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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

Ashley DIAMOND,)
Plaintiff,)
)
V.) CIVIL ACTION FILE NO.
) 5:21-cv-378-MTT
Arneika SMITH,)
Defendant.)
-----)

The Deposition of
ASHLEY DIAMOND

February 22, 2022
9:29 a.m.

VIA ZOOM DEPOSITION

Tammy L. Gardner, CCR
Certified Court Reporter #2804

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ASHLEY DIAMOND

February 22, 2022

ASHLEY DIAMOND, having been first duly sworn, was examined and testified as follows:

MS. LONG: Since we're doing this via Zoom link or electronically, I'd like to put on the record that everybody agrees or both party agrees to the witness being sworn in and that the deposition's taken over Zoom link.

Is that acceptable to you, Ms. -- is it Ezie (pronounced EASY-AYE) or --

THE WITNESS: Ezie (pronounced EZ-AYE.)

MS. EZIE: It's Ezie (pronounced EZ-AYE.)
Yeah.

MS. LONG: Is that acceptable to y'all?

MS. EZIE: Yes. Acceptable.

MS. LONG: Okay.

This deposition is being taken pursuant to notice for use for all purposes allowed by law.

Is it agreeable that the parties reserve objections, except as to the form of the question and responsiveness of the answer,

1 until offered as evidence?

2 MS. EZIE: We will make the reservations
3 set forth under Federal Rule of Civil
4 Procedure 32. I think it's a little bit more
5 extensive. It covers any objection that would
6 otherwise be waived. But we will so consent.

7 MS. LONG: Okay.

8 Somebody else just came on. Aaron
9 Fleisher?

10 MS. EZIE: I wanted to make a note of
11 this: Plaintiff do expect some of our counsel
12 to be joining for parts of the deposition.
13 They're not going have a speaking role, so for
14 just the sake of orderly proceedings, I would
15 like to sort of not necessarily take the time
16 to make a record when we have someone joining,
17 but if you have a different preference, by all
18 means, please let us know.

19 MS. LONG: Yeah. If we could just put on
20 the record he's present, I'm fine with that.
21 Is it --

22 MS. EZIE: So if that's the case, then --

23 MS. LONG: And who they represent?

24 MS. EZIE: Yeah. I'm happy just to put a
25 note in the chat that goes to everyone.

1 Is that sufficient? And it can be
2 incorporated in the Court Reporter's notes.

3 MS. LONG: I'm not sure I follow you.

4 MS. EZIE: Oh.

5 So there is a chat that we all have
6 access to, so I'd be happy to just make an
7 announcement of who has joined in the chat --

8 MS. LONG: Okay.

9 MS. EZIE: -- so we don't interrupt your
10 questions, for instance.

11 MS. LONG: And are you going to put on
12 the record that currently Beth Littrell is
13 present, Aaron Fleisher is present, and
14 Rafaela Uribe is present? I'm sorry if I
15 mispronounced that.

16 MS. EZIE: I'm happy to -- why don't we
17 ask Tammy how she'd like to proceed, since,
18 after all, she is the Court Reporter. And
19 it's Rafaela pronounced RAF-A-EL) Uribe
20 (YOU-RE-BAY).

21 COURT REPORTER: I would like to get who
22 Mr. Rafaela Uribe, or however you say the
23 name, I'm sorry if I'm killing it, who you
24 represent?

25 MS. URIBE: Ms. Ashley Diamond. I'm with

Diamond, Ashley Vs. Smith, Arneika

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1 Center for Constitutional Rights. It's Uribe
2 (pronounced YOU-RE-BAY.)

3 COURT REPORTER: If you could type
4 your -- who you represent, your address, your
5 phone number, and your E-mail in the chat, as
6 the day goes on, I'll jot that down, so I
7 can put you as a present on the -- in the
8 deposition transcript.

9 MS. URIBE: Okay. I'll add that now.

10 COURT REPORTER: And what about Mr.
11 Fleisher (pronounced FLY-SHER) or Fleisher
12 (pronounced FLESH-ER)? Who do you represent?

13 If you could put your information in
14 the --

15 MR. FLEISHER: Good morning. Yeah.

16 Aaron Fleisher with the Southern
17 Poverty Law Center representing Ashley
18 Diamond. I'll put my information in the
19 chat.

20 COURT REPORTER: Thank you. You're
21 E-mail --

22 THE WITNESS: Good morning, Aaron.

23 COURT REPORTER: -- phone number,
24 address.

25 And I'll get all of those

Diamond, Ashley Vs. Smith, Arneika

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1 appearances on the record when I type up the
2 transcript.

3 MS. LONG: And I think you have Ms. Beth
4 Littrell?

5 COURT REPORTER: Yes, ma'am.

6 MS. LONG: Also representing Ms. Diamond.

7 COURT REPORTER: Okay. Thank you.

8 MS. LONG: Okay.

9 BY MS. LONG:

10 Q. Ms. Diamond, my name is Terry long. I'm
11 with the Law Firm of Satcher McGovern --

12 A. Right.

13 Q. -- and as you're probably already aware,
14 I represent Ms. Arneika Smith in this action.

15 A. Yes, ma'am.

16 Q. Have you -- have you ever had a
17 deposition taken before?

18 A. No, ma'am. Not that I recall.

19 Q. Okay. This is my opportunity to ask you
20 questions. Some of the questions will be personal
21 in nature. These are not intended to embarrass
22 you. Both sides will have a opportunity to ask for
23 personal information that might lead to evidence.

24 If, at any time, you need to take a
25 break, you're free to do so. I just ask that you

1 finish answering my question and -- before we take
2 a break, if the question has been made.

3 A. Yes, ma'am.

4 Q. Also, if, at any time, I ask a question,
5 and you don't understand the question, just let me
6 know. I can rephrase it or we'll deal with that
7 issue, but I want you to be sure you understand my
8 question.

9 A. Yes, ma'am. And I want to make sure I
10 understand. So, yes.

11 Q. That's about it.

12 Could you state your full name for the
13 record, please?

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

15 My name is Ashley Alton Diamond.

16 Q. And have you gone ever by any other
17 names?

18 A. No, ma'am.

19 Q. And what is your date of birth?

20 A. It is 4/9/78. April 9th, 1978.

21 Q. And are you currently on any medications?

22 A. Yes, ma'am. I'm on several medications.

23 I'm on two antipsychotics, lithium, Remeron,

24 Trazodone, Abilify, and I take Estrogen and

25 spironolactone and Aspirin.

1 Q. Okay. And are these prescribed by, I
2 assume, people who work at the --

3 A. Yes. The medical providers. Yes, ma'am.

4 Q. Okay.

5 A. They're the providers at the prison.

6 Q. Are you taking anything that would
7 interfere with your ability to understand my
8 questions or participate in this deposition?

9 A. I take medications that tend to make me
10 drowsy, but I think I should be able to follow you,
11 as long as we're -- if I'm able to ask questions
12 and interject, when needed, I think I should be
13 able to follow.

14 Q. Okay. I'm assuming, since you're
15 incarcerated, that you're not under the influence
16 of any alcohol?

17 A. No alcohol or drugs. No, ma'am.

18 Q. Other than those that you already listed?

19 A. Unless it's been prescribed. Yes.

20 Q. Right.

21 Currently, do you have any family that
22 lives in Georgia?

23 A. I do have family in Georgia.

24 Q. And who is that?

25 A. I have a host of uncles and aunts and

1 nieces and nephews, and I have sisters and brothers
2 that reside in Georgia.

3 Q. Let's go through those, if we could.

4 Do you have any parents that live in
5 Georgia?

6 A. My mother lives in Georgia. My father is
7 deceased.

8 Q. Okay. And what is your mother's name?

9 A. My mother's name is Diane Diamond.

10 Q. And what county does she reside in?

11 MS. EZIE: Object to form.

12 THE WITNESS: Floyd County.

13 MS. LONG: I'm sorry?

14 MS. EZIE: Object to form.

15 THE WITNESS: Floyd -- yeah. I don't see
16 the relevance to the question, so I would like
17 to object.

18 MS. LONG: Well, this is my opportunity
19 to ask questions. If there's an objection,
20 your lawyers will make that.

21 THE WITNESS: Okay.

22 BY MS. LONG:

23 Q. And you said you had uncles that reside
24 in the county? I mean in the state?

25 A. I do.

1 Q. Could you list those for us, just first
2 and last name, and you can go ahead and tell me
3 which county they reside in.

4 MS. EZIE: Object to form. You may
5 answer.

6 THE WITNESS: Yes. My -- what was the
7 question again?

8 BY MS. LONG:

9 Q. Your uncles. You said you had uncles in
10 Georgia?

11 A. Yes. I have a Uncle Howard Diamond. I
12 have an Uncle -- well, he's deceased, so --
13 actually, my Uncle Howard Diamond is probably my
14 only living uncle at this time.

15 Q. And what county does he reside in?

16 A. Floyd.

17 Q. And what about -- you said aunts? Do you
18 have aunts living in the -- in Georgia?

19 A. I do.

20 Q. Who is that?

21 A. I have an Aunt --

22 MS. EZIE: Object to form.

23 MS. LONG: I'm sorry. You can go ahead
24 and answer the question. Your lawyer might
25 object, but unless she says not to answer,

1 it's okay to answer the question.

2 THE WITNESS: Okay. It was -- let's see.
3 There's my Aunt Alberta Allen. There is my
4 Aunt Rebecca Diamond.

5 BY MS. LONG:

6 Q. Is that the -- Diamond?

7 A. Diamond.

8 Q. Okay.

9 A. And there is my Aunt Lisa, who lives in
10 Cedartown, Lisa Stallings, and there's my Aunt
11 Mary, Mary Gibson, who lives in Cedartown, Georgia.
12 There is my Aunt Caroline, who lives in Cedartown,
13 Georgia. My Aunt Alberta -- my Aunt Bertha, who
14 lives in Cedartown, Georgia. So I think that's
15 about the gist of my aunts.

16 Q. The first couple of aunts, I don't think
17 you indicated where they -- which county they
18 reside in.

19 A. Oh, I did. I don't think you heard me.

20 Q. I'm sorry?

21 A. I did, but I don't think you heard me. I
22 said that the aunt -- most of them reside -- all of
23 them reside in Polk County --

24 Q. Okay.

25 A. -- except for one, which would be Rebecca

1 Diamond, who resides in Floyd County.

2 Q. Great. Thank you.

3 A. Yes.

4 Q. I'm guessing, then, that you have a lot
5 of cousins that live in Georgia?

6 A. I do.

7 Q. How many cousins do you have over 18?

8 A. I have -- I can't tell you off the top of
9 my head. I don't know that information.

10 Q. Okay. Do you have any spouses that
11 reside in Georgia? Or former spouses?

12 A. I do not.

13 Q. What about children? Do you have any
14 children?

15 A. I do not.

16 Q. Where are you currently incarcerated?

17 A. I'm incarcerated in Garden City, Georgia,
18 in Savannah at Coastal State Prison.

19 Q. And is that where you are right now?

20 A. That is where I'm at right now.

21 Q. Is there anybody else in the room with
22 you?

23 A. There is no one in the room with me at
24 this time.

25 Q. How long have you been at Coastal?

1 A. I've been at Coastal for the duration of
2 my incarceration, which has been about -- I arrived
3 here June 2020, so, let's see. I got here in June
4 2020. It is now -- I've been about a year -- over
5 about a year and a half.

6 Q. Were you incarcerated anywhere before
7 that in Georgia?

8 A. Yes. I was incarcerated at GDCP, which
9 is the Diagnostic Prison in Georgia.

10 Q. That's in Jackson?

11 A. It is.

12 Q. What about any other institutions?

13 A. What do you mean? Have I been in -- I
14 was in the Ford County Jail --

15 Q. Have you been in any prisons --

16 COURT REPORTER: I'm sorry. I'm sorry.
17 You guys are talking at the same time.

18 MS. LONG: Sorry. We'll try to stop
19 that.

20 THE WITNESS: Sorry. My bad. I'm sorry.

21 COURT REPORTER: You asked --

22 THE WITNESS: Okay. I'm sorry. Let you
23 ask the question.

24 COURT REPORTER: You said what other --

25 BY MS. LONG:

1 Q. Have you been at any other state prisons?

2 A. Before? Yes. I've served time before at
3 Macon State Prison. I served time at Baldwin State
4 Prison and at Rutledge State Prison and Augusta
5 State Prison.

6 Q. Is that the medical prison? Augusta? In
7 Augusta?

8 A. I'm assuming. I didn't know a lot about
9 it. I was transferred there under some pretty
10 exigent circumstances, so I don't really know a lot
11 about it.

12 Q. Since you've been serving time this
13 current sentence, you've just been processed at
14 GD -- at Jackson, and, then, transferred to
15 Coastal, and you've been in Coastal since then?

16 MS. EZIE: Object to form.

17 THE WITNESS: That's correct.

18 MS. LONG: Okay.

19 BY MS. LONG:

20 Q. And, prior to that, you indicated you
21 were in a jail.

22 What jail were you in before?

23 A. Floyd County Jail in Rome, Georgia.

24 Q. How long were you there?

25 A. Until the Department of Corrections took

1 custody of me. So I was there for about three
2 months. From October until about December.

3 Q. Is that where you were sentenced for
4 your -- the sentence you're currently serving?

5 A. Yes, ma'am.

6 Q. Floyd County?

7 A. Yes, ma'am.

8 Q. Since you've been in Coastal, what
9 positions have you held? Have you been an orderly
10 or held any similar type of position?

11 MS. EZIE: Object to form.

12 THE WITNESS: I was a outside maintenance
13 worker.

14 BY MS. LONG:

15 Q. When was that?

16 A. Excuse me? I'm sorry.

17 Q. When were you a maintenance worker at
18 Coastal?

19 A. When I first arrived, the Warden gave me
20 a detail doing that. So it would have been, let's
21 see, a little after June, from about July until May
22 of this year.

23 Q. So since 2020, you were on this outside
24 detail?

25 A. M'mm-h'mm.

1 Q. You have to say yes or no.

2 A. Oh, I'm sorry. Yes, ma'am.

3 Q. Have you held any other details at
4 Coastal?

5 A. No, ma'am. Well, yes. I was a inside
6 orderly, as well. A dorm orderly on the inside.

7 Q. And what dorm was that?

8 A. NB.

9 Q. NB. Okay.

10 Can you tell me about B Dorm? Is that a
11 disciplinary dorm? Open dorm? What kind of --

12 MS. EZIE: Object to form.

13 MS. LONG: -- facility is that?

14 THE WITNESS: NB is -- I guess it would
15 be called what -- what would be called an
16 incentive dorm for inmates. It's an inmate
17 ran program, so it's supposed to be the elite
18 of inmates.

19 COURT REPORTER: Is that M, as in Mary?

20 THE WITNESS: Ma'am?

21 COURT REPORTER: Is that MB, as Mary,
22 Brian?

23 THE WITNESS: No, ma'am. It's N, as in
24 Nancy. N, as in Nancy, and B.

25 COURT REPORTER: Thank you.

1 THE WITNESS: You're welcome. M'mm-h'mm.

2 BY MS. LONG:

3 Q. Have you been in B Dorm the whole time
4 that you were incarcerated at Coastal?

5 A. I have. Yes.

6 Q. And is there a certain thing you have to
7 do to get there or is it you just -- you're just
8 assigned? Or do you know how you got there?

9 A. Yeah. I got there just by involuntary
10 placement; but, normally inmates have to sign up
11 for this program. It's a program that you
12 voluntarily have to go into, because it's
13 incentive-based, so you normally have to volunteer
14 to go into it, but I had no choice in the matter.
15 I was forced into the program.

16 Q. What type of incentives do you -- do you
17 get?

18 A. They provide meals. You get incentive
19 meals. You get to -- just a lot of things that
20 regular inmates wouldn't be able to do, you're
21 allowed to do. Maybe stay up a little later. You
22 know, maybe have access to programming that others
23 may not have access to.

24 Q. Very good.

25 What is your current sentence that you're

1 serving?

2 A. Well, I'm serving a -- I signed a
3 sentence for a six-month waiver for a revocation
4 for a violation of parole for seeking medical
5 attention and having to leave the state.

6 They cited me for failure to report. I
7 was sentenced to a six-month waiver, which would
8 mean I would re-enter into the custody of the
9 department for six months. After I re-entered into
10 the custody of the department after the six-month
11 period, the Board would then review me again. If
12 there were no disciplinary issues, then I would be
13 released again back into the conditions of parole.

14 Q. Okay. What is your sentence, though?
15 The initial sentence time to serve?

16 A. The initial sentence that I was
17 serving -- the original sentence was 12 years.
18 It's a 12-year sentence.

19 Q. 12 years to serve?

20 A. Yes, ma'am.

21 Q. And when was that entered?

22 A. 2009. Wait. Let me make sure. It was
23 2000 -- 2012. 2012.

24 Q. Is there any probation to follow the time
25 to serve?

1 A. No. There's no probation. I will be
2 completely finished after this.

3 Q. Do you currently have a TPM?

4 A. I currently do not have a TPM.

5 Q. And, for the record, that's tentative
6 parole month?

7 A. Yes, ma'am. It is.

8 Q. Okay. You -- so you came into the system
9 about 2012?

10 A. Ms. Terry, wait. Let me correct you.
11 Ms. Terry, let me correct you.

12 Q. Yes.

13 A. Yesterday, we received a letter. I
14 haven't received the letter, it's not come into my
15 hands, but I have knowledge of it, a letter
16 acknowledging from the Board that they have decided
17 to tentatively parole me in August, so let me
18 change that. I did -- I forgot that information.
19 That just came last night.

20 Q. So you have a TPM of August --

21 A. Something --

22 Q. -- but you haven't been formally --

23 A. Right. I have not been formally, because
24 the letter has to come from the Board into my
25 hands; and, unfortunately, because the prison is so

1 understaffed, that it's just lost in limbo.

2 Q. How do you know about it?

3 A. Because they went into the Scribe. My
4 counselor, who is, you know, the authority figure
5 that I go to for any information, can look into the
6 Scribe, and she can see that information.

7 Q. Well, congratulations on that.

8 A. I hope.

9 Q. Okay. So, going back, you came into the
10 system in 2012, you said?

11 A. Yes, ma'am. That's my first time.

12 Q. And you were processed at GDC, I am
13 assuming? Jackson?

14 A. Yes, ma'am.

15 Q. In Jackson?

16 A. Yes, ma'am.

17 Q. All right. And what prison did you first
18 go to?

19 A. The first go-round in 2012? Is that --

20 Q. Yes.

21 A. Okay. The first prison I went to in 2012
22 was GDCP, and, then, they assigned me to Macon
23 State Prison.

24 Q. And how long were you at Macon?

25 A. Oh, not long at all.

1 Q. Where did you go?

2 A. I was brutally gang raped and beaten
3 there, so like my memories of that -- I know I
4 wasn't there 30 days. I know it wasn't in -- even
5 30 days.

6 Q. Where did you go after Macon?

7 MS. EZIE: Object to form.

8 THE WITNESS: After Macon, they -- after
9 I went to Macon, they assigned me to Baldwin
10 State Prison, which was a mental health
11 facility.

12 BY MS. LONG:

13 Q. And how long were you there?

14 A. I was at Baldwin for, to the best of my
15 knowledge, maybe a year and a half, maybe.

16 Q. Where did you go after that?

17 A. I went to Rutledge after -- actually, I
18 went to Valdosta State Prison. Actually, no. I
19 went to GSP. You'll have to bear with me, because
20 there were a lot of prisons that I've been sent to,
21 and my memory, unfortunately, because of everything
22 that's happening and everything, it's kind of -- so
23 bear with me, as I take you through my journey
24 through the prison system, but --

25 (Someone came into the room with

1 witness.)

2 THE WITNESS: Thank you. Oh, yes. Hold
3 on, doll.

4 UNIDENTIFIED PERSON: Just checking.

5 THE WITNESS: Thank you. I needed that.

6 UNIDENTIFIED PERSON: You're welcome.

7 THE WITNESS: Thank you so much.

8 So I was assigned -- let me take you
9 on the journey. I was assigned to GDCP, who
10 assigned me to Macon State. I was sexually
11 assaulted at Macon State. I was sent to
12 Baldwin State Prison. Baldwin State Prison, I
13 was sexually assaulted and sent to -- from
14 Baldwin State Prison, they sent me to Rutledge
15 State Prison, which was a better choice. I
16 was at Rutledge State Prison for a short
17 while, and I was sent to Valdosta State
18 Prison. While I was at Valdosta State
19 Prison for a while, I was sent back to Baldwin
20 State Prison and, then, I went from Baldwin
21 State Prison to Augusta State Prison, and from
22 Augusta State Prison, home.

23 BY MS. LONG:

24 Q. You were paroled from Augusta?

25 A. Yes, ma'am.

1 Q. And what happened to -- in Augusta? Why
2 were you sent to Augusta? Was there a medical
3 reason?

4 MS. EZIE: Object to the form.

5 THE WITNESS: I -- you know, GDC made
6 those choices. The department made all of
7 those choices when it came to moving me. I
8 had no say so in anything.

9 MS. LONG: Did you just --

10 THE WITNESS: So I can't tell you.

11 BY MS. LONG:

12 Q. Did you receive any type of treatment
13 when you were in Augusta?

14 A. No. I was thrown in solitary for 30
15 days, until I went home.

16 Q. Okay. How long were you out before the
17 parole revocation?

18 A. Almost -- I would say a good four years,
19 five years, almost.

20 Q. And you alluded to a little bit, but
21 could you tell me a little more detail? Why was
22 your parole revoked?

23 A. My parole was revoked on a vio --
24 technical violation for leaving the state.

25 Q. And why did you leave the state?

1 A. To seek medical treatment at a trans
2 exclusive facility provider.

3 Q. What was the name of that provider?

4 A. Inspire.

5 Q. What type of treatment --

6 A. Of which it --

7 Q. I'm sorry. Go ahead.

8 A. It was mental health treatment.

9 Q. Was it a residential program or --

10 A. It was. It was both.

11 Q. -- outpatient --

12 A. It was both. It was both. It was a
13 residential. It was all inclusive, so it was
14 housing and treatment. So, yeah. It was both.

15 Q. How did you get assigned to that
16 treatment program?

17 A. How did I get assigned to that pro -- I
18 wasn't assigned to the program. I was -- it was
19 just an option for help. We were looking for
20 places that would be --

21 Q. What was the --

22 A. -- attentive to the needs of a
23 transgender woman, you know, as far as medically
24 and stuff. I lived in -- Rome is a very small
25 town, and it's very -- you know, they don't have a

1 lot of trans healthcare providers or people who are
2 even knowledgeable of, you know, gender dysphoria,
3 so --

4 Q. Was this a mental health treatment
5 facility?

6 A. Yes, it was.

7 Q. And how long were you there?

8 A. A month. Two months.

9 Q. And I apologize if you said this, but
10 where, exactly, was it located?

11 A. West Palm Beach, Florida.

12 Q. And the name was Inspire?

13 A. Yes, ma'am.

14 Q. Is there a more detailed name or is that
15 just the --

16 A. No. That is the name.

17 Q. Okay. Is the facility -- does it treat
18 specifically transgenders or does it have a
19 variety --

20 A. LGBT houses --

21 MS. EZIE: Object to form.

22 THE WITNESS: It houses LGBTQ offenders.

23 It is exclusively for LGBT people.

24 MS. LONG: I see.

25 THE WITNESS: M'mm-h'mm.

1 BY MS. LONG:

2 Q. Were there any other grounds for your
3 parole revocation, that you know of?

4 A. No.

5 Q. And this was failure to report?

6 A. M'mm-h'mm.

7 Q. You'll have to -- I'm sorry.

8 A. Yes, ma'am.

9 Q. For the Court Reporter.

10 A. Yes, Ms. Terry. Yes, it was failure to
11 report.

12 Q. Okay. Now, since you've been in prison
13 the second term, if you will, since your
14 revocation, have you had any disciplinary reports
15 issued against you?

16 A. I have.

17 MS. EZIE: Object to form.

18 THE WITNESS: Yes, ma'am.

19 BY MS. LONG:

20 Q. What was the -- what is the most recent
21 disciplinary action taken against you? Do you
22 know?

23 A. Insubordination.

24 Q. And when was that?

25 A. Two weeks ago.

1 Q. Can you describe for me how that event
2 happened?

3 A. I absolutely can. I was on a lawyer
4 call. I was attending a lawyer call, and the staff
5 was very, very close, as they always are during my
6 lawyer calls. I very rarely get any privacy.
7 She -- they were having court next door, so it's
8 very, very loud, so I couldn't hear my call, so I'm
9 speaking very loud in another room, so we're
10 both -- you got competing sounds. So she opens the
11 door, and she tells me shut up and to be quiet, and
12 I said, well, ma'am, I can't hear, because this is
13 going on over here, and this is going on over here.
14 Can you move me? She says, no, I'm not going to
15 move, and I said, ma'am, I can't be quiet, so she
16 left the room, and when she left the room, I told
17 my lawyers, I said, this bitch is listening to my
18 conversations. She heard the conversation, and she
19 wrote a DR based on that, because she was listening
20 to the conversation.

21 Q. And what happened to you as a result of
22 that disciplinary?

23 A. It's hard for me -- I don't -- it's hard
24 to tell, at this moment, but it is a strike against
25 my parole. It is something that will keep me here.

1 Q. Were you put in solitary or changed your
2 assignments as --

3 A. Nope. I didn't even know I was going --

4 MS. EZIE: Object to form.

5 THE WITNESS: Nope. I didn't even know
6 that I was going to get a DR. The DR didn't
7 arrive until later that night.

8 COURT REPORTER: Ms. Diamond, if you
9 could wait for the attorney to finish, because
10 when you start answering, it mutes out the end
11 of her question.

12 THE WITNESS: I'm sorry, Ms. Gardner.

13 COURT REPORTER: That's okay.

14 MS. EZIE: I was going to make the same
15 request. Sometimes I have an objection, so if
16 you can just -- there might be a little bit of
17 a delay, but if we could just have a second
18 pause, so I can get my objections in, too.

19 THE WITNESS: Got you.

20 BY MS. LONG:

21 Q. Before this DR, what's the next one you
22 recall having?

23 A. It's hard to recall, there's so many.
24 I've never had this many DR's in my life, so --
25 it's really hard to recall. They're very --

1 there's a lot of them, and they range from
2 everything from pencils to insubordination to
3 accusing me of having cellular devices and
4 everything, so, I mean, there's so many.

5 Q. How many would you estimate you've had at
6 Coastal?

7 A. 30, at least.

8 Q. Before you were at Coastal, and during
9 your prior incarceration before the first parole,
10 did you have disciplinary actions at that time?

11 A. No.

12 Q. None at all?

13 MS. EZIE: Object to --

14 THE WITNESS: Not that I can recall.

15 COURT REPORTER: Did you say object to
16 form?

17 THE WITNESS: Not that I can recall.

18 MS. EZIE: I did, yes.

19 It's not clear what time period
20 you're referring to Ms. Long.

21 THE WITNESS: Yeah. That's what I --

22 MS. LONG: Well, I'll clarify. I
23 thought -- it seemed like you understood,
24 but --

25 BY MS. LONG:

1 Q. Since 2012, until the time of your
2 parole, do you recall any -- any disciplinary
3 reports?

4 A. Not offhand, I don't. I only recall --

5 Q. Did you --

6 A. I only recall becoming a so-called
7 disciplinary problem since I arrived at Coastal and
8 starting litigation. I never had a history of DR's
9 or problems. I was never a problematic person,
10 so -- that's all I can tell you, as far as that
11 goes.

12 Q. All right. Now, since you've been at
13 Coastal, have you filed grievances?

14 A. I have filed several.

15 Q. Could you walk me through those that you
16 recall?

17 A. The ones that I can recall, I will walk
18 you through. I filed one, I know, for treatment
19 for gender dysphoria. I filed one, I know, to
20 request to be transferred to a female facility,
21 because I'm a woman. I filed one in regards to
22 retaliation.

23 Q. Okay. Let's go back.

24 The first one, could you tell me the
25 circumstances regarding the first grievance you

1 filed?

2 A. Yes. I wasn't getting treatment for my
3 gender dysphoria.

4 Q. And when was this?

5 A. I can't recall, off the top of my head,
6 but it would have been at the beginning of my
7 incarceration.

8 Q. The beginning of your incarceration at
9 Coastal or --

10 A. The beginning of my new incarceration in
11 2015 for this charge.

12 COURT REPORTER: For discharge, you said?

13 THE WITNESS: Yes. For this.

14 COURT REPORTER: Okay.

15 THE WITNESS: Yes, ma'am.

16 COURT REPORTER: I got it. Thank you.

17 THE WITNESS: This offense.

18 BY MS. LONG:

19 Q. What about the retaliation grievance?
20 Can you tell me about that one?

21 A. Yeah. I filed a grievance about
22 retaliation, because there's a lot of it going on.
23 Unfortunately, since this litigation has begun,
24 I've been targeted throughout the institution and
25 with administration for various reasons. Things

1 that offenders would never get in trouble for
2 normally, I'm targeted for. Things that, you know,
3 the average person would do.

4 Like we're in a -- as I explained to you
5 earlier, that we're in a faith and character-based
6 dorm. The inmate ran program, where we are allowed
7 to have scissors and things, where other inmates
8 are not allowed to.

9 For instance, I was given a DR for
10 possession of scissors. Safety scissors. When
11 that is what we're allowed to have in the
12 dormitory, and we're allowed to possess them.

13 Q. Okay. Going back to the -- I'm sorry.

14 The grievance you filed, who was it filed
15 against?

16 A. The staff at Coastal. It was filed by
17 Mr. Penton, then it was returned, but I have it.
18 M'mm-h'mm.

19 Q. There was one other that you mentioned.
20 A grievance that you filed.

21 A. M'mm-h'mm.

22 Q. I can't remember which one you -- what
23 you said.

24 Do you recall you said there were
25 three --

1 A. Oh, to be transferred to a female
2 facility. Yes. Yes.

3 Q. Right. I'm sorry.

4 A. Yes.

5 Q. When did you file that?

6 A. I can't tell you, off the top of my head.
7 I don't know.

8 Q. Was it when you first started at Coastal?

9 A. It would have had to be at the beginning
10 of my incarceration. If it was a concern about my
11 housing, it would have had to be at the beginning.

12 Q. Do you recall any other grievances that
13 you filed against staff members?

14 MS. EZIE: Object to form.

15 THE WITNESS: Off the top of my head, I
16 cannot.

17 BY MS. LONG:

18 Q. Have you filed a grievance against Ms.
19 Arneika Smith?

20 A. I have not.

21 Q. Okay. Any other dis -- I'm sorry. Any
22 other grievances that stick out in your mind that
23 you filed, that you recall?

24 A. Not at this time.

25 Q. Okay. What about -- tell me about --

1 what is a P-R-E-A's grievance.

2 Is that a grievance or a complaint?

3 A. Excuse me. I didn't hear you. A what?

4 Q. A P-R-E-A?

5 A. That is a PREA. Prison rape.

6 Q. PREA.

7 A. Those initials are for Prison Rape

8 Elimination Act.

9 Q. Is that something that is started or is
10 it -- let me rephrase the question.

11 Does that generally come from an inmate?
12 Like a grievance?

13 A. Yes. PREA -- the PREA -- PREA started in
14 2003 from Bush, and it was to implement a way for
15 inmates to have a way to eliminate sexual
16 misconduct, what not. So PREA was a way that we
17 could report it to staff members.

