit and talk to you a little bit about when you went to work for the Department. I think you said you filled out an application; is that correct?
A. Yes.
Q. You're going to have to say yes or no because of the jury.
A. Yes. Yes.
Q. Filled out an application?
A. Yes.
Q. Gave them references?
A. Yes.
Q. Gave them where you previously worked?
A. Yes.

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Q. Okay. I believe they asked you about tattoos?
A. Yes.
Q. And you told them you had tattoos and you described those tattoos?
A. Yes.
Q. And they looked at them?
A. Yes.
Q. Okay. They did a criminal records check?
A. Yes.
Q. Came up with nothing?
A. Yes.
Q. Okay. But then you thought about it and you did, in fact, have a prior criminal problem in another state but you were honest and you put it on your application, correct?
A. Yes.
Q. Okay. And you explained it to them and they were fine with that?
A. Yes.
Q. Okay. Then you had a drug screen?
A. Yes.
Q. Okay. Had a physical?
A. Yes.
Q. Okay. And after that they offered you a position as a correctional officer?
A. Yes.

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Q. Okay. Now, as a correctional officer hiree, I'll call you that, you have to go to the Criminal Justice Academy?
A. Yes.
Q. Okay. And you are trained as a correctional officer how to deal with inmates, how to deal with emergency situations, how to deal with medical situations, those type of things?
A. Yes.
Q. Okay. And that's a pretty thorough education that you got over there, right?
A. You could say that, yes.
Q. They talk to you about gangs?
A. Uh-huh.
Q. They talk to you about -- you got to say yes or no.
A. Yes. Forgive me.
Q. They talk to you about how to act around inmates?
A. Yes.
Q. Because obviously if you are hostile to an inmate they may get hostile towards you so they try to teach you how to deescalate things?
A. Yes.
Q. They also teach you if an inmate has a medical emergency what you need to do, who you need to call, those types of things?
A. Yes.

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Q. They teach you about security checks?
A. Yes.
Q. About counts?
A. Yes.
Q. Okay. They teach you how to do it?
A. Yes.
Q. Okay. And then once you have completed the Academy and have passed, they allow you to go to work at an institution?
A. Yes.
Q. And you work with somebody first, kind of have somebody kind of a mentor, a tutor or whatever, that works with you for a couple of days to kind of show you the ropes at the institution you're working at, right?
A. Yes.
Q. And then you're assigned to a unit. You may be assigned to the yard. You may be assigned to day shift, night shift depending on what you want, right?
A. Yes.
Q. Night shift gets paid a little more money is my understanding?
A. Yes.
Q. And that was one of the reasons you liked to work night shift and you wanted overtime because you liked the money and it gave you some flexibility to do things in your

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private life?
A. You could say that, yes.
Q. Okay. And you ultimately decided you wanted to go to day shift?
A. Yes.
Q. Okay. You hadn't really worked day shift, correct?
A. On overtime, I have worked overtime on day shift, yes.
Q. So, you knew a few of the policies and procedures about day shift, right?
A. Yes.
Q. And during day shift inmates are out in the unit because they're getting pulled to go to medical, they're getting pulled to go to meals, they're getting pulled to go to pill line, there are all kinds of things they're in and out of cells?
A. Yes. Right.
Q. Sometimes they got rec during day shift?
A. Yes.
Q. And they are out and they may be on what they call the rock, which is the floor of the unit, doing things?
A. Yes.
Q. There are tables, that type of thing?
A. Yes.
Q. All right. Night shift is different though. The

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shift you worked from 7:00 to 7:00, you worked 12 hours?
A. Yes.
Q. The unit is supposed to be locked down which means?
A. Well, not technically. That unit was locked down because of a situation they have done before, a situation that took place in there. So, like when I come in at 7:00 and they're not supposed to be locked down, lockdown is not until 9:00, so they can be out but if I'm not mistaken they have to go in their room for count, for that 7:00 count. Once count is clear --
Q. They can come back out?
A. They come back out on the rock only. They're not walking around. They're not going back and forth. They're on their side where they belong. They're watching TV or doing whatever they're doing on the rock.
Q. And then at 9:00 they go back into the cells?
A. Right. It's lockdown, yes.
Q. And you lock it down?
A. Yes.
Q. And you do security checks?
A. Yes.
Q. When you do security checks you actually there are three tiers in Marion?
A. Yes.
Q. You walk all of the tiers?

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A. Yes.
Q. Both sides if you're the sole correctional officer on duty?
A. Yes.
Q. Now, on the evening of I think the 17th when you came on duty?
A. Yes.
Q. You didn't have any problems with any of the inmates, you know, arguing, getting mad at you, anything like that. You essentially at 9:00 they would go in their cells and be locked down?
A. That's when I went to Ms. Unthank and I started going to my supervisor because they're supposed to be locked down at 9:00. They're supposed to go in their room. It was taking me hours to get them guys in behind the door.
Q. When you do a security check what do you do?
A. When I do a security check, my security checks are a little different. I walk the tiers. Sometimes the inmates, they know what time your security check is going to be so I walk the tiers. I might speak, converse with them a little bit. I do my security check. I am doing my security check, are you all right, all right, cool, whatever, then I keep going.
Q. Do you check the cell doors, see if they're locked?
A. No because they're supposed to be already locked down.

