

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN

* * *

SHAREE MILLER,

Plaintiff,

-v-

File No. 2:15-cv-14164

ANTHONY STEWART, in his official
capacity as Warden of Women's
Huron Valley Correctional Facility,
ROBIN HOWARD, in her individual
capacity, and RENATA PATTON, in
her individual capacity,

Defendants.

The video teleconference deposition of
SHAREE MILLER, taken under the provisions of the
Federal Rules of Civil Procedure, before
Tuesday L. Brighton, RMR/CSR-3563 and Notary
Public, at 525 West Ottawa, 5th Floor, in the
city of Lansing, Michigan, commencing at about
10:25 A.M. on the 9th day of November, 2017,
pursuant to notice.

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APPEARANCES:

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BY: Alma Sobo

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On behalf of Plaintiff

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On behalf of Defendants

* * *

I N D E X

WITNESS:	PAGE
SHAREE MILLER	
Examination by Mr. Schneider	3
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EXHIBITS:

None submitted.

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1 Lansing, Michigan
2 November 9, 2017
3 * * *
4 SHAREE MILLER,
5 a witness having been first duly sworn, was
6 examined and testified under oath as follows:
7 EXAMINATION
8 BY MR. SCHNEIDER:
9 Q Will you state and spell your name for the record,
10 please.
11 A Sharee, S-h-a-r-e-e, Paulette Miller.
12 THE WITNESS: I just got married.
13 MS. SOBO: You can say your married name.
14 THE WITNESS: Because I haven't changed
15 it here.
16 MS. SOBO: You can just add it.
17 THE WITNESS: Oh.
18 Q (BY MR. SCHNEIDER): Was that it?
19 A Yep.
20 Q Okay. What's your prisoner number?
21 A 326122.
22 Q And you're currently housed at the Huron Valley
23 Women's Facility, correct?
24 A Yes.
25 Q Have you had your deposition taken before?

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1 A Not that I'm aware of.
2 Q Do you know what a deposition is?
3 A I looked it up, so now I do.
4 Q Okay. So this process here where you're involved
5 in a lawsuit either as a plaintiff, a defendant,
6 or a witness and somebody is asking you questions
7 like this where the court reporter is recording
8 it, that's a deposition, okay?
9 A Okay.
10 Q So have you done this before?
11 A Not that I remember.
12 Q I'm going to go over a couple of quick ground
13 rules. One, I'm going to do my best not to speak
14 over you. I'd ask that you not speak over me as
15 well because if we're both talking at the same
16 time the court reporter will not be able to get
17 that all down, okay?
18 A Okay.
19 Q Another one is that I need verbal responses to the
20 questions. If you just wave your hands or shake
21 your head the court reporter is not going to be
22 able to type that down.
23 A Okay.
24 Q If you need a break let me know. The one thing
25 I'd ask is that if there is a question that I've

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1 already asked I'd like you to answer the question
2 before you take the break.
3 A Okay.
4 Q Are you currently on any medications that would
5 prevent you from testifying truthfully and
6 accurately here today?
7 A No.
8 Q Is there any other reason you'd be unable to
9 testify truthfully and accurately here today?
10 A No.
11 Q How long have you been incarcerated at the Huron
12 Valley Women's Facility?
13 A I was here in 2008 and I left in 2009. I went
14 home on an appeal bond, and I came back in 2012
15 and have been here ever since.
16 Q What's an appeal bond?
17 A I won my appeal and the federal judge gave me a
18 bond, a PR bond, to go home during my appeal.
19 Q And then ultimately you lost the appeal, is that
20 why you came back?
21 A In the Supreme Court, yes.
22 Q Is that the Michigan Supreme Court or the Federal?
23 A No, United States.
24 Q Is 2008 the year you were originally incarcerated
25 or is that just the year you arrived at Huron

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- 1 Valley Women's?
- 2 A That was the year we came here.
- 3 Q What year were you incarcerated?
- 4 A 2000. 2000.
- 5 Q Is this the first time you've been in prison?
- 6 A Yes.
- 7 Q And I'm including like out of state as well. Have
- 8 you ever been in prison out of state, outside of
- 9 Michigan?
- 10 MS. SOBO: Clifton, what's the relevance?
- 11 MR. SCHNEIDER: Well, it's a deposition,
- 12 so we can argue about relevance and admissibility
- 13 to the Court but I think I'm entitled to ask the
- 14 questions.
- 15 MS. SOBO: Carry on.
- 16 A This is the only state I've been in prison.
- 17 Q (BY MR. SCHNEIDER): Which prisons were you housed
- 18 at between 2000 and 2008?
- 19 A Robert Scott's Correctional Facility.
- 20 Q You were there for the entire time before coming
- 21 to Huron Valley Women's?
- 22 A Yes.
- 23 Q Throughout this deposition rather than saying
- 24 Huron Valley Women's a million times I might just
- 25 refer to it as WHV; is that okay with you?

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- 1 A Yes.
- 2 Q And that's the three letter code that the prison
- 3 uses for that facility; is that right?
- 4 A Yes.
- 5 Q Are you currently -- do you have an assignment in
- 6 prison currently, like a work assignment?
- 7 A Yes.
- 8 Q And what is it?
- 9 A Hobby craft clerk.
- 10 Q What do you do as a hobby craft clerk?
- 11 A I do a lot of paperwork, check disbursements,
- 12 check in orders when they come.
- 13 Q How long have you had that position?
- 14 A I think February of this year.
- 15 Q Do you get paid for that assignment?
- 16 A Yes, I do.
- 17 Q How much?
- 18 A \$1.54 a day.
- 19 Q Does it matter how many hours you work in a day or
- 20 is it just you get that pay if you work, period?
- 21 A It -- I think it's just if you work, period. I
- 22 write down when I leave for work if I'm not
- 23 staying the whole day, so I'm unsure if she cuts
- 24 that in half or not.
- 25 Q If you work a full shift how long is that, like

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- 1 how long would a shift be?
- 2 A I go in in the morning from 7:30 to 10:30, then
- 3 come back for count, and then I go back at 12:30
- 4 to 3, 3:30.
- 5 Q And where is it in the prison where you perform
- 6 that assignment?
- 7 A The fieldhouse.
- 8 Q What security level are you, by the way?
- 9 A Management level I, security level II.
- 10 Q Does that mean you're housed in level II?
- 11 A Yes.
- 12 Q Prior to getting that assignment as a hobby craft
- 13 clerk what was the most recent assignment you had
- 14 prior to that?
- 15 A POA, prisoner observation aide.
- 16 Q What were the dates that you held that assignment?
- 17 A My last date was July 17th, 2014, and I'm not for
- 18 sure when I started.
- 19 Q Do you know approximately how long you had that
- 20 position?
- 21 A I don't want to guess because I really don't know.
- 22 Q Was it more than a month, do you know?
- 23 A Yes.
- 24 Q Was it more than six months?
- 25 A I'm not sure.

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- 1 Q Was it -- can you say one way or another whether
- 2 it was more or less than a year?
- 3 A It was less than a year.
- 4 Q All right. When you were a POA how much were you
- 5 being paid?
- 6 A At that time it was 3.24 a shift.
- 7 Q And how long were the shifts?
- 8 A Three hours but no more than six.
- 9 Q Would it typically -- would they typically max it
- 10 out at the six hours or was it always just
- 11 changing how long you'd be there?
- 12 A It always changed. It just -- it always depended
- 13 on count or if somebody showed up to relieve you.
- 14 Q So there was no typical shift where you generally
- 15 worked three hours, four hours, five hours?
- 16 A You're supposed to only work three hours but the
- 17 policy said up to six.
- 18 Q Did you get paid more if you worked more than
- 19 three hours?
- 20 A No.
- 21 Q Could you do multiple shifts in a single day?
- 22 A Wasn't supposed to.
- 23 Q Did that ever happen; did you ever do it?
- 24 A Yes.
- 25 Q When that happened would you get paid the \$3.24

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- 1 twice for the same day, then?
- 2 A The policy stated that we would -- could work up
- 3 to six hours, so if I worked two shifts I would
- 4 only get paid one time. If it was past six hours
- 5 then they paid you for the next shift.
- 6 Q I see. So if they had you work four hours in the
- 7 morning and three hours at night you'd get paid
- 8 for two shifts because that's seven hours total.
- 9 A That never happened.
- 10 Q Did it ever happen where you got paid for two
- 11 shifts in the same day?
- 12 A Yes.
- 13 Q All right. And what happened? What were the
- 14 hours of the shifts; how did that work when that
- 15 happened?
- 16 A If I worked -- and I'm -- hypothetical because I
- 17 do not remember. If I worked at midnight to 3 and
- 18 then they called me back in -- had me posted to
- 19 work the next day from 9 to 12, that's a six hour
- 20 shift within a 24 hour period. Technically they
- 21 didn't have to pay us for both of those because
- 22 that's six hours in a 24 hour period.
- 23 Q But there were times when they did pay you for two
- 24 shifts in the same period.
- 25 A Yes. Yes.