18 Q. And have you filed any PREA's since
19 you've been at Coastal?

20 A. I have. Several.

21 Q. When was the first time you filed a PREA?

22 A. My first time -- at Coastal? Or my first
23 time filing at --

24 Q. At Coastal?

25 A. -- a PREA, ever? Okay.

1 Q. At Coastal?

2 A. My first time filing a PREA at Coastal?
3 I can't tell you, off the top of my head, but it
4 was early on. I would say it would probably be
5 around July. It was very early on when I arrived
6 here. June, July.

7 Q. I've lost connection.

8 A. Oh-oh.

9 COURT REPORTER: Who said that?

10 THE WITNESS: Can y'all hear me? I think
11 Ms. Terry lost connection.

12 MS. EZIE: I can hear both of you just
13 fine.

14 THE WITNESS: Chinyere, can you hear me?

15 MS. LONG: Can y'all hear me? I think I
16 lost connection.

17 MS. EZIE: I can hear Ms. Long. I can
18 hear Ms. Diamond. No problem.

19 MS. LONG: Hello? Can you hear me?

20 COURT REPORTER: Yes, ma'am.

21 MS. EZIE: Yes, we can hear you. If you
22 can't hear us, you might need to reconnect.

23 MS. LONG: Hello? Can you hear me?

24 THE WITNESS: Yes, I can hear you, Ms.
25 Terry.

1 MS. LONG: I can't hear y'all.

2 THE WITNESS: Oh, no.

3 MS. LONG: No. I can't hear.

4 THE WITNESS: Sorry.

5 MS. LONG: Let me -- hold on.

6 Can you hear -- can you see --

7 MS. EZIE; I think that's --

8 MS. LONG: Okay. Now, I can hear you.

9 MS. EZIE: You can hear us? Okay.

10 MS. LONG: Yeah. Sorry. I think I lost
11 connection for a second there. All right. I
12 apologize, Ms. Diamond.

13 THE WITNESS: That's fine.

14 BY MS. LONG:

15 Q. I think we were talking about the first
16 PREA that you filed. Tell me about that, at
17 Coastal. The first one that you filed at Coastal.
18 Can you tell me about that?

19 A. Are you referring to the incident in July
20 where the offender ran into my cell and pulled down
21 my pants --

22 Q. Yes.

23 A. -- and forcibly tried to rape me?

24 Q. Yes.

25 When was that?

1 A. That would have been July. Around July
2 3rd or 4th.

3 Q. Did the complaint -- was it against any
4 officers or was it just about the incident?

5 MS. EZIE: Object to form.

6 BY MS. LONG:

7 Q. In other words, did you just -- did you
8 feel like any officer did something wrong?

9 A. When I filed the complaint at Coastal did
10 I feel like an officer did something wrong?

11 Q. Yes. Yes.

12 A. No. That was an inmate. I filed a
13 complaint against an inmate.

14 Q. Okay.

15 A. A PREA against an inmate.

16 Q. You indicated you filed several.

17 When was the next one that you recall
18 filing?

19 A. Because there were -- I filed several at
20 GDCP. I filed a PREA at GDCP --

21 Q. Okay.

22 A. -- and, then, I filed one when I got here
23 at Coastal. Every time an incident happened that
24 was sexually violating, or something like that, I
25 always tried to make note of it.

1 Q. Okay. I'm trying to go through those.

2 As best you can recall, when was the next
3 PREA that you filed at Coastal?

4 MS. EZIE: Terry, I'm just trying to
5 understand. You know this case has been
6 severed, and, right now, our complaint against
7 Ms. Smith is confined to GDCP, right? There's
8 no --

9 MS. LONG: Right.

10 MS. EZIE: -- allegations against Arneika
11 Smith concerning Coastal.

12 Is there a reason why we're
13 focusing on Coastal?

14 MS. LONG: I'm focusing on his entire
15 incarceration.

16 MS. EZIE: You mean her entire --

17 THE WITNESS: Her entire incarceration.

18 MS. LONG: I'm sorry.

19 THE WITNESS: Her. It's okay.

20 MS. LONG: Sorry. I apologize. That may
21 happen from time to time. Not inten --

22 THE WITNESS: It happens. I'm used to
23 it.

24 MS. LONG: I don't mean any disrespect.

25 THE WITNESS: I know you don't.

1 BY MS. LONG:

2 Q. Were -- yeah.

3 When was the next time that you filed a
4 PREA at Coastal?

5 A. I guess the next time I was sexually
6 assaulted, so -- that would have been July. I
7 mean, July or maybe in August. I'm not so sure.
8 It's been so many of them that have had to be
9 filed, that it's very hard to sit here and
10 recollect which is which and which was filed,
11 because there's been so many.

12 Q. That's okay. Just to the best of your
13 recollection, what you can remember --

14 A. Okay.

15 Q. -- is fine.

16 A. I filed several PREA's after that, and
17 they were all based on being sexually violated or
18 being touched by another offender. They were all
19 at Coastal. They were all pertaining to offenders.
20 I filed one PREA against a staff member for what I
21 believed was his voyeurism, but that was rejected,
22 but, other than that --

23 Q. Who was that?

24 A. That staff member --

25 Q. I'm sorry.

1 A. -- was Mitchell. Sergeant Mitchell. He
2 was the STD Sergeant, who also manipulated my
3 records to indicate that I was a PREA aggressor and
4 all of those things that have now been removed,
5 thank God.

6 Q. Do you recall any other PREA that
7 involved an officer?

8 A. At?

9 Q. At Coastal?

10 A. Coastal? No.

11 Q. Yes.

12 A. I filed -- yes, I did. I take that back.
13 There were several, where I would undress in front
14 of men. Where men would have me undress. I felt
15 very uncomfortable and very violated by that.

16 Again, GDC says that that one did not
17 meet the criteria for a PREA, but I did file PREA's
18 concerning being strip searched in front of male
19 officers, only.

20 Q. Do you recall who you -- in particular --

21 A. Yes.

22 Q. -- which staff you were complaining
23 about?

24 A. One of them was --

25 COURT REPORTER: I'm sorry. Ms. Diamond,

1 you need to let the attorney finish the
2 question, please.

3 THE WITNESS: I'm so sorry. I keep
4 forgetting. I'm so sorry.

5 Go ahead, Ms. Terry.

6 MS. LONG: Yeah.

7 BY MS. LONG:

8 Q. I think you were explaining which
9 officers you were naming in these PREA actions at
10 Coastal --

11 A. Yes.

12 Q. -- about undressing.

13 A. M'mm-h'mm. Well, Lieutenant Goodell was
14 one, and --

15 Q. Do you recall anybody else?

16 A. Two male officers. One Officer Gordon
17 and one Officer -- I can't remember his name off
18 the top of my head.

19 Q. Are there any other officers that you
20 recall filing anything at Coastal regarding their
21 conduct with you?

22 A. No. Not sexually.

23 Q. And you said you filed how many PREA's at
24 Coastal?

25 A. Quite a few. Quite a --

1 Q. Would it be more than ten?

2 A. I would say at least -- I would say at
3 least five. At least.

4 Q. Okay. You said -- indicated your first
5 PREA at Coastal involved sexual misconduct by an
6 inmate.

7 A. M'mm-h'mm.

8 Q. Did any --

9 A. Yes.

10 Q. Walk me through -- has there been any
11 other -- sexual misconduct by inmates. Could you
12 tell me what that was involving?

13 MS. EZIE: Object to form. I'm going to
14 object to this whole line of questioning.
15 It's not pertinent to the claims against Ms.
16 Smith. It is, you know, private. It's
17 harassing, at this point, to make Ms. Diamond
18 relive her sexual assault to detail, to what
19 end? Please don't make me involve the court
20 this early in the morning, Ms. Long.

21 MS. LONG: I'm happy for you to call the
22 court, if // *54 you'dd like to.

23 MS. EZIE: Do you want to explain to me
24 how would a case that's severed that has any
25 relevance to the claims against Ms. Smith?

1 MS. LONG: This is discovery. Her claims
2 are involving sexual misconduct by my client.

3 MS. EZIE: Who is not an officer of
4 Coastal State Prison. Who's not an inmate who
5 assaulted Ms. Diamond at Coastal State Prison.

6 So, again, why are you making Ms.
7 Diamond relive her sexual assaults at 10:13 in
8 the morning in a case that's subject to a
9 Severance Order?

10 MS. LONG: I don't think I have to
11 explain that. This is discovery, and, yes,
12 there are going to be personal questions,
13 which I'm sure you're going to be answering --
14 asking my question -- my client personal
15 questions.

16 MS. EZIE: Not without any articulable
17 theory of relevance.

18 MS. LONG: I don't have to explain that.

19 Would you like to proceed or would
20 you like to call the court?

21 MS. EZIE: I have a standing objection to
22 this entire line of questions, that's
23 harassing, intrusive, and annoying.

24 MS. LONG: Okay. Objection is noted.

25 BY MS. LONG:

1 Q. Okay. Going back -- sorry. I kind of
2 lost my train of thought there.

3 Regarding the PREA's, I understand the
4 first PREA that you recall dealt with an inmate
5 that was assaultive in nature.

6 Could you describe for us other incidents
7 at Coastal where you filed a PREA?

8 (Reporter loses her Zoom connection.)

9 MS. LONG: Can you let us know where you
10 last -- where you dropped off?

11 COURT REPORTER: Yes, ma'am.

12 (Reporter reads back last question.)

13 MS. LONG: Okay. We'll just start from
14 there.

15 THE WITNESS: Okay.

16 MS. LONG: And I apologize for having to
17 repeat it, but because we didn't have a
18 Court Reporter, we need to go back just a bit.

19 BY MS. LONG:

20 Q. I was trying to get a -- just a general
21 description of the nature of the PREA's filed. You
22 indicated the first one was an inmate that involved
23 a sexual assault.

24 Do you recall that inmate's name?

25 MS. EZIE: I'm going to object to form,

1 once again, for this entire line of questions.
2 I'm also objecting on grounds that it is
3 harassing, annoying, and calculated to
4 embarrass my client.

5 MS. LONG: The objection's note.

6 BY MS. LONG:

7 Q. Do you recall the inmate's name on the
8 first PREA?

9 A. No, I do not. And because of
10 gang-related reasons and because of safety reasons,
11 I don't feel comfortable discussing those names
12 without authorities being present, because I'm in
13 an environment that is very dangerous, and because
14 my Defendants are so recklessly cavalierly reckless
15 with everything, I have to be very careful, and so,
16 if there's not an order from a judge or if there's
17 not someone to mediate with this information, I
18 have to be careful, because this information can be
19 redistributed and could end up causing me harm from
20 other inmates, and, yes, staff, too.

21 Q. When you filled out the PREA, did you
22 identify who the inmate was?

23 A. No. I didn't know him.

24 Q. Okay. Tell me the next incident where
25 you remember the PREA being filed.

1 MS. EZIE: Object.

2 THE WITNESS: I can't remember. It's
3 been so many. I'm touched so much throughout
4 the day. So many things happen so often. We
5 just filed a PREA, I'm sure your office is
6 aware of, we just filed one last week, where a
7 gentleman just ran into the dorm and attacked
8 me. These things happen so often and so
9 widespread, that it is very unfortunately and
10 it's quite sad that I have to sit here and say
11 this, that's it's unfortunate that I can't
12 keep up.

13 BY MS. LONG:

14 Q. Has any of the incidents or the
15 collection of incidents caused you to have any
16 physical trauma?

17 A. Yes. I have nightmares --

18 MS. EZIE: Object to form.

19 THE WITNESS: -- all the time.

20 BY MS. LONG:

21 Q. I'm sorry. You have nightmares.

22 Any -- any other, m'mm --

23 A. There's been physical manifestations of
24 suicide. There have been -- just a lots of bouts
25 of self-harm. Self-doubt. Low self-worth. Low

1 self-esteem. When you -- someone who's been
2 victimized, and when you've been as victimized as
3 many times, unfortunately, as I have, those
4 subjects are difficult.

5 So I'm just trying to answer your
6 questions as best as I can, as honestly as I can,
7 and as thoroughly as I can, so you'll just have to
8 bear with me if I can't give you every single
9 detail of every PREA, but I will --

10 Q. That's --

11 A. -- do my best.

12 Q. That's great. That's all we're asking,
13 is that you state what you do recall.

14 Let's take a step backwards, when you
15 first came into the system after your parole
16 revocation.

17 Did you have -- you were at GDCP,
18 correct?

19 A. Yes, ma'am.

20 Q. Did you file any grievances at GDCP?

21 A. I think I -- I did.

22 Q. Tell me what you recall, as far as filing
23 grievances.

24 A. Well, I definitely recalled being
25 concerned with my placement. Then I filed a

1 grievance about, I think, about in references to my
2 placement. I think I filed a grievance about that.

3 Q. And what about -- what about your
4 placement were you not happy with?

5 A. Well, first of all, after the first
6 go-round, I think it was established that level
7 five prisons are not ideal places for transgender
8 women. I think the fact that I was not being cared
9 for properly, as far as being a transgender woman,
10 as was stated and declared, in the first case, that
11 I would come in, and I would get my treatment, as I
12 was receiving it on the street, that I would have
13 the same -- you know, that I would come in and be
14 able to get that; but, again, all those were
15 falsehoods. Immediately, once I arrived back in
16 here, I saw that things were not going the way they
17 were supposed to.

18 Q. Do you recall filing a grievance against
19 a particular officer at GDCP?

20 MS. EZIE: Object to form.

21 THE WITNESS: I don't recall.

22 BY MS. LONG:

23 Q. So you filed a grievance about your
24 placement before you were assigned a placement?

25 I'm not clear on that.

1 A. Because -- well, I wanted to be in a
2 women's facility, and everyone that I met was
3 saying that that wasn't going to happen. I was
4 flat out told that by GDC officials, many times,
5 that that was wasn't going to happen. I did a PREA
6 interview, an initial interview with Grace
7 Atchison, where we had discussed that. I think you
8 were in court when that was played, so --

9 Q. All right. Just to clarify, I represent
10 Arneika Smith, and I have not been involved in a
11 lot of the proceedings in your other case.

12 A. Oh, I was saying -- cause I remember you
13 being in the courtroom, is what I was saying, cause
14 I remember you being there, and I remember,
15 clearly, us playing the video or the recording,
16 and -- but I know we want to get it for the record.

17 Q. Okay. What about disciplinary reports
18 while you were at GDCP? Did you receive a
19 disciplin --

20 A. There wasn't --

21 Q. No?

22 COURT REPORTER: I'm sorry.

23 THE WITNESS: I'm sorry. I'm sorry. I
24 forgot, Ms. Gardner. Please bear with me.
25 Yeah.

1 What was the question, Ms. Terry?

2 MS. LONG: I think you answered it
3 already, but it was just --

4 THE WITNESS: Okay.

5 MS. LONG: -- regarding any
6 disciplinaries that --

7 THE WITNESS: Right. I didn't have any.

8 MS. LONG: -- you received at GDC.

9 THE WITNESS: No, ma'am. I didn't have
10 any. I'm not a disciplinary problem.

11 MS. LONG: Okay.

12 BY MS. LONG:

13 Q. And you don't recall filing any
14 grievances against any officers or officials?

15 A. Not that --

16 MS. EZIE: Object to form.

17 Just a reminder. Give me a second
18 or two to get my objections out there.

19 MS. LONG: Yeah. And my questions. I
20 think I got an objection and a answer before
21 I finished the question.

22 COURT REPORTER: I didn't get the
23 answer.

24 MS. LONG: Okay.

25 MS. EZIE: I don't think she said it yet.

1 COURT REPORTER: Okay.

2 MS. EZIE: Let's try that again.

3 MS. LONG: Yeah.

4 BY MS. LONG:

5 Q. It's just that -- kind of recapping, you
6 don't recall filing any grievances against any
7 officers, other than what you've already described?

8 MS. EZIE: Object to form.

9 THE WITNESS: Yes.

10 BY MS. LONG:

11 Q. And, to clarify, that's at GDCP?

12 A. Correct.

13 Q. The first time? I mean, I'm sorry, the
14 second time.

15 Okay. What about filing a PREA at GDCP?
16 Do you recall filing any type of PREA complaint?

17 A. I did.

18 Q. Okay. Tell me about the first one you
19 filed there at GDCP?

20 A. Yes. That would have been against your
21 client. Well, no. That would have been against
22 Nurse Lucas.

23 Q. Okay. And, again, we're referring to
24 your second time being incarcerated after your
25 parole --

1 A. And, then --

2 Q. -- revocation at --

3 A. Correct.

4 Q. -- GDCP.

5 A. Correct. And that's why I said Nurse
6 Lucas.

7 Q. Okay. Tell me about that one. What was
8 your --

9 A. What would you like to know?

10 Q. -- complaint? What was your complaint?

11 A. Yes. Well, the nurse grabbed my breast
12 in a non-medical environment, during a
13 non-examination, and asked me were they real.

14 Q. Were you -- well, let me ask you. Where
15 were you when this happened?

16 A. I was standing at the nurse's station at
17 GDCP.

18 Q. And why were you at the nurse's station?

19 A. I was working with the Sergeant on a
20 special detail for the Warden to clean up. It was
21 during COVID, and I was an orderly.

22 Q. Did anything else happen during this
23 incident?

24 A. I mean -- what do you mean?

25 Q. Well, you sa -- you indicated that Nurse

1 Lucas grabbed your breast.

2 A. M'mm-h'mm.

3 Q. I don't want to put words in your mouth,
4 but -- did anything else happen?

5 A. She asked me if they were real.

6 Q. And what did you do in response to this?

7 A. I told her yes. There were no Charmin in
8 my chest.

9 Q. Okay. And what was the result of that
10 PREA? Do you remember? Was there a finding?

11 A. Oh, I do remember quite well. I remember
12 the stream of retaliation that came about it. I
13 remember the stream of officers that came in my
14 face. Oh, I remember quite well. Yes. It was
15 very bad. It was ugly. Very ugly.

16 Q. Can you -- do you recall any specifics
17 about the retaliation?

18 A. Oh, yes. Yes. I remember the Sergeant
19 who was there coming up to me, who told me, you
20 know, that I should lighten up, it wasn't that big
21 of a deal, that the lady didn't hurt me, and that
22 she didn't want to be a part of my shit. She
23 threatened me in front of everybody. That was just
24 one.

25 There were many officers who were

1 offended or upset by this, because their friendship
2 in connection with her, so I was talked about
3 almost immediately. There was video of this
4 incident that was passed around throughout the
5 institution. Officers were coming up to me telling
6 me that they saw it, and they saw her just touch my
7 breast, and that I should let it go and it wasn't a
8 big deal --

9 Q. Okay.

10 A. -- and that she didn't hurt me.

11 Q. Any other form of retaliation that you
12 recall?

13 A. Yes. I remember having my details
14 snatched away from me. I remember having my cell
15 ransacked and all of my soap and toiletries and
16 food taken. I remember being restricted to the
17 dormitory, and I remember exclusively being
18 threatened with lockdown on more than one occasion.

19 Q. Did Arneika Smith retaliate against you
20 in any way that you --

21 A. Yes.

22 Q. -- recall?

23 A. Yes.

24 Q. What did she do?

25 A. She went throughout the prison

1 politicking about me. Saying bad things about me.

2 Q. And, just to clarify, I'm talking about
3 the Nur -- the nurse incident that you --

4 A. Okay.

5 Q. -- filed a PREA.

6 A. Okay.

7 Q. Not in general.

8 A. Well --

9 Q. Was she --

10 A. -- it became fodder. Let me put it that
11 way, Ms. Terry. Once the PREA was filed, it became
12 fodder, so everybody discussed it, including your
13 client. Everybody.

14 Q. Okay. And when you say she discussed it,
15 what -- were you present when she discussed it?

16 A. No. It was just told to me.

17 Q. And who told you?

18 A. Other officers.

19 Q. Do you recall anybody, in particular?

20 A. Not that I -- no. That I want to
21 mention.

22 Q. So you know who the officers are, but you
23 just don't want to say their names?

24 A. No. It's ju -- I didn't say I didn't
25 want to say their names. I just didn't want to --

1 Ms. Macomber. She would know about it. She talked
2 to me about it.

3 Q. She talked to you about Ms. Arneika
4 Smith?

5 A. M'mm-h'mm. About the Nurse Lucas
6 incident. We're on the Nurse Lucas incident.

7 Q. Right. I understand you to say that Ms.
8 Smith, Arneika Smith, was talking about the Nurse
9 Lucas incident, and I'm trying to understand --

10 A. I think I mis --

11 Q. -- how you know that.

12 A. I think I misspoke. I think I misspoke.

13 Q. Okay.

14 A. Let's correct that.

15 Q. Okay.

16 A. So I think it was Arn -- I think it was
17 the officers that I talked about, Ms. Macomber and
18 Nurse Lucas, that the ones that were discussing it
19 throughout the prison.

20 Q. Okay. Just to clarify, you don't have
21 any knowledge that Arneika Smith was talking about
22 the Nurse Lucas incident?

23 A. I heard just rumors.

24 Q. I'm sorry. I --

25 A. No. Just rumors.

1 Q. Okay. Was any other form of retaliation
2 taken against you? Such as lockdown or anything
3 was taken away from you, as far as privileges?
4 Anything of that nature?

5 A. Yes.

6 MS. EZIE: Object to form.

7 BY MS. LONG:

8 Q. Could you describe for me what was --
9 what was done?

10 A. Yes. My cell was ransacked, again.
11 Toiletries were taken. Food was taken. I was
12 partially fired from my detail.

13 Q. Okay.

14 A. I would leave --

15 Q. And I apologize. You did mention that
16 before.

17 Who was involved in ransacking your cell?

18 A. The Warden. Warden Coffee.

19 Q. Were officers involved in --

20 A. There were.

21 Q. Do you know recall who those officers
22 were?

23 A. I do not.

24 Q. And was my client involved in ransacking
25 your cell?

1 A. No.

2 Q. And I'm trying to recall what you said.

3 Did you say certain items were taken from you?

4 A. I did.

5 Q. Do you recall who took your items?

6 A. The authorities, the administrators, the
7 Warden, and the officers, as I just stated.

8 Q. Okay. I apologize. I'm trying to find
9 out who all was involved, if you know, the names of
10 the officers?

11 A. I don't know the name of every officer,
12 but I did give you the name of the biggest superior
13 that was involved, and that would have been Warden
14 Coffee.

15 Q. And I'm trying to clarify that Ms.
16 Arneika Smith was not involved in that at all, that
17 you know of?

18 A. No, she didn't. That I know of, no.

19 Q. So she was not involved in ransacking
20 your cell or taking any of your items?

21 A. Correct.

22 Q. What was -- after Ms. Lucas or Nurse
23 Lucas, what was the next PREA you recall filing?

24 A. It would have been against your client.

25 Q. Okay. Was that about the incident that

1 we're here today?

2 A. The May 9th and May 10th incident. Yes.

3 Q. Okay. Have you filed any other PREA's
4 against Ms. Arneika Smith?

5 A. No.

6 Q. So just that one?

7 A. Yes.

8 Q. Okay. We'll skip that one for now.

9 What about after that? Have you filed
10 any other PREA's at GDCP this -- after your
11 probation was revoked that time?

12 A. No, ma'am.

13 Q. So -- I'm sorry. I thought you said you
14 had filed several at GDCP, so I just want to make
15 sure that we've covered all --

16 A. I think we're getting confused. I think
17 we're getting confused, cause --

18 Q. Okay.

19 A. I think you're confusing me, now, because
20 I -- we go -- we went from -- there was a period we
21 were talking about GDCP and the first
22 incarceration, then there was a period where we
23 were talking about -- so let's slow it down to make
24 sure that we're on the same page. So --

25 Q. Right.

1 So the second time you were incarcerated
2 at GDCP, you indicated you've filed a PREA against
3 Nurse Lucas and a PREA against my client.

4 A. I did.

5 Q. Do you recall any other -- any other PREA
6 that was filed?

7 A. No.

8 Q. Were there any PREA's involving actions
9 taken by other inmates at GDCP the second time?

10 A. No. No.

11 Q. Okay. Going back and -- to clarify, I
12 want to cover, now, the time period prior to your
13 parole revocation. The first stent, if you will,
14 of your incarceration.

15 I think you indicated that you had no
16 disciplinary during that time at all?

17 A. M'mm-h'mm.

18 Q. Do you recall any --

19 A. I don't recall any, cause I don't ever
20 remember -- you know, I was paroled early for good
21 behavior, all of those things, so I don't recall
22 there ever being any disciplinary issues.

23 Q. What about grievances? Do you recall any
24 grievances that you filed during this time period?

25 A. The first go-round?

1 Q. Correct.

2 A. I can't remember, right off top of my
3 head. It's been many years, and it's been a lot of
4 trauma since then.

5 Q. No particular grievance regarding this
6 first time that you were incarcerated? Nothing --

7 MS. EZIE: Object to form.

8 MS. LONG: -- stands out to you?

9 THE WITNESS: (No response.)

10 MS. LONG: You'll have to answer yes or
11 no.

12 THE WITNESS: Oh, I'm sorry. I'm sitting
13 here thinking. Okay.

14 Now, ask me the question is again,
15 does -- the first time that I came out, were
16 there any PREA's that stands out?

17 MS. LONG: No. Grievance. Grievances
18 that stand out to you. That you were filing
19 grievances.

20 THE WITNESS: Oh, the first -- oh, the
21 first go-round.

22 Yeah. The grievance that stands out
23 the most for me from the first go-round, would
24 be for gender dysphoria for treatment.

25 M'mm-h'mm.

1 MS. LONG: Okay.

2 BY MS. LONG:

3 Q. Was that filed as a PREA or --

4 A. No.

5 Q. -- was that filed --

6 A. No. No.

7 Q. Okay.

8 A. It was -- right. Cause a PREA is a
9 sexual related incidents. PREA's are only sexual
10 related incidences or incidences where you've been
11 touched or violated.

12 Grievances is where you grieve internal
13 issues, such as things like classification, things
14 like that may be going on inside the institution.

15 So PREA and grievances are two different
16 entities doing two different vehicles for two
17 different things.

18 Q. Okay. And you said you only recall one
19 grievance that stands out to you during this
20 initial incarceration period?

21 A. My first incarceration would be my first
22 grievance for gender dysphoria treatment.

23 Q. Okay. Any other grievances filed against
24 individual officers, that you recall?

25 A. No.

1 MS. EZIE: Object to form.

2 BY MS. EZIE:

3 Q. What about during this first incarcerated
4 period? Did you even know Ms. Arneika Smith?

5 A. When I was incarcerated in 2012, did I
6 know Arneika Smith?

7 Q. Correct.

8 A. No.

9 Q. Correct. Prior to your --

10 A. No.

11 Q. -- parole revocation?

12 So you didn't file any grievances against
13 her during that time?

14 A. In my first incarceration?

15 Q. Correct.

16 A. In my first incarceration, I did not know
17 who Arneika Smith was. I had no idea who she was.

18 Q. Okay. What about PREA's? Did you file
19 PREA's during this first incarceration period?

20 A. I did.

21 Q. Tell me about those. When was the first
22 one?

23 A. I can't --

24 MS. EZIE: Object to form. And I'm going
25 to object on the grounds that it's harassing

1 and it's utterly irrelevant and it is, you
2 know, calculated to annoy, embarrass my
3 client. She does not need to relive her
4 sexual assaults for your entertainment today,
5 Ms. Long. This case has been severed. It has
6 a narrow focus.

7 MS. LONG: I believe that's a very
8 unprofessional comment. That is not
9 necessary. You do not need to comment about
10 my motives in this case. I have no motive,
11 other than to defend my client, to the best of
12 my abilities, and that is very unprofessional.
13 I would appreciate if you would keep --

14 MS. EZIE: As are your questions, Ms.
15 Long.

16 MS. LONG: I would appreciate if you'd
17 keep your personal comments and thoughts about
18 my questions to yourself, unless you got a
19 legal objection. And you do not need to
20 indicate your opinions about my motives. I'm
21 sorry.

22 BY MS. LONG:

23 Q. Ms. Diamond, I want to go back, if I
24 could, and, if you would, tell me about the first
25 PREA you filed during your first period of

1 incarceration.

2 A. It's impossible to tell you that. I
3 cannot remember that, ma'am. That's been six years
4 ago. Seven years ago.

5 Q. Were you ever sexually assaulted by an
6 inmate during this first period of incarceration?

7 A. Yes. I was gang raped 30 days after
8 being -- wasn't in prison 30 days, and I was gang
9 raped and beaten almost to death.

10 Q. And did you file a PREA about that?

11 A. I had no idea what a PREA was back then.

12 Q. I'm not sure if they had them back then.

13 A. They had them. I just didn't know what
14 they were. The department wasn't very good about
15 educating us on those things.

16 Q. Okay. And you said -- where did this
17 incident occur?

18 A. Macon State Prison.

19 Q. And do you recall any other occasions
20 when you were physically assaulted while --

21 A. Many.

22 Q. During that first period of --

23 A. Many.

24 MS. EZIE: Object to form.

25 THE WITNESS: Many.

1 COURT REPORTER: I'm sorry. What was the
2 answer?

3 THE WITNESS: My answer or --

4 COURT REPORTER: Oh, you said many.
5 Okay. Many.

6 THE WITNESS: Yes, ma'am.

7 MS. LONG: Okay.

8 BY MS. LONG:

9 Q. Tell me about the next time that you were
10 assaulted.

11 MS. EZIE: Object to form.

12 THE WITNESS: Ms. Terry, I appreciate
13 your questions, but I cannot -- I don't
14 remember. I've tried very hard to bury all of
15 that; and, unfortunately, the only time
16 that I'm having to relive this has been
17 because I've been re-incarcerated, and I'm
18 having to go through the same thing again.

19 I understand your questions, I
20 understand the relevancy of your questions,
21 but I can't provide you with information that
22 happened four and five, six years ago, when
23 I'm in the middle of living in hell right now.
24 I can't -- sorry that I can't do that, but --
25 I'm not able to provide you that.

1 BY MS. LONG:

2 Q. So that -- your testimony you don't
3 recall any other physical assaults during this
4 first period of incarceration?

5 A. I recall many --

6 MS. EZIE: Object to form.

7 THE WITNESS: -- physical assaults.

8 MS. LONG: Okay.

9 THE WITNESS: I recall the assaults. I
10 don't recall -- you are asking specifics,
11 and I can't give you specifics, but I will
12 never forget what happened to me, ever. You
13 can't forget those types of things.

14 MS. LONG: I understand.

15 BY MS. LONG:

16 Q. It's caused you a lot of emotional
17 distress, correct?

18 A. And still is.

19 MS. EZIE: Object to form.

20 MS. LONG: Okay.

21 BY MS. LONG:

22 Q. Well, you do recall being, you said --
23 and I don't want to put words in your mouth, but
24 this incident at Macon -- were there any other
25 incidents at Macon where you recall physical

1 assaults?

2 A. Besides getting --

3 MS. EZIE: Object to form.

4 THE WITNESS: -- my teeth -- besides
5 getting my teeth kicked out, and my ribs
6 broken, and being beaten unconscious, I don't
7 remember anything else.