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When I put that key in there and I turn it and I pull it, it's locked.
Q. So, you know they're locked when you're doing your security checks?
A. Yes.
Q. When you do count, make sure I understand count, count is where you actually go around and essentially look in the cell and make sure there are two inmates in a cell?
A. Right.
Q. And you're supposed to look at their identification?
A. Right.
Q. And verify with the roster?
A. Right.
Q. That inmate so and so is in cell 101A or 101B or whatever it might be?
A. Yes.
Q. Okay. And in that instance when you're doing count you know the door is locked because you have locked them all?
A. Right. Yes.
Q. Now, if during the night there is an emergency, let's say an inmate gets sick and needs to go to the infirmary, you as a single correctional officer are not allowed to open that cell unless you call for back up?
A. Right.
Q. Somebody to come in there and be with you when you

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open that cell?
A. Right.
Q. That's when you have actually two individuals in the cell or in the unit?
A. Yes.
Q. When you're opening the cell door?
A. Supervisor, yes.
Q. That's safety for you and safety for the inmate for all practical purposes?
A. Yes.
Q. And you didn't violate that policy, did you?
A. No.
Q. Okay. And when you do count, you go around and do that check and then you come up with a number and that number has to match what you, kind of what you got when you came on shift, if you got 105 inmates on A side and 107 on B side, your count is supposed to match up what you got, right?
A. Yes.
Q. Okay. If it don't, nobody is going anywhere until they figure out what's wrong?
A. That's true.
Q. Okay. And when you do count, inmates are in their cell locked down?
A. Yes.
Q. Okay. Now, my understanding from having looked at

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your prior testimony is you never seen a weapon in Marion, correct?
A. That night, no.
Q. Okay. You hadn't seen one before then, had you?
A. I had seen one at Marion before then, yes.
Q. And have you reported it?
A. Yes.
Q. And contraband comes? Well, let me ask this way, contraband works day shift?
A. Right.
Q. So, when they come in and do their sweeps or check a cell and things like that, they're doing it during day shift?
A. Right. Yes.
Q. And you're not there?
A. No. Not unless I'm working overtime.
Q. Overtime?
A. Right.
Q. All right. And in Marion unit had you ever seen any drugs?
A. No.
Q. Okay. You smell marijuana?
A. You smell it, yes.
Q. Okay. All right. Try to figure out where it's coming from?

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A. I make a call.
Q. Okay.
A. There's a marijuana smell, there's a smell and I leave it and supervisor come down and they will walk around.
Q. Okay. And the contraband team may come in the next morning and try to do a shake down?
A. Yes.
Q. They can shake down a cell, they can shake down a tier, they can shake down the whole unit?
A. True.
Q. And a shake down means they're actually going in the cells and looking for stuff, contraband, weapons, cell phones, all of that kind of thing, right?
A. Yes.
Q. Okay. But you have never been on contraband team?
A. No.
Q. Okay. If you have a problem in a unit, let's say inmates get into a fight inside the unit, inside the cell, excuse me, inside the cell and they're going at it pretty well, you don't open the door, okay?
A. Right.
Q. Because that puts you in danger?
A. Right.
Q. Because they may be trying to trick you?
A. Right.

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Q. You call for back up, either a supervisor or potentially I think they have an is it RRR team, rapid response team?
A. Yes.
Q. They can come in and provide back up if they need to?
A. Right. Yes.
Q. And they can do forced cell removals?
A. Yes.
Q. That means they go in and they actually, while you're there they will actually forcibly remove an inmate from a cell if he's in a fighting situation, threatening suicide, those type of things?
A. Yes.
Q. Okay. You have never worked in the control room?
A. No.
Q. You have never talked to Officer Livingston about this?
A. Now, which Livingston because there was two?
Q. The one that worked in the control room.
A. No, I never spoke to her about this. No.
Q. You never talked with Kennedy about this event?
A. No.
Q. Never talked with Collins about this event?
A. He asked me what happened and I told him what happened

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and then but as far as after my statement with Garris, no, I never spoke with him.
Q. Okay. Now, Garris, you gave this statement. I think you said he gave you Miranda rights, but am I correct you had let inmates out before to warm up their food and to take showers during lockdown, right?
A. Like I told Agent Garris, I let it be known that that's what I wrote because that's what he told me to write, but what I told him was the only time I let inmates out the room is when their roommate is coming back from working at the kitchen. If you're working in the kitchen, the unit is locked down and let's say I only got one kitchen worker on that side, that's the only door I'm opening up. So, that kitchen worker, he has to come in, he has to shower and maybe they might have some food. So, if there is just one of them, one kitchen worker, okay, I'll let his roommate reap the benefits, you can shower, your food, but I'm standing there watching the whole time. I'm not letting them out.
Q. And they go back in and you lock them in?
A. Right.
Q. Okay. Now, in your statement I think you said sometime during the night, and I may be wrong about time, okay, maybe around 9:00ish, Collins called you and asked you to check your unit to see if there was someone that was injured?

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A. Yes.
Q. Okay. And as part of your duties and responsibility when a supervisor calls you and asks you to do that you're going to do that check for him because you're going to be his eyes and ears to see what's going on?
A. Yes.
Q. And you're going to report back to him, right?
A. Yes.
Q. Okay. And if you feel like you can't do it or there is a problem then you would have told Collins there was a problem, that you had a problem doing this check and he may or may not have come down there, correct?
A. Yes.
Q. Okay. And he had been down there before, maybe not this night but he had been down there before to check on you, hadn't he?
A. He come through the night.
Q. He's over the entire facility basically. He's the lieutenant. He has to go through all of the buildings at one point or another, right?
A. Supposed to, yes.
Q. Okay. Now, when you went around and checked based on Collins calling you and asking you to check, see if there was an injured inmate, you had gone through all of the tiers?
A. Yes.