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- 1 Q Are prisoners required to have a job assignment?
- 2 A They're supposed to. I didn't.
- 3 Q What do you mean, you didn't?
- 4 A When you're trained for POA they like you to have
- 5 a job assignment as well as the POA job
- 6 assignment. They like you to have both.
- 7 Q But you did not while you were a POA?
- 8 A I did not.
- 9 Q Is there a policy on that that you're aware of?
- 10 A I think it was just part of our job training.
- 11 Q So when you started as the POA they gave you some
- 12 kind of training.
- 13 A Yes.
- 14 Q Was that a single day or was that spread over
- 15 multiple days?
- 16 A The first one was a single day and then we went
- 17 monthly.
- 18 Q So it was sort of continuing training every month?
- 19 A Right. The first day was like a six to eight hour
- 20 training.
- 21 Q And then what were the monthly training?
- 22 A If there was anything new they would tell us. If
- 23 we had any issues we would tell them at the
- 24 training. It was like a monthly meeting, but if
- 25 there was anything new we had training.

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- 1 Q How long would those monthly meetings last?
- 2 A There was no set time.
- 3 Q Can you ballpark it for me? I was trying to
- 4 figure out, was this another like six to eight
- 5 hour session or was it something shorter like an
- 6 hour or two?
- 7 A I think on our callouts it might have just read
- 8 one or two hours, but it just depended. They were
- 9 always done before count.
- 10 Q All right. Getting back to the requirement to
- 11 have a job assignment, is there a prison policy
- 12 that says prisoners are supposed to have a job
- 13 assignment? And if you don't know you can just
- 14 say you don't know.
- 15 MS. SOBO: If you know.
- 16 THE WITNESS: Right.
- 17 A I am unsure. They're always changing policies, so
- 18 I'm unsure.
- 19 Q (BY MR. SCHNEIDER): Have you heard that before,
- 20 that prisoners are required to either work or go
- 21 to school?
- 22 A It used to be that way.
- 23 Q Okay. Going back, before you were a POA what was
- 24 the last assignment you had before that?
- 25 A Quartermaster worker.

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- 1 Q Do you remember the approximate dates that you had
- 2 that assignment?
- 3 A I have no idea.
- 4 Q Like can you even give me a year?
- 5 A It was after I came back in 2012.
- 6 Q Do you know approximately how long you held that
- 7 position?
- 8 A It was over six months.
- 9 Q Do you know what you were paid for that position?
- 10 A I have no idea.
- 11 Q Do you know how I could find out?
- 12 A Classification should know.
- 13 Q Do you have something called like a prisoner trust
- 14 account?
- 15 A Yes.
- 16 Q When you get paid from a prison assignment is that
- 17 where the money goes?
- 18 A Yes.
- 19 Q Are you able to request a copy of that from the
- 20 prison; do they let you get a copy if you want it?
- 21 A Yes.
- 22 Q Have you ever done that; have you ever seen one of
- 23 those account statements?
- 24 A Yes.
- 25 Q Okay. And does it show like your paycheck or

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- 1 whatever, the money they put into your account for
2 your work?
3 A Yes.
4 Q What were your duties as a quartermaster
5 assistant?
6 A We get issued prison clothing, so it would come
7 there. We would unload trucks and issue it out to
8 prisoners as they kited to tell us what they
9 needed.
10 Q Are there any reasons in the prison where for some
11 reason a prisoner is not allowed to have a work
12 assignment?

13 MS. SOBO: Objection, form.

14 THE WITNESS: Do you want me to answer?

15 MS. SOBO: You can still answer.

- 16 A If you have a ticket, if the inspectors don't
17 clear you, and if there's not enough jobs.
18 Q (BY MR. SCHNEIDER): When you get one of these
19 assignments like POA, quartermaster assistant, or
20 hobby craft clerk does the prison just pick one of
21 these assignments and give it to you or do you
22 actually have to specify what you want to do?
23 A You fill out a classification form, I'm not for
24 sure how often because they continuously change
25 that, and you decide what you want to do.

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- 1 POA is different. Staff recommends you
2 and then you go to the training and then they
3 choose who will be a POA, send it to the
4 inspector, and the inspector approves or
5 disapproves you.

- 6 Q And that happens after the training?

- 7 A You do the training first and then I think you
8 go -- I'm not for sure. I can't answer that. I'm
9 not for sure when it goes to the inspector.

- 10 Q And that's fine. Just generally throughout this
11 deposition if you don't know the answer to
12 something feel free to tell me that. It's better
13 than guessing.

- 14 Also I should have said this at the
15 front, I'm not trying to trick you with any of my
16 questions. If you don't understand one of my
17 questions just let me know and I'll rephrase it.
18 Sometimes I ask really bad questions. I'm really
19 not trying to trick you. It just sometimes comes
20 out of my mouth wrong, okay?

- 21 A Okay.

- 22 Q All right. So you told me the process for the POA
23 position, which is the staff recommends you, then
24 you have the training. How about for other
25 assignments?

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MS. SOBO: If you know.

- 2 A Security sensitive assignments you -- it's the
3 same concept. You still classify for what you
4 want through your ARUS. Then you get a
5 classification form. You go into the computer on
6 what date you classified. When that job opens up
7 policy says they're supposed to pick the next
8 person in line.

- 9 Q (BY MR. SCHNEIDER): What policy is that?

- 10 A Classification policy. I don't know the number
11 right offhand.

- 12 Q All right. I'm going to try to repeat what you
13 just said. You tell me if I've got it right or
14 wrong.

- 15 MS. SOBO: You can have the reporter read
16 it back.

- 17 MR. SCHNEIDER: Well, I'm going to get
18 into a little more detail.

- 19 Q (BY MR. SCHNEIDER): Who fills out that form for
20 classifying you for SSA, is that something you do
21 or something your ARUS does?

- 22 A Well, like I get three choices on what I want to
23 do when I get classified, so when I go to the
24 ARUS' office he asks me what three positions I
25 want to be put in the pool for, so like in general

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- 1 my first one is hobby craft clerk and then I have
2 two other ones, which I cannot remember,
3 classification clerk and something else, so when
4 somebody gets fired, quits, or go home, if that
5 position opens up the next person on the
6 computer -- because your classification date goes
7 in. They print out like let's say, for example,
8 the next ten people. It's an SSA position. It
9 has to go to the inspector's office first.

- 10 So those ten people will go to the
11 inspector's office. If the inspector clears
12 seven -- which each position has their own
13 clearance, so if I had a substance abuse or a
14 smuggling ticket I couldn't be in the position I'm
15 in for five years, so each one has their own set
16 of rules, so the inspector looks that up to make
17 sure I haven't violated any of those rules to put
18 me in that position, so, if seven of us clear, the
19 first person that was listed under that date is
20 technically supposed to go in that position.

- 21 Q The job you have now, is that a sensitive security
22 assignment?

- 23 A Yes.

- 24 Q How about quartermaster assistant, was that a
25 sensitive security assignment?

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- 1 A Yes.
- 2 Q And how about POA?
- 3 A Yes.
- 4 Q And when I say POA throughout this deposition I'm referring to prisoner observation aide. You understand that, right?
- 7 A Yes.
- 8 Q Have you ever had an assignment that was not a sensitive security assignment?
- 10 A In my whole incarceration?
- 11 Q Let's just limit it to at Huron Valley, WHV.
- 12 A I can't remember.
- 13 Q Is there a list somewhere in the prison that tells you what work assignments are available, like which assignments exist?
- 16 A You can go to the law library and get it or your ARUS has a list.
- 18 Q Does that list also tell you which of the assignments are sensitive security assignments?
- 20 A It used to. We used to have a classification book in the law library, but Warden Stewart removed it.
- 22 Q So if you applied for a job you wouldn't know if it was SSA or not at this point.
- 24 A Well, in the classification policy it should say, but I'm unsure if it does.

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- 1 Q Do the SSA positions pay more than the non-SSA positions?
- 3 A I'm unsure of what all positions pay.
- 4 Q Currently are you in the job pool for any other positions aside from hobby craft clerk?
- 6 A Yes. We have three. Each time we classify we do three.
- 8 Q Do you have to do three or is three the limit?
- 9 A You don't have to. I just choose to.
- 10 Q All right. And right now your three are hobby craft clerk. You said you didn't remember the other two?
- 13 A Classification clerk, and I'm unsure of what my third one is.
- 15 Q Does that mean if a position came open for classification clerk they would offer it to you?
- 17 A Yes.
- 18 Q Is hobby craft clerk the top one on your list of three or would you rather do one of the other jobs?
- 21 A Hobby craft clerk was the top one. Still is.
- 22 Q Okay. So if a position opened up as classification clerk you would turn that down?
- 24 A I did not. It opened up a couple weeks -- maybe a month ago and I did not turn it down. I accepted

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- 1 It.
- 2 Q Oh, so do you have two assignments currently?
- 3 A No. You go over, you sign a paper whether you want the job or not. I signed the paper saying I wanted the job; however, there was a group of us and I wasn't next on the pool so apparently they chose the person that was next on the pool.
- 8 Q All right. So at this point do you want to move from hobby craft clerk to classification clerk?
- 10 A I'm comfortable where I'm at. It was just something different --
- 12 Q I see.
- 13 A -- at that time.
- 14 Q When you say there was somebody else ahead of you in the job pool, do they show you that list and show you where you're at?
- 17 A They do not. They just tell you that.
- 18 Q Do you know who maintains that list, where it would be found?
- 20 A Classification director.
- 21 Q Do you know who that person is now?
- 22 A CPC Dartt and CPC Domingo (phonetic), or Domico (phonetic).
- 24 Q Do you know how to spell either of those names?
- 25 A Dart is D-a-r-t-t, and I don't know how to spell

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- 1 the other one.
- 2 Q And their positions are classification director?
- 3 A Yes.
- 4 Q What were your assignment duties when you were a POA?
- 6 A We would get an assignment posted in the unit on where we were going. There's different places that they put people when they're on suicide watch where they will hurt themselves or somebody else. There was different places in the prison they would put them, so we would get our assignment. I would go there, and you sit in front of them and make sure that they're not going to hurt themselves in any way. You talk to them. You chart whether they're doing something that could be self-harmful. You let the staff know, so I would say like that's about the base of what we did.
- 19 Q Essentially you sit in a chair in front of the cell and you make sure the person on observation is not hurting themselves.
- 22 A Well, it goes a little more than that, but yeah.
- 23 Q Are you allowed to leave the cell door or do you have to stay in front of that cell door the entire shift?