8 BY MS. LONG:

9 Q. And that was this one incident that
10 you're telling me about?

11 A. That was my first --

12 Q. It's not --

13 A. My first assault, and my first time in
14 GDC custody.

15 Q. Okay. But is there a separate incident
16 that occurred at Macon, that you recall?

17 A. No.

18 MS. EZIE: Objection --

19 MS. LONG: No?

20 MS. EZIE: -- to the form.

21 THE WITNESS: I don't know where this is
22 going or where you got that from, but, no.

23 BY MS. LONG:

24 Q. And, then, after Macon, where were you
25 transferred?

1 MS. EZIE: Object to form. We've covered
2 this already, Ms. Long.

3 THE WITNESS: Yeah. I was going to say,
4 Ms. Terry, we talk about this, but I will
5 tell you again. Baldwin State Prison.

6 BY MS. LONG:

7 Q. And while at Baldwin State Prison, do you
8 recall being assaulted in any way?

9 A. M'mm-h'mm.

10 MS. EZIE: Object to form.

11 BY MS. LONG:

12 Q. You do?

13 A. Yes. I do.

14 Q. Tell me what you recall happened at
15 Baldwin State Prison.

16 MS. EZIE: Object to form.

17 THE WITNESS: I just remember being
18 violated multiple times there by multiple men.
19 So anything you can -- I mean, you know, I
20 mean, I can break it down for you. I was
21 forcibly penetrated. I was forced to give
22 oral sex. Masturbated on. I mean, those
23 types of things. That's pretty much
24 regularly. All of these. It's pretty much
25 the gist of what happens all the time. This

1 is regular. Cause I'm a woman --

2 MS. LONG: Do you recall --

3 THE WITNESS: -- in a man's facility.

4 BY MS. LONG:

5 Q. Do you recall anybody's name that
6 assaulted you at Baldwin State Prison?

7 MS. EZIE: Object to form. My client's
8 not going to answer that question without a
9 protective order that has attorney's eyes,
10 only --

11 THE WITNESS: Exactly.

12 MS. EZIE: -- regarding -- nor the
13 relevance, for the record.

14 BY MS. LONG:

15 Q. So you're refusing to answer if you have
16 any recollection as to who assaulted you?

17 A. I am. Yes. I'm refusing to answer on
18 the grounds --

19 MS. EZIE: If you can designate this
20 testimony --

21 THE WITNESS: On the --

22 MS. EZIE: -- attorney's eyes, only, you
23 may -- we may continue, but that is -- that is
24 the requirement.

25 THE WITNESS: That is the only --

1 MS. LONG: That's good --

2 MS. EZIE: You're asking my client to
3 give names and identities of assailants, and
4 that can endanger her life.

5 MS. LONG: I have no problem with it
6 being attorney's eyes, only, or the deposition
7 being a part of a protective order. I'm not
8 sure that we have one under this case number,
9 but I'm -- I have no objection to having one.
10 Or if you want to apply the protective order
11 in the other case to this case, it's fine.

12 MS. EZIE: Okay. Well, I'm designating
13 any testimony that seeks to identify
14 assailants in Ms. Diamond's cell house, as
15 attorney's eyes only, to the extent that Ms.
16 Diamond is able to provide that information,
17 and that applies to this line of questioning.

18 BY MS. LONG:

19 Q. And, Ms. Diamond, I understand you may
20 not recall, but to the extent that you do recall,
21 any inmates that were involved in that assault at
22 Baldwin State Prison?

23 A. I do, but I don't feel -- I don't want to
24 discuss that at this time.

25 Q. Are you refusing --

1 A. I don't feel safe doing so. I don't
2 think it's safe to do so.

3 I do know first names. Let's see. I
4 could dig and figure it out, but -- it's been
5 something I've tried to bury, the first time. This
6 is -- it's not something I really want to relive;
7 and, in all honestly, I don't see the relevancy of
8 that, the names of the people that assaulted me,
9 because your clients are, again, cavalierly
10 reckless, and I don't feel comfortable doing that
11 right now.

12 Q. So, just to be clear on the record, you
13 know who assaulted you at Baldwin State Prison --

14 A. No, I don't know. I don't know. You
15 said do I know any of the names of people, and I
16 told you I could find the names of people, because
17 that's hard when you're incarcerated with the same
18 people.

19 Q. So -- I'm sorry. It seems like -- I just
20 want to clarify.

21 Do you recall, sitting here today, the
22 names of anybody that assaulted you at Baldwin
23 State --

24 A. No. Not off the top of my head. I do
25 not.

1 Q. Okay. And you say you can get the names.
2 Where would you get the names?

3 A. I meant we would have to do
4 investigation. You'd have to go back. You'd have
5 to talk to people. You'd have to do what they
6 failed to do the first time, and that's
7 investigate.

8 Q. Okay. And, just to clarify, were there
9 PREA's filed at Baldwin State Prison? Did you file
10 PREA's?

11 A. I did.

12 Q. Okay. Do you remember how many you
13 filed?

14 A. I do not.

15 Q. Did any of the misconduct involve
16 officers?

17 A. No.

18 Q. So the PREA's were just strictly based on
19 inmate misconduct?

20 A. Yes.

21 Q. Okay. After you left -- let me backup.
22 While you were at Baldwin, do you recall
23 filing any grievances against staff?

24 MS. EZIE: Object to form.

25 THE WITNESS: I don't recall.

1 BY MS. LONG:

2 Q. You don't recall?

3 A. That's many years ago, ma'am. I
4 cannot -- I don't recall.

5 Q. Okay. After you left Baldwin, where did
6 you go?

7 MS. EZIE: Object to form.

8 THE WITNESS: When I left Baldwin, I went
9 to Rutledge State Prison. Actually, I went to
10 Valdosta. I either went to Valdosta or
11 Rutledge. It's hard to remember, cause,
12 again, I've been to so many prisons. It's
13 very difficult to remember.

14 BY MS. LONG:

15 Q. At Valdosta did you file any PREA's?

16 MS. EZIE: Object to form.

17 THE WITNESS: I can't remember, off top
18 of my head.

19 BY MS. LONG:

20 Q. Do you recall being assaulted, sexually
21 assaulted, at Valdosta?

22 MS. EZIE: Object to form.

23 THE WITNESS: M'mm-h'mm.

24 BY MS. LONG:

25 Q. Tell me what you recall.

1 A. Give me a moment. What do I recall? And
2 we're at Baldwin --

3 Q. No. I --

4 A. -- or Valdosta?

5 Q. Valdosta.

6 A. I don't know. I don't think I -- I don't
7 remember, off top of my head. I don't think I
8 filed -- let me see. That was so many years ago.
9 I don't -- I can't tell you, Ms. Terry.

10 Q. Okay. So you don't recall any physical
11 assaults by an inmate at --

12 MS. EZIE: Object to the form.

13 MS. LONG: -- Valdosta State --

14 THE WITNESS: I recall lots of --

15 MS. LONG: -- Prison?

16 THE WITNESS: No. Not at Augusta. We
17 are not talking about --

18 MS. LONG: No.

19 THE WITNESS: -- Augusta.

20 MS. LONG: No. We're talking about
21 Valdosta.

22 Y'all need to let me get my question
23 out. I said Valdosta.

24 THE WITNESS: No. You said Augusta.

25 MS. LONG: No. I said Valdosta. It's

1 the Southern accent.

2 THE WITNESS: Okay.

3 BY MS. LONG:

4 Q. You don't recall any assaults while you
5 were at Valdosta State Prison?

6 MS. EZIE: Object to form. That was not
7 the testimony.

8 BY MS. LONG:

9 Q. Do you recall any assaults while you were
10 at Valdosta State Prison?

11 A. To be honest, I've been beaten and had so
12 much trauma to my head and so many -- I can't
13 recall. It's -- it's -- I do good to remember what
14 is happening --

15 Q. That's fine. And I'm just trying to --
16 trying to --

17 A. I can't recall. That was six years ago.
18 Five years ago. No. I can't give you pertinent
19 information and facts about something that happened
20 five years ago, that I've tried to bury.

21 Q. What about do you recall any mistreatment
22 by any officer at Valdosta State Prison?

23 A. I am -- recall always being mistreated,
24 recalling being mistreated by officers. So when
25 you say that, that's a broad spectrum for me.

1 Q. Okay.

2 A. There's always been continuous
3 mistreatment of Ashley Diamond, since I've been in
4 GDC custody. Always.

5 Q. Did you -- did you file a --

6 A. Even more so, now.

7 Q. Did you file a PREA against any officer,
8 that you recall, at Valdosta?

9 A. At this time, I don't recall.

10 Q. What about a grievance about -- against
11 any office --

12 A. I don't recall.

13 MS. EZIE: Object to form.

14 THE WITNESS: I don't recall. I don't
15 recall. Again, Mrs. Terry, that's five, six
16 years ago and a different case and a
17 different time.

18 I'm prepared to discuss the facts
19 that are before me today. Not things that
20 happened five and six years ago,
21 unfortunately.

22 BY MS. LONG:

23 Q. Does anything stand out that -- do you
24 recall any particular assault that stands out to
25 you during this first incarceration, other than

1 what you've already described?

2 A. No. They're all horrible --

3 Q. Okay.

4 A. -- and they're all equally bad. There is
5 no one that I go is less than this one or this one
6 wasn't as bad as this one. They're all were bad,
7 and there were all were equally as bad, so --
8 that's the answer. My best answer.

9 Q. Were you ever sexually assaulted during
10 this first period of incarceration? Were you ever
11 sexually assaulted other than what -- after Macon?
12 After Macon State Prison?

13 MS. EZIE: Object to form.

14 THE WITNESS: The answer to your question
15 is was I -- one more time for me, Ms. Terry.

16 MS. LONG: Sure.

17 BY MS. LONG:

18 Q. I'm trying to find out, after Macon, were
19 you sexually assaulted during this first period of
20 incarceration?

21 A. Yes. Multiple times. Yes. There are
22 times that I was assaulted, that I just never spoke
23 up. There's been many times that I've been
24 assaulted and just have never spoke up. It's very
25 difficult, when you're a victim of the heinousness

1 of sexual crimes. I don't think people understand
2 that, and I'm not here to defend that or talk about
3 that today, but I will say that throughout my
4 incarceration the first time, there were multiple
5 incidents of sexual harassment and assault that
6 continued to be to this day, you know.

7 As far as gaining an equilibrium and
8 being able to say who did what this day and that
9 day and did this, I understand your question, but
10 I'm just not able to do that, so -- but I can tell
11 you that during the first incarceration, there were
12 multiple incidents, multiple things that happened
13 to me. You know, I tried to be a trooper about it,
14 just as I did the first time. It was very foolish
15 of me not to report a lot of these things that have
16 happened.

17 Q. What about after Macon? Were you ever
18 raped in the prison?

19 A. I believe I said yes. I've said yes to
20 this question, Ms. Terry. Yes.

21 Q. Okay.

22 A. Multiple times --

23 Q. I'm just trying --

24 A. -- I would -- I understand, but I just --
25 really, to be honest with you, I do not like

1 reliving this over and over. I think you know
2 that, and I understand --

3 Q. I understand.

4 A. -- that you have to do your job, I really
5 do; but, again, it's pushing me, and I don't like
6 to be pushed unnecessarily.

7 Q. Okay. I want to distinguish between
8 sexual assault and rape, I guess, and I'm trying to
9 understand how many times were you raped, after
10 Macon, during this first period of incarceration?

11 THE WITNESS: Oh, God. What a question.

12 MS. EZIE: Object to form.

13 I'd like to call a break. This has
14 gone on far too long, and I'm going to involve
15 the court if it continues.

16 THE WITNESS: Yeah. I want to call a
17 break, too, right now, then, Ms. Terry, we'll
18 come back, but --

19 MS. LONG: A break is fine.

20 THE WITNESS: -- if you could rephrase --

21 MS. LONG: About how long do y'all --

22 THE WITNESS: -- the question.

23 MS. LONG: How long would y'all like?

24 THE WITNESS: 20 minutes.

25 MS. EZIE: 10 minutes. 20 minutes?

1 MS. LONG: I'm sorry?

2 THE WITNESS: 15 will be good, cause I
3 need to use the bathroom, so that's going to
4 be five of those minutes.

5 MS. LONG: That's fine. Okay. I'll see
6 everybody about 11:10? No.

7 THE WITNESS: Okay.

8 MS. LONG: Is that right? Until
9 11:10'ish?

10 THE WITNESS: That'll be fine.

11 MS. LONG: Okay. Thank you.

12 (A break is taken.)

13 BY MS. LONG:

14 Q. Prior to this incarceration, and I'm
15 speaking of the one after your parole revocation,
16 where did you reside?

17 A. Which one?

18 Q. While you were on parole?

19 A. Okay. So your question is where did I
20 reside while I was on parole or where did I reside
21 before that I was arrested the first time?

22 Q. While you were on parole?

23 A. While I was on parole, I was living in
24 Rome, Georgia. I lived in Rome, and, then, I -- I
25 lived in three different places. I lived in Rome,

1 I moved to Atlanta, and, then, I moved back to
2 Rome, so -- I was kind of three different places.
3 Florida, Rome, and Atlanta.

4 Q. I thought you said Rome, Atlanta, Rome?

5 A. M'mm-h'mm, but, then --

6 Q. You said --

7 A. -- I thought about Florida.

8 Q. Oh, okay.

9 A. Because you said all. I'm trying to
10 think of all.

11 Q. Okay. Who did you reside with on each of
12 those locations?

13 A. Myself.

14 Q. Okay.

15 A. Now, when I first got out on parole, I
16 resided with family members, until I was stable,
17 and once I became stable, I moved out on my own.

18 Q. Who did you reside with as a family
19 member?

20 A. My sister.

21 Q. And what was her name?

22 A. Diana Wilson.

23 Q. And that was in Rome, Georgia?

24 A. It was.

25 Q. Is she still residing in Rome, Georgia?

1 A. She is.

2 MS. EZIE: Object to form.

3 BY MS. LONG:

4 Q. And, then, you moved out on your own.

5 Was that in Rome, Georgia?

6 A. Yes, ma'am.

7 Q. And, then, you moved to Atlanta?

8 A. I did.

9 Q. And, then, you moved where?

10 A. Back to Rome.

11 Q. And, then, you went to Florida?

12 A. Yes, ma'am.

13 Q. And was that at the treatment facility?

14 A. It was.

15 Q. Did you live anywhere in Florida outside
16 the treatment facility?

17 A. I did not.

18 Q. Okay. Were you employed at all during
19 this time?

20 A. Yes. I was a motivational speaker, and I
21 was doing -- I have a private show where I do
22 Whitney Houston impersonations for a living. Very
23 good at it, for the record.

24 Q. Did you work for someone or just
25 yourself?

1 A. I worked for myself. I was
2 self-employed. I filed taxes self-employed.
3 Everything self-employed. My speaking engagements
4 were the bulk of my income.

5 Q. Give me some examples, if you could, of
6 where you would speak.

7 A. Colleges, institutions, schools,
8 churches. Wherever the need be. Wherever I would
9 be called to speak or there would be an opportunity
10 to speak.

11 Q. And what were your -- what was the nature
12 of your motivational speaks? Were they
13 motivational speeches --

14 A. They were.

15 Q. -- or --

16 A. They were. They were things concerning
17 the rights of incarcerated people, of course,
18 transgender individuals, transgender individuals of
19 color, incarcerated people. Just, you know, how
20 life can hand you a bad card sometimes, but, you
21 know, you have to get back up, and you have to
22 fight.

23 So people were very motivated by me, just
24 because of, I guess, just, you know, the case and
25 things I've done throughout my life, you know. I

1 have always been someone who's been vocal and stood
2 up for what is right.

3 Q. Did your speeches involve relaying
4 personal stories about what happened in prison?

5 A. There were times that I would use myself,
6 but most -- most -- I mean, they was reflective of
7 that, but it was never where it was just centered
8 around that. That was just a piece. Again, this
9 is just a piece of who I am. Just cause of --
10 that's not my life, this incarceration. That's
11 just a small piece of it; and so, it was a small
12 piece of my speaking. You know, it was just a
13 facet.

14 Q. During your speeches did you share with
15 people any issues about being assaulted in prison?

16 A. No. I would just -- no. Just -- I would
17 always speak generally. Never about my particular
18 situation. My particular circumstances. I would
19 reference it, of course, quite naturally, but, you
20 know --

21 Q. During your speeches did you relay any
22 information regarding mistreatment while in the
23 prison?

24 A. I don't think that it was personally me
25 talking about being mistreated in a prison, as much

1 as I talked about as how the whole, a whole, the
2 prison system mistreats individuals. I think that
3 was more my thing.

4 It wasn't a woe it's me, because this
5 happened to me and all of this, and bad, bad state
6 did this to me. No.

7 Q. M'mm-h'mm.

8 A. It was just, you know, again, one of the
9 small things that happened to me that, you know --

10 Q. Prior to being sentenced at all, were you
11 employed?

12 A. Prior to being sentenced prior 2012 or
13 prior --

14 Q. Correct?

15 A. -- this term inca -- yeah. I -- I've
16 worked a series of small jobs. I worked for my
17 best friend, who's a celebrity interior designer at
18 Charles Nelson Interior. I worked -- again, I was
19 a cabaret performer, and I've been doing Whitney
20 Houston impersonations for about --

21 COURT REPORTER: I've been doing what
22 impersonations?

23 THE WITNESS: Whitney Houston.

24 COURT REPORTER: Okay.

25 BY MS. LONG:

1 Q. Did you graduate from high school?

2 A. No, ma'am.

3 Q. So I'm assuming, then, you don't have any
4 education --

5 A. I have a seventh grade education.

6 Q. And you didn't attend any colleges or
7 technical schools?

8 A. No, ma'am. Seventh grade is the highest
9 grade I completed.

10 Q. As a performer, do you have to obtain a
11 license or anything of that nature?

12 A. No.

13 Q. Have you had a driver's license before?

14 A. I lost you, Ms. Terry.

15 Q. I'm sorry. Can y'all hear me?

16 A. I lost you.

17 COURT REPORTER: I can hear you.

18 MS. EZIE: I can hear you, now. Can you
19 hear us?

20 MS. LONG: I think it's rebooting.

21 (Ms. Diamond lost her Zoom connection.)

22 MS. LONG: I've lost Ms. Diamond. Do
23 y'all have Ms. Diamond?

24 MS. EZIE: No.

25 COURT REPORTER: I don't see her.

1 MS. EZIE: Let's give it a minute to see
2 if she reconnects. If not, I can contact her
3 back.

4 MR. CHALMERS: Terry, Christina
5 Lunebach's telephone number is in the chat.
6 It's that 478 number.

7 (A break is taken while waiting for Ms.
8 Diamond to rejoin deposition.)

9 BY MS. LONG:

10 Q. I think the last question was what about
11 driver's licenses? Have you held driver's licenses
12 before?

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

14 Q. Where is your driver's license?

15 A. Georgia.

16 Q. Do you still have a license or is that
17 expired?

18 A. I'm sure it's expired, now, but I do have
19 a license.

20 Q. Okay. Tell me about the charges that you
21 were convicted on for this sentence. What were you
22 charged with?

23 MS. EZIE: Object to form.

24 THE WITNESS: Well, this -- this sentence
25 or the 2012 sentence?

1 MS. LONG: The 2012.

2 THE WITNESS: The 2012 sentence, I pawned
3 a saw for someone, and the saw was stolen and
4 it came -- the house that the saw came from
5 was burglarized. So I did a jury trial. I
6 went to trial against it. They had a
7 mistrial. Because of the mistrial, they
8 offered me a chance to just have probation,
9 because I'd never been in trouble before; and,
10 foolishly, I took it, when I should have just
11 went to trial, because I was innocent. I took
12 it, and I was sentenced to 12 years for
13 burglary. So my sentence is a 12-year
14 sentence for burglary for pawning a miter
15 saw.

16 BY MS. LONG:

17 Q. Have you had any other convictions?

18 A. Minor convictions. Petty things. But no
19 major felony convictions.

20 Q. What were your minor convictions?

21 A. Traffic violations. Things like that.
22 Petty theft. Little things.

23 Q. Was the petty theft, I'm assuming, before
24 the 2012 conviction?

25 A. Yeah. I think it was in my teenage

1 years, when I was very young. I would like -- for
2 food and things. I think it -- I think one of the
3 things might have been something about food and
4 Taco Bell. It was always minuscule, little things.

5 Q. And it -- you say always.

6 Were there more than one conviction for
7 theft?

8 A. I'm just saying in totality. When I look
9 at it, it's all -- even the saw pawning was just
10 something that was blown out of proportion.

11 Q. Okay. I don't mean to belabor the point.

12 A. Okay.

13 Q. I'm trying to clarify it.

14 A. Okay.

15 Q. What have you been --

16 A. So ask the question again. I mean, the
17 only thing that I have been convicted of, to the
18 best of my knowledge, that is of relevancy, would
19 be the burglary charge for the 12-year sentence
20 that I'm serving. Anything else, other than that,
21 I don't remember or see the relevancy in, but --

22 Q. Okay. Well, it's not your job to see
23 the relevancy. I just need to know what you've
24 been convicted of, that you recall.

25 A. And I told you.

1 Q. So you have a minor theft conviction from
2 Taco Bell for food?

3 A. (Witness pauses.) Yes.

4 Q. Hello?

5 And any other theft convictions?

6 A. The burglary.

7 Q. Any other theft convictions, besides the
8 burglary?

9 A. Not off the top of my head. Not off the
10 top of my head. No.

11 Q. So you don't recall what you've been
12 convicted of?

13 A. No. God, no.

14 MS. EZIE: Object to form.

15 BY MS. LONG:

16 Q. What was the --

17 MS. EZIE: It's all a matter of public
18 record.

19 THE WITNESS: Yeah. And, plus, who
20 remembers?

21 BY MS. LONG:

22 Q. What was the --

23 A. Some of us try to change our lives and
24 move on.

25 Q. What was the county you were convicted of

1 in -- regarding the Taco Bell incident?

2 A. Floyd.

3 Q. Have you ever been convicted in any other
4 county -- not talking about traffic offenses, but
5 have you ever been convicted of any offense in any
6 other county in Georgia?

7 A. I'm sure. Yes.

8 Q. You said you're sure.

9 What county would that be?

10 A. I'm -- I don't know. I don't -- I can't
11 recall my entire criminal history for you today,
12 but I'm sure you can get it. It's available for
13 you, but I can't recall it for you today.

14 Q. Have you been convicted in any other
15 state besides Georgia?

16 A. No.

17 Q. And you don't recall the nature of any of
18 your other criminal --

19 A. No.

20 Q. -- offenses?

21 A. No.

22 Q. The burglary conviction that you're
23 presently serving, is that your only felony
24 conviction?

25 A. No. I think I have another felony.

1 Q. What is that for?

2 A. I think it may be -- what was it? Ooh.

3 Theft by receiving stolen property.

4 Q. And what county was that in?

5 A. Floyd County.

6 Q. Do you recall if you've ever been
7 convicted, excluding traffic offenses, in any other
8 County in Georgia?

9 A. If have I --

10 MS. EZIE: Object to form.

11 BY MS. LONG:

12 Q. I'm sorry. I didn't catch --

13 A. I don't recall.

14 Q. -- your answer.

15 You don't recall?

16 A. I don't recall.

17 Q. Okay. Other than that felony conviction
18 or theft by receiving, do you recall any other
19 felony conviction that you've gotten?

20 A. No.

21 Q. When did you first meet Officer Arneika
22 Smith?

23 A. As -- when I came in contact with her as
24 my details in an ord -- as an orderly.

25 Q. And where were you? What prison were you

1 assigned to?

2 A. I was at GDC State Prison, Georgia
3 Diagnostic Classification Prison, in Jackson,
4 Georgia.

5 Q. And this was after your parole
6 revocation?

7 A. Yes, ma'am.

8 Q. Do you recall the month, day that you
9 first --

10 A. No.

11 Q. -- met her?

12 A. I -- no, I do not. I try to forget it.

13 Q. And what was her relationship to you?
14 Was she a supervising officer or --

15 A. She was a supervising officer.

16 Q. And you said you were on a detail?

17 A. No.

18 Q. Did she say what --

19 A. I said I was on a detail -- when you
20 asked me about the PREA that happened, I was on a
21 detail, but I wor -- as an inmate, I live in a
22 housing unit, and in each of those housing units,
23 an officer man's that post. She just happens to be
24 the officer in my housing unit, so -- if that gives
25 you any insight on --

1 Q. Yes.

2 Did she supervise your detail?

3 A. She supervised me, but she didn't
4 supervise my detail. I was the head orderly, and I
5 had a boss, which was Lachesha Smith, but part of
6 my work duties would be doing things for my officer
7 for whatever they needed.

8 Q. So Officer Smith was a dorm officer?

9 A. Officer Arneika was a dorm officer; and,
10 then, Lachesha Smith was my boss.

11 Q. How long did you know Arneika Smith
12 before this May 9th incident?

13 A. I only knew of Arneika Smith from Jackson
14 State Prison, when I met her and came in contact
15 with her as the officer and, you know, my job duty.

16 Q. How often would you see her?

17 MS. LONG: Oh-oh.

18 (Ms. Diamond lost Zoom connection.)

19 MS. LONG: I think the prison's gone
20 again.

21 COURT REPORTER: Yes, ma'am.

22 MS. LONG: It's going to be a long day.

23 COURT REPORTER: Should we call Christine
24 again?

25 MS. LONG: Maybe so.

1 COURT REPORTER: Want me to do it?

2 MS. LONG: Sure. If you'd like to. I
3 wasn't sure if maybe Ms. Ezie might mention
4 something, but --

5 (Off the record to call Christina.)

6 BY MS. LONG:

7 Q. How often would you see Arneika Smith?

8 A. Everyday.

9 Q. Did you speak to her regularly?

10 A. What do you mean?

11 Q. Did you have occasion to have contact
12 with her before --

13 A. She was my superior, so there was always
14 times when I was speaking to her and times when she
15 was giving orders and things of that nature.

16 Q. Did you have any complaints about her
17 prior to May 9th?

18 A. Yeah. I mean, personally, I didn't
19 think, you know, she was a very professional or
20 good person.

21 Q. Elaborate on that, if you would.

22 Why did you not think she was a good
23 person?

24 A. Her conduct.

25 Q. And tell me what you think about her

1 conduct.

2 A. Well, she -- I just think that the way
3 that she carries on with inmates was inappropriate.
4 I think that -- there are a lot of times that
5 officers say and do things that we don't like or we
6 think are inappropriate that just may be on a
7 personal level, may not be on an ethical or a moral
8 level, so I'm just speaking on a personal level,
9 from my experience with what I visualized from
10 Arneika Smith.

11 Q. Can you give any examples of what you
12 considered improper conduct?

13 A. Touching inmates. Bringing contraband
14 into the institution. Things of that nature. I
15 think that's sufficient enough to describe.

16 Q. And did you actually see her touch
17 another inmate?

18 A. All the time.

19 Q. Okay. Tell me how did she touched them?

20 A. With her hands.

21 Q. Okay. Can you describe for me, please,
22 what you saw her do?

23 A. I mean, there are times she would touch
24 people on their backs and high five them and slap
25 them in the back of the head and pat people on the

1 derriere and things like that.

2 Q. Do you recall any particular inmate that
3 this happened to?

4 A. Me.

5 Q. Besides you?

6 A. I can't speak -- I'm not here to speak on
7 other inmates, so I can't. I just --

8 MS. LONG: Oh.

9 (Witness lost Zoom connection.)

10 MS. LONG: Back on the record?

11 COURT REPORTER: Yes, ma'am.

12 THE WITNESS: Yes.

13 MS. LONG: Okay.

14 BY MS. LONG:

15 Q. We were talking about Ms. Smith. Can
16 you -- Arneika Smith.

17 Can you tell me any inmate that you saw
18 her pat on the buttocks?

19 A. No. I can't.

20 Q. You don't --

21 A. I don't know the names. I don't know the
22 names of specific inmates, and I would not feel
23 free to be at liberty to do so, without the
24 record -- being sure that the record was
25 restricted.

1 Q. Well, we've already stated -- your
2 attorney already stated that.

3 A. Well, she's not here, so -- I need her to
4 come back. Attorney where are you? There she is.
5 Okay. Well, now, she's here.

6 Q. Yes.

7 This deposition has -- we've agreed that
8 the deposition would fall under protective order,
9 so would not -- it would be treated as
10 confidential.

11 So, just to clarify --

12 MS. EZIE: I'm sorry.

13 MS. LONG: -- do you recall --

14 MS. EZIE: Ms. Long, let me just explain
15 to Ms. Diamond.

16 Ashley, if you would like to
17 identify a specific inmate who you saw being
18 abused by Arneika Smith, you can identify
19 them and just indicate that you'd -- that this
20 should be testimony that we're making
21 attorney's eyes, only, okay?

22 COURT REPORTER: This is testimony that
23 what?

24 THE WITNESS: It's for attorney's eyes,
25 only.

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1 COURT REPORTER: Thank you.

2 THE WITNESS: You're welcome.

3 Yeah. I will -- I will state one of
4 the inmates I know of for a fact. Frank Mac.

5 BY MS. LONG:

6 Q. Frank Mac?

7 A. M'mm-h'mm.

8 Q. And what did you see Ms. Arneika Smith do
9 to inmate Mac?

10 A. Rub his shoulders, sMac him on back of
11 the head, hug him, take monetary things from him.
12 Things of that --

13 Q. What sort of thing -- what sort of things
14 would she take from him?

15 A. I meant, you know, requesting money.

16 Q. Inmate Mac would give Ms. Smith money?

17 A. Yes. Lots of inmates did.

18 Q. Okay. When did you see him give her
19 money?

20 A. One particular occasion would have been
21 Mrs. Smith's birthday, which, hopefully, you'll be
22 able to go back to the record and see.

23 She was working as an orderly with -- I
24 was working for her as an orderly at this time. It
25 was her birthday. She wanted money. She asked for

1 money from me. I refused to give her money. That
2 was an issue, so -- the other inmates that she
3 wanted money from, she would have them give me --
4 give me her cash app, and I would give them her
5 cash app information, and they would send the money
6 to them.

7 That is one of the reasons why I
8 requested, in discovery, Ms. Arneika Smith's cash
9 apps, because the cash apps would indefinitely show
10 that on her birthday she received two monetary
11 payments from inmate Frank Mac.

12 Q. Were you involved in this transaction?

13 A. Not that I wanted to be. Not to the
14 extent to where I did anything illegal or I had to
15 actually make money transfer her hands, but I was
16 the person who, you know, she gave me her cash app
17 to give to him. I did all this contact --

18 Q. She gave you --

19 A. Her cash app with her name, Arneika
20 Smith, with her picture, she gave to me. So when
21 you access her information, put in her cash app, up
22 pops her picture, up pops her name.

23 Q. Okay. I'm a little confused about how
24 this works.

25 Did she give you a phone or --

1 A. No. No. No.

2 Q. -- piece of paper?

3 A. Well, let me break it down for you.

4 Cash app is, of course, done through
5 electronic means. It's done through the web. It's
6 done through a telephone or whatever, so, you know,
7 it's easy access to cash. It's something that's
8 not very traceable. It's very quick.