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Q. At that point, 9:00ish, after everybody is in their cells, you have done security checks, cells are locked because you made sure they're all locked, correct?
A. Yes.
Q. Okay. You don't see anything that would indicate that an inmate is injured?
A. There was no inmate asking for help, no.
Q. Okay. And you would have looked in each cell, see if there was a problem and if an inmate had a problem he could have told you I'm hurting, I need help, but nobody ever told you that?
A. Nobody ever told me that.
Q. And nothing would indicate to you that at that point in time when you went around and checked those doors and those cells for an injured inmate that you had been, dereliction, you know what that means?
A. I don't know. First time hearing that word.
Q. You didn't think you had done anything wrong, that you hadn't followed policy procedures by having those inmates locked up in their cell after 9:00, correct?
A. Correct.
Q. Okay. So, there was no need for you to check the cell doors to make sure they were locked or unlocked at that point because you knew they were locked?
A. Well, like I said, it was a lot of inmates out so my

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job is to give a verbal command, inmate, it's lockdown time. Like I said, they weren't supposed to be out anyways. I give my commands. Whoever goes in, I put them in. Whoever is out walking around, whatever, then I give the same command. They don't listen, I go across to the other wing and I do the same thing. I keep doing it until I can get them.
Q. Okay. And you got them all that night, correct?
A. I guess, yes.
Q. Okay. Well, when you went around and checked at 9:00 to see if anybody was injured, everybody was in their cells, right?
A. If I'm not mistaken, yeah. They should have been, yes.
Q. And if you had a problem at that point with inmates being out and you couldn't get them in, you would have noted it on your log book, wouldn't you?
A. I made a call that night.
Q. My question is would you have noted that in your log?
A. Noted me having problems, that, I never, I never noted that in the log.
Q. Okay. If you did a count and you came up with a count number, let's say 105 and 106, that means you would have made sure that the inmates were in their cells locked up because count has to be inmates in their cell and they have to be

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counted by you, correct?
A. Yes.
VIDEOGRAPHER: We are now off the record. The time is 12:49 P.M.
(Whereupon, a recess was taken.)
VIDEOGRAPHER: We are back on the record. The time is 12:57 P.M.
Q. There has been a lot of talk about Mr. Garris. Do you know all of the people he interviewed in this situation?
A. No.
Q. Okay. Do you know if he interviewed Dashaun Simmons?
A. I believe he did, yes.
Q. Okay. Now, do you believe you know an inmate by the name Tim Rainey?
A. I heard of his name.
Q. Do you know if he interviewed him or not?
A. I heard he did, yes.
Q. And did you hear that Mr. Rainey had said you went to the front of the cell when it was opened and the inmates that assaulted Mr. Simmons went in it?
A. I heard that, yes.
Q. Now, when Mister or Lieutenant Collins asked you to do the security check, that was not, do the check, see if there was an injured inmate in the cell, that was not unusual for a

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supervisor to call down there and ask you to check on something?
A. Right.
Q. Okay. And obviously Lieutenant Collins, he knew you, didn't he?
A. Work wise, yes.
Q. Okay. He obviously had enough trust in you to check the inmates, make sure there was nothing going on and there was a problem, correct?
A. Yes.
Q. Okay. He had no reason, at least at that point, to doubt that you would do what he asked you to do?
A. Right. Yes.
Q. And you did do what he asked, you went around and checked the cells and made sure that none of the inmates who were in their cells, they were all in their cells at that point, any of them showed any sign of an injury or expressing a problem, haven't been stabbed or beaten or whatever, correct?
A. Correct. Yes.
Q. Now, when you come on at 7:00 and Kennedy and you exchange equipment, you get the radio and you get the keys to the unit, right?
A. Yes.
Q. You are the only one in that unit that has keys to the

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cell doors, correct?
A. Yes.
Q. Nobody is getting out of that, if they're locked up in their cell they're not getting out unless they have a key and that person that had the key was you, correct?
A. Yes.
Q. And you knew that you weren't supposed to let, you were not supposed to open a cell unless you had someone else in the unit with you that was a correctional officer or a supervisor, correct?
A. Yes.
Q. And you would have gotten keys for both sides of the unit, correct?
A. Yes.
Q. Because you were responsible for checking both sides?
A. Yes.
Q. Okay. Now, you knew that the Department was having some difficulties in hiring correctional officers, correct?
A. Yes.
MR. HAWKINS: Objection, speculation.
Q. Did you get a bonus when you got hired?
A. I don't remember. I can't recall.
Q. Okay. And you are aware through what your supervisors told you that they were doing some things to try to alleviate

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that shortage of inmates, correct?
A. Correct. Yes.
Q. Not shortage of inmates, shortage of correctional officers.
A. Yes.
Q. I apologize. There's never a shortage of inmates. They were doing certain things, they were pulling people off the yard and putting them in units, correct, during night shift?
A. Our shift was short automatically so I'm stuttering because you could say that. You could say that, yes.
Q. Okay. And they had to adjust because of those shortages on night shift, right?
A. Yes.
Q. One of the adjustments was to lock down a unit and have one correctional officer in that unit for the night because they were supposed to be sleeping and they weren't supposed to be getting out?
A. Right.
Q. Okay. Only time your shift would have inmates getting out maybe in the early morning when they were going to work like in the cafeteria?
A. Right. Yes.
Q. And you would have to call and somebody would come down when you opened those doors, correct?

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A. Supposed to, but yes.
Q. But those were individuals that were workers in the cafeteria?
A. Yes. You got your workers in the cafeteria then you got your medical people who got medical runs that go early in the morning, yes.
Q. And medical, a correctional officer would come down and escort them to medical, correct?
A. Yes.
Q. Now, while you were on duty and they were all locked down like after 9:00 this night, lights are out at what time, if you remember?
A. I want to say 10:00. I could be wrong.
Q. They go to sleep, supposed to go to sleep?
A. Yes.
Q. And then you do security checks to make sure that everything is secure in the unit, cells are locked, inmates asleep, nobody has done anything like try to hang themselves, commit suicide, cut themselves, anything like that, that's why you do the security checks?
A. Yes.
Q. Okay. Now, on that night I see at 8:10 you did a security check and I'll let you look at that. See if that refreshes your memory.
A. Yes. That's my handwriting.