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1 A Only if you have to go to the bathroom, and you
2 have a relief POA who comes and relieves you to go
3 to the bathroom and you come back.

4 Q Where are the locations in the prison where you
5 said prisoners on observation are housed?

6 A During the time I was POA it was in segregation,
7 Calhoun, and Emmett.

8 Q Are those three separate buildings?

9 A Yes.

10 Q Is there something called an acute care unit in
11 the prison?

12 A Yes. That's Emmett. I'm sorry, I missed that
13 one. Did I say Emmett?

14 Q You did.

15 A I did. I said -- that's Emmett.

16 Q What's the name of the building that segregation
17 is in?

18 A Unit 1.

19 Q So in unit 1 you have segregation and in Emmett
20 you have acute care. What's in Calhoun?

21 A Gosh, I can't remember what they -- they call it.
22 They -- I think it's just like extra rooms that
23 they have, but I'm uncertain. I can't remember
24 what they call it.

25 Q I'm reading through your complaint here and it

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1 says you began working as a POA in March 2014.
2 Now, you testified here today that you don't
3 remember exactly when you started. Do you have
4 any reason to doubt what your complaint says as
5 far as when you started that position?

6 A No.

7 Q Your complaint states that one of your -- some of
8 your POA shifts were for a prisoner named
9 Rochelle Bielby; is that correct?

10 A That's correct.

11 Q Do you know how many times you were a POA for
12 Prisoner Bielby?

13 A No idea.

14 Q Your complaint describes an incident where
15 Ms. Bielby was cuffed up in her cell, and the
16 phrased used here is hogtied. Do you remember
17 that incident?

18 A Yes.

19 Q Were you the POA for Bielby when that happened?

20 A Yes.

21 Q Do you have any way of tracking down the date that
22 that occurred?

23 A The prison does.

24 Q And how is that?

25 A Because I logged -- we log everything on log

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1 sheets.

2 Q You're talking about your -- the log sheet you use
3 as a POA when you write stuff down?

4 A Yes, and our passes. They're all kept on where we
5 go and when we go.

6 Q What makes you think they keep passes?

7 A They're supposed to.

8 Q What makes you think they're supposed to?

9 MS. SOBO: Objection, form.

10 A They collect them every night and you get a ticket
11 if you don't turn it in. You're supposed to.

12 Q (BY MR. SCHNEIDER): Okay. After they collect
13 them each night, though, do you know whether they
14 keep them or just throw them away at the end of
15 the week?

16 MS. SOBO: If you know.

17 A I don't know.

18 Q (BY MR. SCHNEIDER): So it sounds like the best
19 way to find out when this hogtying incident with
20 Bielby happened is to look at your POA sheets and
21 find it on there.

22 A Yes.

23 Q Do you remember what you wrote down so I know what
24 to look for?

25 A I have no idea. You can just look at all of

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1 Bielby's chart sheets.

2 Q Well, we've produced all the sheets that you did
3 as a POA. Have you seen those? Actually --

4 A No.

5 Q -- strike that. I don't remember if those were
6 produced attorneys' eyes only or not so you may
7 not have.

8 MS. SOBO: I believe they were attorneys'
9 eyes only.

10 Q (BY MR. SCHNEIDER): All right. When this
11 hogtying incident happened were you there at the
12 beginning of the incident when they went in and
13 restrained Ms. Bielby?

14 A Yes.

15 Q Okay. What was Bielby doing?

16 A She wanted to take a shower and they wouldn't let
17 her take a shower so she got angry and started
18 hitting at the camera.

19 Q Was there a camera in the cell?

20 A Yes.

21 Q You could see that camera?

22 A Yes.

23 Q Was that typical when you were a POA; was there
24 always a camera in the cell of the prisoners
25 you're observing?

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- 1 A **Not always.**
- 2 Q Was there just one or two cells that had cameras
- 3 in them?
- 4 A **I have no idea.**
- 5 Q All right. Did Bielby do anything else except hit
- 6 the camera?
- 7 A **Not that I recall.**
- 8 Q All right. And then what happened after she hit
- 9 the camera?
- 10 A **I want to say I remember her coming to the door**
- 11 **and talking to me after that.**
- 12 Q Did you report that to any corrections officers or
- 13 other staff when she was hitting the camera?
- 14 A **Yes.**
- 15 Q Who did you report it to?
- 16 A **I don't remember who the officer was.**
- 17 Q And then did the officer do anything?
- 18 A **They ended up taking Bielby and putting her in the**
- 19 **shower area and I had to stand and watch her in**
- 20 **the shower area.**
- 21 Q Do you know who took her and put her in the shower
- 22 area?
- 23 A **I don't remember.**
- 24 Q So after Bielby hits the camera did she calm down
- 25 after that?

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- 1 A **I want to say it took -- it took a little bit. I**
- 2 **can't remember how long it took for her to calm**
- 3 **down.**
- 4 Q At some point, though, she talked to you, she
- 5 spoke with you through the door, right?
- 6 A **Yes.**
- 7 Q Was she calm at that point or was she still upset?
- 8 A **She seemed fine then.**
- 9 Q And you don't know how long that took before she
- 10 was fine.
- 11 A **I don't remember.**
- 12 Q So what happened after that, officers had to come
- 13 to the cell and take her out of the cell?
- 14 A **Yes.**
- 15 Q How many officers, do you remember?
- 16 A **I don't remember.**
- 17 Q Are you familiar with like an emergency response
- 18 team in prisons?
- 19 A **Yes.**
- 20 Q Was it one of those?
- 21 A **At that time, no.**
- 22 Q Was it a group of officers or just a couple, like
- 23 two?
- 24 A **Just a couple at that time.**
- 25 Q Did Bielby voluntarily cuff up to be taken out of

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- 1 her cell?
- 2 A **Yes.**
- 3 MS. SOBO: Objection to form.
- 4 Q (BY MR. SCHNEIDER): And then she was taken to the
- 5 shower?
- 6 A **Yes.**
- 7 Q Was this in the segregation unit?
- 8 A **Yes.**
- 9 Q Was the shower also in the segregation unit?
- 10 A **Yes.**
- 11 Q And then when they moved Bielby to the shower you
- 12 had to move over there to observe her in the
- 13 shower area, correct?
- 14 A **Correct.**
- 15 Q And then at some point they restrained her and
- 16 hogtied her?
- 17 A **At some point after that, yes.**
- 18 Q Were you there when that happened?
- 19 A **Well, they did it twice.**
- 20 Q In the same day?
- 21 A **Yes.**
- 22 Q All right. So let's talk about while you're there
- 23 as a POA. You're watching her in the shower.
- 24 Were you still there -- did they eventually take
- 25 her back to her cell while you were there?

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- 1 A **Yes.**
- 2 Q Okay. And was she restrained at that point?
- 3 A **They came back. They put her in the cell and they**
- 4 **came back, a group of them.**
- 5 Q All right. So when she's in the shower and you
- 6 were watching her was she acting out?
- 7 A **No.**
- 8 Q Okay. And who -- who escorted her back to her
- 9 cell, was it just a couple of officers or was it a
- 10 big group?
- 11 A **Just a couple.**
- 12 Q And did she voluntarily go back to her cell?
- 13 A **Yes.**
- 14 Q And then once she was back in her cell, at that
- 15 point when she came back from the shower was she
- 16 restrained.
- 17 A **They came back to the room and -- a group of**
- 18 **people with a video camera. They went into the**
- 19 **room and they restrained her in the front that**
- 20 **time.**
- 21 Q All right. Well, I just want to walk through it
- 22 as it happened, so literally when she came back
- 23 from the shower they just put her in her cell at
- 24 that moment in time unrestrained; is that right or
- 25 wrong?

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1 A That's right.

2 Q Okay. And then they came back. Do you know how

3 long it was before they came back.

4 A I'm unsure.

5 Q Were you there when they came back.

6 A Yes.

7 Q And this was a group that came back.

8 A Yes.

9 Q And they entered the cell?

10 A Yes.

11 Q Did Bielby voluntarily cuff up before they entered

12 the cell?

13 MS. SOBO: Asked and answered.

14 You can still answer.

15 A At that time she didn't have any cuffs on when

16 they entered the cell.

17 Q (BY MR. SCHNEIDER): But before they entered the

18 cell did they ask her to back up to the cell door

19 and be cuffed up?

20 A I'm sure they did. I don't know. I -- I wasn't

21 paying -- I -- I don't know. I don't know. She

22 had to have backed up because they went in the

23 cell. She wasn't fighting them.

24 Q All right. Well, let me ask it this way. Before

25 officers go in the cell do they typically make the

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1 prisoner come to the cell door and get cuffed up

2 before the officers go into the cell.

3 A No.

4 Q All right. So when this group came back do you

5 know how many people it was that entered Bielby's

6 cell?