9 I mean, can you give me a little bit more
10 of -- I mean, what, exactly, do you want to know, I
11 mean, exactly?

12 Q. How did you come to know Ms. Smith's cash
13 app?

14 A. She gave it to me. She told me she
15 wanted money from me on her birthday. As I stated
16 to you earlier, she requested that she wanted money
17 and --

18 Q. That's what I'm trying to understand.
19 How did she give it to you? Was this a
20 verbal? Was there something in writing? Did she
21 send it to you --

22 A. What didn't -- I'm confused, cause I was
23 speaking, and, then, I got cut off.

24 What are you saying? Did she -- how
25 did -- how does the cash app work? How did I get

1 her cash app?

2 Q. No. How did she give you her cash app?

3 A. She wrote it down with an ink pen on a
4 piece of paper and handed it to me.

5 Q. That's what I was trying to get at.

6 A. M'mm-h'mm.

7 Q. And you indicated that the transaction
8 was electronic.

9 What electronic device did you use --

10 A. Well, we have --

11 Q. -- to have called her --

12 A. We have telephones in the dormitory that
13 we're allowed to use. So Frank called his
14 daughter, Brittany, on the phone. When Brittany
15 was on the phone, he gave her the cash app
16 information, Brittany put it in, and Brittany sent
17 the money.

18 So, actually, the money, the transaction
19 is going to be from Brittany Mac to Arneika Smith,
20 and she has several copies of that transaction.
21 Frank Mac is willing to come forth and speak and
22 provide deposition, as well as provide you with
23 that information, so -- I'm not the custodian of
24 those actual documents or records, but I do know
25 that they exist.

1 Q. Have you seen the documents?

2 A. I know that they exist.

3 Q. Have you seen the documents?

4 A. No.

5 MS. EZIE: I'm sorry, I was muted, but
6 object to form, for the last question.

7 MS. LONG: Do you need me to repeat the
8 question?

9 THE WITNESS: Who? Her or me? I heard
10 you fine, and I gave you my answer, so -- I
11 don't know if she needs you to repeat.

12 MS. EZIE: I don't know, when you
13 reference documents, what you're referring to.

14 MS. LONG: I asked him had he seen --

15 THE WITNESS: Her.

16 MS. LONG: -- the cash app -- I'm sorry.
17 Have you seen --

18 THE WITNESS: Okay.

19 BY MS. LONG:

20 Q. Have you seen the transaction documents
21 that you described, I guess, reflecting this money
22 transaction between inmate Mac and Mr. (sic) Smith,
23 and I believe your answer was no?

24 A. Right. Yes, ma'am.

25 Q. When did this occur?

1 A. On her birthday.

2 Q. Her Birthday?

3 A. Which would have been -- yeah. So
4 whatever date your client's birthday is, that's
5 when this occurred.

6 Q. Any other transactions that you are aware
7 of?

8 A. I've heard of multiple throughout the
9 institution. I know that, you know, one of the
10 high up gang members was providing her a taxi to
11 work.

12 COURT REPORTER: A taxi to --

13 MS. LONG: Who was --

14 THE WITNESS: She has a small son.

15 COURT REPORTER: Providing what work?

16 THE WITNESS: Providing her with taxi,

17 T-A-X-I. Taxis to work.

18 BY MS. LONG:

19 Q. And who was that?

20 A. He goes by the name of Murder, and he is
21 a high-ranking blood.

22 MS. EZIE: I'm going to designate this
23 portion of the transcript attorney's --

24 THE WITNESS: I would --

25 MS. EZIE: -- eyes, only.

1 THE WITNESS: I would greatly appreciate
2 that.

3 BY MS. LONG:

4 Q. And what was the -- what was his name?
5 Do you know his name?

6 A. Murder is what I know him by. In this
7 realm, we don't use real names, ma'am.
8 Unfortunately, in the prison realm, we use
9 nicknames. We don't ever use our real names,
10 because of the fact that other inmates can find you
11 and kill you and hurt you, and because, you know,
12 of obvious reasons. That, you know, you're in
13 prison. You don't really want everybody -- unlike
14 me, where everybody knows who you are when you come
15 in, most inmates don't want to be known. We want
16 to try to get through our time, which is one of the
17 reasons why my time is so ostracizing is because
18 I'm so -- I don't know.

19 Q. Do you know his name?

20 A. Murder. M-U-R-D-E-R.

21 THE WITNESS: You get that, Ms. Gardner?

22 MS. LONG: I under --

23 THE WITNESS: His name, Ms. Gardner?

24 COURT REPORTER: Yes, sir.

25 BY MS. LONG:

1 Q. I understand that's what you call him.

2 Do you know his real name?

3 A. No. That's the name I know him by.

4 Q. Okay. Any other transactions, that
5 you're aware of, involving Ms. Arneika Smith?

6 A. You know, no. Only when she would have
7 me take letters to the guy that she was seeing in
8 the hall. The officer. She was seeing an officer.
9 I don't know his name, but he was fired around the
10 date -- her birthday, so that -- it could be found.
11 It could be easily found. He was fired around her
12 birthday, but they were in a relationship, and she
13 would have me to run notes to him in the hole,
14 because he worked in the hole in the prison, and
15 so, she would have me go back and forth playing
16 mediator.

17 Q. So you were in Dorm B?

18 A. B hou -- C House, which is the cell
19 house. Let me explain to you, so you can kind of
20 get an understanding, so -- cause I know you've not
21 been into a prison, and you're just hav -- just
22 hearing these things, so let me walk you through.

23 In Jackson, there are cell houses. You
24 have Unit A, Unit B, Unit C, Unit D. At any given
25 time, as an orderly, I work all of those units, but

1 I was assigned to Unit C, which is the sa -- which
2 is where Arneika Smith was assigned. More often
3 than not, she was there.

4 Q. Okay. And --

5 A. And so -- I'm sorry. Go ahead.

6 Q. And the fellow that you say she was
7 having a personal relationship, he worked, did you
8 say, in the hole?

9 A. Yeah. They're multiple people she had
10 relationships with in the institution. That was
11 just one of --

12 Q. Okay. Let's stick to the one you were
13 taking notes to.

14 Was he in the hole?

15 A. Yeah. He worked the hole.

16 COURT REPORTER: Is that H-O-L-E?

17 THE WITNESS: Yes, ma'am. Hole. Yes,
18 ma'am.

19 COURT REPORTER: Thank you.

20 THE WITNESS: You're welcome.

21 BY MS. LONG:

22 Q. Where is the hole in relation to C Dorm?

23 A. Wow. It is very far away from C Dorm.
24 The hole is on the other side of the institution,
25 which is why she had me running back and forth.

1 It's quite a bit a ways from C House, and it's in a
2 dungeon-like area. It's very underground. Very
3 dark.

4 Q. So how did you get permission to go from
5 C Dorm to the hole?

6 A. Because I was head orderly, and being
7 head orderly, they gave me domain. It gave me
8 institutional trust to where I could run around,
9 because they knew that I was a trusted inmate, and
10 because of just my inner personal skills, being
11 able to just network with people, being able to
12 bring people together of different -- so I was able
13 to do that in that job capacity.

14 Q. And do you recall the officer's name that
15 you were taking notes to?

16 A. No. And that's why I gave you as much
17 information as I could, so that if you had to
18 investigate, it would be very easy for you to do
19 so.

20 Q. How did you know who to give the notes to
21 if you didn't --

22 A. Cause she told me.

23 Q. -- know their name?

24 A. She told me. I -- listen, ma'am. I did
25 not know his name. I did not need to know his

1 name. I know it was a -- he was an officer. I
2 knew at the time he was officer such and such. I
3 don't remember officer's names. I don't run around
4 going -- you know, I just don't do that. So I did
5 know that I was at post, and she'd say go take this
6 to John, or whatever his name is, down there. I
7 would go take blankets, as a disguise, and she
8 would put the note inside of the blankets, and I
9 would pretend to take the blankets, and I would
10 give him the blankets, and the note would be
11 inside. He would get the note.

12 Q. So was there only one orderly -- I'm
13 sorry.

14 Was there only one officer working the
15 hole?

16 A. I don't know about the hole. I can't
17 tell you that. I worked for C House for her. All
18 I did was make a delivery to the hole.

19 Q. I'm just trying to understand how you
20 knew who to give the note to.

21 A. Because, again, at the time, I knew the
22 officer. She told me who he was.

23 Q. Okay. So you knew his name then, but you
24 don't --

25 A. Yes.

1 Q. -- know his name today?

2 A. I don't recall his name --

3 Q. Okay.

4 A. -- now.

5 Q. Okay.

6 Did you ever read any of these notes?

7 A. No. I tried not to.

8 Q. Other than this inmate, I think you said
9 Mac, were there any other inmates, that you recall
10 their names, who you think she --

11 A. That she touched?

12 Q. -- touched? Yes.

13 A. Yeah. Jimmy Lee Horn.

14 Q. Okay. What did you see her do to Jimmy
15 Lee Horn?

16 A. Pat him on the shoulders, touch him on
17 the legs, pat him on the back, hug him, let him out
18 of his cell in the middle of the night.

19 See, one of the things your client was
20 derelict in her duty is because she would do things
21 like that, let inmates out of their cells at night,
22 she would collect money or things from them to do
23 that, and that was one of the things. So Jimmy Lee
24 Horn was the one -- because I was head orderly. I
25 decided who could come out and who wouldn't. She

1 took that from me while she was there. She used it
2 as a way for her to have a power kick. She would
3 let inmates in and out of cells and give them
4 permission to clean with me, when they had no
5 business doing so, when they were not authorized to
6 do so.

7 Q. Is there anyone else that you saw, that
8 you recall, that she inappropriately touched?

9 A. No, because it was just a regular thing;
10 so, at some point, this was just -- this -- maybe
11 to y'all, on the outside, all this sounds bizarre,
12 just like how can sexual assault be something
13 that's a regular part of your everyday routine.
14 But, unfortunately, it is, it had become, just as
15 the interactions were hers. Just a part of the
16 routine. Watching her was just -- it's just how --
17 that's just the way it was back in Jackson. That's
18 the way things ran.

19 You know, again, you -- we're in a
20 crisis, an epidemic crisis, in prison. I know you
21 don't know about that, either, but there's no
22 staff. So at the time of COVID, when COVID had
23 hit, she was one of the few staff members that we
24 had that were willing to come in and work at that
25 time.

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1 Q. So nobody else, in particular, stands out
2 to you as being inappropriately touched?

3 A. I mean, just lots of people do.

4 Besides myself, you mean?

5 Q. Yes. Just -- any particular touching
6 incident that stands out to you.

7 A. Me. Her touching me stands out to me.

8 Q. And this was before May 9th?

9 A. No. Well, she would -- yeah. She's
10 always -- she is a very feely-touchy. I don't know
11 what her problem is. She's freaky. I mean, I
12 don't know. I don't know why she does the things
13 she does. She's a nice -- she comes off as a nice
14 person, so you wouldn't -- I mean, I don't know why
15 people do the things that they do. I don't know
16 why she thought that was appropriate. I don't know
17 why she feels like she hasn't done anything. I
18 don't know why she feels like that maybe I'm
19 exaggerating. I don't know. But I do know, for a
20 fact, I can tell you what I can speak to the fact
21 of, and that is that she's not a credible person,
22 she's not a person that is a good person. She took
23 advantage of her job position. She took advantage
24 of me.

25 Q. How did she inappropriately touch you

1 before May 9th?

2 A. No staff member -- I don't -- the most
3 basement of people, the most lay person can tell
4 you that no staff member should be touching an
5 inmate, period.

6 Q. I understand.

7 A. So when -- her touching me -- of course
8 I -- you -- I know you may wonder why didn't you
9 speak up? She touched me on my back. She touched
10 me all the time. It's my superior. It's my
11 officer. I didn't like it, but I didn't say
12 anything, because I'm trying to get through my time
13 and get home without having another Diamond versus.

14 Q. Okay. But how did she touch you
15 before --

16 A. With her hand.

17 Q. -- May 9th?

18 Okay. But where did she touch you on
19 your body?

20 A. She would touch me on my inner thighs, on
21 my buttocks, on my back, on my arms.

22 Q. Do you know of anybody who saw this
23 touching?

24 A. Of course. Everybody in C House.
25 Especially --

1 Q. Where would --

2 A. Particularly -- particularly -- I'm going
3 to give you two particular names, so that you can
4 question these people, and they're two of the
5 people that she also violated. Frank Mac and Jimmy
6 Lee Horn. And once you start there, a domino
7 effect is going to happen, and you're going to find
8 out everyone she's victimized.

9 MS. EZIE: And I'm just reiterating that
10 those names are subject to attorney's eyes,
11 only, protection.

12 MS. LONG: Okay.

13 BY MS. LONG:

14 Q. So where were you when she touched you?
15 Were you in your --

16 A. Which time? She's touched me so many
17 times, in so many places. If you mean when she
18 touched me on my inner thighs and my buttocks, we
19 were inside the closet. Again, I --

20 Q. No. I don't want to talk about the May
21 9th incident.

22 A. Oh.

23 Q. Let's talk about before May 9th. We'll
24 get to that.

25 A. Okay. Before the May 9th incident, just

1 where -- we'd be out and about, walking down the
2 halls down in A Building, down wherever, and she'd
3 touch me. It didn't become a problem for me until
4 it became evasive -- invasive. When she was
5 touching me -- invading my space. You understand
6 what I'm saying? It was one thing to pat me on the
7 shoulder. It's one thing to pat me on the back.
8 Even little pats, good job, girl, that was not
9 okay, but I let it go.

10 Q. I'm trying to understand the extent of
11 the touching before May 9th.

12 A. The extent of the touching -- all I can
13 tell you, ma'am, is that your client is very
14 friendly, and she likes to touch. She's -- since
15 I've known her. So there's not a specific date or
16 time. It's just always. It's her character.
17 Maybe she doesn't realize it.

18 Q. Okay. You indicated that she touched you
19 on your thigh.

20 When you said that, were you talking
21 about the May 9th incident or did that happen
22 before May 9th?

23 A. It happened several times. We'd be
24 sitting -- you know, because I'm always up under
25 her. I was what she referred to as her bitch, and

1 I was always with her, even when we would be at the
2 podium. She'd sit here (indicating), I'd sit here
3 (indicating.) We were always together.

4 Q. Where were you sitting?

5 A. I said even at posts. When I say posts,
6 that means wherever the officer is stationed. So
7 even --

8 Q. Right.

9 A. -- if we would be at post, she would do
10 that.

11 Q. I thought I understood you to say you
12 were sitting next to her.

13 A. At post. Correct.

14 Q. But she's sitting down?

15 A. At post. Correct. Post --

16 Q. Okay.

17 A. Let me break down post for you. Post is
18 an officer's desk. It is a desk that is about this
19 big (indicating), whether it has a thing like this
20 (indicating), and it has like things coming down
21 and just all of the little trays. There are
22 stools. It has a chair. There's a high chair that
23 sits here (indicating), and there's a high chair
24 that sits next to. Usually, it's reserved for two
25 officers, but being that I'm the orderly or, you

1 know, the elite inmate who was allowed to come out,
2 I would sit in that chair.

3 Q. Would -- let's see.

4 A. With all the staff members, not just
5 Arneika, with anyone, because my job is to aid my
6 officer in whatever they need.

7 Q. And you didn't file any sort of PREA
8 or -- about Ms. Smith prior to May 9th?

9 A. No.

10 Q. Did you ever make any complaint to
11 anybody about --

12 A. M'mm-h'mm.

13 Q. -- the touching?

14 A. M'mm-h'mm.

15 Q. All right.

16 A. To the other inmates. To my family.

17 Q. Which family member, in particular?

18 A. Diana.

19 Q. And who is that?

20 A. My sister.

21 Q. What's her last name?

22 A. Wilson.

23 Q. Anybody else that was a family member?

24 A. Not that I can recall.

25 Q. But you didn't file any complaints about

1 Ms. Arneika Smith prior to May 9th?

2 A. Correct.

3 MS. EZIE: Object to form.

4 MS. LONG: Yeah. It wasn't -- let me
5 clarify that.

6 BY MS. LONG:

7 Q. You didn't file any PREA complaints
8 against Ms. Smith about the touching that occurred
9 prior to May 9th?

10 A. Right. Because it was not as invasive.

11 Q. Let's, I guess, turn to the -- well, no.
12 I want to ask one other question.

13 Regarding this money, was there any other
14 money transactions that you recall happened? The
15 transfer of money to Ms. Arneika Smith?

16 A. Not that I recall.

17 Q. How did you find out about the taxi being
18 paid for by this --

19 A. Because we were friends. We were
20 friends. And she told me. She told me all of her
21 private and personal business. Everything from her
22 sex life to her children. How would I know she has
23 children? How would I know how she got to work?
24 How would I know any of these things? Her
25 birthday? Cash app?

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1 Q. What -- so when you say she told you,
2 you're talking -- you're saying Arneika Smith told
3 you that this inmate paid for her taxi to work?

4 Is that correct?

5 A. M'mm-h'mm.

6 Q. Sitting here today, do you know Ms.
7 Arneika Smith's cash app?

8 A. I never did any transactions. I refused.
9 When she asked me, I told her that was a definite
10 no. That wasn't going to happen.

11 Q. But she gave it to you on a piece of
12 paper?

13 A. To give to another inmate. Let's be
14 clear.

15 Q. Right.

16 And you no longer have that piece of
17 paper?

18 A. I did what she asked me to do with the
19 piece of paper.

20 Q. Is that a no? You do not have --

21 A. No, I do not have the piece of paper. I
22 did what she asked me to do and gave it to the
23 inmate, like she requested.

24 Q. And you didn't copy it down anywhere
25 else?

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1 A. No. Why would I do that? I didn't want
2 any part of any of this.

3 Q. So you do not know her cash app?

4 A. I don't know it.

5 Q. Okay. And you're not aware of any other
6 inmate that provided money to her?

7 A. I just told you the names of the inmates
8 that provided money. Frank Mac. Murder.

9 Q. I understand that. I said anybody else.
10 Is there anybody else?

11 A. I mean, that's enough right there. I
12 mean, that's two --

13 Q. Well, please --

14 A. -- inappropriate transactions. So I
15 don't know. No. I don't know anymore.

16 Q. All right. May 9th -- tell me what
17 happened that day with Arneika Smith.

18 A. What would you like to know,
19 specifically?

20 Q. What happened? Obviously --

21 A. It was a while -- sorry. Sorry.

22 Q. That's the incident we're here about.
23 I'm assuming you have some recollection about what
24 happened that day.

25 A. Absolutely.

1 On May 9th, I was working as an orderly,
2 and as I was working as an orderly, is when she
3 approached me, and, at that particular day, we went
4 into -- you going to hear this referenced to three
5 different names. It's called the closet --

6 Q. Is that --

7 A. -- it's called the officer's thing, and
8 it's called the bathroom, so --

9 Q. I wrote that down, actually. I wrote
10 that down, as in what is it called. I have those
11 three things. Officer's room, bathroom, and
12 closet.

13 A. Right.

14 Q. What is it?

15 A. So we entered the officer's whatever, and
16 we sat down, and we began to talk, and this
17 particular day, she brought me Krystal's. I
18 remember that. Gave me a lip gloss. We began just
19 talking. We talked about that officer and how that
20 didn't work, and we talked a little bit about how
21 she's tired of being hurt by men. We talked about
22 my relationships with men. We discussed sexual
23 activity. She asked me, you know, pertinent
24 questions about things like my genitalia or, you
25 know, we talked about my breasts, that they were

1 natural. There was some touching. We stayed in
2 there for about two hours that first day, and,
3 then, we went down to A range, which we were not
4 supposed to be down there, because it was
5 quarantined, and we were not supposed to be there.

6 That's when we saw Murder and all of
7 those things, and that's when I realized that, you
8 know, I'm in something bigger than -- you know,
9 that I -- that I knew. Something more than what I
10 wanted to be involved with.

11 Q. Help me understand this room, because, as
12 you indicated, it does get called a lot of
13 different things.

14 A. Yes.

15 Q. When it's referred to as a officer's
16 room, is it something that officers use?

17 A. It's their office.

18 Q. So it's a office?

19 A. M'mm-h'mm.

20 Q. Is there a desk in it?

21 A. There's a bench. It's a desk. It's a
22 wall. It's like this (indicating), and there's a
23 shelf that goes all the way across. So if you want
24 to call that a desk, that's where -- well, you have
25 your walkie talkies, your officer scissors, your

1 paperwork and documents.

2 Q. So you describe that as a shelf connected
3 to the wall?

4 A. M'mm-h'mm.

5 Q. Was there a table of any sorts?

6 A. That's sort of like the table. That was
7 the table.

8 Q. Okay. Were there -- was there a chair or
9 chairs?

10 A. There's a toilet in there, and we bring
11 her chair from the post and drag it in there. When
12 she'd want to go to sleep, I would always go
13 prepare her spot in there by dragging the chair
14 from post into the closet.

15 Q. Are there filing cabinets in there?

16 A. There's one filing cabinet in the corner.

17 Q. Was it used for storage for their boxes
18 or anything of --

19 A. It's a multi-purpose, multifunctional
20 room.

21 Q. So is the answer yes, there would be
22 boxes or --

23 A. No. I meant just -- I meant I don't --
24 whatever they want to use it for. When I was in
25 there, there were no boxes in there, but I'm sure

1 there's been --

2 Q. Okay.

3 A. -- times when they put boxes in there.

4 Q. About how large is the room?

5 A. It's fairly large.

6 Q. Would you say 10 by 10? 20 by 10? I
7 don't know if you have a --

8 A. I suck at measurements. That was not my
9 thing at school, but I would say it was as big as
10 this room, if -- a little bigger than this room,
11 and this room would -- I'd say it's a -- maybe a 10
12 by 10. So a little bigger than that, because
13 there's a toilet, there's a mirror, there's a sink,
14 there's a wash area.

15 Q. Is there a shower area?

16 A. No. It's just a toilet and the sink.
17 That's what I call the wash area.

18 Q. Is the toilet and sink separated or is it
19 just --

20 A. They're separated.

21 Q. So if you --

22 A. The sink's on one end and the toilet is
23 on one end.

24 Q. Well, maybe I didn't ask that very well.

25 Was the toilet -- if you use the toilet,

1 could you close the door and not be seen?

2 A. Yeah. It's in the office.

3 Q. Yeah. But, I mean, if you're standing in
4 the office --

5 A. No. You could see it.

6 Q. You could see -- I'm trying to see if --

7 A. Yeah.

8 Q. The toilet wasn't separated off --

9 A. No.

10 Q. -- in anything? Any area?

11 A. No.

12 Q. And you say the toilet was at one end,
13 and the sink was at the other?

14 A. The sink is here (indicating), the toilet
15 is here (indicating). They're not together.

16 Q. Okay. I'm sorry. We have to read this
17 in a deposition, so it's kind of hard to --

18 A. Yeah. I was just going to say.

19 Q. To read that. They're not together.

20 Are they at opposite ends of the room?
21 Are they on one wall?

22 A. They're in the same room. They're just
23 not connected. They're along the same wall.

24 Q. They're along the same wall?

25 A. Yeah.

1 Q. Okay. When you were in there that day,
2 was there -- on May 9th, was there a bed of any
3 sorts? Blankets? Pillows?

4 A. Yeah. I was -- we put her chair in
5 there, and, then, there was a cot or a mat that was
6 brought a distance from the closet, so she could
7 sleep.

8 She -- your client loved to go to sleep
9 when she come to work. She would like to find
10 hiding spots, and I would always be the one to have
11 to protect her and let her sleep. She would also
12 have me make her bed, which I did willingly. I
13 mean, I will say, yeah, I did make her bed and
14 things. I did that for her.

15 Q. You did this before May 9th?

16 A. M'mm-h'mm. This is a regular thing. Her
17 sleeping. If she wasn't sleeping in the clo -- we
18 had to get more creative, because Lachesha was
19 leaving at 1:00 and coming in -- she would start
20 coming in during the weird hours, so we -- she had
21 to get crafty, so she didn't caught, because other
22 officers were catching her sleeping and doing
23 things like that, so I wasn't the only one; and so,
24 my job would be to try to find the safest place for
25 her to get a couple of hours nap, to where I could

1 watch out, and so, that wound up being -- it went
2 from us moving -- like you don't understand. We
3 would move this post, literally. It's unheard of
4 that you move the whole post. She would have the
5 inmates -- we would pick up the entire post, move
6 it from in front of the cell house to the back of
7 the cell house, to where she couldn't be seen. She
8 always had me and other inmates doing things like
9 that.

10 Q. When you say move the post, are you
11 referring to the desk?

12 A. Yes.

13 Q. And would you put the desk in the
14 officer's room?

15 A. Oh, it's too small to fit in there.

16 Q. Okay.

17 A. Now, remember, stay with me. Post is one
18 area. It's one thing. It's where the officer's
19 have their stuff. It's a post, it's a stand, it's
20 a desk, it's a table, it's a chair. It's a post.
21 That's what we call post. Then you have your
22 closet, the officer office/bathroom/multi-purpose
23 room.

24 Q. Okay.

25 A. So let's be clear about that, because

1 there's no desk. It wasn't just like this is a
2 table, this a desk. This was an actual post,
3 because you could sleep.

4 Q. In the office?

5 A. Yes.

6 Q. In the officer's room?

7 A. In the office and wherever you would hide
8 out of visual, because Jackson is a huge prison.
9 It's old. It's ancient. It's huge, so -- but the
10 cell houses are all open in the front. Just like
11 when they -- when they couldn't find her when we
12 were locked inside the closet, you have to -- it's
13 a big deal. So they had to call to have the doors
14 open. So those same doors sit right here
15 (indicating), and that -- and they're there for a
16 reason. The gate's there for a reason. So the
17 officer can be seen not only from superiors coming
18 this way (indicating), in every way, but so the
19 officer can see what is going on. So when we would
20 remove those posts, that wasn't happening.

21 Q. When -- what time of the day was -- do
22 you recall Ms. Smith --

23 A. Oh, God.

24 Q. -- was sleeping?

25 A. It varied. Sometimes she come in

1 straight and go to sleep. Depends on the night she
2 have.

3 Q. Was she sleeping -- and I didn't clarify
4 that.

5 Was she sleeping during the daylight
6 hours or was this night shift hours?

7 A. These are daylight. She never worked
8 night shift with me, thank God.

9 Q. Okay. So you would set up the cot in the
10 officer's room for her to sleep during daylight
11 hours?

12 A. Yes, ma'am.

13 Q. Okay. On May 9th, what time of the day
14 was it that y'all went into the closet together?

15 A. Morning.

16 Q. Was it after breakfast?

17 A. I can't hon -- morning is all I can tell
18 you.

19 Q. So when you say morning, could you give
20 me a range of time? What --

21 A. Well, let's --

22 Q. When you refer to morning, what are you
23 referring to?

24 A. Okay. Let's do it like this. Let's see.
25 If a shift starts at 7 a.m., and the shift ends at

1 5, let's say, so from 7 to 5, let's say that, so
2 between those hours, whenever she needed to take a
3 nap or need to go to sleep or needed to disappear,
4 that's when that would happen.

5 Q. I'm not talking in general. My question
6 is referencing May 9th. The time that you two went
7 into the closet.

8 A. It was morning. I think I said that.

9 Q. So it was after 7?

10 A. Ma'am, it was morning. I'm not -- I
11 can't give you a verbal breakdown, again.

12 Q. So it --

13 A. Let's stay focused. It was morning time.
14 I can't tell you what time of the morning it was.
15 I know it was morning.

16 Q. So it could have been before breakfast?

17 A. I don't think that would be morning,
18 cause breakfast in prison happens in the middle of
19 the night, at 3 a.m., 3:30, 4:00 in the morning.
20 So, no. Wouldn't say that.

21 Q. Okay. And what time do you have lunch?

22 A. It varies. It could be anywhere from 12
23 to 2.

24 Q. So the incident that we're here about
25 today, on May 9th, occurred before lunch?

1 MS. EZIE: Object to form.

2 THE WITNESS: What's your question?

3 MS. LONG: Yeah.

4 BY MS. LONG:

5 Q. I'm trying to narrow down a time frame
6 here. You --

7 A. I know. I mean, I'm -- I'm trying to
8 help you. That's why I really need to understand,
9 so let me -- what you're asking me is you want to
10 know the spe -- I can't give you the specific time,
11 so let's -- that's out.

12 So what is the next --

13 Q. Okay.

14 A. -- question after that?

15 Q. Okay. And I understand that you said it
16 couldn't have been before breakfast.

17 A. You're losing me, Ms. Terry. Stay with
18 me. I don't know what time it was. It was morning
19 time, is all I can tell you. I can't tell you if
20 it was before breakfast, after breakfast, all of
21 that. We're talking about something that happened
22 two years ago.

23 Q. I thought you said that breakfast
24 happened about 4 a.m.?

25 A. 4 a.m. So you knew it wasn't 4 a.m. I

1 said morning. That's nighttime. 3, 4:00 in the
2 morning is night, where I'm from.

3 Q. So is the sun up or do you recall?

4 A. I don't recall. And I don't see the
5 relevance whether the --

6 Q. Can you --

7 A. -- sun was up or not with her touching
8 me. That has nothing to do with what happened in
9 that closet on May 9th, whether the sun was up,
10 whether the sun was down, whether it was dark or
11 not. I think the more relevant inquiry is why it
12 happened, but that's not what we're here for, so --

13 Q. It's your understanding that it happened
14 before lunch hour or before lunchtime?

15 A. What happened?

16 MS. EZIE: Object to form.

17 BY MS. LONG:

18 Q. The incident on May 9th in the officer's
19 room.

20 That occurred before lunchtime?

21 A. Yes.

22 Q. And about how long were y'all in the
23 officer's room on May 9th?

24 A. I estimate about two hours.

25 Q. As an orderly, do you have morning

1 duties?

2 A. I get up at 4 a.m. every morning.

3 Q. What is your routine?

4 A. I take care of 2,500 inmates.

5 Q. What's your routine?

6 A. My routine is to get up, start cleaning,
7 start mopping, start preparing breakfast. I used
8 to have to feed everybody, so I would have to pull
9 all the trays in, and, then, I'd have to go and
10 count out every tray and walk past every cell and
11 pass them out. Sometimes I had to mop. I did a
12 lot of mopping, waxing, painting, climbing up on
13 the rafters, riding across the rails. Just
14 anything that no one else would do is what I was
15 doing. I worked very hard.

16 Q. Was it your responsibility to help pass
17 out the food?

18 A. It is my responsibility. I was head
19 orderly. M'mm-h'mm.

20 Q. And it was your responsibility on May 9th
21 to pass out the food?

22 A. It was my responsibility the entire time
23 as an orderly, which I was at GDCP, to do that,
24 yes.

25 Q. Is that everyday? Seven days a week?

1 A. Seven days a week, three times a day, I
2 fed.

3 Q. And about how long does it take you to
4 hand out trays? Food trays?

5 A. It depends on if there's help.

6 Q. Okay. On May 9th, how long did it take
7 you to pass out the food trays?

8 A. I can't recall.

9 Q. Well, how long does it take you,
10 normally, if you don't have help?

11 A. It -- it varies. In a prison environment
12 everything is unpredictable. So if a fight breaks
13 out, somebody starts throwing something, you just
14 never know.

15 Q. Well, let's say at --

16 A. But --

17 Q. If nothing happens out of the ordinary,
18 what is your ordinary time, about, to pass out a
19 food -- the food trays?