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Q. Okay. If you look right above that it talks about what happened when you came on shift, correct?
A. Yes.
Q. Okay. Now, nothing in that, what you did when you came on shift where you talk about getting the keys and the phones and the walkie talkies, whatever.
A. Yes.
Q. Nothing about inmates being out or a problem with getting inmates into their cells or that Kennedy hadn't been doing his job? Listen to my question.
A. Okay. Go ahead.
Q. Nothing is in that report that says anything critical of Kennedy or the fact that you may or may not have been having problems with inmates out in the cell area, correct?
A. Correct.
Q. All right. And when you started doing security checks your first security check was when?
A. 8:10.
Q. And at 8:10 you complete, there were no problems?
A. No. At 8:10, they're still out at 8:10. I'm doing security checks but they're still out because you have people, you have certain inmates that was locked behind doors and you have some that still out running around.
Q. Okay. But you don't note anything about inmates out running around, do you?

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A. That's because, number one, I made a call. As soon as I got to that unit and I seen them out I made a call. I didn't log it in there but I did make a call. Number two, this happened in July so December, around December 2016 that's when I started to go to headquarters, speak to the warden letting them know.
Q. I appreciate that.
MR. HAWKINS: Let him finish.
A. Around that time, that's when from December all of the way up to July I was rocking the boat, trying to blow the whistle, hey, I'm having problems in the Marion unit, they're supposed to be locked down at this time but it's taking me a few more hours to get them locked down. So, I was making it known that inmates are out when they're not supposed to be so it wasn't a secret.
Q. Flip down at 12:00. See that? It's a count.
A. Yes.
Q. Okay. You note the number, don't you?
A. Yes.
Q. They're locked down at that point, aren't they?
A. Yes.
Q. Okay. So, you got them all in there by 12:00 so you could do your count and you came up with how many on one side and how many on the other?
A. It says 95 on the left, 107 on the right.

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Q. Okay. And that's how many you had locked down in those cells on A side and B side of Marion, correct?
A. 202, yes.
Q. Okay. You said Parker was over lock up, correct?
A. Right. Yes.
Q. Lock up is a separate unit?
A. Yes.
Q. He worked first shift, second shift?
A. First shift.
Q. Okay. Lock up is where they put inmates that may be problematic?
A. Uh-huh, yes.
Q. Okay. Or they may be inmates that are concerned for their safety and they ask to go to lock up so they can be put in protective custody, right?
A. Yes.
Q. So, he's over that unit?
A. Yes.
Q. He doesn't have any responsibility for Marion unit, he is responsible for lock up?
A. Yes.
Q. Okay.
A. But to that, if I can add, if you're having problems Parker will come from lock up. He will come up if you're having a problem if he's not busy in lock up.

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Q. Yeah. I mean, he would come help?
A. Right.
Q. Just like if Collins is busy in another unit because he's responsible for most of the units to check them and there's a problem?
A. Yes.
Q. Parker may come and help in Marion or what's another unit at Broad River?
A. I think Murray.
Q. Okay. Might come check Murray, might help in other units, right?
A. Right. Yes.
Q. Okay. Isn't it correct, Mr. Hall, that while you were at Marion unit you never witnessed any violence between the inmates and the staff, correct?
A. Only heard of it, yes. Correct.
Q. Only heard of it but you never saw it?
A. Correct.
Q. Never saw an inmate do anything to another inmate, correct?
A. No.
Q. An inmate never did anything to you?
A. No.
Q. Okay. You got along with them?
A. I had, you know, it's a bunch of men in there so I had

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moments where me and an inmate might not have seen eye to eye or an inmate might have been having a rough day so I caught the rough end of his day, so.
Q. But you were trained at the Academy how to deal with that so no one ever attacked you, caused any injuries to you while you were at Marion unit, did they?
A. No.
Q. You never saw any weapons in Marion while you were there, correct?
A. Maybe once.
Q. Okay.
A. Maybe once.
Q. I want to make sure I understand, make sure I get this right. "Have you ever observed a weapon in your work? Have you ever seen a weapon in anybody's cell?", do you remember what you said?
A. No.
Q. Okay. You don't remember or you don't?
A. Can I see?
Q. Yeah. Yeah. I'll tell you what, here is your very own copy. Mr. Hawkins has the original if there is some question about it. Page 107. No. 106. Excuse me. All right. See on page 107, 106?
A. 107?
Q. 106. I'm sorry. 106 line 24, if you don't mind read

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what I asked you at that time?
MR. HAWKINS: You didn't ask him.
Q. I said, "Have you ever observed a weapon in your work? Have you ever seen a weapon in anybody's cell?". What was your answer at that time?
A. Okay. I said no.
Q. All right. Then I asked, "Ever found a shiv or a shank?". What was your answer?
A. No.
Q. Never seen one and then you explained to me what?
MR. HAWKINS: Objection. You didn't ask these questions. You didn't take this deposition.
MR. DAVIDSON: Okay. That's fine. You asked them.
Q. "Well, I see these because I had a comrade that was in the contraband team so, you know, when you take pictures of it, oh, look what I found, but as far as seeing one, no, never did", right?
A. Okay. Yes.
Q. So, you never had a problem with seeing a weapon or a shank or a shiv in Marion unit while you were there. You were assigned to Marion for how many months?
A. I can't remember. That was my --
Q. That was your station?
A. That's mainly where I worked at.
Q. Okay. All right. And then we asked, Mr. Hawkins