7 A I don't remember.

8 Q And then they went in there, and is this when they

9 hogtied her?

10 A In the front. First they took off her gown,

11 cuffed her hands in the front, cuffed her feet,

12 and put a chain in between them.

13 Q And then did they leave?

14 A Yes.

15 Q And were you still there when they left?

16 A Yes.

17 Q All right. So Bielby was left in her cell with

18 handcuffs, leg irons, and a chain connecting them.

19 A What is leg irons?

20 Q How about basically handcuffs on the ankles.

21 A Yep.

22 Q All right. Was Bielby acting out at that point or

23 was she calm?

24 MS. SOBO: To clarify, is this after she

25 was tied you're asking about?

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1 MR. SCHNEIDER: Well, let's ask both.

2 Q (BY MR. SCHNEIDER): Right before the officers

3 came in there to put the cuffs on that you just

4 described was Bielby acting out?

5 A Acting out to me --

6 MS. SOBO: Can you clarify what you mean,

7 Clifton?

8 THE WITNESS: Right. Because she's

9 mentally ill so acting out --

10 Q (BY MR. SCHNEIDER): Well, why don't you tell me

11 what Bielby was doing before they came in there to

12 cuff her.

13 A Laughing and talking, singing.

14 Q That's it?

15 A That was it.

16 Q All right. So then they come in and cuff her up

17 and they leave, and then what was Bielby doing

18 after that, after they left?

19 A She was naked on her bed with the cuffs on her

20 hands and ankles and she was trying to take them

21 off.

22 Q Okay. At this point when she's got the cuffs on

23 her hands and ankles she's also got the chain

24 connecting those hand and ankle cuffs, right?

25 A Around her waist and connecting them, yes.

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1 Q All right. Is that what you described in your

2 complaint as being hogtied or is hogtied something

3 else?

4 A That came after that.

5 Q All right. So Bielby is laying on her bed with

6 the restraints you described and she's trying to

7 take them off. Did they come back at some point

8 and hogtie her?

9 A Yes.

10 Q How long later was it they came back to hogtie

11 her?

12 A I don't remember.

13 Q Were you still there when that happened?

14 A Yes.

15 Q So this whole period of time would have been

16 within a three hour shift?

17 A I think I worked four hours that day. It was

18 between second and third shift.

19 Q Okay. So you don't know how long later but

20 eventually officers came back. Was it a group of

21 officers again or just a couple that came back?

22 A A group.

23 Q And this is when they hogtied Bielby?

24 A Yes.

25 Q All right. Describe what that means when you say

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1 they hogtied her.

2 A Again, she didn't have no clothes on. They took

3 the cuffs off. They made me go upstairs at that

4 point. When they were done -- I could hear her

5 yelling and screaming but I couldn't see what they

6 were doing at that point. When they were done

7 they had me come and sit back in front of her

8 door, so I can describe to you what I seen when

9 they -- when I came back to sit in front of her

10 door.

11 Q Please do.

12 A She had the same belly chains on. Her hands were

13 now behind her back with handcuffs. There was a

14 chain between her hands and her feet. Her feet

15 had handcuffs on them, so everything was behind

16 her back like you do a pig when you're roasting

17 them. That's the best way I can describe

18 hogtying.

19 Q Were her hands --

20 A So everything was behind her instead of front.

21 Q Were her hands and feet touching?

22 A Close.

23 Q What does close mean to you; is that inches, a

24 foot, more than a foot?

25 A I don't know. I don't know. It looked like the

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1 fetal position backwards.

2 Q And Bielby, was she laying on her belly, on her

3 back, or on her side when you saw her?

4 A At this point when I came back to the room the

5 officer was pulling a blanket up over her, because

6 she was naked, so they pulled a blanket up over

7 her and she was on her side and she was crying.

8 Q Could you actually see how far apart her hands and

9 feet were if she had the blanket on her?

10 A At that point, no. It was when the blanket came

11 off.

12 Q How did the blanket come off?

13 A She started moving around.

14 Q Was she still trying to get free of the

15 restraints?

16 A It appeared that way.

17 Q Was she yelling or screaming or anything like

18 that?

19 A Begging, yelling, screaming, crying.

20 Q All right. And how long was she left in that

21 position?

22 A When I left she was still in that position.

23 Q Any idea how long --

24 A She was --

25 Q Oh, go ahead.

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1 A I asked the third shift officer how long she had

2 to stay like that, because she was falling off the

3 bed and no way to catch her, and she said because

4 she was bad she had to stay another hour because

5 she tried to get out of her restraints.

6 Q Was that as you were leaving that officer told you

7 that?

8 A Yes.

9 Q Who was that officer?

10 A I'm going to see if I can say this right. Sowati

11 (phonetic).

12 Q Any idea --

13 A I'm not for sure if I'm saying it right. It's a

14 white lady.

15 Q Any idea how to spell that?

16 A We call her Ms. S, so no idea.

17 Q No idea how to spell it, though?

18 A No.

19 Q This whole incident you described with Bielby,

20 that whole POA shift you had where you watched her

21 on this date, was this all on third shift?

22 A No.

23 Q Was it on second shift?

24 A She was hogtied on second shift. Ms. Sowati came

25 in and when she was making her round is when I

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1 asked her how long she had to stay like that.

2 Q So your shift kind of spanned between second and

3 third shift.

4 A Yes.

5 Q What time did third shift come on?

6 A Eleven o'clock is when shift change is supposed to

7 happen.

8 Q That's eleven o'clock p.m., correct?

9 A Yes. Wait. I'm wrong. It's ten o'clock is when

10 shift change is supposed to happen. Ten p.m.

11 Q So these POA shifts you do, they could happen any

12 time of day, 24 hours a day?

13 A We have regular shifts but if a lot of people come

14 on one on one then our shifts get messed up

15 sometimes, so they may have to call you early,

16 they may call you later.

17 Q This -- the white lady, Sawati, does that start

18 with an S or a Z, do you know?

19 A We call her Ms. S., so I'm assuming it starts with

20 an S.

21 Q Do officers have name tags on their uniforms?

22 A Yes. Sawahay (phonetic), Sawahi (phonetic),

23 something like that. She was the third shift

24 officer regular at that time.

25 Q Any idea how long after Sawati came on shift it

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- 1 was that you had that conversation with her?
- 2 A **She was doing her first round.**
- 3 Q And that's about the time that your shift was
- 4 ending.
- 5 MS. SOBO: Objection to form.
- 6 A **I can't -- I really can't remember at that time**
- 7 **what time my shift ended.**
- 8 Q (BY MR. SCHNEIDER): You state in your complaint
- 9 that while Ms. Bielby was hogtied you asked
- 10 officers how long she would have to stay in that
- 11 position and they told you at least two hours,
- 12 longer if she didn't learn to behave. Do you
- 13 recall that happening?
- 14 A **Yes.**
- 15 Q Who are those officers?
- 16 A **It was the second shift officers who hogtied her.**
- 17 Q You don't know their names, though?
- 18 A **I don't remember.**
- 19 Q So in a unit like segregation you have regular
- 20 officers that are there for a full shift; is that
- 21 right?
- 22 A **Yes.**
- 23 Q When you have an incident where a group of
- 24 officers has to come and restrain a prisoner they
- 25 can bring in officers from other areas of the

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- 1 prison also; is that correct?
- 2 A **Yes.**
- 3 Q Okay. These officers that you spoke to that said
- 4 that Bielby would have to be there for two hours,
- 5 do you know if they were the regular officers that
- 6 were working that shift or if they were from
- 7 outside the unit?
- 8 A **I don't remember.**
- 9 Q Your complaint alleges that at one point Bielby
- 10 was sliding off her bed. Did she actually fall
- 11 off the bed?
- 12 A **No.**
- 13 Q But when she looked like she was going to slide
- 14 off the bed you notified an officer about it; is
- 15 that right?
- 16 A **Yes. I told you Ms. Sawati.**
- 17 Q Oh, that was the same officer. I see.
- 18 A **Yes. Sawati.**
- 19 Q And your notification of her, is that the same
- 20 time that she told you that Bielby would be on --
- 21 in restraints for another hour?
- 22 A **Yes.**
- 23 Q **Was there any medical staff like a nurse present**
- 24 **when Bielby was restrained?**
- 25 A **No.**

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- 1 Q **Did any nurse or other medical staff check on**
- 2 **Bielby the entire time she was restrained, as far**
- 3 **as you know, when you were there.**
- 4 A **When I was there, no.**
- 5 Q When they sent you upstairs while they were
- 6 restraining Bielby are you testifying that there
- 7 was no nurse present or you don't know because you
- 8 weren't there?
- 9 A **At that time when I went upstairs it was all**
- 10 **officers going into her room. Upstairs is right**
- 11 **there where the rooms are at, so it's three**
- 12 **stairs, four stairs.**
- 13 Q So you would have seen if a nurse showed up is
- 14 what you're saying.
- 15 A **I should have.**
- 16 Q You also allege that Bielby was not allowed to use
- 17 the bathroom the entire time that she was
- 18 restrained; is that accurate?
- 19 A **That's accurate.**
- 20 Q Did she ask to use the restroom?
- 21 A **I can't remember.**
- 22 Q Did she go to the bathroom on herself during that
- 23 time period?
- 24 A **Not that I'm aware of.**
- 25 Q Are you familiar with the prisoner observation

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- 1 rules and procedures?
- 2 A **Yes.**
- 3 Q Have you seen in there that it says at the end of
- 4 your shift there's an opportunity for -- they call
- 5 it a debriefing?
- 6 A **Yes.**
- 7 Q Okay. That basically means you get to talk with
- 8 an officer or shift command, right?
- 9 A **Yes.**
- 10 Q Does that actually happen; are you actually
- 11 allowed to do that at the end of your shifts?
- 12 A **Not really, no.**
- 13 Q Did that happen at the end of the shift with
- 14 Bielby where she was hogtied?
- 15 A **I tried to.**
- 16 Q Who did you try to speak with?
- 17 A **I told you, Ms. Sawati.**
- 18 Q Anybody else?
- 19 A **There was nobody else.**
- 20 Q After your shift ended did you speak with anybody
- 21 about it.
- 22 A **It's nighttime, so, no, and if you ask for shift**
- 23 **command they will not send them.**
- 24 Q How about the next day, did you talk to anybody
- 25 about it the next day? Oh, wait. Strike that.