20 A. I don't know. I never really -- I can't
21 tell you that. I don't know.

22 Q. How many inmates are you handing food to?

23 A. It just depends on how many are in the
24 dorm at the time.

25 Q. Can you give me approximate --

1 A. I can't.

2 Q. Approximate number?

3 A. I cannot.

4 Q. Do you do everybody that's in that dorm?
5 Every inmate that's in that C Dorm?

6 A. M'mm-h'mm.

7 Q. Is C Dorm separated at all? Is it just
8 one -- one dorm?

9 A. It's one unit. C Unit is one --

10 Q. One --

11 A. -- unit. Yes, ma'am.

12 Q. I think you indicated, as orderly, you
13 also had something to do with trash.

14 Did you pick up -- did you pick up trash
15 from each individual's cell or how does that work?

16 A. We have two large trash cans in there,
17 and --

18 Q. Okay.

19 A. Yeah.

20 Q. All right. Getting back to the room.
21 Were there any windows in this room?

22 A. No.

23 Q. When you were in there on May 9th with
24 Ms. Smith, were the lights on?

25 A. M'mm-h'mm. Yes.

1 Q. Was this the first time y'all had ever
2 been in the room together?

3 A. No.

4 Q. So how often had you been in the room
5 together before?

6 A. I can't recall.

7 Q. Was it more than three?

8 A. Not much more than that, cause you're not
9 allowed to really be in there. I'm not really
10 allowed to be there. I'm not supposed to be there
11 at all.

12 Q. Is the room supposed to be kept locked?

13 A. It is.

14 Q. How do you lock the door? Does the
15 officer lock the door or --

16 A. He does. With the key.

17 Q. How does it work?

18 A. It has to be locked with a key.

19 Q. What about -- is that from the outside
20 and the inside? You have to use a key for both?

21 A. I don't recall, but I'm sure --

22 Q. You're sure what?

23 A. That you have to use a key. Cause it's a
24 prison, and almost everything is locked. There's a
25 key to everything.

1 Q. When you went into the room on May 9th
2 with Ms. Smith, did she lock the door?

3 A. She did.

4 Q. So you saw her lock the door?

5 A. Yes, I did.

6 Q. Did she use the key?

7 A. She did.

8 Q. From the -- and she locked it from the
9 inside?

10 A. Yes. And now that I'm recalling, that is
11 the only way to get in that office is with the key,
12 and that's the only way to get out of that office
13 is with the key.

14 Q. Okay. What did she say to you before
15 y'all went into the office?

16 A. Oh, I can't remember that.

17 Q. You don't recall --

18 A. No.

19 Q. -- anything she said?

20 A. We just talked all day. Everything we
21 talked about, it ranged, so you just never knew.
22 We were always -- no. I can't recall the
23 particular conversation.

24 Q. Do you recall why you went into that room
25 with her?

1 A. Yeah. To make a bed.

2 Q. Oh, she was -- she asked you to make the
3 bed?

4 A. M'mm-h'mm. Yes.

5 Q. And did you make the bed?

6 A. I always do what my officers tell me to
7 do.

8 Q. Okay. How did you do that? How do you
9 make the bed?

10 A. I mean, I don't -- what do you mean how
11 did I do that? I grabbed a mat, and I laid it out.
12 There was sometimes that she would -- there's a
13 chair, a reclining chair. Sometimes we'd put a mat
14 in it, and you can lean back and lay back, you
15 know.

16 Q. Describe the mat to me.

17 A. It's about this thin (indicating).

18 Q. All right.

19 A. About this long (indicating).

20 Q. M'mm-h'mm.

21 When you say this long, are you saying
22 about six feet?

23 A. Yeah. I'm sorry. I got both hands
24 extended. Sorry. As you can see. Yeah.

25 Q. So is that about six feet long?

1 A. Yep.

2 Q. And what is -- what is that mat normally
3 used for?

4 A. The inmate's bed.

5 Q. So that's something that you would put on
6 an inmate's bed?

7 A. It's an inmate's bed.

8 Q. But is it referred to as a mattress
9 sometimes?

10 A. No. A mat.

11 Q. A mat?

12 A. We call them mat, and --

13 Q. So there was this mat, and there was a
14 cot.

15 When you refer to the cot, is that
16 something different than the mat?

17 MS. EZIE: Object to form.

18 THE WITNESS: Yeah. I didn't say cot. I
19 said chair, and when I referred to it, I gave
20 you a demonstration of a chair. So it was a
21 chair.

22 BY MS. LONG:

23 Q. I thought earlier you -- I thought
24 earlier you said something about a cot.

25 So there was -- there was no cot in the

1 room?

2 A. Except for the cot that I was told to put
3 in there. The mat. Mat --

4 Q. The cot?

5 A. -- cot, mat, cot, bed, mattress.

6 Q. Okay. That's what I'm trying to --

7 A. Yeah. Sort of like the officer room.

8 Officer room, officer closet, officer this. Same
9 with the mat.

10 Q. Okay. So the mat and the cot, when
11 you -- if you use the word cot, that's the same --

12 A. Cot is -- I'm referring to as the barber
13 chair. Let's just say that.

14 COURT REPORTER: That's the what?

15 THE WITNESS: The recliner. Let's say
16 the recliner.

17 BY MS. LONG:

18 Q. There was a recliner chair?

19 A. Let's -- yeah. That's what it was, and
20 that's what I'm calling the cot, because it lays
21 back, and you can lay back. And she would do so,
22 lay back, and I would bring blankets, and she'd
23 cover up and go to sleep.

24 Q. In the chair?

25 A. M'mm-h'mm.

1 Q. Okay. I thought you said that you
2 sometimes bring the chair from the post into the
3 office.

4 A. I never said that. I never --

5 Q. Okay.

6 A. -- told you that. I made a distinct
7 clarification, so you would not get that confused.
8 That's not --

9 Q. All right. I wanted to be clear on that.
10 So there was a chair already in the
11 officer's room?

12 A. We would move the chair from the post
13 sometimes; but, yes, I think there is a chair.
14 There's a chair in there. Yeah.

15 Q. Okay. Now you're saying it again, that
16 you moved the chair from the post.

17 A. There were times I would move her chair
18 from the post, and, then, I would have to have a
19 place to sit, so I would move my chair from the
20 post.

21 Q. And there was already a chair in the
22 officer's room?

23 A. Yeah. There's always a stool in there.
24 It's like made -- yeah. It's a chair in there.
25 Yeah.

1 Q. A chair or a stool?

2 A. Chair.

3 Q. On May 9th, did you put a chair in the
4 office?

5 A. No.

6 Q. So there was already a chair in the
7 office?

8 A. It was.

9 Q. And when you said you --

10 A. I put a cot. I put a mattress in there.

11 Q. You put a mattress in there?

12 A. M'mm-h'mm.

13 Q. On May 9th?

14 A. M'mm-h'mm.

15 Q. Where did you get that from?

16 A. From the closet.

17 MS. EZIE: Ashley, she's speaking about
18 May 9th. Not May 10th.

19 THE WITNESS: Oh, okay. My bad.

20 MS. LONG: Okay. I'm confused.

21 THE WITNESS: Yeah, you're confusing me,
22 too. So let's -- start over.

23 BY MS. LONG:

24 Q. When you went into the -- I'm calling it
25 the officer's room.

1 When you went into the officer's room on
2 May 9th --

3 A. M'mm-h'mm.

4 Q. -- did you put anything in the room?

5 A. No.

6 Q. Okay. With regard to furniture, what was
7 in the room?

8 A. I can't recall.

9 Q. Was there a chair in the room?

10 A. I think so. Yeah. There was a chair in
11 the room.

12 Q. Was there a cot in the room?

13 A. No. The cot is the chair. You're
14 confusing me, now, because, remember --

15 Q. Well --

16 A. Remember we said the cot and the bed were
17 the same thing. So we -- we never --

18 Q. The cot and the mat and the bed are all
19 the same thing, correct?

20 A. That's what we're saying. Correct.

21 Q. Is the cot, the mat, and the bed and the
22 chair all the same thing?

23 A. That's a good question. Sometimes I -- I
24 guess I referred to it as that. But I would say a
25 chair wouldn't be the same thing. A chair would

1 just be a chair, is what I would say.

2 Q. Okay. And you said you went into the
3 officer's room and made a -- I guess a bed for her
4 to sleep.

5 Describe for me, again, how did you make
6 the bed? Cause I'm confused.

7 A. There were times that we just take the
8 mattress --

9 Q. No. No. No. I don't want to talk about
10 times. I want to talk about May 9th, please. May
11 9th --

12 A. I can't -- I can't --

13 Q. -- what did you do?

14 A. -- give you a specific remembrance of
15 that. I can't.

16 Q. So you don't know what you did May 9th?

17 A. I know exactly what she did.

18 MS. EZIE: Object to form.

19 THE WITNESS: I know what I did May 9th.
20 I was working and doing what I was told.

21 BY MS. LONG:

22 Q. Did you -- did you make a bed in the
23 officer's room on May 9th?

24 A. No. Not that I recall.

25 Q. Okay. Was there a mat in the officer's

1 room on May 9th when you went in there?

2 A. It was.

3 Q. And you didn't put it in there?

4 A. I put it in there the day before, yes.

5 Q. Okay. And why did you put it in there
6 the day before?

7 A. Because I was told to by superior,
8 because the person who had it was infected with
9 COVID, and all of their property had to be put in
10 the officer's closet, and that mattress was one of
11 the mattresses that belonged to them.

12 Q. Do you recall who told you to do that?

13 A. A superior.

14 Q. I know. But the superior's name?

15 A. A superior, ma'am. That's all I can tell
16 you.

17 Q. So you don't have any recollection about
18 who told you to put the mat in the closet?

19 A. A superior. What part of that don't -- I
20 mean, a boss. That means --

21 Q. Please --

22 A. -- either a sergeant --

23 Q. Please, Ms. --

24 A. -- or a lieutenant -- a sergeant or a
25 lieutenant or above. A superior. It wasn't her.

1 Q. If you don't know, just please say you
2 don't know.

3 A. But I do know.

4 Q. Do you know --

5 A. It was a superior.

6 Q. -- the name -- do you know --

7 A. I just don't know which superior.

8 Q. Do you know the name of the person who
9 asked you to put the mat in the closet the day
10 before?

11 A. Who was it? No. Yeah. I mean, it was
12 either Ms. Smith or Sergeant -- no, I don't. Let's
13 just say no. No, I don't.

14 Q. Okay. Who went into the officer's room
15 first on May 9th?

16 A. Obviously, her.

17 Q. Okay. Were you right behind her? Did
18 you come in later?

19 A. Right behind her.

20 Q. Okay.

21 A. Holding what she asked me to hold. The
22 Krystal's and whatever. Her bags.

23 Q. What were you -- what were you holding?

24 A. Krystal's and whatever she asked me to
25 have.

1 Q. What is Krystal's?

2 A. It's a hamburger joint.

3 Q. Oh.

4 A. They sell square hamburgers. The little
5 burgers. Krystal burgers.

6 Q. Okay. So you brought in a bag of
7 Krystal's.

8 Do you remember anything else you were
9 carrying?

10 A. No. I just had stuff.

11 Q. Okay. And you said there was a chair
12 already in the officer's room.

13 Am I saying that correctly?

14 A. I think so.

15 Q. Where did you -- or did you sit down?

16 A. I don't recall.

17 Q. Were you standing or sitting?

18 A. I'm sure I was doing both.

19 Q. So was there more than one chair in the
20 room?

21 A. Uh-uh.

22 MS. EZIE: Ms. Long, we've been going for
23 about an hour, and I'm not sure if my client's
24 had a chance to eat.

25 Is now a good time --

1 MS. LONG: Sure.

2 MS. EZIE: -- to take a break?

3 THE WITNESS: Yeah. I'd like to do that.

4 MS. LONG: Yeah. That'll be fine.

5 MS. EZIE: Can we take 30 minutes, so we
6 can use the restroom, get lunch, the Court
7 Reporter can rest her hands a bit?

8 MS. LONG: Sounds good to me.

9 THE WITNESS: Sounds good to me, too.

10 MS. LONG: Okay.

11 MS. EZIE: Come back at approximately
12 1:30?

13 THE WITNESS: Okay.

14 MS. LONG: Okay. Thank you.

15 (A lunch break is taken.)

16 BY MS. LONG:

17 Q. When y'all went into the room on May 9th,
18 do you recall what day of the week it was?

19 A. No.

20 Q. Could it have been the weekend or was it
21 a weekday or you have no idea?

22 A. I have no idea.

23 Q. Okay. When you got into the room on May
24 9th, what did you first do?

25 A. I don't recall.

1 Q. Did y'all eat right away?

2 A. I don't recall.

3 Q. Were you sitting or standing?

4 A. I don't recall. I was sitting. I do
5 remember sitting. Yes.

6 Q. Where were you sitting?

7 A. Next to her.

8 Q. In a chair?

9 A. Yes. A stool. M'mm-h'mm.

10 Q. You were sitting on a stool, and was she
11 sitting in a chair? Ms. Arneika Smith?

12 A. M'mm-h'mm.

13 Q. Okay. What is the first thing she said
14 to you, that you recall, that you felt was
15 inappropriate?

16 A. When she started asking me about the kind
17 of dicks I liked.

18 Q. And did you answer her question?

19 A. No.

20 Q. How did that conversation proceed? What
21 else did she say that you found inappropriate?

22 A. A lot of things that I found
23 inappropriate about what she was saying and asking,
24 cause as a transgender woman, it's very offensive
25 to ask you about your genitalia and things like

1 that, so -- those were questions.

2 Q. Well, I apologize I have to ask you, but
3 I need to know the details of what questions she
4 was asking you, please.

5 A. Just things like you --

6 MS. EZIE: Object to form. Are we
7 talking about -- which day are we talking
8 about?

9 THE WITNESS: Yeah. Which day the 9th
10 or the 10th?

11 MS. EZIE: Which day of the
12 allegation?

13 MS. LONG: I did specify. May 9th.

14 THE WITNESS: Okay. So -- so what was
15 your question?

16 MS. LONG: Yes.

17 BY MS. LONG:

18 Q. I'm trying to understand the details of
19 your conversation.

20 What else did you -- did she say --
21 besides what kind of dicks did you like, what else
22 did she say that you thought was inappropriate?

23 A. I would say just the line of questioning,
24 and the conversation in the hole.

25 Q. You can't recall anything, specifically?

1 A. Yeah. I would say asking me things like
2 what kind of dicks I liked, and those types of
3 things, would be very offensive. Asking me if my
4 breasts are real. Things of that nature. Private
5 stuff.

6 Q. I'm trying to find out what,
7 specifically, you recall her saying that you
8 thought was inappropriate.

9 A. I specifically told you. One of the
10 comments was what kind of dicks do you like. That
11 was very inappropriate.

12 Q. I understand that. Trying to find out
13 what else she said that you thought was
14 inappropriate.

15 A. Do I fuck boys or girls.

16 Q. Anything else?

17 A. Those what come to mind immediately.

18 Q. Did you respond to any of her questions?

19 A. Not that I remember. I mean, I'm sure I
20 probably did.

21 Q. During this time that you're in the
22 closet, did she ever touch you?

23 A. The second day. Yeah. She touched my
24 leg and my thighs.

25 Q. The first day she touched your leg and

1 your thighs?

2 A. She touched my legs. Yeah.

3 Q. What else did she -- on the first day,
4 we're talking about May 9th, did she touch you in
5 any other way on May 9th?

6 A. Uh-uh. Not that I --

7 Q. I'm sorry?

8 A. No. Besides touching me.

9 Q. At any time did you ask to leave the
10 room?

11 A. Not that I recall.

12 Q. Other than these inappropriate comments
13 and touching your legs, was there --

14 A. And thigh.

15 Q. -- any other --

16 A. And thigh.

17 Q. And thigh, was there any other thing that
18 she did that you felt was inappropriate on May 9?

19 A. No, that I can think of.

20 Q. Did you, at some point, eat Krystal's?

21 A. Yeah. I can't remember if that was the
22 9th or the 10th; but, yeah, I do remember her
23 giving me some Krystal's. M'mm-h'mm.

24 Q. Okay. I thought you said on May 9th that
25 you carried a bag of Krystal's into the --

1 A. Then it was the 9th. Then it was the
2 9th.

3 Q. Is it appropriate for an officer to give
4 an inmate food?

5 A. It depends on who you ask and what
6 circumstance.

7 Q. Is it appropriate for an inmate to accept
8 food from an officer?

9 A. It depends on what the circumstance is.

10 Q. I'm talking about the circumstances on
11 May 9th.

12 Was it a violation of policy for you to
13 take food from her and --

14 A. No.

15 MS. EZIE: Object to form.

16 THE WITNESS: Not to my knowledge.

17 BY MS. LONG:

18 Q. Had she ever given you food on prior
19 occasions before May 9th?

20 A. I don't recall. I don't -- I can't
21 remember.

22 Q. Y'all were in the room, you said, for
23 approximately two hours?

24 Is that correct?

25 A. M'mm-h'mm. Yes.

1 Q. What else did y'all talk about for two
2 hours?

3 A. All kinds of stuff. I was writing.
4 African -- just all -- a lot of things.

5 Q. Do you recall what time you left the room
6 on May 9th?

7 A. No.

8 Q. Did y'all leave the --

9 A. It --

10 Q. -- room together? I'm sorry?

11 A. Yes. I'd have to leave with her, because
12 there's no way for me to enter and exit alone.

13 Q. Okay. I'm sorry. I'm going to have to
14 close my door.

15 A. Okay.

16 Q. Give me one second.

17 A. You're okay.

18 Q. I keep forgetting to close my door.

19 (Counsel closes door.)

20 BY MS. LONG:

21 Q. After you left, did you feel there was
22 any basis for filing a PREA, at that point, against
23 Ms. Smith for what happened in the close -- in the
24 officer room?

25 A. What's the question?

1 Q. Was there anything that you thought
2 should be reported that occurred on May 9th?

3 A. I'm sure I had thoughts, but I was
4 afraid, probably, to do so, because when I went in
5 this time, I was going in with a different mindset
6 than I had, because I knew coming back what it was
7 going to be.

8 Q. So on May 9th you did not make a report
9 about anything that happened?

10 A. No.

11 Q. Was there ever any mention of her coat
12 being -- not being able to find her coat on May
13 9th?

14 A. Not that I remember.

15 Q. Were there any pillows or blankets in the
16 room on May 9th?

17 A. No. That I --

18 Q. At any point -- I'm sorry.

19 A. That I recall. I don't think the pillows
20 and blankets came into play until the next day.
21 Until the 10th.

22 Q. So the entire time that you were in the
23 room on May 9th, were y'all both sitting in the
24 chairs?

25 A. I was. And she was sleeping, partially.

1 Q. She was sleeping on May 9th?

2 A. I didn't come -- let's see. Yeah. I
3 would say she would be nodding in and out.

4 Q. So were you watching her sleep?

5 A. I wouldn't say watching her sleep, but
6 looking out for her.

7 Q. While you were still in the room or did
8 you leave the room to look out for her?

9 A. No. I was in there, because you could
10 hear the people coming.

11 Q. Did anybody come to the room while y'all
12 were in there on May 9th?

13 A. Yes.

14 Q. Who's that?

15 A. It was just an inmate knocking.

16 Q. Who was that? Do you know?

17 A. It was several inmates knocking. I know
18 Horn was one of them, at one point. But no.

19 Q. Who was that?

20 A. Jimmy Lee Horn was one, at one point.

21 Q. Do you recall any other inmate knocking
22 on the door?

23 A. Not that I can remember.

24 Q. What did they -- what did they say -- or
25 what did inmate Horn say when he knocked on the

1 door?

2 A. I couldn't really hear what he was
3 saying. I just would hear (witness makes knocking
4 noise with her hands.)

5 Q. Did you or Ms. Smith reply when he
6 knocked -- when inmate Horn knocked on the door?

7 A. No.

8 Q. Well, what about when any other inmates
9 knocked on the door? Was there any communications?

10 A. No.

11 Q. At any time on May 9th, did you sit or
12 lie down on the mats?

13 A. We were sitting.

14 Q. I know. But I'm talking about the mat.

15 A. No. The mat -- I didn't lay on the mat
16 until May 10th. We were sitting on the mat
17 together.

18 Q. Okay. The next day, May 10th, I'm
19 guessing, you don't know what day of the week that
20 was that you were --

21 A. Are you asking me did I know what day of
22 the week it was?

23 Q. Yes.

24 A. No.

25 Q. Any reason for you to know what day of

1 the week this occurred?

2 A. I don't think you would need to know
3 that. I don't know. Again, it's just been some
4 time. Now, it's been two years, almost, since that
5 incident.

6 Q. On May 10th, what time of the day did you
7 enter the officer room?

8 A. I can't recall what time of the day it
9 was.

10 Q. Was it morning or afternoon?

11 A. It would have been sometime in the
12 morning time. It wasn't afternoon. So it would
13 have been sometime in the morning.

14 Q. Was this about the same time as you went
15 into the room on May 9th?

16 A. Maybe. Maybe not. I'm not quite sure.

17 Q. How long were y'all in the room May 10th?

18 A. I would say probably -- approximately
19 about two hours, as before, because that's when the
20 shift -- the count comes.

21 COURT REPORTER: The cap comes?

22 THE WITNESS: Excuse me? Oh, the count.

23 MS. LONG: Count.

24 THE WITNESS: I was trying to think
25 of when the count comes, to try to recollect

1 the time, but that's not going to work,
2 either.

3 BY MS. LONG:

4 Q. To clarify your answer, you were in the
5 room --

6 MS. EZIE: I don't understand the
7 question. Was that the total number of hours
8 total or the number of hours before there was
9 a interruption on May 10th?

10 MS. LONG: The total number of hours you
11 were in the room on May 10th.

12 MS. EZIE: On day two?

13 MS. LONG: Yes. We're talking about the
14 second day, now.

15 THE WITNESS: Okay. Now, what was the
16 question again? Repeat it.

17 BY MS. LONG:

18 Q. Just to clarify, what -- how long were
19 y'all in the room, total, on May 10th?

20 A. I can't give you a total time.
21 Approximately, about two hours, just as the day
22 before, approximately.

23 Q. Okay. In the morning?

24 A. Approximate, yes.

25 Q. On this date, what led up to going into

1 the room?

2 A. She's my superior, and she told me to go
3 into the room.

4 Q. She directed you to go into the room?

5 A. On the 10th or the 9th? On the 10th I
6 was --

7 Q. On the 10th.

8 A. -- to make up a bed for her.

9 Q. The 10th?

10 A. M'mm-h'mm.

11 Q. Okay. Tell me what led up to going into
12 the room.

13 A. She had had a late night, another late
14 night, and she needed to get some sleep, and she
15 told me she needed me to make a bed, so I got
16 blankets and pillow.

17 Q. Where did you get the blankets and
18 pillows from?

19 A. From the closet. Now, there is an actual
20 closet in the dormitory that is a linen closet.

21 Q. Is that room locked?

22 A. No. That's for the orderlies.

23 Q. Okay. So you got how many blankets and
24 pillows?

25 A. Oh, girl, I can't tell you that. I don't

1 know how many blankets and pillows it was.

2 Q. Okay. Did she open the officer's room at
3 that point?

4 A. She always opens the officer room, cause
5 you have to have a key. Again, I'm stating for the
6 record, that the officer has to open the door with
7 a key. So any time you were in there, it had to be
8 opened by your client.

9 Q. Okay. Tell me what happened in the room
10 that day. On May 10th.

11 A. There was touching, but that's when --
12 there was more evasive questioning. I remember
13 being very uncomfortable at that point. That's
14 when I knew that something had to be done, after
15 that day. I knew, you know, after she asked to see
16 my breasts, and I showed her my genitalia.

17 Q. Anything else that you recall?

18 A. No.

19 Q. Was there any mention of her looking for
20 her coat on May 10th?

21 A. To who?

22 Q. To you.

23 A. No.

24 Q. Did you, at any time, hear her mention
25 that she was looking for her coat?

1 A. No. No. I don't know why she wouldn't
2 know where her coat would be, because there's
3 only -- it would either be on the back of your
4 chair or in the officer's closet. There's no other
5 ways that you could be looking for your coat, so --
6 that had me completely baffled when they were like
7 we were looking for a coat.

8 Q. Did you make up a bed at her request?

9 A. I did.

10 Q. And what did you do? How do you make up
11 the bed?

12 A. I laid a mattress out in the -- the
13 chair/cot thingy, I put pillows and blankets down,
14 and we sat, and I sat beside her.

15 Q. Okay. I'm still a little confused.

16 What is a chair/cot thingy?

17 A. I don't know. You'd have to go and see
18 it, yourself.

19 Q. Is it a chair?

20 A. I call it a chair, but someone might call
21 it a recliner.

22 Q. Okay. And you were both sitting on this
23 recliner?

24 A. We were reclined all the way back with a
25 bed. It was a makeshift bed on there. Remember

1 that part.

2 Q. Okay. It was a chair that reclined back
3 to make a bed?

4 A. M'mm-h'mm.

5 Q. Is that a yes?

6 A. It was a chair.

7 Q. M'mm-h'mm.

8 A. And you could lay it back and make it
9 whatever you wanted, I guess.

10 Q. So you laid the chair back and put the
11 mattress on it.

12 Did you lie down first or did she lie
13 down first?

14 A. We sat. She sat first, and I sat beside
15 her.

16 Q. On the same chair?

17 A. On the bed.

18 Q. On the -- you're -- the bed, but when we
19 refer to the bed, we're talking about the mat, the
20 cot --

21 A. Let's just go ahead --

22 Q. -- the chair?

23 A. Just -- we should -- yeah. Let's
24 establish what we're talking about. The makeshift
25 bed, bed, cot, all the same thing.

1 Q. It's a chair that you can recline,
2 correct?

3 A. I would believe so. Yes.

4 Q. When you reclined it, about how far off
5 the ground would the mat be?

6 A. I don't know.

7 Q. Would it be higher than your waist?

8 A. It was high above. It was about this
9 high (indicating).

10 Q. When you state this high --

11 A. Maybe -- let's see. A fo -- one foot.
12 Two foot. Three foot. About three feet, four feet
13 high.

14 Q. Okay. So --

15 A. Three feet high.

16 Q. -- was the entire mat off the floor or
17 did any part of it lean down and touch the floor?

18 A. Oh, I can't remember that.

19 Q. I'm trying to understand --

20 A. I mean, I don't know what don't you
21 understand, because it's a chair, it was made into
22 a bed.

23 I mean, perhaps maybe they should have
24 went and got cameras and took some pictures of
25 this, so you would be able to know what we're

1 talking about --

2 Q. Well, I don't --

3 A. -- cause it's very hard for me to explain
4 to you --

5 Q. That's okay.

6 A. -- in a way that you're going to
7 understand, because you've never been in a prison.

8 So, first of all, with this chair, this
9 recliner we're talking about, when you're saying
10 chair, a lay person might think just a regular
11 chair, whereas to -- this is not a regular chair,
12 which is -- that's just what we're calling it, when
13 it's a chair that could lay back into a bed, in a
14 reclining state, so --

15 Q. I'm trying to understand. When it
16 reclined, and you had the mat on it, was it flat or
17 was it at an angle?

18 A. It was flat.

19 Q. So it was parallel to the floor?

20 A. What do you mean parallel to the floor?

21 Q. It was flat? Like the floor is flat?

22 The mat would have been completely flat? Not
23 leaning?

24 A. I don't know if it was completely flat.

25 It may have been some -- you know. It was up

1 there. I don't know. I didn't check the mat to
2 see what condition it was in or exactly how it was
3 made. I just threw it up there, threw the
4 blankets, I mean, up there.

5 Q. Did any part of the mat touch the floor?

6 A. I can't recall.

7 Q. How long were y'all both sitting on the
8 chair/mat/bed?

9 A. I'm not sure.

10 Q. Was it the entire two hours?

11 A. There are times I would stand up. She
12 would stand up.

13 Q. Did y'all eat any food? Was there any
14 food involved in this day?

15 A. I don't recall. No, I don't think there
16 was no food.

17 Q. So it's just talking and -- strike that.

18 Other than standing and sitting on the
19 mat, is there anything else you recall happening?
20 Nevermind. I won't ask that question.

21 I'm assuming nobody had a phone in this
22 room, is that correct?

23 A. That's correct.

24 Q. Okay. At some point you all -- were
25 y'all interrupted by an officer?

1 A. We were.

2 Q. Tell me about how that happened.

3 A. All I know is he knocked on the door.

4 Q. Who knocked on the door?

5 A. What we now know is Derrick Ridley.

6 Q. Did he come into the room?

7 A. I remember him knocking at the door. I
8 remember her not wanting to answer the door and
9 telling me to hide back. I remember her opening
10 the door, going out, conversing with him, trying to
11 keep him busy from coming in. I remember him being
12 insisted upon coming into the closet to get his
13 stuff. I remember her walking off with him, and I
14 remember him coming back and coming into the closet
15 and seeing me. The bed.

16 Q. Okay. Now, when you were -- when he
17 knocked on the door, and she told you to get back,
18 where did you go?

19 A. Tried to go to the back of -- the door
20 opens here (indicating). I was -- I can't recall.
21 I don't even remember. I just tried to get to the
22 back of the cell or to the back of the -- just out
23 of the way. I tried to get out of the way.

24 Q. Were you standing near the sink or the
25 toilet?

1 A. Yeah. Somewhere in that area. Yeah.

2 Q. At that point when he came into the room,
3 did you have all your clothes on?

4 A. I did.

5 Q. At any point did you take your clothes
6 off? Any of your clothes off?

7 A. No.

8 Q. I'm not sure I understood your testimony.
9 I want to go through it just again.

10 You said she opened the door when Officer
11 Ridley started banging on the door.

12 Did you say she left the room at that
13 point?

14 A. She went out the door -- outside of the
15 door with him.

16 Q. Did she close the door behind her?

17 A. She did. Locking it.

18 Q. And did he come back in the room, you
19 said?

20 A. M'mm-h'mm. They both came back, and when
21 she --

22 Q. Oh, they both --

23 A. -- unlocked the door, she came back, and,
24 then, he came back, and that's when he saw me, and
25 was like --

1 Q. What did he get from the room?

2 A. His coat and his food.

3 Q. Did officers keep food in the officer
4 room regularly?

5 A. He was supposed to be the officer that
6 was working the post, but somehow she manipulated
7 her way back over there.

8 Q. When you say he was working the post, he
9 was assigned to C Dorm?

10 A. M'mm-h'mm. That's why his belongings
11 were there first.

12 Q. Do you know at what point he came on
13 duty?

14 A. I do not.

15 Q. Do you know at what point he left the
16 dorm? Went off duty?

17 A. I do not.

18 Q. Do you know when he first came into C
19 Dorm?

20 A. I do not.

21 Q. Was he there when y'all both went into
22 the officer's closet --

23 A. He was --

24 Q. -- the first time or --

25 A. He was not.

1 Q. He was not in C Dorm when you went into
2 the officer's room?

3 A. Correct.

4 Q. Were there any other officers in the dorm
5 when y'all went into the officer's room?

6 A. No, ma'am.

7 Q. What happened when they both came back
8 into the room?

9 A. When he saw me, she tried to play it off,
10 cause he was like, and she was like oh, no. She's
11 like tell him this. We got to tell him something.
12 We got to think of something. So she just began to
13 rectify the situation. I had no part in that. And
14 when I came out, I just remember him looking at me
15 in a way of repute, and I remember telling him I
16 did nothing wrong. That I'm not -- I haven't done
17 anything wrong.