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asked you a question. "Did you ever see Dashaun Simmons on the night we're talking about", and at that time what did you do?
A. I pled the fifth.
Q. Okay. All right. And I think you indicated that you had an attorney when you gave this deposition, that attorney, your criminal attorney was Jack Swirling, correct?
A. Yes.
Q. He gave you the advice to take the fifth amendment?
A. Yes.
MR. HAWKINS: I'm going to object to the extent you're asking him to talk about attorney/client relationships and conversations with Jack.
Q. I'm not asking. That's fine. Mr. Hawkins asked you about criminal charges. You said you were criminally charged with misconduct in office?
A. Yes.
Q. And accessory before the fact of an attempted murder, correct?
A. If I'm not mistaken, yes.
Q. Okay. And I think you said those charges were dismissed?
A. Yes.
Q. You are aware today, are you not, that those charges have not been dismissed permanently, they can be rebrought if

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they need be, correct?
A. I didn't know that.
Q. Okay. Are you aware in South Carolina there is not a statute of limitation on criminal charges?
A. No, I'm not aware of that.
Q. Okay. I don't want to trick you. Okay. I don't want to take advantage of you. So, if you need to take the fifth amendment on some of these questions you are free to do so, all right, based on Mr. Swirling's advice.
A. That's the thing, I wasn't prepared for that. I was prepared to give a deposition. That's it.
Q. Okay. Did you talk with anybody before this deposition?
A. No.
Q. Okay.
A. Well, I did speak -- as far as my own personal criminal lawyer, no.
Q. Okay. I'm talking about anybody about this deposition, about what you were going to be asked, what you needed to discuss, how you need to discuss it, anybody prior to coming in that door today?
A. No.
Q. Okay. Because the reason I ask you, you said something when Mr. Hawkins was asking questions you didn't want to jump ahead of him, get ahead of him.

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A. Right.
Q. Okay. Like you knew what he was going to be asking. Did you have any idea what all he was going to be asking?
A. No. No. Because we had the deposition paperwork. What I meant by not jumping ahead was like not getting ahead of him.
Q. Okay. Did you have a copy of your deposition that you read?
A. This right here?
Q. Yes.
A. No. Do I have a copy, I probably do have a copy but have I read it, no.
Q. Okay. All right. I think you also said in your deposition that you actually loved your job?
A. Yes.
Q. Gave you a lot of freedom, you could work overtime, get extra pay for night shift and get four days off I think y'all got, it was like three days on, four days off, something, I can't remember?
A. Yes.
Q. So you could do what you wanted to do during your days off because you had some money to do it?
A. Yes.
Q. Okay. That was one of the reason you liked the job?
A. Yes. And you could grow, opportunity for growth.

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Q. Opportunity for growth, like you were trying to get a corporal position?
A. Yes.
Q. I think Mr. Hawkins asked you did you know Mr. Simmons. Had you ever heard of any threats against Mr. Simmons?
A. No, never heard of no threats.
Q. Anybody relay to you during shift that Mr. Simmons had complained about threats or anything like that?
A. No, never heard of that.
Q. If an inmate complains about being threatened by another inmate, somebody is going to try to attack them, they can request what's called protective custody, right?
A. Yes. I believe so, yes.
Q. Okay. Which means they get moved to a cell by themselves so they're protected from the threat, correct?
A. Yes.
Q. Okay. I have checked the log book. I'm going to ask you if you remember this. I do not see an entry in the log book after your cell count, your count of the cells after around midnight or a little after. I don't see any other cell check.
A. I'm sorry?
Q. I don't see any other notations of you doing security checks after that?

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A. You checked both log books?
Q. Yes, sir.
A. That's the first me hearing that.
Q. Okay. All right. On the night, early morning hours of July the 18th, did you give anyone your key to the cells in Marion unit?
A. No. I just want to reiterate something again. Like I said, that night I'm going back and forth trying to lock doors that should have been already locked down.
Q. I understand. But at midnight when you did count they're locked because that's how you do count, you have to have the doors locked and you have to have the inmates in the cell so you can verify who is in that cell, correct?
A. Yes.
Q. Okay. I'm going to make sure I also understand. You don't know anything or you didn't on the night of the 18th know anything about a cell phone call to the control room, did you?
A. No.
Q. Okay. I think I know what your response is going to be to some of these questions but I've got to ask, all right?
A. That's fine.
Q. On the night or early morning hours of July the 18th, 2017, did you open the cell where an inmate later identified as Dashaun Simmons was housed and allow four inmates into that

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cell so they could assault him?
A. No, I did not.
Q. Okay. You're not going to take the fifth today?
MR. HAWKINS: Stop trying to get him to take the fifth today.
Q. No. I want to know. You're not going to take the fifth amendment today, right?
A. Can you ask your question please?
Q. Yeah. On the night of the early morning hours, night or early morning hours of July 18th, 2017, did you open the cell to where an inmate later identified as Dashaun Simmons was housed and allow four inmates into the cell so that they could attack him, did you do that?
A. No.
Q. Okay. Isn't it correct in your previous deposition you took the fifth amendment to that?
A. Because I was advised to.
Q. Okay. And you didn't contact your lawyer before you came here today?
A. Because I wasn't told that you would be trying to put charges on me. I was told I'm coming here for a deposition and I wasn't told about no statute of limitation. I wasn't told anything about that.
Q. Who told you that?
A. I was told I'm here for a lawsuit.