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1 Let me back up a little bit. Your

2 complaint alleges that at the end of your shift

3 you complained to a sergeant. Do you recall that?

4 A The end of second shift, Sergeant Fisher?

5 Q Well, let me read this for you. It says

6 Ms. Miller complained to a sergeant at the end of

7 her shift about what she had witnessed but the

8 sergeant told her dismissively that Ms. Bielby

9 would be fine.

10 A That was the end of second shift.

11 Sergeant Fisher.

12 Q Was Sergeant Fisher involved in the restraining of

13 Ms. Bielby?

14 A I believe so. I don't know if he was on the

15 outside or inside of the room.

16 Q Okay. And then the day after this happened did

17 you complain to anybody else or tell anybody else

18 about it.

19 A I am unsure what day I talked to people about it.

20 I -- I can't remember if it was the next day.

21 Q All right. If your complaint says that at a POA

22 program meeting the next day you complained to

23 CPC Patton do you have any reason to doubt that?

24 A I told Ms. Patton, but we have to sign up on a

25 paper. I signed up but Ms. Patton never seen me.

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1 Q So you never got the chance to discuss this

2 incident with Patton.

3 A I talked about it at the POA meeting.

4 Q Was this --

5 A I gotta go back in time, so hang on a minute,

6 okay? When we had the POA meeting incidents had

7 happened with somebody else, so Ms. Patton

8 offered -- was that for Bielby? I don't remember.

9 I don't remember, because we had POA meetings any

10 time an incident happened too.

11 Q Okay. This POA program meeting that your

12 complaint says happened the next day, was that a

13 special meeting related to this incident with

14 Bielby or was that one of your monthly meetings?

15 A Well, Bielby isn't the only one that has problems

16 or incidents happen, so -- there's upwards of 45

17 people on 101, so I'm not really for sure but I'm

18 pretty sure it had nothing to do with Bielby that

19 day, but I know I talked to Ms. Patton and I know

20 I signed up to see a therapist that day over the

21 incident.

22 Q When you talked to Ms. Patton what did she tell

23 you about the incident?

24 A That -- or I didn't understand what hard

25 restraints were and they were hard restraining

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1 her, something to that degree. I don't remember

2 verbatim but it was something to that degree.

3 Q Did you contact anybody else in the prison about

4 the situation?

5 A I wrote kites.

6 Q Who did you kite?

7 A The inspector that was over the POAs at the time.

8 Q Was that Howard?

9 A Yes.

10 Q Did you send her one kite or multiple kites?

11 A I don't remember. I really don't.

12 Q Did you keep a copy of the kite or kites?

13 A I wrote everything down. I wrote everything down.

14 Q Wrote it down where?

15 A On my calendar.

16 Q Do you still have that calendar?

17 MS. SOBO: If you know.

18 A I know where it's at, yeah.

19 Q (BY MS. SCHNEIDER): Let me go out on a limb here

20 and say you've given it to your attorney so you

21 don't have it anymore.

22 A There you go.

23 Q So when you filed this lawsuit, though, you did

24 still have it but you've now given it to your

25 attorney, correct?

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1 A Yes. Thank you.

2 Q Okay. You don't have any calendars or notes still

3 in your possession that you've not given to your

4 attorney, do you?

5 A No. No.

6 Q Did you get any response from Inspector Howard to

7 your kite or kites?

8 A Not from the kites, no.

9 Q Well, when you say not from the kites it sounds

10 like you got a response in some other way. Tell

11 me about that.

12 A She called me to her office over this incident.

13 Q Do you know when?

14 A It was in my notes.

15 Q So those are the notes you gave to your attorney.

16 A Yes.

17 Q That conversation with Howard, was that initiated

18 because of your kite or for some other reason?

19 A That was some other reason.

20 Q Do you know if Howard ever received your kite?

21 A I assume she did because she knew about the Bielby

22 incident and my complaint with it.

23 Q So if Howard called you out for another reason do

24 you know what that other reason was?

25 A Because I contacted outside people about the

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1 Incident with Bielby.
 2 Q Who did you contact?
 3 A Michigan Women (sic) Justice.
 4 Q Anybody else?
 5 A At that time, no.
 6 Q What is Michigan Women Justice?
 7 A It's a clemency advocate program that helps women
 8 from domestic violence.
 9 Q Is that a private organization or a public, if you
 10 know?
 11 MS. SOBO: If you know.
 12 A I -- I don't know.
 13 Q (BY MR. SCHNEIDER): Is that based in Michigan or
 14 somewhere else?
 15 A They're in Michigan. They were at the law -- I
 16 don't know. They're in Michigan. That's all I
 17 know.
 18 Q How did you contact Women Michigan Justice?
 19 A I wrote them a letter.
 20 Q Did you e-mail them or call them?
 21 A Later.
 22 Q How did Howard know that you had written them a
 23 letter?
 24 A Michigan Women Justice sent my letter to a whole
 25 bunch of people and they started contacting the
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1 facility.
 2 Q Do you know who those people were?
 3 A I know of some.
 4 Q Who are those?
 5 A Humanity for Prison -- Prisoners, the Department
 6 of Justice, Mellie Nelson and -- the lady that's
 7 here. I can't remember her name. Those are the
 8 ones I know of, and Sofia Nelson.
 9 Q So then those people shared your letter with the
 10 prison.
 11 A They -- I don't know. I just know they started
 12 calling out.
 13 Q So this -- when Howard called you out to discuss
 14 this matter it sounds like it must have been
 15 sometime later, because that would have taken time
 16 for your letter to get to Michigan Women for
 17 Justice, for them to contact other organizations,
 18 and then for those organizations to drdle back to
 19 the prison.
 20 MS. SOBO: Foundation. I'm not sure she
 21 knows.
 22 A I don't know how long it took for all that to
 23 happen.
 24 Q (BY MR. SCHNEIDER): Do you have a copy of that
 25 letter that you sent to Michigan Women Justice?
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1 A I don't. I gave it to my attorneys.
 2 Q All right. What did Howard tell you when she
 3 called you out to discuss that?
 4 A At that time she told me she was going to take me
 5 off my POA assignment and my warden forum because
 6 I went outside the facility. After I was done
 7 talking to her she at that time tried to convince
 8 me what I seen was legal and she decided to leave
 9 me on both the warden forum and POA, and she
 10 encouraged me -- or said to me I am not telling
 11 you not to contact these outside advocacies, I'm
 12 asking you to let us know what's going on. I
 13 stayed on both my positions at that point.
 14 Q Where did that conversation occur?
 15 A In her office.
 16 MS. SOBO: Clifton, could we have the
 17 time, please? We don't have a clock here.
 18 MR. SCHNEIDER: 11:28.
 19 MS. SOBO: Thanks a lot.
 20 Q (BY MR. SCHNEIDER): All right. And then a few
 21 months later we've got this incident you describe
 22 in your complaint involving Darlene Martin. Are
 23 you familiar with that person?
 24 A Yes.
 25 Q Were you a POA for Ms. Martin?
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1 A Yes.
 2 Q Do you know how many times?
 3 A I have no idea. It should be logged.
 4 Q If it's not, if there is no sheet showing that you
 5 were actually the POA for Martin, do you have any
 6 other documents that would show when you were her
 7 POA?
 8 A They write them on our calendars that we submit
 9 for payroll.
 10 Q Who creates that calendar, you or somebody else?
 11 A Classification director.
 12 Q And then do they give you a copy of that calendar?
 13 A We don't get to keep a copy. We have to turn it
 14 in.
 15 Q But what do they do, they let you hold it so you
 16 can write down your shifts?
 17 A Yes. The officer does.
 18 Q The officer does. And then who does the officer
 19 turn it in to?
 20 A They give it back to us. At the end of the month
 21 we turn it in to the classification director.
 22 Q And back then that would have been Patton.
 23 A Yes.
 24 Q So that's how they know how much to pay you, what
 25 shifts you actually worked.
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- 1 A Yes.
- 2 Q Did you write on that calendar -- or did the
- 3 officer write just that you worked or do they
- 4 write specifically which prisoner you sat on?
- 5 A I don't remember.
- 6 Q All right. You allege in your complaint here that
- 7 Martin was not eating and she was unable to use
- 8 the sink in her cell. What type of sink was it?
- 9 A A metal sink.
- 10 Q Is it like a drinking fountain push button or are
- 11 there handles where you open the handle and the
- 12 water flows?
- 13 A No, hers was a drinking fountain push button.
- 14 Q All right. And she was unable to physically
- 15 operate that?
- 16 A When I sat on her she didn't seem to comprehend
- 17 the concept of pushing the button and drinking.
- 18 She would push the button, go down for a drink,
- 19 let go of the button, the water would disappear.
- 20 Q And then you say that she tried to splash water
- 21 out of the toilet but it made a mess. Was she
- 22 trying to drink that toilet water?
- 23 A Yes.
- 24 Q Out of the toilet or off the floor, out of her
- 25 hand? Tell me what she was doing.