18 Q. You said that Ms. Smith told you you
19 needed to rectify the situation?

20 A. No. I never -- I didn't say that. I
21 never said Ms. -- no one said I needed to rectify
22 the situation.

23 Q. Did Ms. Smith, at any point, tell you
24 what to tell Officer Ridley?

25 A. She was just -- yes, I think she did try

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1 to say say something. Say -- yeah, she did try,
2 but I don't recall what it was, but she was --
3 yeah, she wanted -- definitely was trying to get me
4 to cover it up and to go along with something,
5 but --

6 Q. Was this in front of Officer Ridley?

7 A. No. Obviously not, because then he would
8 know.

9 Q. Okay. At what point did she tell you
10 that you needed to say something to cover it up?

11 A. When we were all standing outside in the
12 cell house, and he approached me, she was standing
13 over there sort of, you know, how when you're
14 trying to silently tell someone by signaling.

15 Q. She was signaling you with her hands?

16 A. Yeah. Saying --

17 Q. Where was she standing when she did that?

18 A. We were standing in C House.

19 Q. In the open dorm area?

20 A. M'mm-h'mm. Yes.

21 Q. Would this have been in front of the
22 cameras?

23 A. It should have been. All of this should
24 be on camera. I don't know why you -- none of --
25 it's not on camera. That's what I -- you know, you

1 should -- should have all been.

2 Q. So Officer Ridley came to the door, and,
3 then, you're saying that Ms. Smith went outside the
4 door while Mr. Ridley was out there or Officer
5 Ridley was out there?

6 A. I'm not saying -- I -- what is your
7 question? Ask a question, and I can give you an
8 answer, because I don't know. We're kind of all
9 over the place.

10 Q. I'm trying to understand the order of
11 events with Officer Ridley.

12 A. Well, I can tell you like this: I know
13 that Officer Ridley came to the door. I know that
14 she -- after he banged and banged and banged for a
15 while, she finally answered the door. I know that
16 she locked the door behind -- went out to talk to
17 him, closed the door behind her, left me in there.
18 He insisted upon coming in there. When she came
19 back, I remember him coming back, and him, again,
20 as I stated to you before, looking at me with ill
21 repute, disgust, shock.

22 Q. And he -- and, at that point, what did
23 Officer Ridley do?

24 A. What do you mean what did he -- I don't
25 know what he did. He just looked at me and left.

1 Q. Did he get his stuff?

2 A. Oh, yeah. He finally got his stuff.

3 Q. And he left.

4 Did Ms. Smith leave with her?

5 A. No.

6 Q. With him?

7 A. Not that I --

8 Q. Okay.

9 A. -- recall.

10 Q. So you and Ms. Smith remained in the
11 officer's room after Officer Ridley left?

12 A. M'mm-h'mm. We went back in there.

13 Q. How much longer did you stay in there
14 after that?

15 A. I can't give you a -- in totality, again,
16 like I said in the Complaint, approximately about
17 two hours, on both days, so that's just my
18 approximate guessing.

19 Q. I'm trying to understand how long you
20 stayed in the room after Officer Ridley showed up.

21 A. Oh. We were in there for probably about
22 another 45 minutes after Ridley.

23 Q. What happened during that 45 minutes?

24 A. I can't remember.

25 Q. Was there --

1 A. I remember pandemonium about the
2 situation, and her being exasperated about it, and
3 saying, you know, she's probably going to get in
4 trouble and that she didn't want that to happen.

5 Q. For 45 minutes, that's all that you
6 recall happening?

7 A. That's a lot. That's enough to happen in
8 45 minutes. I don't know if you've ever been
9 locked in a closet and molested by an officer. Ten
10 minutes is too long to be in a closet.

11 Q. Did you ever indicate to Officer Ridley
12 that you needed help?

13 A. No.

14 Q. Did you ask Officer Ridley to get you out
15 of there?

16 A. No.

17 Q. Did you make any sort of comments to
18 Mr. Ridley?

19 A. Except that it's not what he's think --
20 thought, and I wasn't doing anything inappropriate.
21 That's the only comment I made to him.

22 Q. You indicated after y'all were out of the
23 closet, Officer Ridley approached you in C Dorm?

24 Is that correct?

25 A. That's what I said. Yes.

1 Q. Tell me about that conversation.

2 A. I just -- I told you about it. All that
3 I can remember. I've already discussed that.

4 Q. I don't recall that you have answered
5 that.

6 A. Well, ask the question -- I recall very
7 vividly. I think you asked me -- well, just for
8 the record, asked me again, so that way I can give
9 you a direct answer.

10 Q. After this May 10th incident, you left
11 the closet, you said that Officer Ridley approached
12 you in C Dorm --

13 A. M'mm-h'mm.

14 Q. -- correct?

15 A. M'mm-h'mm.

16 Q. And that y'all had a conversation.

17 A. I wouldn't say it was a conversation. I
18 told you what was said. I wouldn't call that a
19 conversation. I would say that was a one-person
20 dialect, but I would --

21 Q. Well, tell me what --

22 A. I will tell -- okay.

23 Again, he looked at me with ill repute.
24 It was very disgusted, very mortified about the
25 whole incident.

1 Q. What did he say?

2 A. He said nothing.

3 Q. I thought you said he approached you in
4 the dorm.

5 A. He did.

6 Q. And that he sa --

7 A. And said nothing. I just told you. He
8 looked at me with disgust and ill repute.

9 Q. Did you say --

10 A. God.

11 Q. Did you say anything?

12 A. I did. As I stated to you three times, I
13 told him that I did not do anything, and there was
14 nothing going on.

15 Q. So you told him that when you were in the
16 officer's room, and you told him that again --

17 A. No. I never said I told him that in the
18 officer's room. I never told you I had a
19 conversation with him in the officer's closet. I
20 never told you that, ma'am.

21 Q. So you said nothing to him when you were
22 in the officer's closet?

23 A. No. I was hiding from him.

24 Q. But he saw you, correct?

25 A. He did.

1 Q. And you said nothing to him, correct?

2 A. For the third time, I said absolutely
3 nothing to Derrick Ridley --

4 Q. Nothing --

5 A. -- except for the fact that I did not do
6 anything inappropriate and there was nothing going
7 on.

8 Q. And I'm trying to understand.

9 Did you say that when you were in the
10 officer's room?

11 A. Again, ma'am, when we came out of the
12 closet, and we were standing in C Dorm --

13 Q. You need to answer my question.

14 A. -- Officer Derrick Ridley -- Officer
15 Derrick Ridley stood in my face, looked me up and
16 down with disgust and ill repute, and I told him
17 wait. Why you looking at me like that? Nothing
18 happened. I did nothing wrong.

19 Now do you understand?

20 Q. I --

21 A. Or do I need to clarify more?

22 Q. You need to answer my question.

23 When you --

24 A. Okay. Ask me one that makes sense.

25 Q. When you were in the officer's room, did

1 you say anything to Officer Ridley?

2 A. No.

3 Q. So you said absolutely nothing to him at
4 that point?

5 A. No.

6 Q. Okay.

7 MS. EZIE: I'd like to take a short
8 break --

9 THE WITNESS: Yes, I would, too.

10 MS. EZIE: -- at this time.

11 THE WITNESS: Yeah.

12 MS. EZIE: How does ten minutes sound?

13 THE WITNESS: Perfect.

14 MS. LONG: Okay.

15 THE WITNESS: I'll be back in ten.

16 MS. LONG: Okie dokie.

17 THE WITNESS: Thank you.

18 (A break is taken.)

19 MS. LONG: Okay. Madam Court Reporter,
20 are we back on the record?

21 COURT REPORTER: Yes, ma'am.

22 MS. LONG: Okay.

23 BY MS. LONG:

24 Q. Turning, again, to May 10th, when you
25 were in the officer's room --

1 A. M'mm-h'mm.

2 Q. -- did you, at any time, yell out for
3 help?

4 A. No.

5 Q. Did you bang on the door at any time or
6 try to get out of the officer's room while you were
7 in there with Ms. Arneika Smith?

8 MS. EZIE: Object to form.

9 THE WITNESS: No, I did not.

10 BY MS. LONG:

11 Q. Did you make any effort at all to try to
12 leave the room?

13 A. No. Not that I recall.

14 Q. And I think -- I apologize if I asked you
15 this before. At any time on May 10th did you
16 remove any of your clothes while you were in the
17 officer's room?

18 A. On May 10th, I did expose -- I just
19 showed my breasts and genitalia.

20 Q. So you took off your shirt?

21 A. I just lifted it.

22 Q. And where were you when you did that?
23 Where were you in the room?

24 A. In the officer -- in the closet. Sitting
25 on the chair --

1 Q. I understand what --

2 A. Sitting on the bed next to her.

3 Q. Okay. What about -- how did you expose
4 your genitalia? Did you take off your pants?

5 A. No, I didn't.

6 Q. How did you do that?

7 A. I just unbuttoned them.

8 Q. And how long was this exposure? How long
9 did it last?

10 A. Just a few seconds.

11 Q. Was there any physical touching of your
12 skin this -- it's a difficult question to ask.

13 I understand she may be touching you at
14 some point or touching with your -- or touching
15 your clothes, but I'm trying to understand did she
16 actually physically touch your skin?

17 Did she touch your breasts?

18 A. No.

19 Q. Did she touch your genitalia?

20 A. No.

21 Q. Okay. Was this before or after Officer
22 Ridley came to the room?

23 A. That was before Ridley came.

24 Q. And why did you expose your breasts?

25 A. Because she asked to see them, and she

1 showed me hers, too.

2 Q. What about your genitalia? Why did --
3 why did you expose your genitalia?

4 A. She wanted to know if I had a dick or a
5 pussy.

6 Q. And so, you showed her what you had?

7 A. At her request.

8 Q. Okay. Did she remove any of her clothes?

9 A. No.

10 Q. You said she showed you her breasts?

11 A. M'mm-h'mm.

12 Q. How did she do that?

13 A. Showed me like this (indicating).

14 Q. When she showed you her breasts, did you
15 actually see her breasts or was it just her bra
16 or how did -- how did that work?

17 A. I don't recall exactly, but I did see her
18 bra and her breasts, so -- I don't remember like
19 exactly.

20 Q. And was this before or after Officer
21 Ridley knocked on the door?

22 A. Before.

23 Q. Is there anything else that you recall
24 specifically doing in the room? Like, for
25 instance, not necessarily related to misconduct,

1 but did you do anything? Play a game? I don't
2 know. Any sort of activity that took up time while
3 you were in this room that didn't involve
4 misconduct?

5 A. No.

6 MS. EZIE: Object to form.

7 BY MS. LONG:

8 Q. Were you just talking?

9 A. Yes.

10 Q. Did she go to sleep at any time?

11 A. I can't remember.

12 Q. While y'all were in the room, were the
13 lights on?

14 A. Yeah. There's only one light in there,
15 and it stays on.

16 Q. Is it possible to turn the lights on or
17 off? Or do you know?

18 A. I don't think you could turn it off. I
19 think it stays on, like the dorm lights. I think
20 it's one of those mandatory lights that have to
21 be -- I don't know, I can't recall, but I think it
22 is cause all the lights -- the lights in the unit
23 are all ran by timers.

24 Q. Okay. Do you recall if she brought
25 anything into the room?

1 A. I can't recall.

2 Q. Do you remember when you went in the room
3 was the sun out?

4 A. We have no way of knowing if the sun is
5 out or not, ma'am. We're in prison, and there's no
6 windows and things like that. I was in a cell
7 house, so there's no like windows and things,
8 because I --

9 Q. There's no windows --

10 A. Where I was at, but -- that's all I can
11 remember, as far as that's concerned.

12 Q. Your cell is in C Dorm, is that correct?
13 That you were staying in at that time?

14 A. (No response.)

15 Q. Is there a window in any of the -- in
16 your cell?

17 A. No. There's no windows in the cell.

18 Q. Are there any windows on the officer room
19 door?

20 A. No. There's one window, I think, and
21 it's like about that big (indicating), and it's at
22 the top of the door.

23 Q. And you're -- when you say at the top of
24 the door, are you referring to the officer room
25 door?

1 A. Yes.

2 Q. There's a window at the top of the
3 officer room door. Is it on the physical door?
4 The part that opens?

5 A. You know what? I don't even think -- no,
6 there's not. I don't even -- I think I'm
7 getting -- let's see. Let me see this layout. Go
8 in there. There's no window on the officer door.

9 Q. After this incident, you filed a PREA,
10 right? Complaint?

11 A. I did.

12 Q. When did you do that?

13 A. I filed it through -- it was a
14 third-party complaint. I'm not quite sure when,
15 but it was some time after the incident, that I
16 reported it to my family, what was going on with
17 me, and my reluctance to -- my fear.

18 Q. How many days after the incident did you
19 decide to report it?

20 A. I can't recall.

21 Q. Is there anything that prompted you, in
22 particular, to make a report?

23 A. Not that I recall. Danger. I just re --
24 I just remember the whole situation just being a
25 very toxic and danger situation.

1 Q. You said --

2 A. It's just --

3 Q. -- you told your family -- I'm sorry. Go
4 ahead.

5 A. No. Go ahead.

6 Q. You said you told your family about the
7 incident.

8 When did you tell your family?

9 A. I told my sister.

10 Q. And was that through a phone call?

11 A. Yeah or through the kiosk. One or the
12 other. Yeah.

13 Q. Do you recall when that was?

14 A. I do not. It was around the dates of the
15 incident. It couldn't have been far off from that,
16 that I know of.

17 Q. And who did you make the report to?

18 A. I made it to my sister first.

19 Q. The PREA report? Who did you -- was
20 there a person you physically handed the report to?

21 A. No, ma'am.

22 Q. How is those submitted?

23 A. They're submitted -- there's several ways
24 you could submit PREA's. You can do one through
25 the kiosk, you can do one through the phone, you

1 can have a friend or family member or a attorney
2 file one for you third-party through the Parole
3 Board.

4 Q. And how did you do that?

5 A. I had my family -- I notified my family,
6 my family then notified my attorneys, and, then, we
7 filed third-party.

8 Q. So your attorneys filed the PREA report
9 for you?

10 A. M'mm-h'mm.

11 Q. Was that a yes?

12 A. Yes. At my request.

13 Q. Did you give a statement to anyone about
14 the incident?

15 A. I don't recall.

16 Q. Did you speak to anyone with the
17 Department of Corrections about the incident?

18 A. I don't recall. No. I don't think so.

19 Q. Did an officer interview you?

20 A. Did an officer interview me about the
21 incident?

22 Q. Yes?

23 A. I don't recall. Not right off the bat.

24 Q. Did you write any letters or notes about
25 what happened to anyone?

1 A. Yeah. She coerced me into writing a
2 statement.

3 Q. Tell me about how that happened.

4 A. She came up to my cell one morning and
5 said that it was going to be some shit if I didn't
6 write a statement saying that I didn't tell anybody
7 about what happened.

8 Q. And so, you --

9 A. So she brought me a pen, and she brought
10 me a piece of paper and said I need you to write me
11 a statement, and I said what do you want me to
12 write? She said you need to say that you didn't
13 tell anybody about what happened, and I wrote a
14 statement stating that I did not tell anybody what
15 happened -- that I did not tell anyone at GDCP what
16 happened.

17 Q. In that statement you said I didn't touch
18 Officer Smith, as well. So I'm assuming from that,
19 that you did not touch Officer Smith in anyway
20 while you were in the officer's closet --

21 A. Correct.

22 Q. -- is that correct? Okay.

23 And I believe your testimony earlier was
24 that she didn't touch you while you were in the
25 officer's closet.

1 MS. EZIE: Object to the form.

2 MS. LONG: Your breasts or geni -- your
3 breasts or genitalia?

4 THE WITNESS: She did touch me. She
5 touched my thigh and my leg and buttocks.

6 MS. LONG: Okay.

7 THE WITNESS: I think I did sa --

8 BY MS. LONG:

9 Q. And that touching was through your
10 clothes?

11 A. It was.

12 Q. Okay. Other than that contact when she
13 came to you and asked you to write a note, did you
14 have any other contact with Officer Smith --

15 A. No.

16 Q. -- following the incident?

17 A. No. That I recall, no. That I recall.

18 Q. What kind of injuries are you alleging as
19 a result -- physical injuries are you alleging as a
20 result of this incident?

21 A. Suicide attempts. There were several.

22 Q. When did you first try to commit suicide?

23 A. Shortly after these first few incidents.

24 Q. When you say first few incidents, what
25 are you referring to?

1 A. My first sexual assault at GDCP, where I
2 woke up and the roommate was on top of me.

3 Q. Was that before or after May 9th and
4 10th?

5 A. Before.

6 Q. Okay. And when you say these incidents,
7 are you referring to anything else that you feel
8 like contributed to your suicide attempt?

9 A. (Witness nods her head.)

10 Q. Is that a no?

11 A. That's a no.

12 Q. When was your -- well, this first suicide
13 attempt, when did that occur?

14 A. Shortly after, in my cell, I tried to
15 take a kamikaze cocktail of prescriptions.
16 Medication.

17 Q. Was this before or after May 9th?

18 A. After.

19 Q. Okay. And when you say a kamikaze
20 cocktail, tell me, how do you get a hold of that?

21 MS. EZIE: Object to form.

22 THE WITNESS: Yeah.

23 BY MS. LONG:

24 Q. How did you get that?

25 A. I plead the Fifth.

1 Q. This is a civil action. I'm not sure
2 that you can take the Fifth.

3 MS. EZIE: My client and -- that's part
4 of law school 101, but -- my client has
5 invoked the privilege against
6 self-incrimination, so I'm instructing her not
7 to answer that question.

8 MS. LONG: Okay.

9 BY MS. LONG:

10 Q. When was the second suicide attempt?

11 MS. EZIE: Object to form.

12 BY MS. LONG:

13 Q. When was your second suicide attempt?

14 MS. EZIE: Same objection.

15 THE WITNESS: Shortly after the first,
16 but there was a mission, because I just wanted
17 to die rather than to spend another day.

18 BY MS. LONG:

19 Q. Were you still at C House at GDGP?

20 A. I was.

21 Q. As a result of the first incident, were
22 you put on any kind of suicide watch?

23 A. No.

24 Q. What happened with regard to that? Did
25 you receive any sort of treatment?

1 A. No. Not even after it was reported was I
2 offered any counseling or anything.

3 Q. Did anyone know that you had taken this
4 kamikaze of prescription medication?

5 A. No.

6 Q. You did not report it?

7 A. No, I did not.

8 Q. Well, obviously, it didn't kill you.

9 Did it cause any -- any sort of injury
10 that required you to go to medical unit?

11 A. It just made me very sick.

12 Q. Did you go to medical unit --

13 A. No, I did not.

14 Q. -- when you first --

15 A. I did not.

16 Q. So no one knew about this first suicide
17 attempt?

18 A. No, they did --

19 MS. EZIE: Object to form.

20 THE WITNESS: -- not.

21 BY MS. LONG:

22 Q. Nobody at -- when you attempted suicide,
23 nobody at the prison knew that you had just tried
24 to commit suicide?

25 MS. EZIE: Object to form.

1 THE WITNESS: No.

2 BY MS. LONG:

3 Q. Is that a no? No.

4 And you never told anybody about those
5 suicide attempts? The first suicide attempt?

6 MS. EZIE: Object to form.

7 THE WITNESS: I told people. My friends.

8 MS. LONG: Okay.

9 BY MS. LONG:

10 Q. Did you tell anybody that worked for
11 Corrections about those suicide attempt?

12 A. No, I did not. I did not trust
13 Corrections.

14 Q. Okay. The second suicide attempt that
15 occurred, you said, shortly after it, how did
16 that -- what did you do to try to kill yourself?

17 A. I tried to cut myself. Tried to cut my
18 wrist once.

19 Q. What did you use to try to cut yourself?

20 A. A nail.

21 Q. I'm sorry?

22 A. A nail. A nail.

23 Q. Where did you get the nail?

24 A. Off the floor.

25 MS. EZIE: Object to form.

1 BY MS. LONG:

2 Q. What floor did you find the nail on?

3 A. Just -- they're everywhere. We have
4 maintenance workers, screws, poles. Anything sharp
5 that I could pick up, and the only thing I could
6 find was a nail laying in the corner of the cell.

7 Q. Okay. What happened after you tried to
8 cut your wrist?

9 A. It didn't work.

10 Q. Did you make a report to anybody that
11 worked for --

12 A. No, I did not make a report. I was
13 too -- no. I did not make a report.

14 Q. Did you tell a counselor about either the
15 first one or the second suicide attempt?

16 A. No. I did not have a good communication
17 with anyone at GDCP.

18 Q. When did you next try to -- a suicide
19 attempt?

20 A. I don't know. I did a bunch. I just
21 tried a bunch after that. Just anytime. A bunch.
22 I was trying anything I could. Taking pills.
23 Trying to hang myself. Just -- I just remembered
24 just not wanting to live anymore.

25 Q. Did you try to kill yourself at any time

1 during your first phase of incarceration, before
2 your parole was revoked? I'm sorry. Before you
3 were paroled the first time?

4 A. Did I try to kill myself in prison the
5 first time?

6 Q. Yes.

7 A. Was that the question? Yes.

8 Q. You did?

9 A. I did.

10 Q. Tell me about that.

11 When did that occur?

12 A. You'll have to be more specific. There
13 were several incidents of --

14 Q. Okay. When did you first try to kill
15 yourself while you were incarcerated with
16 Corrections?

17 A. After I was gang --

18 MS. EZIE: Form.

19 MS. LONG: I'm sorry?

20 THE WITNESS: After I was -- after I was
21 gang raped and beaten unconscious.

22 BY MS. LONG:

23 Q. Was -- was -- did this suicide attempt
24 occur at Macon State Prison?

25 A. No. It occurred at Baldwin State Prison

1 in segregation.

2 Q. And how did you try to kill yourself
3 there?

4 A. I think I tried to hang myself.

5 Q. What did you try to hang yourself with?

6 A. At this time, I think it was a belt.

7 Q. Did anybody at Corrections find out about
8 this suicide attempt?

9 A. I don't -- I think so.

10 Q. What happened? How did they find out?

11 A. I think my counselors. Through
12 counseling. I was taking counseling, and it was
13 very traumatic for me.

14 Q. So you told your counselors about it?

15 A. They knew. They knew I'd been raped and
16 all of that. They knew that I was suicidal, yeah.
17 Cause they knew. They already knew.

18 Q. Did they know that you had tried to kill
19 yourself with a belt?

20 A. I think so.

21 Q. Okay.

22 A. I think I did tell Dr. Sloan.

23 COURT REPORTER: Doctor who?

24 THE WITNESS: Sloan.

25 COURT REPORTER: Thank you.

1 BY MS. LONG:

2 Q. Were you placed -- this first suicide
3 attempt, were you placed in a suicide watch cell or
4 anything like that?

5 A. Yeah. They had me on that. After the
6 sexual assault, they moved me to Baldwin. I
7 was pla -- yeah. I was on suicide watch.

8 Q. And how long were you on suicide watch?

9 A. Until they took me out of segregation.

10 Q. Okay. And do you recall how long that
11 was?

12 A. A long time.

13 Q. Months?

14 A. Months.

15 Q. Okay. When was the next time that you
16 tried to commit suicide?

17 MS. EZIE: Object to form.

18 THE WITNESS: When my hormones had
19 stopped. When there was resuscitation of my
20 hormones, and my body just went crazy and
21 started, you know, reverting back.

22 BY MS. LONG:

23 Q. Do you recall what prison you were at
24 when this happened?

25 A. Baldwin. From Baldwin to Rutledge. From

1 Baldwin it carried, you know. I was -- I remained
2 suicidal because of my environment. Lack of
3 treatment for gender dysphoria.

4 Q. Okay. I'm trying to figure out this next
5 suicide attempt after you tried to hang yourself
6 with a belt.

7 What prison were you in when that
8 occurred?

9 A. When I tried to hang myself with the
10 belt, what prison I was in?

11 Q. No. No. You said you were at Baldwin
12 when you tried to hang yourself with a belt, right?

13 A. Okay.

14 Q. Where were you the next time?

15 A. Baldwin.

16 Q. You were still at Baldwin?

17 A. (No response.)

18 Were you on suicide watch at that time?

19 A. I was.

20 Q. And how did you try to kill yourself?

21 A. I think it was -- I'm not quite sure, but
22 I think I tried to cut my penis off.

23 Q. And what did you use to --

24 A. I'm not even --

25 Q. -- cut it?

1 A. Just whatever I could use. I used to use
2 rubber bands to sort of maim it off, like you would
3 do a dog's tail.

4 Q. Okay. So you were trying to -- the
5 second suicide attempt you were trying to kill
6 yourself by amputating your penis? Am I
7 understanding you correctly? Is that correct?

8 A. M'mm-h'mm. A lot of different ways.

9 Q. Is that --

10 A. There was no specific way. There was
11 never a specific way. It was just whatever was
12 available to get the job done.

13 So if it -- if it was this day, I can
14 hang myself, I was -- there were many times I
15 failed at doing this, things miserably, and nothing
16 happened. I just, you know, would hurt myself, and
17 I'd be like that was stupid. But there were many
18 times that I did things, and, you know -- it's just
19 difficult to discuss.

20 Q. Okay. Well, I'm trying to understand
21 suicide.

22 A. You couldn't -- you couldn't understand
23 it, ma'am. It's not -- I don't think it's
24 understandable, so you couldn't understand it, even
25 if I were to break it down to you, unless you lived

1 it.

2 Q. Okay. I'm trying to understand the next
3 time you tried to commit suicide.

4 A. After?

5 Q. After you tried to hang yourself with a
6 belt?

7 MS. EZIE: Object to form. You're asking
8 about incidents that are literally ten years
9 old and of questionable relevance to this
10 litigation.

11 MS. LONG: Okay.

12 BY MS. LONG:

13 Q. When did you try to kill yourself after
14 you tried to hang yourself with a belt?

15 MS. EZIE: Object to form.

16 BY MS. LONG:

17 Q. What was your next suicide attempt?

18 A. I'm not sure.

19 Q. You tried to kill yourself, and you don't
20 remember anything about it?

21 A. Ma'am, I just told you --

22 MS. EZIE: Object to form.

23 THE WITNESS: -- I remember everything
24 about it. What you want is me to give you a
25 specific date and time and manner that I tried

1 to kill myself.

2 MS. LONG: No. I didn't say anything
3 about a specific date and time.

4 BY MS. LONG:

5 Q. You said you were at Baldwin. You tried
6 to kill yourself, again, while you were at Baldwin.

7 A. M'mm-h'mm.

8 Q. I want to know what you did to try to
9 kill yourself?

10 A. Hang myself.

11 Q. You tried to hang yourself a second time?

12 A. M'mm-h'mm.

13 Q. And what did you use to try to hang
14 yourself?

15 A. A sheet.

16 MS. EZIE: Object to form.

17 BY MS. LONG:

18 Q. A sheet?

19 And where -- were you still housed in
20 segregation at that time?

21 A. I was.

22 Q. And you were on suicide watch?

23 A. M'mm.

24 MS. EZIE: Object to form.

25 THE WITNESS: Yeah. Partly.

1 BY MS. LONG:

2 Q. And you had sheets in the cell with you?

3 A. (No response.)

4 Q. Is that correct?

5 A. M'mm-h'mm.

6 Q. Is that a yes?

7 A. That's a yes.

8 Q. Okay. Tell me about when you tried to
9 hang yourself with a sheet.

10 A. What do you want to --

11 MS. EZIE: Object to form.

12 THE WITNESS: -- know?

13 BY MS. LONG:

14 Q. Did somebody -- well, if y'all would let
15 me answ -- ask the question.

16 Did somebody find you or what happened?
17 Obviously, you didn't die, so what happened after
18 you tried to hang yourself with the sheet?

19 A. It was failed. It was a failed attempt.
20 It didn't work.

21 Q. Did any officers see you?

22 A. No. But, then, I began to discuss it
23 with my counselor --

24 Q. Okay.

25 A. -- my suicide attempts and behavior. So,

1 then, they began to treat it.

2 Q. When was the next time you tried to
3 attempt suicide?

4 MS. EZIE: Object to form.

5 THE WITNESS: I can't recall. All I know
6 is that I tried to commit suicide multiple
7 times in multiple ways.

8 BY MS. LONG:

9 Q. I'm talking about the first time you were
10 incarcerated.

11 A. And that's what I'm talking about.

12 Q. Okay. So you had multiple suicide
13 attempts?

14 A. Multiple ways.

15 Q. Before you were released on parole and
16 before your parole revocation?

17 A. So while I was incarcerated? Is that
18 what you're --

19 Q. Right. Right. Right.

20 A. Let's be clear. Yes.

21 Q. But you don't recall any other specific
22 manner in which you tried to kill yourself?

23 A. There's been --

24 MS. EZIE: Object to form.

25 THE WITNESS: -- so many different

1 manners.

2 BY MS. LONG:

3 Q. So many, but you don't remember any of
4 them, other than --

5 A. I did pills and -- I don't understand
6 what you -- pills were a way, I tried to hang
7 myself, and I tried to slit my wrist. There's only
8 three ways you can try to kill yourself in prison,
9 and it has to be one of those, unless you're just
10 going to run out in front of a gang member and talk
11 about their mom and have them stab you. So those
12 were my methods. I'm sorry. It's very touchy for
13 me. I don't mean to be rude, but it's a lot to
14 consider. There's no mental health help available.
15 Like I have to dump all of this and guess what?
16 Pitty pat back to my cell like it's no big deal,
17 after these intrusive questions.

18 Q. Okay. I'm just trying to clarify.

19 You have no specific recollection of how
20 you tried to kill yourself after you tried to hang
21 yourself with a sheet?

22 A. Multiple time in --

23 MS. EZIE: Object to the form.

24 THE WITNESS: -- multiple ways.

25 MS. LONG: Okay.

1 BY MS. LONG:

2 Q. I'm trying to understand --

3 A. I don't know what you don't understand.
4 To me --

5 Q. I'm trying to understand --

6 A. -- that's self-explanatory.

7 Q. -- how did you try to kill yourself the
8 next time, after the sheet incident?

9 A. I tried to cut myself.

10 Q. And what did you try to cut yourself
11 with?

12 A. Razors.

13 MS. EZIE: Object to form.

14 THE WITNESS: Whatever I could find.

15 BY MS. LONG:

16 Q. And this occurred at what prison?

17 A. All prisons. Everywhere that I was
18 housed.

19 Q. Every single prison you've been in,
20 you've tried to --

21 A. Ding ding. Yes, ma'am.

22 Q. -- cut your wrists?

23 A. While I was in peril, yeah. Because I've
24 been in peril ever since I've been incarcerated.

25 Q. Do you have scars on your wrist?

1 A. I do. (Witness holds wrists up).

2 Q. I see.

3 Is there any other way you tried to kill
4 yourself during this first period of incarceration
5 that --

6 MS. EZIE: Object to form.

7 MS. LONG: -- you haven't mentioned to me
8 already?

9 THE WITNESS: (No response.)

10 BY MS. LONG:

11 Q. Anything else you can think of?

12 A. No.

13 Q. Other than this time being on suicide
14 watch, have you been placed on suicide watch at any
15 other time --

16 A. Multiple times --

17 Q. -- that you can --

18 A. -- throughout my incarceration. Pretty
19 much my entire incarceration's been on suicide
20 watch. I'm on suicide precautions now.