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Q. Okay. Who told you that?
A. I'm sorry?
Q. Who told you that?
A. That what?
Q. About you being here for a lawsuit and not to take the fifth? You said somebody told you?
A. No. I'm saying when I spoke, when I got the call about this from Mr. Josh over here, he told me I'm here to give a deposition about a lawsuit. He didn't say anything about criminal charges or any of that.
Q. So, he didn't advise you of any of that?
A. He's not my lawyer.
Q. Okay. All right. Did he advise you to contact your lawyer?
A. I didn't. Should I? Is there a need to?
Q. No. I'm just asking.
A. I'm asking you. Should I need to?
Q. Mr. Hall, I appreciate it. You didn't contact Mr. Swirling or anyone about this deposition, right?
A. Because I'm here for a lawsuit.
Q. Okay. After you opened the cell, were you present when the four inmates attacked Mr. Simmons?
A. You said after I opened the cell?
Q. Yes.
A. I never opened no cell door.

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Q. Okay. Did you ever interfere with the attack?
A. Kennedy left me with a bunch of people outside of the cell doors. That unit was supposed to have been locked down already. They wasn't supposed to have been out. Kennedy left without helping me with count. I went to the warden and I went to Ms. Unthank. I went to my supervisor. I feel like I need to reiterate myself. I took the proper procedures and letting them know the problems that I was having in the Marion unit.
Q. Okay let's go back. Mr. Collins, Lieutenant Collins called you around 9:00 and asked you to check the cells, see if you saw anyone that was injured, stabbed, hurt, anything, correct?
A. Correct.
Q. You checked all of the cells, correct?
A. The cells that I was able to check, yes.
Q. All right. Well, now, wait a minute. You're changing your story.
A. No. No. No. No.
Q. I asked you did you check the cells to make sure there was no one injured in the cells at the Marion unit when Mr. Collins called you?
A. Yes. I checked the cells. Lieutenant Collins even came down himself and we checked the cells. Collins also left and Collins came back again. So, I checked it. Collins and

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myself checked it and then when Collins came back again we checked again.
Q. Okay. And that last time Collins, a sergeant, and a nurse came down and they found an inmate who was in his cell who had been stabbed, correct?
A. Correct.
Q. Okay. And they got you to unlock that cell, did they not?
A. Yes.
Q. Okay. All right. And at 12:00 when you did count I think the number was, what, one, I want to make that an exhibit too if you don't mind, Defendant's Exhibit 1. At 12:00, what time was it that you did count?
A. It says 12:05 it looks like.
MR. HAWKINS: Are you making the whole thing an exhibit?
MR. DAVIDSON: I just want that page that he did.
MR. HAWKINS: That single page?
MR. DAVIDSON: Yes. That's what he did.
(Whereupon, Defendant's Exhibit 1 is marked for identification.)
Q. At that point in time you did the count. You confirmed the number of inmates and the way I understand count goes, they're in the cells locked down. You have to verify who is in the cell by looking at their name tag and looking at

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the roster?
A. Right.
Q. Okay. And that's what you did, you followed policy?
A. Like I said before, inmates are not in the right room. They're not according to that. Like I said to Mr. Josh, you can't go off the roster because they're not in their right room.
Q. Okay.
A. According to policy, when we are doing count they're supposed to be standing. There is a lot of things going on in there that's not how they're supposed to be. So, count is supposed to be two inmates standing by the door with their name tag but that is never how count goes.
Q. But you get them to stand, don't you?
A. I'm sorry?
Q. You get them to stand, don't you?
A. Well, if it's 12:00, if like it's 12:00 in the morning and they're asleep, I mean.
Q. You look in with a flashlight, see if they're in there?
A. You got to understand some of them have sheets covering their windows.
Q. I understand. They're not supposed to?
A. Right. They're not supposed to and we tell them to take it down but they don't take it down. Like I said

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before --
Q. Go ahead. I'm curious.
A. You're fine. Like I said before, it feels like you're trying to open up something. Like I said before, all I do, I give a verbal command, inmate, you need to take that sheet down because I can't see what's going on in there. If they don't take it down I can make a call. I normally don't call about the sheet but we can make a call, inmate got a sheet up, he don't want to take it down. Only thing that's going to happen is a supervisor is going to come down, make them take it down. As soon as the supervisor leave he's just going to put it back up. So, it's a lot of policies in there that is being broken already.
Q. Okay. Well, try to get them to take it down?
A. Right.
Q. And get them to take it down?
A. Right.
Q. And you can look through a flap because there is a food flap, right?
A. That's lock up. Wait. Wait. Wait. I guess you're right. There is a flap.
Q. You can look in the flap, see if there are two people in there because you're supposed to verify the number, right?
A. That's normally covered too.

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Q. You verified the number, you didn't find a discrepancy, did you?
A. I'm sorry?
Q. You did not find something wrong with the count on that night, correct?
A. It cleared.
Q. Okay. It cleared, that means there's nothing wrong?
A. Correct.
Q. You were able to count how many inmates on the A side?
A. Left side was 95, right side was 107.
Q. You were able to count 95 inmates in their cells?
A. Uh-huh.
Q. When you did the count around midnight, right? Right?
A. By myself, yes.
Q. Yes.
A. Now, did I physically see them, no. Now, I see where you're going with this and I want to let you know right now when I'm doing my count I'm not even supposed to be my myself. When I'm doing my count I'm supposed to have a supervisor with me so when I'm doing my count and I'm by myself and I'm in the Marion unit I have my roster. I can't go off the roster because they're not in the right room. That's no secret. We know inmates are never in the right room. What I do is I

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knock on the door, okay, two, I put two. So, I am logging in my roster. So, every time I do a count I'm banging on the door, making sure they're alive, they're up, and then I move it along. I can't see everything because they have sheets up covering the window and the flap.
Q. I understand. I'm not denying that. I know they put sheets up. I know they put paper up.
A. Right.
Q. You all tear it down and they put it back up.
A. Right.
Q. It's a constant problem, right?
A. Right. But I'm letting you know --
Q. But at count you knock on the door?
A. Right.
Q. You make sure there are two in there?
A. Right.
Q. And you note that and you move on?
A. Right.
Q. Okay. And those doors are locked?
A. Right.
Q. Okay. And at around 3:00 Lieutenant Collins, a sergeant, according to your statement, a sergeant and a nurse came down and they found Mr. Simmons stabbed in the cell but you didn't find him when you checked for Collins around 9:00, correct?