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- 1 A It appeared she was trying to drink it from the
- 2 toilet.
- 3 Q Like --
- 4 A She was taking her hands down in the toilet.
- 5 Q Was she drinking water out of her hand?
- 6 A It appeared like she was trying to do that.
- 7 Q But you couldn't tell if she was actually getting
- 8 water in her mouth.
- 9 A No.
- 10 Q And then you said the officers turned off the
- 11 water to her cell because that was making a mess?
- 12 A Yes.
- 13 Q Who were those officers that did that?
- 14 A I don't remember.
- 15 Q And then how long did they leave the water off, as
- 16 far as you know?
- 17 A While I was there. I don't remember -- I wouldn't
- 18 know. I wouldn't know that answer.
- 19 Q Was that just one POA shift where the water was
- 20 turned off or was it multiple shifts that you had
- 21 where her water was turned off?
- 22 A Multiple shifts.
- 23 Q Do you know how many?
- 24 A No.
- 25 Q Would they offer her water while the water was

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- 1 turned off to her cell?
- 2 A When the officers make rounds we tell them what
- 3 the person behind the door wants, so every time
- 4 the officer would make a round I would tell them
- 5 she's begging for water, literally at the door
- 6 begging for water. I will never forget that, and
- 7 the officers never brought her back water until
- 8 Godfrey, she brought her two cups in a cone of
- 9 water.
- 10 Q Who's Godfrey, is that an officer?
- 11 A She was a lieutenant. She doesn't work here
- 12 anymore.
- 13 Q Now, your complaint states that Martin became
- 14 thirsty and begged repeatedly for water but
- 15 corrections officers refused these requests.
- 16 Was Martin begging the officers for water
- 17 or was she begging to you and then you would tell
- 18 the officers?
- 19 A She talked to every officer and I talked to them,
- 20 any of them that would stop, so --
- 21 Q Was there a regular interval that the officers
- 22 were doing rounds, like every 15 minutes, half
- 23 hour, hour?
- 24 MS. SOBO: If you know.
- 25 A They're supposed to. I don't know if they did it.

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- 1 Q (BY MR. SCHNEIDER): What were they supposed to
- 2 do?
- 3 A They have to sign the door. When they make rounds
- 4 they sign the door, so there's a list somewhere if
- 5 they made their rounds on time.
- 6 Q When you were there as a POA were they making
- 7 rounds; did officers come by regularly?
- 8 A Yes.
- 9 Q Do you recall what the period of time was that
- 10 they were supposed to come around; was it every
- 11 half hour, hour?
- 12 A I don't remember.
- 13 Q Your complaint alleges that every few hours they
- 14 brought a tiny paper cup with a very small amount
- 15 of water to Martin's cell. Is that --
- 16 A Do you know what those cups are when you go --
- 17 it's a cone. It looks like a cone. It might have
- 18 maybe two ounces of water in it. Do you know what
- 19 I'm talking about?
- 20 MS. SOBO: It's like a little paper cup?
- 21 A It's a paper cone, like the kind you pull out when
- 22 you're getting water out of one of those bottles.
- 23 You know what I'm talking about, right? It looks
- 24 like maybe two ounces of water in it, just a paper
- 25 cup.

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- 1 Q (BY MR. SCHNEIDER): How do you know that that was
2 only happening every few hours?
3 A While I was there.
4 Q So if your shifts were typically --
5 A What I witnessed.
6 Q And your shifts were typically three hour shifts.
7 A Three to six. You can go up to six hours.
8 Q So that -- when they'd bring the tiny paper cup
9 that would happen once or twice per shift for you?
10 A No.
11 Q More or less?
12 A Less. I don't -- I don't recall my complaint
13 saying that every shift she got a tiny paper cup.
14 Q Well, that's not what it said. What it says here
15 is every few hours they brought a tiny paper cup
16 with a very small amount of water.
17 A I witnessed Lieutenant Godfrey bring her a small
18 paper cup with water. Two.
19 Q Two cups.
20 A At one time, two paper cups.
21 Q And that's the only time you witnessed anybody
22 bringing her water while the water was shut off.
23 A That I recall.
24 Q Do you remember any of the officers, who they
25 were, who refused to bring her water when she was

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- 1 begging for it?
2 A I don't remember their names.
3 Q It says here you notified the sergeant on duty
4 that Martin was not eating, was being denied
5 water, and appeared to be in mental and medical
6 distress but the sergeant dismissed these requests
7 and took no action to help Ms. Martin.
8 Who is that sergeant?
9 A Whoever was on shift.
10 Q But you don't recall who it was sitting here
11 today.
12 A Not at this moment, no, I can't recall who it was.
13 Q Is that something that would be in your calendar
14 or notes that you gave to your attorney?
15 A It may be.
16 Q Did you review any of those notes or calendars
17 before you came to this deposition today?
18 A I have not seen them since 2014 -- 15. Whenever I
19 gave them to them. I haven't seen them.
20 Q So you didn't even get a copy back; you don't have
21 a copy of them or anything.
22 A I have nothing here.
23 Q Did you ask to review them to prepare for this
24 deposition?
25 A No, I did not.

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- 1 Q Do you know how long it was that you sat as a POA
2 for Martin, like how many days in a row or -- can
3 you give me any kind of time frame?
4 A I don't recall, but if you have my sheets it's all
5 on there.
6 Q It says over the course of several days as a POA
7 for Martin you sent multiple kites to Patton and
8 Howard.
9 A Yes, I did.
10 Q Do you have copies of any of those kites?
11 A If I -- I don't recall whether I had any copies of
12 those or not.
13 Q If you had them, though, your attorney has them
14 now; is that right?
15 A Yes.
16 Q And it says those kites went unanswered. You
17 never got an answer on any of those kites?
18 A No.
19 Q You talk about a nurse that occasionally visited
20 the cell to administer a shot and gave Ms. Martin
21 the shot even though she was undernourished,
22 dehydrated, only semi-conscious, vomiting, and
23 foaming at the mouth. Who was that nurse?
24 A I can tell you who the last nurse was before they
25 took Ms. Martin and had to do CPR on her. I don't

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- 1 know who the other nurses were.
2 Q So the only one you know is the last one.
3 A Yes.
4 Q Who was that?
5 A McDonald.
6 Q What did McDonald look like?
7 A Tall, skinny, white lady, looked kind of young.
8 Q All right. I'm going to ask about McDonald in a
9 minute but I want to make sure I've covered
10 everything else that happens up until that point
11 first. Was there a nurse that gave Martin a shot
12 while Martin was literally foaming at the mouth;
13 did that happen?
14 A I don't recall.
15 Q Do you recall seeing Martin foaming at the mouth?
16 A Yes, I do.
17 Q What does that mean, foaming at the mouth, to you?
18 A She had white it looked like foam to me all over
19 her coming out of her mouth.
20 Q That wasn't --
21 A Again, both sides.
22 Q Was it toilet water or something she splashed on
23 her or was it something else?
24 A No, we don't get toilet bowl cleaner in here, so
25 it wasn't toilet water.

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- 1 Q Do you have any medical training?
- 2 A I did CNA. I worked with the mentally ill at home
- 3 and I worked in a nursing home for the elderly.
- 4 Q What's CNA?
- 5 A Certified nursing assistant.
- 6 Q Is that a degree or a certificate or what?
- 7 A Certificate.
- 8 Q When did you get that?
- 9 A 1990, and then I did additional training probably
- 10 two years before I came to prison the first time
- 11 maybe. I'm not for sure. The prison has all my
- 12 certificates, how about that?
- 13 Q What job does a CNA certificate allow you to hold?
- 14 A You take care of the daily living needs of the
- 15 elderly or mentally ill.
- 16 Q It's not the same as a registered nurse, is it?
- 17 A No.
- 18 Q Is it equivalent to like an LPN, licensed --
- 19 A No. No.
- 20 Q Is it more or less education than an LPN?
- 21 A Less.
- 22 Q What was involved to get your CNA certificate?
- 23 A You had to go through CPR. I took mine in Florida
- 24 so mine was a nine month class. I don't know what
- 25 Michigan is. You had to have HIV/AIDS training

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- 1 back then. It was in the '90s, so -- and you had
- 2 to stay current on your CPR. You had to learn
- 3 about bad sores, what to look for on breakdown,
- 4 skin breakdown, stuff like that.
- 5 Q And then you said you worked with mentally ill
- 6 outside of prison?
- 7 A Yes.
- 8 Q When did you do that?
- 9 A Between -- my son was born in '95, so between '94
- 10 and the time I had to come -- or the time I came
- 11 to prison.
- 12 Q Where were you working?
- 13 A I worked at Golden Years. It's called Golden
- 14 Years Retirement Home, but it was a combination of
- 15 the mentally ill and the elderly, and then I
- 16 worked at Cameron's, and that was mostly mentally
- 17 ill. There was some elderly there.
- 18 Q Is Cameron's another retirement home or something
- 19 else?
- 20 A It -- I don't know if she called it retirement
- 21 home or not. I just know it was Cameron's.
- 22 Q When you say she are you referring to someone
- 23 named Cameron?
- 24 A She was the owner of the home, my boss.
- 25 Q Was it -- I'm just trying to find out, was it ran