21 Q. What are suicide precautions?

22 A. It means you have to be seen two times a
23 week. It means you have to be watched a little
24 more closely.

25 Q. When you say seen, is that by a

1 psychiatrist or a counselor or --

2 A. By a psychologist, a psychiatrist, and a
3 counselor. All three.

4 Q. And how long have you had that?

5 A. For since I've been incarcerated this
6 time. Since June. Since I've been here, I've been
7 on suicide watch.

8 Q. And you've received counseling all this
9 time?

10 A. M'mm-h'mm.

11 MS. EZIE: Object to form.

12 THE WITNESS: And I've been -- I've
13 rece -- not counseling this entire time.

14 Counseling on and off. I just spent some time
15 in what we call SU's.

16 BY MS. LONG:

17 Q. What is that?

18 COURT REPORTER: SU's?

19 THE WITNESS; SU's. SU's. Special
20 Units. SU's. And I lived in a unit. A
21 special unit for that.

22 BY MS. LONG:

23 Q. While you've been in prison, have you
24 ever gone to a private hospital at any time?

25 A. Never. Yes, I did. I take that back.

1 Q. Where was that?

2 A. At Macon State. When I was raped at
3 Macon State in 2012 at Montezuma, I went to the
4 private hospital there.

5 Q. And what was the purpose of your visit to
6 the hospital? Do you know?

7 A. I had a broken rib. I had fractured
8 teeth. The doctor had given me a shot to prevent
9 me from getting a HIV infection or a STD.

10 Q. Okay. At the beginning of the
11 deposition, you indicated you were on medications.

12 A. I did.

13 Q. What are those medications for?

14 A. I can break it down for you, if you'd
15 like.

16 Q. Yes, please.

17 A. Yes. I take lithium for bipolar
18 disorder.

19 Q. And how long have you been on that?

20 A. Since I was 15.

21 Q. So the entire time you were incarcerated,
22 you've been on lithium, too?

23 A. Yes, ma'am.

24 Q. Okay. Then?

25 A. Remeron, which is for nightmares.

1 Q. And how long have you been taking that?

2 A. Almost ten years.

3 Q. So you've received that the entire time
4 you were incarcerated?

5 A. M'mm-h'mm.

6 MS. EZIE: Object to form.

7 BY MS. LONG:

8 Q. Is that a yes?

9 A. Yes.

10 Q. Okay. And what else are you taking?

11 A. Remeron. Trazodone.

12 Q. What was -- let's do one at a time.

13 A. Okay.

14 Q. What is that for? The --

15 A. Trazodone?

16 Q. Did you say it's --

17 A. Trazodone is a sedative. It's to keep
18 you from being jumpy and hyper-vigilant.

19 Q. Right.

20 And how long have you been taking that?

21 A. Almost ten years.

22 Q. So pretty much the entire time you were
23 incarcerated?

24 A. Yes.

25 MS. EZIE: Object to form.

1 BY MS. LONG:

2 Q. And did we miss one of your
3 prescriptions --

4 A. Abilify.

5 Q. -- that is --

6 A. Abilify.

7 Q. And what is that for?

8 A. It's an antidepressant.

9 Q. And how long have you been taking that?

10 A. Since this incarceration. They just
11 started that.

12 Q. The entire time you've been at Coastal?

13 A. M'mm-h'mm. Yes. The entire time.

14 Q. Were you taking it at GDCP, too, or --

15 A. No.

16 Q. -- just -- so Coastal.

17 A. Just at Coastal.

18 Q. And what else are you taking?

19 A. I take Aspirin for cramps, and I take
20 Spironolactone, which is a anti-androgen, and I --

21 Q. What is that --

22 A. An anti-androgen. And I --

23 Q. What is that used for?

24 A. It's to stop male hormones from
25 producing. Let's just say that.

1 Q. Okay.

2 A. Then there's --

3 Q. How long have you been taking the hormone
4 suppressant?

5 A. Oh, wow. I was taking hormone
6 suppressants for all my life.

7 Q. Have you had that the entire time you
8 were incarcerated?

9 A. No. It's been on and off in low doses
10 and -- you know, it's just been crazy. The doc --
11 we're just now getting to where we're getting it
12 right.

13 Q. Were you -- were you prescribed that at
14 GDCP? Were you taking --

15 A. Which medicine was it?

16 Q. The hormone suppressant. Were you taking
17 that at GDCP?

18 A. Yes. I was taking -- yeah. I've been
19 taking it, yes, the entire time, everywhere.

20 Q. Okay. Now, we're, I think, approaching
21 the end. I just wanted to --

22 A. Thank you, Jesus.

23 Q. I know. Right.

24 I would like to go through a few of the
25 names that your attorneys have listed as witnesses,

1 just to see what you know, if anything.

2 A. Okay.

3 Q. I think we've covered Jimmy Lee Horn and
4 Frank Mac.

5 A. Yes, ma'am.

6 Q. Who is Tamara Cantera?

7 A. She is my mental health counselor. She
8 was my mental health counselor. My general
9 population counselor.

10 Q. At what prison?

11 A. At Coastal. And shes also the PREA
12 Coordinator for Coastal.

13 Q. Okay. So she wasn't at GDPC?

14 A. No.

15 Q. What about Cherilyn Pepin?

16 A. Cherilyn Pepin? That -- she is here.
17 She's my mental health therapist right now.

18 Q. And has she been at Coastal the entire
19 time?

20 A. She has.

21 Q. Tia Fletcher?

22 A. She's the Mental Health Director.

23 Q. Of which institution?

24 A. Coastal.

25 Q. Does any of the people I've listed so

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1 far -- well, let me just go through them.

2 Tamara Cantera, what does she know about
3 Arneika Smith?

4 A. I don't know.

5 Q. Have you talked to her about Arneika?

6 A. I have not.

7 Q. Okay. What about Ms. Pepin? Do you have
8 any idea what she might know about Arneika Smith?

9 A. No. She may have knowledge from sessions
10 from where I maybe talked about it in the past, but
11 other like direct knowledge, no. She doesn't
12 know -- like there was never a time where it's been
13 like Arneika Smith. No.

14 Q. Okay. Tia Fletcher. Have you had
15 conversations with Tia about Arneika Smith?

16 A. No. No. We have not discussed Arneika
17 since we left Jackson. That -- I don't discuss
18 Arneika.

19 Q. Okay.

20 A. It's not something that --

21 Q. I'm sorry. I -- this witness list was
22 done before the cases were separated, but I have to
23 be sure.

24 A. That's right. That's fine.

25 Q. Por -- is it Porsche Moody? Do you know

1 who that is?

2 A. Yes. That was my General Population
3 Counselor, and she was the transgender liaison for
4 Coastal.

5 Q. Okay. Do you have any idea what she may
6 know about Arneika?

7 A. No, ma'am. I don't. Again, I never
8 talked about Arneika or the incidents at GDCP with
9 anyone at Coastal State Prison, whether it be
10 inmate or staff member.

11 Q. Okay. I'm sorry. I still have to ask.

12 A. I know. I know.

13 Q. Carl Betterson?

14 A. Okay. Mr. Betterson, Carl Betterson, was
15 the Warden of Care & Treatment here. He was also
16 the PREA Coordinator. He was also the SOC team
17 leader, and he's also not a very good person.

18 Q. When you say here, he's at Coastal?

19 A. He was. He just quit.

20 Q. Okay. Would he have any knowledge about
21 the incident with Arneika Smith?

22 A. No one at Coastal State Prison that I
23 have talked to, whether it be administrator or
24 inmate, knows anything about Arneika Smith. I
25 didn't -- I have not mentioned the name Arneika

1 Smith since I left Jackson State Prison.

2 Q. Have you written any letters to any
3 Correction staff about her or --

4 A. No. Not -- no.

5 Q. Okay. So I'm assuming Stan Shepard --
6 you may not even know who he is.

7 A. Oh, I know who he is.

8 Q. Okay. Did he have --

9 A. I'm very well aw --

10 Q. -- anything to do with Arneika?

11 A. That's his bo -- her boss.

12 Q. Okay. But as far as the incident, you
13 didn't write him letters or --

14 A. No.

15 Q. -- had communications --

16 A. I have never communicated with anyone,
17 offender, administrator, facilitator, anyone at any
18 time anything about my actions at GDCP, about
19 Arneika Smith, about her actions at GDCP, her
20 actions involving me, any of that. None of that
21 has been discussed.

22 Q. Okay. Nicholas Browning?

23 A. I know Nicholas Browning.

24 Q. Does he have information about this case?

25 A. He has information relevant to the sexual

1 assaults and abuse towards me, but that would be
2 his only relevance.

3 Q. Okay. You understand that cases have
4 kind of been separated, now, and I'm just focusing
5 on --

6 A. I know. You're just trying to -- yeah,
7 cause you're "severating". You're just trying to
8 get -- I get it. I get it.

9 Q. Does he -- does he know anything about
10 Arneika Smith incident on May 9th and May 10th?

11 A. No.

12 Q. Do you know where he is housed?

13 A. He's not in prison.

14 Q. Okay. Was he housed at GDCP at the time
15 of --

16 A. Yeah.

17 Q. -- this incident?

18 A. All offenders are housed at GDCP.

19 Q. Well, that's true --

20 A. Everybody --

21 Q. -- but I meant --

22 A. Everybody.

23 Q. -- with you?

24 A. He was housed with me at Coastal. Yes,
25 ma'am.

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1 Q. Oh, with -- was he housed with you at
2 GDCP?

3 A. No.

4 Q. That you remember? Okay.

5 A. No.

6 Q. Inmate Michael Mancil? M-A-N-C-I-L.

7 A. Yes, ma'am. He's incarcerated with me
8 here at Coastal. He has no knowledge of Arneika
9 Smith or incidents at GDCP.

10 Q. Okay. Walisha Warren?

11 A. Walisha Warren is no longer here. She is
12 the Evidence Base Coordinator. She was over the
13 evidence base in A and in B Dorms, and she --

14 Q. Would she have --

15 A. -- should not -- I've never discussed
16 Arneika Smith, the details of this case, or any of
17 the other cases with her at all. So, no. She
18 would not have any --

19 Q. When you filed -- when you filed your
20 PREA, or your attorneys filed it about Arneika
21 Smith, were you still at GDC when it was --

22 A. I was.

23 Q. -- filed?

24 A. I was.

25 Q. Okay. Brandy Moore?

1 A. She's my Counselor. She was my
2 Counselor.

3 Q. At Coastal?

4 A. M'mm-h'mm.

5 Q. Would she have any information about
6 Arneika Smith?

7 A. She does not know anything about Arneika
8 Smith. She does not know anything about anything
9 that happened at GDCP.

10 Q. Okay. Jamie Blake Duckworth?

11 A. Jamie Blake Duckworth was an inmate
12 incarcerated with me at Coastal State Prison; and,
13 to my knowledge, he has, again, no knowledge, or I
14 have never discussed Arneika Smith or this case in
15 that manner.

16 Q. I think we've talked about Nurse Lucas.
17 Does she know anything about Arneika
18 Smith or the incident?

19 A. You know, now that, I can't tell you. I
20 can tell you that at Jackson that everyone is very
21 close there.

22 Q. Okay.

23 A. Every staff member. So she probably did,
24 because the retaliation was very bad there, you
25 know. The Retaliation Monitor even write out a

1 report, because it was pretty bad there.

2 Q. But did you talk to Nurse Lucas about
3 Arneika Smith?

4 A. No. I never talked to Nur -- the only
5 thing I ask -- told Nurse Lucas was when she asked
6 me were my breasts were real, that there was no
7 Charmin in my chest. Those were the only words I
8 ever had with Ms. Lucus. Nurse Lucas.

9 Q. And she wasn't in C Dorm when the
10 incidents happened on May 9th and --

11 A. No.

12 Q. -- 10th?

13 A. No. No.

14 Q. Scott Ridley we've talked about a lot.

15 A. M'mm-h'mm.

16 Q. Dr. Daniel Fass? F-A-S-S.

17 A. Dr. Daniel Fass is my provider here at
18 Coastal State Prison.

19 Q. Does he have knowledge about Arneika
20 Smith or that incident?

21 A. No, he does not.

22 Q. Did you ever talk to him about her?

23 A. (No response.)

24 Q. I'm sorry. I didn't catch --

25 A. I said no.

1 Q. Okay. I think it's the last one. Dr.
2 David Roth?

3 A. He is my treating psychologist. He's my
4 treating --

5 Q. At Coastal?

6 A. M'mm-h'mm.

7 Q. And did you --

8 A. And I've never dis -- I've never
9 discussed Arneika Smith, this case, or anything
10 that happened at GDCP.

11 Q. Okay. Is there anybody else that you --
12 other than your attorneys or your attorney's staff,
13 that you recall talking to about this incident?
14 And I know you mentioned your sister.

15 Anything -- other than those people, is
16 there anybody else that you've talked to about this
17 May 9th, May 10th incident --

18 A. No.

19 Q. -- as a victim?

20 A. Not that I recall. No, ma'am. Not at
21 all.

22 Q. Prior to litigation, have you ever filed
23 a civil action against another officer,
24 specifically? And I'm not talking about the
25 litigation in this case or --

1 A. Oh, you mean in general?

2 Q. Yeah. Just --

3 A. Like this three?

4 Q. A specific --

5 A. Like in --

6 Q. A specific, yeah.

7 A. No.

8 Q. A specific officer?

9 A. No. I've filed complaints, but never a
10 lawsuit.

11 Q. And by complaints you mean grievances
12 or --

13 A. M'mm-h'mm. M'mm-h'mm. To the police
14 department for officers. M'mm-h'mm.

15 Q. Have you ever filed a report about
16 Arneika Smith to police officers?

17 A. Oh, no. No.

18 Again, I have not discussed Arneika Smith
19 since the last -- since I left Jackson. Since I
20 discussed it with my sister and my attorneys,
21 there's no talk of her. I want to forget she even
22 existed.

23 Q. Okay.

24 MS. LONG: I think that's all I have.

25 THE WITNESS: Thank you. Sorry for being

1 rude, if I came off as being rude --

2 MS. LONG: That's okay.

3 THE WITNESS: -- but I'm under hard
4 circumstances.

5 MS. LONG: I apologize if I used the
6 wrong pronouns.

7 THE WITNESS: Yeah.

8 MS. LONG: I'm concentrating on my
9 questions.

10 THE WITNESS: I don't care about
11 pronouns, as long as you treat me right.

12 MS. LONG: I try.

13 THE WITNESS: Thank you.

14 MS. EZIE: I have a little bit of
15 redirect, but I would like to take --

16 MS. LONG: Sure. Sure.

17 MS. EZIE: -- a break.

18 MS. LONG: Sure.

19 MS. EZIE: Could we get back on the
20 record at 3:30, if that's enough time?

21 THE WITNESS: Yeah. That's fine.

22 MS. LONG: I might suggest that he not
23 turn off his computer.

24 THE WITNESS: Okay.

25 (A break is taken.)

1 BY MS. EZIE:

2 Q. So, Ms. Diamond, I just want to ask you a
3 few, brief questions.

4 Now, earlier today, you were asked
5 whether you ever filed a grievance against Arneika
6 Smith after the May 9th and 10th incidents.

7 Do you recall that?

8 A. Do I recall filing a grievance?

9 Q. Do you recall being asked whether you --

10 A. I do recall --

11 Q. -- filed a grievance?

12 A. -- being asked that.

13 Q. Okay. Does GDC have a written policy on
14 grievances?

15 A. The policy on grievances is you can
16 grieve for just about any issue that is grievable,
17 except for sexual assaults or sexual misconduct.
18 Those have to be reported through other avenues.

19 Q. Got it.

20 So there is a written policy within GDC
21 on grievances?

22 A. Yes. There is a grievance process.

23 Q. And under that policy, sexual abuse is a
24 non-grievable issue?

25 A. It is definitely a non-grievable issue

1 under GDC's policies.

2 Q. Okay. Is that the reason why you did not
3 file the grievance regarding that issue?

4 A. It is the absolute reason why I didn't.

5 Q. Okay. Now, earlier today, Ms. Diamond,
6 you were also asked whether Arneika Smith touched
7 you on May 9th and May 10th.

8 You recall that?

9 A. I do.

10 Q. And you answered that over the course of
11 those two days, you were touched on your thighs,
12 your leg, your buttocks, and your back, I believe.

13 Is that correct?

14 A. Correct.

15 Q. You were also asked whether Ms. Smith
16 touched you under your clothes.

17 Do you recall that?

18 A. I was asked that. Yes, I do recall.

19 Q. Are you familiar with GDC's policies
20 concerning PREA?

21 A. Yes. I'm pretty familiar with PREA.

22 Q. Okay. Under those policies, does sexual
23 abuse only occur when an individual is touched
24 underneath their clothes?

25 A. No. It involves any touching, whether it

1 be through the clothes, on top of the clothing, or
2 it can even be considered an unwanted gesture.

3 Q. Were Arneika Smith's gestures and
4 touching you unwanted?

5 A. Absolutely unwanted.

6 Q. Did you consider them to be sexual abuse?

7 A. I did.

8 Q. How did Arneika Smith sexually abusing
9 you impact you emotionally?

10 A. The fact that she used me and groomed me
11 for her own superfluous needs has left me -- I'm
12 numb. I'm numb to their shit. I'm numb to
13 enforcement. I'm numb to Corrections. I question
14 the validity of all of it.

15 Q. You described feeling numb now.

16 How did you feel in the immediate
17 aftermath of the incident?

18 A. I wanted to die. I felt horrible.

19 Q. Why? Can you just describe? What was
20 going through your head at that time?

21 A. At the time, all I could think about was
22 how this person I trusted manipulated, coerced, and
23 tricked me. It hurts. My fabric of trust is
24 forever torn with me and officials. I am
25 constantly contemplating suicide. I don't feel

1 like I am a worthwhile human being or that I
2 deserve life, because of this series of events that
3 have happened to me.

4 Q. Now, earlier you were asked a series of
5 questions about the suicide attempts that you've
6 had.

7 Do you recall that?

8 A. I do. I do.

9 Q. And you described an incident that
10 occurred after May 9th, where you attempted to
11 overdose on pills and medications?

12 A. Yes.

13 Q. Do you recall that?

14 A. Yes.

15 Q. What was the motivation for that suicide
16 attempt?

17 A. The motivation was because I was hurt by
18 the officer. It was Arneika Smith's actions that
19 directly affected me.

20 Q. How did -- and I'm sorry if this is
21 asking you to repeat yourself, but how did Arneika
22 Smith's actions motivate you to attempt suicide
23 that day?

24 A. They were disgusting. They were
25 implorable. I need a minute.

1 Ask me the question again, cause I --

2 Q. Okay.

3 A. -- want to give -- make sure I give the
4 right answer.

5 Q. I just wanted you to explain to everyone
6 here why Arneika Smith's's action in that closet
7 motivated you to attempt suicide by swallowing
8 those pills?

9 A. Well, she --

10 COURT REPORTER: To attempt suicide by
11 what?

12 THE WITNESS: Swallowing pills.

13 MS. EZIE: Yes.

14 BY MS. EZIE:

15 Q. Why it motivated her to attempt suicide
16 by swallowing those pills?

17 MS. EZIE: I'm sorry. I'm going to try
18 to speak louder, Tammy.

19 THE WITNESS: I know. It's hard to hear
20 you a little bit.

21 COURT REPORTER: You let --

22 THE WITNESS: What led me to commit
23 suicide -- I'm sorry?

24 COURT REPORTER: She let's her voice die
25 down at the end, and you can't hear the end of

1 the question.

2 MS. EZIE: Okay. I'm committing to
3 working on it.

4 COURT REPORTER: Okay.

5 MS. EZIE: Hopefully, this is better.

6 THE WITNESS: Her actions directly
7 affected me because I trusted her. She used
8 me, she coerced me, she groomed me. She got
9 me ready for all of these things.

10 BY MS. EZIE:

11 Q. What do you mean when you say that
12 Arneika Smith groomed you?

13 A. By pretending like she was my friend. By
14 being the authority figure. By manipulating me.

15 Q. What were some of the ways that Arneika
16 Smith manipulated you when you were at GDCCP?

17 A. Manipulated me by telling me that I
18 wasn't going to be her bitch anymore, and that I
19 couldn't be her friend anymore, and that I would
20 have to be locked up, and she would pick somebody
21 else to come out and work.

22 Q. So Arneika Smith threatened you with
23 respect to your orderly duties?

24 A. Yes. She threatened my job. She
25 threatened -- that's my livelihood.

1 Q. When did Arneika Smith threaten --
2 threaten you, when it came to being an orderly?
3 What were the circumstances that she made those
4 threats?

5 A. That if I told or if I didn't go along
6 with her, that I would not have my job, and that I
7 would be put up.

8 Q. What were some of the things that she was
9 asking you to do with that threat dangling?

10 A. Asking me to expose myself, touching me,
11 exposing herself to me, touching me, verbally
12 degrading me.

13 Q. You're describing the incidents that took
14 place in the closet?

15 A. Yes.

16 Q. Were there times, prior to the closet
17 incident, where you felt as though Arneika Smith
18 was manipulating or threatening you?

19 A. Yes. Always. I always felt like she was
20 manipulating and threatening me, because she would
21 always tell me -- that would be, you know, if you
22 don't do this, you're not going to be my bitch
23 anymore. I'm going to all -- I'm going to replace
24 you, and --

25 Q. When you say replace you, what do you

1 mean?

2 A. That she would find someone else to do my
3 job duties, and that I would be put back into the
4 cell.

5 Q. Your job duties as a orderly?

6 A. Yes.

7 Q. Was it important to you to be an orderly
8 at GDCP?

9 A. Oh, yes. It was everything. It was
10 super important that I be an orderly, because I
11 needed the police protection. I needed to be up
12 under the officials at all time. I also needed to
13 gain their trust, and I needed them to help me.

14 Q. Why was that?

15 A. Because the first time I was
16 incarcerated, it was so brutal and it was so bad
17 that I just had all these preconceived notions
18 about coming back. I even let someone rape me in
19 my sleep, and I did not report this, because I just
20 felt like if I just shut up, this will all be over
21 soon. I only got two months. There's no sense in
22 starting. I rationalized.

23 Q. The sexual assault you're referring to is
24 the very first sexual assault you had at GDCP?

25 A. M'mm-h'mm.

1 Q. Subsequent to that assault, were there
2 times that you had -- that you suffered sexual
3 abuse at the hands of inmates, in addition to --

4 A. Yes. Yes. There were lots of times.

5 Q. Did you speak to anyone at GDCP about
6 those incidents or letters you received?

7 A. I talked to Ms. Smith. I approached
8 Lachesha Smith, which was the Unit Manager. I gave
9 her all the threatening notes, and I told her
10 everything that was going on. She told me -- she,
11 first of all, reverted it back to me, and told me
12 that I was using PREA as a way to be famous, and
13 that the only help she was going to give me was
14 going to be to lock my ass down, because she wasn't
15 going to deal with that. That nobody was going to
16 be running around worrying about if someone was
17 going to be attacking me. That the best place for
18 me to be was lockdown, and I just could not
19 solitary. I couldn't do it. I didn't want to go
20 back there.

21 Q. Did you consider Lachesha Smith to be
22 offering assistance to you when she said she was
23 going to lock you down?

24 A. No. She didn't offer any type, and
25 that's what really --

1 Q. When you use lockdown here, you're not
2 referring to protective custody?

3 A. No. I use -- it's punitive -- it's
4 punitive segregation.

5 Q. Okay. Now, you were asked earlier today
6 about how you reported the sexual abuse you
7 experienced at the hands of Arneika Smith.

8 Do you recall that?

9 A. Yes.

10 Q. And you spoke about authorizing your
11 attorneys to make a third-party PREA report?

12 A. I did.

13 Q. Why did you decide to file a third-party
14 PREA report?

15 A. I filed a third-party report because I
16 was afraid, No. 1, of retaliation, because of the
17 first go-round. It was very -- I learned very
18 quickly how things worked in GDC, especially when
19 you don't go with the flow of things.

20 Q. And by the first time around, are you
21 referring to the Nurse Lucas incident?

22 A. Yeah.

23 Q. What --

24 A. Yes.

25 Q. -- happened after the Nurse Lucas

1 incident?

2 A. Well, I reported it --

3 Q. Do you remember --

4 A. I reported the incident. I did what I
5 thought was an investigation. I sat down with the
6 investigator. Little did I know that everybody in
7 the prison, every officer, everybody knew
8 everything. They had passed the video around.

9 She was very well-liked in the prison,
10 and because she was well-liked and -- everybody saw
11 it as like I was trying to get her. It made me a
12 target throughout the prison. Everybody, from
13 staff members to inmates, everybody was treating me
14 because of it. Big time. I was threatened.

15 Q. Now, I would like to mark as an exhibit,
16 I guess this is the first exhibit of the
17 deposition, a document that was produced in
18 discovery with a Bates Stamp Defendant 597.

19 Ms. Diamond, are you able to see this
20 document?

21 A. I am.

22 Q. Do you recognize it?

23 A. I do. This would be one of our letters
24 of notification to GDC about some of the things
25 that were happening.

1 Q. Do you see the date of this letter?

2 A. I do. It was May 20th.

3 Q. And do you see that -- is this what you
4 would call a third-party PREA notice?

5 A. That is a third-party PREA notice.

6 Q. Okay.

7 A. And it's even directed to the Parole
8 Board, as you are to do with third-party notices.

9 Q. Do you see the subsection that's entitled
10 Subsection 2?

11 A. I do.

12 Q. And do you see that it is describing a
13 sexual abuse that you experienced on May 9th and
14 May 10th, 2020?

15 A. Yes. Yes.

16 Q. Who sexually abused you on May 9th and
17 May 10th, 2020?

18 A. Arneika Smith.

19 Q. Okay. That's who was being referred to
20 when you -- perhaps this was a typo -- that
21 Arethiea Smith in this letter?

22 A. Yes. Yes.

23 Q. Okay. Ms. Diamond, this report from May
24 20th, was it made close in time to the incident
25 concerning Ms. Smith?

1 A. Yes. Ten days after.

2 Q. And, to your knowledge, what was the
3 basis of the information contained in this PREA
4 report?

5 A. What was the information inside of it?

6 Q. What was the source? Had you spoken to
7 your attorneys before this letter was drafted?

8 A. No. I called my attorneys and told them,
9 word for word, what had happened to me.

10 Q. Okay. So this PREA report, the best of
11 your knowledge, contains the accurate summation of
12 the sexual abuse you experienced?

13 A. Absolutely. Absolutely.

14 Q. And it was made close in time to the
15 incident?

16 A. Yes.

17 Q. Correct? Okay.

18 Now, do you see that this paragraph is
19 describing the May 9th incident?

20 A. I do.

21 Q. Do you see that it describes you being
22 ordered to enter a small, windowless office used by
23 GDC officers?

24 A. I do see that.

25 Q. Is that an accurate statement of how the

1 May 9th incident began?

2 A. It is an accurate statement.

3 Q. When you entered the office, the
4 officer's closet, as it may be on May 9th, were you
5 asked whether you wanted to enter?

6 A. I was told to enter.

7 Q. Who told you to enter?

8 A. Arneika Smith. I did exactly as she told
9 me to do in every instance.

10 Q. Do you see here that it says for about
11 two hours you were locked in the office and that
12 Officer Smith engaged in sexually inappropriate
13 conduct?

14 A. I do see it.

15 Q. Is that an accurate statement, Ms.
16 Diamond?

17 A. It is.

18 Q. How do you know that the office door was
19 locked?

20 A. Because Arneika Smith locked it.

21 Q. She locked it using keys?

22 A. She did.

23 Q. Okay. And were you told, at the end of
24 the incident, to keep quiet about it?

25 A. I was.

1 Q. Did you comply?

2 A. I did.

3 Q. Why?

4 A. Out of fear. She was --

5 Q. What were you afraid of?

6 A. I was afraid of losing my job. I was
7 afraid of her having someone beat me up. I was
8 afraid of a multiple things that were running
9 through my head.

10 Q. Why were you, in particular, concerned
11 about her having someone beat you up?

12 A. Because of her affiliation with gang
13 members and because I wouldn't be her bitch anymore
14 if I didn't do what she wanted me to do.

15 Q. When you say be her bitch, what do you
16 mean?

17 A. Well, that was the term she used. It was
18 sort of like a term of endearment. Her bitch is
19 like her roll dog. The person that does -- you do
20 everything with and you go down for, and y'all go
21 down for each other. So it just means your ride or
22 die.

23 Q. And if you were no longer Arneika Smith's
24 bitch, what did you think would happen to you
25 within GDCP?

1 A. I would be tossed back with the other
2 offenders. I would no longer be allowed the
3 special privileges that I had. I would no longer
4 be allowed to assist with --

5 (Someone walked in the room with
6 witness.)

7 THE WITNESS: Time to go?

8 UNIDENTIFIED PERSON: I was just asking
9 are y'all going to be done at 4?

10 THE WITNESS: Are y'all going to be done
11 at 4?

12 MS. EZIE: I don't think so. I think
13 we'll be done within 30 minutes, for sure.

14 UNIDENTIFIED PERSON: 30 more minutes?

15 MS. EZIE: Yes, please, ma'am.

16 BY MS. EZIE:

17 Q. If you were no longer Arneika Smith's
18 bitch, did you think it would -- would it have had
19 any impact on your safety within GDCP?

20 A. It would have a lot, because if she -- if
21 I was no longer her bitch, she could tell people
22 that, and they could get upset.

23 Q. You mentioned that Arneika Smith had gang
24 affiliations?

25 A. Yes.

1 (Ms. Ezie and witness are speaking at the
2 same time.)

3 COURT REPORTER: I'm sorry. Y'all
4 talking at -- I'm sorry. You need to start
5 that over, because y'all are talking over each
6 other.

7 THE WITNESS: I'm sorry.

8 MS. EZIE: My apologies.

9 COURT REPORTER: That's okay.

10 MS. EZIE: I'd like to designate this
11 portion of the transcript attorney's eyes,
12 only.

13 BY MS. EZIE:

14 Q. And I -- my question, Ms. Gardner, was
15 can you describe Arneika's Smith's gang
16 affiliations?

17 A. Yes. Arneika Smith was -- had
18 communications with several of the big gang leaders
19 in the prison, you know. She would bring them
20 things. Food, things. And I was afraid of her. I
21 meant, yeah, very much so, because as long as I was
22 with her and walking with her and doing what she
23 wanted me to do, I knew I had her protection or
24 what I thought was friendship.

25 Q. And if you stopped walking with her, or,

1 as you described, being her bitch, what do you
2 think would have happened with respect to the gang?

3 A. Oh, I would have been annihilated. My
4 life would be over. Definitely. There will be no
5 questions, because she had affiliations with
6 high-ranking gang members.

7 Q. Okay. I'm going to change topics, so I
8 think we can go back on the record without
9 attorney's eyes protection.

10 Ms. Diamond, if you're able to see the
11 third-party PREA notice, do you see that there's a
12 section called the May 10th incident?

13 A. M'mm-h'mm.

14 Q. And do you see in that section, under the
15 first sentence of that section, it states that on
16 May 10th, Officer Smith ordered you to go to the
17 office, again, and that you were locked in the
18 office for approximately four hours?

19 A. Yes.

20 Q. Does that refresh your recollection that
21 the total amount of time you were locked in the
22 office on May 10th was likely four hours? Not two?