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A. We searched. So, they didn't just come in and just find. When I searched at 9:00, whenever I got the call I didn't find no one injured. When Collins came down we searched both side.
Q. And didn't find anything?
A. We didn't find anything.
Q. They came back down?
A. Right. That last time with the sergeant and the nurse we still had to search and once we were searching then they found him, yes.
Q. And they got you to unlock the door so they could get him out and get him to medical, correct?
A. Yes.
Q. Did anyone ever tell you that Dashaun Simmons said you opened that door?
A. Yes.
Q. Okay. That morning Lieutenant Collins told you sometime after 3:00 or around 3:00 after they found Simmons, he told you to go to the conference room at Broad River, did he not?
A. Yes.
Q. And you stayed there and that's when Mr. Garris came in and got your statement that morning, correct?
A. Yes.
Q. Okay. And then later that day you gave your addendum,

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that added sentence or two, correct?
A. Yes.
Q. Okay. And then you were suspended, correct?
A. Yes.
Q. And ultimately terminated, correct?
A. Yes. Arrested.
Q. Okay. Terminated, arrested?
A. Arrested.
MR. DAVIDSON: Okay. Mr. Hall, I really appreciate it. Thank you.
EXAMINATION BY MR. HAWKINS:
Q. I just have some brief redirect, Mr. Hall. I'll try to be as brief as possible. Oh, well, first let me clear up something. You were asked if you talked to anybody and I think maybe you thought Mr. Davidson was referring to Jack or somebody else. In the interest of candor we talked on the phone before this deposition, did we not, right?
A. Yes. Yes. We spoke, yes.
Q. And we talked about when the deposition would be?
A. Yes.
Q. And I wanted to make sure I understood what everything, you know, what your testimony was going to be?
A. Yes.
Q. And you were fully candid about the fact that you are not represented, right?

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A. Yes. Yes.
Q. And of course I can talk to an unrepresented witness just like I talk to all witnesses who are not represented. Did I ever represent anything to you that didn't happen at this deposition?
A. No.
Q. Was I clear that I don't represent you and that I represent the family of the estate of Dashaun Simmons?
A. Yes.
Q. Was I transparent and clear with you that I represent Dashaun Simmons' estate for things that involve allegations for stuff that happened while you were working for SCDC?
A. Yes.
Q. All right. From your experience working at SCDC, and specifically Broad River, you told me earlier the situation when you got to Marion unit it was chaotic?
A. Yes.
Q. All right. Was that typical of Marion unit in your experience?
A. That's an every night thing.
Q. Okay. SCDC tolerated the way Marion unit was run in general, is that fair to say?
MR. DAVIDSON: Objection to the form of the question.
A. That's why I took the proper procedure because I

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didn't want to be in this situation that I am right now and I let that be known and it was clear.
Q. Okay. You didn't want to be here today?
A. No. No. No. I'm not talking about, I'm talking about being in this situation of where if SCDC would have listened and either transferred me or moved me around I probably would have still been working there.
Q. What I'm trying to establish is you're not here giving testimony and still dealing with this because you want to be?
A. Right.
Q. Are you under a subpoena? Did you receive a subpoena?
A. No. Oh, yes. I did receive something.
Q. I got a copy of it. Is that a copy of the subpoena you received?
A. Yes, sir.
Q. Okay. All right. And so do you have any plans to ever try to work for SCDC again?
A. No.
Q. Okay. Why is that?
MR. DAVIDSON: Object to the form.
A. Number one, I don't know, the whole correction field is just kind of, even though I feel like that's where I should be working is a correctional officer because of my size and I

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know how to, you know, speak to people and whatnot and you know I know how to conduct myself but it's kind of like SCDC took advantage of that, you know, because like I said I spent like five months, six months letting them know, hey, this is a problem in Marion, this is a problem, this is a problem. Like I said, my paperwork to be transferred to day shift was already signed. Somebody blocked it. I tried to transfer to a different prison and Warden Bush wouldn't sign off on it.
Q. When you were working for -- was it from 2016 to this July of 2017 date that you worked for SCDC?
A. Yes.
Q. That time period, during that time period when you worked at SCDC did SCDC routinely tolerate people being out of their cells when they weren't supposed to be?
MR. DAVIDSON: Object to form.
A. Yes.
Q. And when you testified you were truthful about letting people out during lockdown, heat up food, you were candid about that. Did SCDC tolerate that behavior, letting people out to heat up food?
MR. DAVIDSON: Objection to form.
A. Like I said before, that was only for kitchen workers and it wasn't a bunch of them. It had to be at least one, all right, I'm in there, I'm standing over them. I'm directing orders, all right, inmate, you need to go in your room, you

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need to go in your room and they would go in or sometimes if they would burn me and not go in I let it be known all right next time you're not coming out. So, when that kitchen worker come back, you already know, don't ask me, you got to go in. I would let them go in, lock the door, grab your things, that inmate come out, I lock the door leaving his roommate in the room.
Q. Okay. But that was something that was a regular practice?
MR. DAVIDSON: Objection to form.
A. Was that letting them out?
Q. Yeah.
A. No, not all of the time. Sometimes their roommates would be asleep or their roommates already have everything they have so there's no need. That wasn't an every morning or every day thing when I'm on shift, yeah, come on out because your roommate out, no, that wasn't an every day thing.
Q. Isn't it true that certain control room officers have keys to the units?
MR. DAVIDSON: Object to the form.
A. I don't work in the control room but I guess. You know what, now that I'm thinking about it, Kennedy never gave me his keys. When we needed keys we go to the control room to get the keys, the main control room.
Q. How would Collins, for example, when he came to check