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- 1 out of somebody's house or something or was it an
- 2 actual like commercial building?
- 3 A No, you can't do that. It was a real business.
- 4 It was a home, like a private care home. There
- 5 you go, a private care home --
- 6 Q Where was it located?
- 7 A -- where they took -- I think they had 21 people.
- 8 Clio, Mount Morris area in Michigan.
- 9 Q Do you remember what road it was on or anything
- 10 like that?
- 11 A Oh, jeez. No, I don't.
- 12 Q Is it still around?
- 13 A I have no idea. I've been in prison for 17 years.
- 14 No idea.
- 15 Q How about Golden Years Retirement Home, is that
- 16 still around?
- 17 A No idea. That's in Sandusky and Marlette,
- 18 Michigan.
- 19 Q Sandusky, Michigan?
- 20 A And Marlette. I worked at both of them.
- 21 Q Okay. Any other medical training or jobs aside
- 22 from the CNA certificate and the work at Golden
- 23 Years and Cameron's.
- 24 A I got one semester at Mott going for my nursing
- 25 degree, which I have a whole bunch of certificates

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- 1 for different things from Mott's. The prison has
- 2 copies of all that.
- 3 Q And Mott, is that a hospital?
- 4 A It's a college in Flint.
- 5 Q Did you get your nursing degree?
- 6 A No. I quit.
- 7 Q Did you just have the one semester at Mott?
- 8 A Yee.
- 9 Q What's the --
- 10 A But then on my -- on my job we went -- that's
- 11 where all my certificates came in. They had us go
- 12 to Mott Community College where I did training and
- 13 I got certificates for different areas on taking
- 14 care of people.
- 15 Q Do those certificates have to be renewed or are
- 16 they just good for life once you get them?
- 17 A I can't remember.
- 18 Q How about the CNA certificate, is that
- 19 something -- if you were still working out there
- 20 in the world is it something you would have to
- 21 renew or was it just good indefinitely?
- 22 MS. SOBO: If you know.
- 23 A I -- I don't know.
- 24 Q (BY MR. SCHNEIDER): Did you graduate high school
- 25 before you went to Mott?

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- 1 A Yes.
- 2 Q Do you have any other post high school education
- 3 aside from what you've told me already?
- 4 A What does that mean, post --
- 5 MS. SOBO: After high school.
- 6 Q (BY MR. SCHNEIDER): After high school.
- 7 A Yes.
- 8 Q Go ahead. Tell me about it.
- 9 A When I went home on my appeal bond I went to
- 10 Schoolcraft College for graphic and web design.
- 11 Q How many credits did you earn towards that?
- 12 A I don't know. I can't remember. I was at the end
- 13 of one semester when I had to come back to prison,
- 14 so I don't know.
- 15 Q Did you complete any semesters or are you saying
- 16 that was your first semester there and you had to
- 17 come back?
- 18 A No, I completed -- I completed some semesters.
- 19 Q All right. That was quite a little sidetrack we
- 20 got on there, sorry about that, but getting back
- 21 to the facts here, so you said there was this
- 22 nurse that was giving shots who did not take
- 23 Martin's vital signs and did not appear to be
- 24 concerned about Ms. Martin's deteriorating
- 25 condition. That nurse there, that's not McDonald

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- 1 yet, that's some other nurse before, correct?
- 2 A I don't remember.
- 3 Q When you say that this nurse, whoever it was, did
- 4 not appear to be concerned, did she do or say
- 5 something that made you think that she was not
- 6 concerned about Martin?
- 7 A If you're reading from my complaint you're reading
- 8 probably from the day that Ms. Martin actually
- 9 died. Is that the part you're reading from?
- 10 Q I'm looking right now to see if I can tell. It
- 11 doesn't really say.
- 12 A Right. I can tell you what happened when I was
- 13 there. That's it. So as far as being unconcerned
- 14 with Ms. Martin, I was a relief that day, which
- 15 means I relieved the other prisoner who was
- 16 sitting on Ms. Martin; however, we're all grouped
- 17 right there together.
- 18 Q So -- and what you're talking about now is the day
- 19 that Ms. Martin had her cardiac arrest.
- 20 A Yes.
- 21 Q Okay. So you weren't actually sitting on her, you
- 22 were sitting on another prisoner near her.
- 23 A I wasn't sitting on a prisoner that day. I was
- 24 what you called the relief, so I would go from
- 25 door to door and ask them did they need to be

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- 1 relieved, but I was right there the whole time.
- 2 Q Did the prisoner who was actually sitting on
- 3 Martin have the same concerns as you; did you
- 4 discuss it?
- 5 MS. SOBO: I'm sorry, discuss what?
- 6 Q (BY MS. SCHNEIDER): Your concerns with Martin.
- 7 A I can tell you exactly what I seen that day. I
- 8 don't know what her thinking was. I do know she's
- 9 no longer a POA.
- 10 Q Who was it?
- 11 A Ms. Rice.
- 12 Q R-I-C-E?
- 13 A Yes.
- 14 Q All right. Well, tell me what you saw that day.
- 15 A I seen Ms. Martin laying flat on her stomach, her
- 16 legs from about her knees out were off the bed, so
- 17 they were just suspended. She was naked, no
- 18 clothes on at all, would not respond to any
- 19 knocking on the door or any trying to talk to her
- 20 or to get her to move. Never moved at all that
- 21 entire shift from that position.
- 22 Q Was she sleeping?
- 23 MS. SOBO: If you know.
- 24 A I -- I would have no idea what she was -- she was
- 25 just there.

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- 1 Q (BY MR. SCHNEIDER): All right. Did you tell
- 2 anybody during that shift that she was not moving?
- 3 A The officers, the nurse, other POAs, anybody who
- 4 came by.
- 5 Q Can you tell me by name any of the people you
- 6 told?
- 7 A I don't remember the officers. I just remember
- 8 the nurse that day.
- 9 Q And that was McDonald.
- 10 A Yes.
- 11 Q And is McDonald the nurse who gave her a shot that
- 12 day?
- 13 A Yes.
- 14 Q Did you interact with the nurse that day?
- 15 A Yes. Yes.
- 16 Q Did you have a conversation with her?
- 17 A Yes.
- 18 Q Tell me what the content of the conversation was.
- 19 A When she came down to administer their medication,
- 20 they go door to door giving people their behind
- 21 the doors medication, myself as well as another
- 22 POA informed her that Ms. Martin had not been
- 23 eating or drinking, talking to anybody, or moving.
- 24 That's when she came back because she had to open
- 25 the door to give her a shot. At that time

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1 again -- I don't know what the shot was, but at
2 that time I said to her she has not moved, ate,
3 drank, anything, why are you giving her a shot --
4 assumption of what the shot was, why are you doing
5 that when she has not even moved today, and she
6 said it was a doctor's order and she had to.

7 At that time I got angry and upset and
8 the lieutenant that was there, I can just describe
9 her, I can't think of her name, told me it was
10 going to be okay. They opened the door, walked
11 in. Ms. Martin's bare bottom was facing the door,
12 so literally as she walked in the bed is right
13 there. Her bottom was right there. She alcohol
14 patted it, stuck the shot in her. At that time
15 Ms. Martin made a mumble. It sounded like she
16 mumbled something. The nurse was like trying to
17 engage her in conversation but she didn't.

18 They stepped out, shut the door, walked
19 down the hallway, and at that time, as she was
20 walking down the hallway, I said you guys are
21 killing her. She said to me if she doesn't eat
22 anything for lunch I'll come back and we might
23 have to run a line. That was the whole
24 conversation with her.

25 Q With McDonald.

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1 A Yes.

2 Q And then was it about an hour after that
3 conversation where you allege that Martin went
4 into cardiac arrest?

5 A I didn't allege that. I left.

6 Q You weren't there when --

7 A No.

8 Q -- the incident with Martin happened. Okay.

9 A No. I had just left. The nurse was coming down
10 the stairs and she said I think we're going to
11 have to check on her, and at that time I was
12 leaving.

13 Q Was that the same nurse, McDonald?

14 A Yes.

15 Q And then did you see this -- you've got an
16 allegation in here that emergency medical
17 personnel arrived. Did you see that happen?

18 A From my housing unit, yes.

19 Q But you lived in a different housing unit than
20 where Martin was at.

21 A My housing unit is across and you can see the
22 ambulances coming, hear them, see them. It's
23 right there. We're like a little community, so,
24 yes, I seen the ambulance arrive.

25 Q Yeah, my point is you could see the ambulance

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1 arrive but you're actually in a different
2 building, you can't see what happened inside the
3 unit where Martin was at.

4 A No.

5 Q You allege in here that Martin suffered permanent
6 brain damage. How do you know that?

7 MS. SOBO: If you remember.

8 A I don't remember how I found that out. I don't
9 remember.

10 Q (BY MR. SCHNEIDER): Have you ever seen any
11 medical records from Martin saying she has brain
12 damage?

13 A No.

14 Q All right. And then did you report this incident
15 outside the prison?

16 A First I reported it inside the prison first.

17 Q To who?

18 A To the -- Deputy Smith the very next day.

19 Q Is that by kite or did you actually have a
20 conversation with Smith?

21 A I actually had a conversation with her.

22 Q Where?

23 A In unit 1 on the closed custody side. I was
24 sitting on somebody that very next morning.

25 Q Oh, so you were actually acting as a POA the next

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1 day on somebody else.