23 A. Yes.

24 Q. Okay. And do you see that this PREA
25 notice goes on to describe what occurred during

1 approximately the first two hours of the period
2 that you were locked in the office on May 10th?

3 A. Yes, ma'am.

4 Q. Do you see it references that you were
5 instructed to get a mattress and set up the office
6 with a makeshift bed?

7 A. M'mm-h'mm. Yes.

8 Q. Was that the mattress or mat you were
9 describing earlier that was propped up on a chair?

10 A. Yes.

11 Q. Okay. Can you describe for us, one final
12 time, what the setup is, so we have an
13 understanding of sort of how you -- how you set up
14 this makeshift bed?

15 A. Yes. You just unroll the mat, you lay it
16 out. There's a reclining chair. It's a barber
17 chair, like, and it goes all the way to the back.
18 So you just put the mat inside of the chair and it
19 lays out, and so, you have like a bed.

20 Q. Okay. And you mentioned there was a
21 mattress in the office due to COVID.

22 Is that the mattress you're referring to
23 here?

24 A. M'mm-h'mm. No. That was a mattress that
25 was set adjacent.

1 COURT REPORTER: That was a mattress that
2 was set what?

3 THE WITNESS: Oh, I'm sorry. Adjacent.

4 MS. EZIE: Adjacent.

5 THE WITNESS: Across from the other one.

6 MS. EZIE: Okay.

7 COURT REPORTER: Thank you.

8 BY MS. EZIE:

9 Q. So there was one mattress in the room
10 that was not in use because of COVID?

11 A. Right. Because --

12 Q. Okay.

13 A. -- they had deemed it a COVID mat. It
14 had the bugs on it or whatever.

15 Q. And so, then, Officer Smith instructed
16 you to bring a second mattress into the --

17 A. M'mm-h'mm.

18 Q. -- room?

19 A. M'mm-h'mm.

20 Q. And that's the mattress that you set up
21 with blankets and pillows?

22 A. Yes, ma'am.

23 Q. Why did you set up the mattress in
24 that -- in the office that day?

25 A. Because I was instructed to do so by Ms.

1 Smith.

2 Q. Now, you were asked earlier whether there
3 came a time where you showed your breasts or
4 genitalia to Officer Smith.

5 Do you recall that?

6 A. I do.

7 Q. And your testimony was that you did in
8 fact show your breasts and genitalia to Officer
9 Smith?

10 A. Yes.

11 Q. Why did you do that?

12 A. I was scared. I did it under duress.
13 She -- she had me afraid.

14 Q. Did she ask to see your breasts and
15 genitalia?

16 A. She did.

17 Q. And so, when you showed her your breasts
18 and genitalia, you were complying with her request?

19 A. Absolutely. Yes.

20 Q. Now, do you see that according to the
21 PREA notice you prepared right in the aftermath of
22 this incident through your attorneys, that it
23 states at about the two-hour mark, that's when
24 Officer Ridley --

25 A. M'mm-h'mm.

1 Q. -- approached the room?

2 A. Yes.

3 Q. Is that -- is that accurate, to the best
4 of your recollection?

5 A. Yes.

6 Q. Okay. And after Ridley departed, did
7 you -- did you remain in the office? The locked
8 office?

9 A. I did.

10 Q. For approximately how long did you remain
11 in the office after Ridley's departure?

12 A. Two more hours.

13 Q. What, to the best of your recollection,
14 occurred during those two hours? And was anyone
15 there with you?

16 A. Ms. Smith was there, and for those two
17 hours, she sexually abused me.

18 Q. Did she continue the same conduct that
19 you described earlier or was it something new?

20 A. Well, she began to touch my inner thigh.
21 She stroked my inner thigh. She stroked my leg.
22 She stroked my back and my buttocks. So,
23 basically, the same thing this entire -- yes.

24 Q. Did Officer Smith also speak to you about
25 Ridley observing you?

1 A. She let -- she let me know he saw me.
2 That he knew I was in there, and that I should --
3 she tried to get -- to come up with a story. That
4 we should think of something to say, and I was like
5 there -- in my head, I was like there's nothing to
6 say, I mean, you know.

7 Q. Now, earlier you were asked whether you
8 spoke to Ridley when he came by -- came by the
9 office, and you testified that you did not.

10 Do you recall that?

11 A. M'mm-h'mm.

12 Q. Why didn't you speak to Ridley when he
13 came by the office?

14 A. Because I was told not to. I was hiding.
15 And I was told to hide.

16 Q. You were also asked why you didn't, you
17 know, pound on the door or asked for help.

18 Can you explain why you didn't take those
19 actions?

20 A. Because I was afraid. There's no way
21 that I was going to go against a GDC officer. She
22 is my superior. What she says goes. I would have
23 done anything she told me to do.

24 Q. And afterwards -- I'm sorry. According
25 to this notice, it states that rumors spread, and,

1 in particular, a rumor that there was an N word in
2 the closet, another expletive, the officer.

3 Is that -- was that a reference to you
4 being in the closet with Officer Smith?

5 A. Yes. It was it -- the rumor had spread
6 that I -- all over GDCP, that I penetrate -- that I
7 had had sex with her in that room.

8 Q. When you testified earlier that you
9 approached Ridley, and you said, what you thought
10 happened didn't happen, were you referring to this
11 rumor?

12 A. Yes.

13 Q. Why did you think it -- why was it
14 important for you to tell Ridley that the rumor was
15 untrue?

16 A. So that he would not get Arneika Smith in
17 trouble.

18 Q. Why didn't you want -- why were you
19 worried about getting Arneika Smith in trouble at
20 that time?

21 A. If I -- cause she was my boss, and I was
22 afraid of her.

23 Q. Okay. Now -- I'm going to stop sharing
24 that.

25 Now, Ms. Diamond, earlier you were asked

1 about incidents of retaliation that you experienced
2 at GDCP.

3 A. M'mm-h'mm.

4 Q. Did you experience any retaliation after
5 making this May 20th PREA report about Arneika
6 Smith?

7 A. I did.

8 Q. What is some of the forms that the
9 retaliation took?

10 A. Some of the forms of retaliation that I
11 suffered were having my cell ransacked, having
12 personal items taken from me, having food taken
13 from me. I was relieved from my -- I normally had
14 three dorms, and suddenly, all of a sudden, I was
15 only restricted to my dorm. I was no longer
16 allowed to do my orderly duties anywhere else.

17 Q. Got it.

18 And so, earlier, when you testified about
19 your cell being ransacked and being stripped of
20 your orderly --

21 COURT REPORTER: Your what? I'm sorry.

22 When you testified about --

23 THE WITNESS: My cell. My cell, C-E-L-L,
24 being ransacked. I'm sorry.

25 MS. EZIE: Thank you for being my

1 microphone.

2 THE WITNESS: Oh, I'm sorry.

3 BY MS. EZIE:

4 Q. And being stripped of your orderly
5 duties, you were describing retaliation that took
6 place after the Arneika Smith incident?

7 A. M'mm-h'mm. I was stripped of my orderly
8 duties. Dogged throughout the prison.

9 Q. Got it.

10 Now, and did you file a notice -- do you
11 recall filing a notice about that retaliation?

12 A. I did. I do recall.

13 Q. Okay. I'd like to mark as Smith Exhibit
14 2 a document that was produced in discovery as
15 Defendant's 513. Like I said, et seq.

16 Ms. Diamond, do you recognize this
17 document?

18 A. I do.

19 Q. What is this document?

20 A. It's a Retaliation Notice.

21 Q. And this was a notice that was filed on
22 your behalf concerning Arneika Smith?

23 A. Correct.

24 Q. Do you see that Section 2 is entitled Ms.
25 Diamond has been approached by Officer Smith

1 despite her PREA complaint?

2 A. Correct.

3 Q. And do you see that it describes an
4 incident where Smith approached you and demanded
5 that you write a false statement exonerating her?

6 A. Yes. I do remember her making me write
7 the false statement.

8 Q. So this is a accurate summation of what
9 occurred at the time?

10 A. Absolutely. 100 percent.

11 Q. I'd like to mark as Smith Exhibit 3 a
12 document that was produced in discovery as
13 Defendant's 576.

14 Ms. Diamond, do you recognize this
15 document?

16 A. Yes, I do.

17 Q. What is this document?

18 A. That is the document that I was forced to
19 write.

20 Q. That you were forced to write by Arneika
21 Smith?

22 A. Correct.

23 Q. And what -- what do you say in this
24 statement?

25 A. I said that I, Ashley Diamond, never told

1 anyone, staff or inmates at GDCP, that Ms. Smith
2 touched my privates. I have never been formally
3 told about any allegations relating therefore. I
4 don't -- I didn't touch Officer Smith.

5 And I remember her saying that, because
6 she was saying that they were saying that I --
7 excuse my French -- that I fucked her and that
8 she -- yeah. I remember, and she just was --
9 that's why she made me write the way it was wrote.
10 That's what didn't make sense.

11 Q. So this is a statement that Officer Smith
12 made you write?

13 A. It is.

14 Q. And what happened --

15 A. Because we don't have notebook paper in
16 prison. She brought the notebook paper and the
17 pen.

18 Q. How did you feel when Officer Smith
19 ordered you to write this letter or --

20 A. I was scared, for real, then.

21 Q. And what happened to this letter after
22 you wrote it?

23 A. I gave it to her.

24 Q. You gave it to Officer Smith?

25 A. M'mm-h'mm. She put it in her pocket and

1 left.

2 Q. Okay. Is that the last time you spoke
3 with Officer Smith?

4 A. One of the last times. The last time I
5 saw Arneika Smith, I was at Jackson State Prison
6 for suicide attempt, and she was working medical
7 when I was --

8 Q. Approximately what month was that?

9 A. That would have been May.

10 Q. Was that after the suicide attempt --
11 sorry. May of what year?

12 A. 2020.

13 Q. 2020 --

14 A. 1, I mean.

15 Q. 2021? Okay.

16 So approximately a year after this
17 incident, Arneika Smith was still working at GDCP
18 or Jackson --

19 A. Yes.

20 Q. -- as you referred to it?

21 A. Yes, she was.

22 Q. Now, Ms. Diamond, earlier you were asked
23 about your initial disclosures, which identified
24 people that might have information relevant to this
25 case.

1 Do you recall that?

2 A. I do.

3 Q. Do you recall that one of the people you
4 identified as potentially having information
5 relevant to this case was named Jimmy Horn?

6 A. I do.

7 Q. Who is Jimmy Horn?

8 A. Jimmy Horn is offender who was housed
9 with me in C House.

10 Q. At GDCP?

11 A. He was. Yes, ma'am.

12 Q. Is offender Horn an individual that has
13 information concerning Arneika Smith?

14 A. He does.

15 Q. What information is that?

16 A. He has personal knowledge and belief of
17 the relationship she had with me, locking me in the
18 closet, and his own personal situation with her.

19 Q. What -- how does -- what information, to
20 your knowledge, does Jimmy Horn have about you
21 being locked in the closet with Arneika Smith?

22 A. He knows that she used to force me to do
23 things all the time. He knows that she made me go
24 in the closet, cause everybody --

25 Q. Do you know what the basis of that

1 knowledge would be?

2 A. That's what he told me, and he said that,
3 m'mm -- he said because he was close to her than I
4 was, and he knows her. He called her Little Bit.
5 That's the name he referred to her as.

6 Q. Was he an eyewitness to one of the days
7 that you were locked in the closet?

8 A. He was.

9 Q. Do you know what he was doing at the time
10 or how he came to be a witness?

11 A. Yes. She'd let him out of the cell to
12 sweeping the floor and to do -- just -- she just
13 let him out.

14 Q. So he was -- on one of the days that you
15 were locked in the closet, he was either sweeping
16 or cleaning floors?

17 A. Right.

18 Q. I'm sorry. Were you able to hear me?
19 Okay.

20 A. Yes. Yes. He was sweeping and
21 cleaning --

22 Q. And so, that's how he came to be an
23 eyewitness to you being locked --

24 A. Absolutely.

25 Q. Okay.

1 A. Absolutely.

2 Q. Okay. You also said that -- we might be
3 breaking up a little bit. Can you hear me?

4 A. M'mm-h'mm. We're breaking up a little,
5 little, little, but I can hear you.

6 Q. Is there a delay?

7 A. Yeah. It's a delay.

8 Q. Okay.

9 A. I think we're about -- well --
10 (Ms. Ezie loses Zoom connection).

11 COURT REPORTER: I'm sorry. We lost you,
12 so if -- the last thing I have is yeah, it's a
13 delay.

14 MS. EZIE: Okay. I was just trying to
15 confirm whose delay is it.

16 Do we have Ashley still or --

17 THE WITNESS: I'm here.

18 MS. EZIE: Okay. I don't see you, but as
19 long as y'all can hear me, we'll keep moving.

20 BY MS. EZIE:

21 Q. You also mentioned that Jimmy Horn would
22 have information about Arneika Smith's inmate
23 dealings.

24 To your knowledge, what information does
25 he have on that subject?

1 A. I'm not quite sure, but I know that he
2 has some, because he had a personal relationship
3 with her, but as to what he could give, I'm not
4 quite sure, really.

5 Q. Okay. So earlier today you discussed
6 some occasions where you saw Arneika Smith sleeping
7 during her shift.

8 Is that correct?

9 A. Correct.

10 Q. What are some of the places that you
11 would see Arneika Smith sleeping?

12 A. Well, again, as I told Mrs. Terry, we
13 would move her post from place to place. So
14 instead of being in the front of the cell, we could
15 move her post to the back, where no one could see
16 her, and she could sleep there. We would do that
17 sometimes. Sometimes it would be on the A Wing
18 instead of this side. There's a wing in the Dorm C
19 House like this. So when I say A Wing, that means
20 this unit side (indicating), and when I say B Wing,
21 that means this side (indicating). So it -- we
22 would vary from side to side and from spot to spot.
23 This is a huge cell house. It's really big.

24 Q. Were you moving Arneika Smith -- were
25 inmates moving Arneika Smith's post at her

1 instructions?

2 A. Yes. We were always moving the post at
3 her instruction.

4 Q. And she would move her post -- and just
5 describe for us, is a post -- is it a podium? Is
6 it a desk? Is it a --

7 A. It's a podium/desk/cubicle/drawer.

8 Q. But it's not -- it's not mounted to the
9 ground? It can be relocated?

10 A. Oh, yes. It can be relocated.

11 Q. Okay. And she would instruct you to move
12 her post, from time to time, so she could --

13 A. M'mm-h'mm.

14 Q. -- sleep without being detected?

15 A. Correct.

16 Q. About how many times do you think that
17 she did that while you were --

18 A. I can give an approximate. I would say
19 at least -- at least eight times.

20 Q. Now, earlier you testified that Arneika
21 Smith had financial dealings with inmates.

22 Do you recall that?

23 A. I do.

24 Q. How did you become aware of these
25 transactions?

1 A. Well, once she started bringing me into
2 her inner circle, I would see her make these
3 transactions, and, then, she would tell me, I need
4 you to go to Cell 59 and pick up that kite from 59.
5 I pick up the kite from 59.

6 COURT REPORTER: The kite?

7 THE WITNESS: Kite. Yes, ma'am.

8 K-I-T-E.

9 COURT REPORTER: Okay.

10 BY MS. EZIE:

11 Q. Now, you said that there were times where
12 Arneika Smith also asked you to pick up kites?

13 A. M'mm-h'mm. And deliver kites.

14 Q. Who did she ask you to -- was that to
15 inmates? To officers? To whom?

16 A. Both. Inmates and officers.

17 Q. Did you consider that to be professional
18 conduct on behalf of a GDC officer?

19 A. I didn't consider it to be professional
20 conduct, but none of the things that GDC officers
21 do I consider to be professional conduct these
22 days.

23 Q. Why did you -- why did you ferry those
24 messages for Arneika Smith?

25 A. Because she was my boss, and I was doing

1 my job. I was doing what I was told.

2 Q. You were following an officer's orders?

3 A. Absolutely.

4 Q. Did you feel like you had a choice to
5 refuse to --

6 A. Absolutely not. No. I don't think I had
7 a choice in the matter. I think if I had not went
8 along with it as long as I did, I probably wouldn't
9 be sitting here right now.

10 Q. Is that because of Arneika Smith's gang
11 affiliations?

12 A. That's right.

13 Q. Now, earlier today, Ms. Diamond, you were
14 asked about sexual assaults that took place during
15 your first incarceration.

16 Do you recall that?

17 A. Yes, I do.

18 Q. When did your first incarceration take
19 place, as far as the approximate years?

20 A. Ten years ago.

21 Q. So the sexual assaults you were being
22 asked to recount in detail are assaults that took
23 place, at times, up to ten years ago?

24 A. They -- the ones that I spoke of today
25 all, just about, occurred ten years ago.

1 Q. Okay. And is it difficult for you to
2 talk about your sexual assaults, past and present?

3 A. It's very difficult. I -- I struggle
4 with that a lot. I struggle with self-esteem. I
5 struggle with being believe -- that people who
6 don't believe me. I struggle with -- I struggle
7 with everything.

8 It's not just that I've been reversed
9 inside out, and my body's changed, and my whole
10 physical look has changed, but my whole inside, the
11 way I think, everything I thought I knew, I don't
12 know anymore. I'm not the same person, and I won't
13 ever be the same person again.

14 Q. How did it feel to have an officer,
15 someone in a position of trust, stand in the line
16 of people that abused you within GDC?

17 A. I'm sorry. Can you ask me the question
18 one more time?

19 Q. How did it feel to have Officer Smith, as
20 someone who's in a position of trust within GDC,
21 also abuse you, like so many inmates had in the
22 past?

23 A. It felt -- I can't describe it. I really
24 can't. It hurt. It hurts. That's all I got.

25 Q. Now, Ms. Diamond, earlier you were asked

1 whether anyone within GDC ever spoke to you about
2 your allegations against --

3 A. M'mm-h'mm.

4 COURT REPORTER: Against what?

5 THE WITNESS: Officer Smith.

6 MS. EZIE: Yeah. Sorry about that.

7 BY MS. EZIE:

8 Q. Did anyone speak to you about your
9 allegations against Officer Smith in May 2021? I'm
10 sorry. May 2020?

11 A. I spoke with -- I spoke with an
12 investigator. A GDC investigator.

13 Q. Approximately when did that investigator
14 speak with you? Was it immediately after your
15 report was made?

16 A. Oh, no. It was months and months later.

17 Q. If you had to guess, do you recall -- if
18 I said there was evidence that you had an interview
19 in November 2020, does that sound --

20 A. That sounds right.

21 Q. -- about right?

22 A. That sounds accurate.

23 Q. Would that have been the first and only
24 time you were approached about that incident by
25 GDC?

1 A. Yes.

2 Q. Okay. Now, Ms. Diamond, why did you
3 decide to name Arneika Smith as part of this
4 lawsuit?

5 A. Cause her actions are deplorable.
6 Because it's got to start somewhere in GDC. If
7 it's not the training, if it's not the staff, if
8 it's not the officers, it's got to start somewhere.
9 This has to stop. There's no reason you should
10 come to prison and leave worse off than you were
11 before you came to prison. That's absolutely no
12 excuse, and that is what has happened to me. I'm
13 leaving worse off than I was before I got here, and
14 it's not my fault.

15 MS. EZIE: Thank you, Ms. Diamond.

16 That's all I have.

17 MS. LONG: I have just a couple of
18 follow-ups.

19 THE WITNESS: Okay. Try to make it
20 quick, cause we have to go. We got four
21 minutes.

22 BY MS. LONG:

23 Q. You were asked by your attorney about an
24 assault that occurred at GDCP that you did not
25 report.

1 A. Yes.

2 Q. Tell me about that. What happened?

3 A. I had just arrived to the prison, and
4 they had taken me up front. They expedited me
5 through, because all the officials, when I got
6 there, they all ran up to me, and they're like
7 you're not going to be here long. They're like we
8 just got to get you through here. It's just a
9 parole violation. My mindset was to just get in
10 there and get out of there.

11 Q. But who assaulted you?

12 A. A roommate.

13 Q. DO you recall the room --

14 A. I don't know him. I have no idea. This
15 was a strange man. I told them -- when I first got
16 to Jackson, they dropped the ball so many times.
17 They kept putting me in the room with people, sex
18 offenders, then they'd have to go and fix it. So,
19 finally, officials had to come and cut the bed off,
20 because they would not stop putting the wrong
21 people in there.

22 So the guy that did this to me, he was in
23 there. He had a 20-year sentence for aggravated
24 sodomy and rape. That's not a mistake that you put
25 the person in who just sued you for all of this

1 mistreatment. They were cavalierly reckless with
2 me, and they continued to be, and that is all I
3 know. I do know that I want it to stop. That's
4 all I know.

5 Q. And this assault, you said, occurred as
6 soon as you got at GDCP?

7 A. The first night.

8 Q. And you didn't report it to anyone?

9 A. I did not.

10 MS. EZIE: Object to form.

11 BY MS. LONG:

12 Q. Have you been assaulted since you've been
13 at Coastal State Prison?

14 MS. EZIE: Object to form.

15 THE WITNESS: Sexually assaulted or
16 physically?

17 MS. EZIE: Asked and answered.

18 BY MS. LONG:

19 Q. Assaulted in any way?

20 A. Yes.

21 Q. By inmates?

22 A. Yes.

23 Q. Have you been assaulted by an officer?

24 A. Yes.

25 Q. Well, whose -- what officer have you been

1 assaulted by?

2 A. I want this stricken from the record.

3 Officer Brooks.

4 Q. Sexually assaulted you?

5 A. Physically.

6 Q. How did he physically assault you?

7 A. She.

8 Q. She. Sorry.

9 A. She's transgender. So he.

10 Q. Okay.

11 A. She pushed -- was pushing me and being
12 very physical with me. Started pushing me into the
13 locker and stuff. The other inmates witnessed it.
14 This is one of those barrages of those DR's that
15 they gave me that, you know, I never get to
16 adjudicate or never get to go to court about and
17 have my day, that I just get found guilty on just
18 because. It was one of those incidents.

19 Investigators did come, but they refused
20 to talk to me, because I had attorneys. So the
21 officer never -- it was never put on record. It's
22 nothing. The only thing the record shows is that I
23 assaulted an officer in the prison.

24 Q. Have you had any other assaults at GDC --
25 I'm sorry. At Coastal by officers, that you're --

1 A. Not physical, besides that one. That was
2 physical. Very physical.

3 Q. And you indicated that you've had
4 assaults at Coastal by other inmates?

5 A. Yes.

6 Q. And have you had sexual assaults at
7 Coastal State Prison?

8 A. Yes.

9 MS. EZIE: Object to the form. This was
10 a full hour of the deposition earlier.

11 THE WITNESS: Yes, Ms. Terry.

12 MS. EZIE: I don't know why we're
13 relaying this ground. You have to listen
14 better to your own questions.

15 MS. LONG: Okay.

16 BY MS. LONG:

17 Q. You testified with your attorney that all
18 your sexual assaults occurred ten years ago, and
19 that's not really true, is it?

20 A. Not all of --

21 MS. EZIE: Object to form.

22 THE WITNESS: -- them. I said --

23 MS. EZIE: That was not her testimony.

24 THE WITNESS: Yeah.

25 COURT REPORTER: I'm sorry. Y'all both

1 are talking at the same time.

2 Object to form, what?

3 MS. EZIE: That was not her testimony.

4 COURT REPORTER: Thank you.

5 BY MS. LONG:

6 Q. And you indicated that you were assaulted
7 at GDCP when you first got there, but did you have
8 any other assaults by inmates at GDCP?

9 A. Yes. Lots.

10 Q. Lots of assaults?

11 A. M'mm-h'mm.

12 Q. Were these sexual assaults?

13 A. Yes. And physical.

14 Q. Do you -- can you say when these
15 occurred?

16 A. I meant when I arrived there, there was
17 an incident where we talked about, where I reported
18 to Ms. Smith where Slime had tried to drag me in
19 the closet, and me and all the other girls went up
20 there, and we all politicked and tried to get her
21 to do something about the men that were not in our
22 dormitory, they were trying to force themselves
23 over there, because that's where the trans women
24 are, and they --

25 Q. And when you Ms. Smith, you're not

1 talking about Arneika Smith?

2 A. No. I'm talking about Lachesha.

3 Q. Okay. So you had multiple assaults at
4 GDCP?

5 Is that correct?

6 A. M'mm-h'mm.

7 Q. And you had assaults by other inmates
8 before May 9th of 2020?

9 A. I wouldn't say -- yeah. Yeah. Yeah.
10 Yeah.

11 Q. What's a kite?

12 A. A kite is a -- a kite is a piece of paper
13 that -- it's like a letter. It is a way to write
14 letters amongst yourself, when you're all in the
15 same place, without having to yell things out or
16 use phones. You just write it on a paper, and we
17 call those kites, and you send them.

18 Q. So it's like a note?

19 A. It is.

20 Q. The May 9th incident, did you bring a
21 mattress into the room on May 9th?

22 A. No. It was already in there.

23 Q. The May 10th, on your -- when you were
24 answering my questions, you said you brought in
25 blankets and pillows.

1 Did you bring anything else in on May
2 10th?

3 A. I brought the mattress that made -- that
4 I used to make the bed. The bed and the blankets.

5 Q. Where did you get that mattress from?

6 A. From the closet, as I explained to you.

7 Q. So the closet has a mattresses in it?

8 A. It has everything in it.

9 Q. Okay. And you brought -- so, now, your
10 testimony is you brought a mattress and blankets
11 and pillows, all in one trip, into the officer's
12 room?

13 A. Yeah.

14 MS. EZIE: Object to form.

15 BY MS. LONG:

16 Q. Is that correct?

17 A. What?

18 Q. Was that correct? You brought all of
19 that in in one trip?

20 A. Yeah. Very easy. Blankets are this big
21 (indicating), sheets are this big (indicating), the
22 mat, when you fold it up, it ain't even that big
23 (indicating). You can carry all that in one whoop.

24 Q. And you testified before the mattress is
25 about six feet long?

1 A. I didn't say how long the mattress was.
2 I don't recall telling you the length of the
3 mattress. I remember showing you what I thought,
4 but I don't remember giving an accurate; because,
5 again, I told you, I suck at measurements.

6 Q. Well, I recall that you said that.
7 How long do you think the mattress is?

8 A. I'm sure it's as long as a body.

9 Q. A body?

10 A. M'mm-h'mm. But it can be folded and
11 placed and made very small.

12 MS. LONG: I don't have anything further.

13 THE WITNESS: Sounds good to me.

14 MS. EZIE: Alrighty.

15 Ms. Tammy, can we -- I think we can
16 just request a regular delivery without
17 actually, m'mm --

18 MS. LONG: Have you discussed --

19 MS. EZIE: I just want --

20 MS. LONG: -- reading and signing?

21 MS. EZIE: That's all that's on my mind.

22 I would like to get a copy of the
23 transcript, an Errata Sheet, so we can read
24 and sign, and I wanted to know how we order
25 transcripts, as well? If there's an option to

1 have a rough transcript, in addition to a
2 regular delivery?

3 COURT REPORTER: I don't usually do rough
4 transcripts. They usually ask the Court
5 Reporter ahead of time. So I don't know how
6 quickly I can get this to you. I mean, we're
7 looking at 250 pages.

8 MS. EZIE: Okay. What's your standard
9 turnaround time?

10 COURT REPORTER: We have ten business
11 days, but I get them in as quickly as I can,
12 which is usually never ten days.

13 MS. EZIE: Sounds good.

14 We would like to read and sign, and
15 we'll just get the ordinary transcript
16 delivery.

17 MS. LONG: Yes. Can I get an electronic
18 copy? I'd like searchable full pages and
19 also a condensed version electronically.

20 COURT REPORTER: Yes, ma'am.

21 Does anyone else want a copy?

22 THE WITNESS: I do, but I can get it from
23 my attorneys.

24 MS. EZIE: Yes. We'll get that to you.

25 Ms. Gardner, would you mind putting

1 your E-mail address in the chat, assuming
2 you'd like copies of the three exhibits I
3 introduced.

4 COURT REPORTER: Yes, ma'am. I was going
5 to ask you that next. I was going to give you
6 my E-mail. So I'm going to go ahead and type
7 it in.

8 MS. EZIE: Okay. And, I'm sorry. I
9 think --

10 MR. CHALMERS: Ms. Gardner, this is --
11 I'm sorry.

12 MS. EZIE: You wanted to make a
13 transcript order, so let me let you get to it.

14 MR. CHALMERS: Yes. Thank you.

15 Ms. Gardner, just a condensed
16 version --

17 MS. GARDNER: I'm sorry. Who is this?
18 Mr. Chalmers?

19 MR. CHALMERS: Yes. Thank you.

20 One condensed electronic version is
21 fine, with whatever exhibits go with it.

22 COURT REPORTER: Thank you.

23 MR. CHALMERS: Thank you.

24 (Deposition concluded at 4:41 p.m.)

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COURT REPORTER CERTIFICATE

STATE OF GEORGIA
COUNTY OF BARTOW

I hereby certify that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages represent a true, complete and correct transcript of the evidence given upon said deposition, and I further certify that I am not of kin or counsel to the parties in the case; am not in the employ of counsel for any of said parties; nor am I in any way interested in the result of said case.



TAMMY L. GARDNER, RPR

Certified Court Reporter

Certificate #2804

1 DISCLOSURE OF NO CONTRACT

2 I, TAMMY GARDNER, do hereby disclose pursuant
3 to Article 10.B of the Rules and Regulations of
4 the Board of Court Reporting of the Judicial
5 Council of Georgia that VERITEXT LEGAL SOLUTIONS
6 was contracted by the party taking the deposition
7 to provide court reporting services for this
8 deposition and there is no contract that is
9 prohibited by O.C.G.A. 15-14-37(a) services for
10 this deposition and there is no contract that is
11 prohibited by O.C.G.A. 15-14-37(a) and (b) or
12 Article 7.C. of the Rules and Regulations of the
13 Board for the taking of this deposition.

14 There is no contract to provide service
15 between myself or any person with whom I have a
16 principal and agency relationship nor any attorney
17 at law in this action, party to this action, or
18 party having a financial interest in this action
19 or agent for an attorney at law in this action,
20 party to this action or party having a financial
21 interest in this action. Any and all financial
22 arrangements beyond our usual and customary rates
23 have been disclosed and offered to all parties.

24 This the 22nd of February, 2022.

25 Tammy L. Gardner, CCR, Cert. No. 2804_____.

Diamond, Ashley Vs. Smith, Arneika

Page 278

1 Cjomuere Ezo

2 cezie@ccrjustice.org

3 March 7th, 2022

4 RE: Diamond, Ashley v. Smith, Arneika

5 2/22/2022, Ashley Diamond (#5068596)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 erratas-cs@veritext.com.

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 Diamond, Ashley v. Smith, Arneika

2 Ashley Diamond (#5068596)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Ashley Diamond, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

11

Ashley Diamond Date

12

13

*If notary is required

14

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Georgia Code

Title 9, Chapter 11

Article 5, Section 9-11-30

(e) Review by witness; changes; signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph (1) of subsection (f) of this Code section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. If the deposition is not reviewed and signed by the witness within 30 days of its submission to him or her, the officer shall sign it and state on the record that the deposition was not reviewed and signed by the deponent within 30 days. The deposition may then be used as fully as though signed unless, on a motion to suppress under paragraph (4) of subsection (d) of Code

Section 9-11-32, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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