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on you in Marion unit, how would he get into Marion unit to check on you?
A. The yard officer had keys to the gate so he would have a yard officer with him and he will unlock the gate. Either he would come in and hang or he will hang outside and when Collins is ready to go they will unlock the gate and they walk on and they lock the gate back up.
Q. If you're somewhere else in Marion unit Collins doesn't need you to come let him in, he can get in whether it's with the help of another officer or his own keys or whatever, he can get in there?
A. He can get in the sallyport. The sallyport he can get in but he can't get in the unit. He can't get in the door. He can't get in the main door.
Q. Would you have to go let him in?
A. Yes.
Q. As far as SCDC trying to cure this problem that it created by under staffing the jail, are you aware that SCDC ever held a job fair or anything like that to get more officers?
MR. DAVIDSON: Object to the form.
A. I heard they was doing that, constantly doing that.
Q. Do you know if they ever pulled any of the people that worked the desk jobs in Columbia to take some shifts at Broad River so they wouldn't be short staffed? Did they ever do

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anything like that?
MR. DAVIDSON: Object to form.
A. Never heard that.
Q. Did they ever tell some people in the control room like Livingston or Collins, hey, you need to get down to Marion and help or you need to get to Greenwood or Monticello and help, anything like that?
A. No.
MR. DAVIDSON: Object to form.
Q. They just didn't want to be in Marion unit?
MR. DAVIDSON: Object to form.
A. Yeah. Nobody wanted to bother with Marion unit. That's why, I don't mean to cut you off, that's the main reason why I wanted day shift. Day shift, when they're out I can deal with them when they're out. It's just putting them behind door at nighttime was the problem.
Q. Did you see that, I think it was made an exhibit. Do you see what, you were asked about this part of the log book, do you see how it's copied from a notebook? Do you see how that's several pages from a notebook copied, a lined notebook?
A. Yes.
Q. Do you see how that's a bunch of different pages?
MR. DAVIDSON: Object to form.
A. Yes.

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Q. Do you have any idea why you were just asked about one page out of all of those pages and out of at least 12 pages that were produced by SCDC?
A. Probably because he seen me writing down the security checks so like just because there's people out and they're not supposed to be out I'm still going to do my security check. I still have other inmates I have to check on. Those inmates that don't want to go in their room, like I said, the only thing I can do is play the waiting game, you know, it's time to go in their room, give them a verbal command, repeat your verbal command and then if they don't listen, focus on the people I got behind the door and make sure they're all right, go to the other side, do the same thing, give a verbal command, they don't listen, focus on the people that I do have behind the doors.
Q. Did you ever witness at any point during the night we're talking about, I asked you before, I want to make sure I understand it correctly, do you have any evidence that anybody at SCDC ever took pictures of the cell where this stabbing happened?
A. No, not that I know of. No, never seen pictures.
Q. Anybody ever take pictures of you while they were interviewing you in that conference room?
A. Not that I know of.
Q. Anybody ever make any effort to have a recorded

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statement with a tape recorder on or a video camera on of you or Kennedy or anybody else?
MR. DAVIDSON: Object to the form of the question.
A. Not that I know of.
Q. Did anybody ever make any effort to go toss all of the cells to find these cell phones that people were using to make illegal calls?
MR. DAVIDSON: Object to the form.
A. No.
Q. Did anybody at SCDC ever so much as try to find out who the cell mate of Dashaun Simmons was or the second person in the cell at this attack, anybody make any effort to find that out?
MR. DAVIDSON: Object to form.
A. No, not that I know of.
Q. Did anyone make any effort to toss the cells at Marion unit and find these weapons that were used in this attack?
MR. DAVIDSON: Object to form.
A. Not that I know of.
MR. HAWKINS: I don't have any more questions. Thank you.
MR. DAVIDSON: Look at that one more time.
MR. HAWKINS: This is played for the jury so there's no recross. That's it.
MR. DAVIDSON: Judge can allow if he wants it.

MR. HAWKINS: No. It's my deposition. I'm stopping it. That's it.

MR. DAVIDSON: I can ask if I want.

MR. HAWKINS: You can't. There is no recross. That's not the rules.

MR. DAVIDSON: Okay. That's fine, Mr. Hawkins. That's your reading of the rules.

VIDEOGRAPHER: We are now off the record. The time is 1:49 P.M. This is the end of media unit number two and the conclusion of the video deposition.

(Whereupon, at 1:49 P.M., the deposition in the above-entitled matter concluded.)

CERTIFICATE OF COURT REPORTER

North Carolina

Wake County

I, Kathleen M. Van Voorhis, Notary Public in and for the State of North Carolina, certify that on July 11, 2025, Anthony Howard Hall, II, having been previously duly sworn, thereupon testified as set forth in the preceding pages, exclusive of errata sheet and signature page, if required, the examination being reported by me in stenotype and reduced to typewritten form by me personally.

I further certify that I am not of counsel or in the employ of the parties to this action; that I am not related by blood or connected by marriage to the parties of this action; that I am not interested in the outcome thereof; that the foregoing is a true and accurate transcript of said proceeding to the best of my ability and understanding.

This the 24th day of July, 2025.

Kathleen M. Van Voorhis

KATHLEEN M. VAN VOORHIS, RPR

Registered Professional Reporter

Notary Public, #19971530155

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