2 A The very next morning, yes.

3 Q And then was it after you talked to Smith where
4 you reported this to someone on the outside of the
5 prison?

6 A I don't remember the order of whether I kited
7 first, tried to talk -- I don't remember.

8 Q So you --

9 A All I remember is the next morning talking to
10 Deputy Smith.

11 Q Is it possible you reported this to people outside
12 the prison before you talked to Deputy Smith the
13 next day?

14 A It would have been too close. I don't know. I
15 don't think so, but I don't know.

16 Q Did you tell anybody outside the prison that
17 Martin had died.

18 A Yes.

19 Q Martin didn't die at that time, though, correct?

20 MS. SOBO: If you know.

21 A I don't know.

22 Q (BY MR. SCHNEIDER): Did you ever see her back in
23 the prison after that?

24 MS. SOBO: If you remember.

25 A I don't remember.

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- 1 Q (BY MR. SCHNEIDER): Did you know Martin before
2 you sat on her as a POA?
3 A She lived in the housing unit next to me.
4 Q Did you interact with her; were you friends with
5 her or anything like that?
6 A No.
7 Q Did you ever interact with her after this incident
8 where she had this alleged cardiac arrest?
9 A I interacted with her one time that I recall
10 before this happened. Afterwards -- I don't think
11 I've ever seen her afterwards.
12 Q And you never heard that she came back to the
13 prison.
14 A I heard that.
15 Q You never saw her yourself, though.
16 A Not that I recall.
17 Q Do you know whether her condition changed before
18 and after this incident?
19 A I wouldn't know that.
20 Q Do you know what year Ms. Martin -- do you know if
21 she's still alive?
22 A I wouldn't know that either.
23 Q All right. And then sometime after this incident
24 with Martin you were terminated from your POA
25 position, correct?

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- 1 A Yes.
2 Q Did they give you some kind of paperwork saying
3 why you were being terminated?
4 A Yes.
5 Q And the reason they gave you in there was
6 basically you're not allowed to share confidential
7 information outside the prison; is that right?
8 A I believe it said per Inspector Howard.
9 Q Was there a rule as a prisoner observation aide
10 that they're not allowed to share the confidential
11 information they learn on the job outside the
12 prison?
13 A I don't believe it ever said anything outside the
14 prison.
15 Q Did it say that you're only to discuss it with
16 certain people?
17 MS. SOBO: If you know.
18 A I can't recall the exact wording of it.
19 Q (BY MR. SCHNEIDER): Did you sign a copy of those
20 prisoner observation rules and procedures at some
21 point?
22 A Yes.
23 Q Did you read them before you signed them?
24 A Yes.
25 Q Did you share information you learned in your job

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- 1 as a POA with people outside the prison?
2 A I shared information of what I felt was abuse.
3 Q And that was information you observed as a POA,
4 correct?
5 A You could say that, yes.
6 Q If you were not a POA you would not have been in
7 that unit watching those prisoners; is that right?
8 A There's other people in there that do porter jobs,
9 laundry, food service. If I was a porter I would
10 have been over there.
11 Q Were you ever a porter at WHV?
12 A A unit porter, I believe. I think. I don't know.
13 Q A porter doesn't sit in front of one cell watching
14 one prisoner for three hours, though, right?
15 A No, they clean up and down the hallway.
16 Q A porter's job isn't to watch and record
17 observations about a prisoner on observation
18 status, correct?
19 MS. SOBO: If you know.
20 A Correct.
21 Q (BY MR. SCHNEIDER): Was there another prisoner
22 observation aide who accused you at some point of
23 telling the other POAs to lie or make up facts
24 about what was going on?
25 MS. SOBO: Objection, foundation.

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- 1 A It sounds familiar but I -- I can't put my finger
2 on what you're talking about.
3 Q (BY MS. SCHNEIDER): All right. Did somebody ever
4 tell you that somebody made that allegation
5 against you?
6 A It sounds familiar but I'm unsure.
7 Q Sitting here today you don't know, if that
8 happened, who that other prisoner is that made
9 that allegation against you; is that true?
10 A That's true.
11 Q Did you ever tell other prisoners to make up
12 information?
13 A I never would do that ever.
14 MS. SOBO: Clifton, I'm sorry to
15 interrupt, but can we have the time again, please?
16 MR. SCHNEIDER: 12:04.
17 MS. SOBO: Great. Thanks.
18 Q (BY MR. SCHNEIDER): Did you file a grievance
19 about the allegations in this case?
20 A Yes.
21 Q Do you know the grievance number?
22 A No, I have no idea.
23 Q Do you have a copy of it, the grievance?
24 A My attorneys do.
25 Q Did you go through all three steps?

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- 1 A Yes, I did.
- 2 Q Was it denied at all three steps?
- 3 A Yes, it was.
- 4 Q What was -- did they give you a reason why it was denied?
- 5
- 6 A The first step they said was untimely, and I want to say they said that all the way through. I could be wrong, though. Don't -- I'm uncertain what step three said.
- 7
- 8
- 9
- 10 Q Did you file any other grievances about your allegations in this suit or just that one grievance?
- 11
- 12
- 13 A You can -- per policy you can only file one grievance on the issue or it's rejected as multiple grievances.
- 14
- 15
- 16 Q Well, I guess here is my question, because over time -- you had the incident with Bielby and then you had a later incident with Martin. I'm just wondering if you filed different grievances at different times related to this lawsuit or there's only one grievance that you filed related to this lawsuit.
- 17
- 18
- 19
- 20
- 21
- 22
- 23 A One grievance.
- 24 Q That makes it easier for me to look and find it.
- 25 A Yeah.

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- 1 MR. SCHNEIDER: All right. I don't have any other questions for you. Your attorney may, but I'm all set at this point.
- 2
- 3
- 4 THE WITNESS: Okay.
- 5
- 6 MS. SOBO: Yeah, sure. I just have a few, if I may.
- 7
- 8 EXAMINATION
- 9 BY MS. SOBO:
- 10 Q Is there a list at WHV that states what positions a prisoner may be eligible for based on their status --
- 11
- 12 A Like --
- 13 Q -- if you know.
- 14 A Are you talking about like if you're a level I, II --
- 15
- 16 Q Right.
- 17 A -- SSA? There should be. I don't know if there is. There -- I do know on the computer it states, so, yeah, it does. It does.
- 18
- 19
- 20 Q So it states every single position that a prisoner is eligible for?
- 21
- 22 A Yes. Yes.
- 23 Q Okay. Would officers outside of a unit have to sign log sheets when passing -- when passing by and making rounds during shifts?
- 24
- 25

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- 1 A They should. They're supposed to any time they make a round in segregation, but do they always?
- 2
- 3 I don't know.
- 4 Q And you -- after the Bielby incident you spoke to a therapist?
- 5
- 6 A Yes.
- 7 Q And was this therapist someone that you saw just once or was it on a regular basis?
- 8
- 9 A Actually, I talked to two therapists, Dr. Zimbar (sp) was the emergency therapist and then I have my own, which is Ms. Porter.
- 10
- 11
- 12 Q And back to my question about whether officers sign log sheets, do you know, do nurses do the same?
- 13
- 14
- 15 A I can't remember.
- 16 Q Do you know that -- when you spoke to Deputy Smith the day after the Martin incident, and you said this was on unit 1 and you were on a POA duty for someone else, do you know if there's cameras in the vicinity?
- 17
- 18
- 19
- 20
- 21 A There's cameras everywhere in here. There's not any area that a prisoner can be that there is not camera and mikes available.
- 22
- 23
- 24 Q So there would be video and possibly audio recording?
- 25

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- 1 A Yes. Anywhere that a prisoner can be in here, like if they're -- the strip search area is just the officer, but there is something recording at all times.
- 2
- 3
- 4
- 5 Q I just have a question about the debriefing that Cliff asked about.
- 6
- 7 A Um-hum.
- 8 Q So after the Bielby incident you tried to talk to Ms. S.
- 9
- 10 A Um-hum.
- 11 Q Did she -- was she -- what happened in that exchange; was she busy, was she unavailable to speak to you, was she unwilling to speak to you?
- 12
- 13
- 14 A In my experience with the POA and the staff, when you're logging you hand that log sheet to the staff. They're supposed to discuss any issues you have, but they don't take the time to do that, they don't, so when I tried to talk to her it was more of a brush-off, like I pretty much didn't know what I was talking about.
- 15
- 16
- 17
- 18
- 19
- 20
- 21 Q Okay. Could you tell me about your work on the warden's forum, what you do?
- 22
- 23 A You have to have clear conduct, and I was the chairperson, so I worked directly with the warden and the deputies. I would compose questions and
- 24
- 25

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1 submit ten a month and then once a month we would
 2 have a meeting and I would read the questions to
 3 them and try to resolve issues in here.
 4 Q What, if any, benefits are there to being on the
 5 warden's forum?
 6 A It's a leadership position, so you -- you have to
 7 be conduct free, so it makes -- I guess it shows
 8 that you're like a mentor or a leadership. It's
 9 beneficial because you can help make changes, good
 10 changes, in here, so to me it's a good
 11 high-standing position in here. You don't get
 12 paid for it, so --
 13 Q What about freedom of mobility, does that -- does
 14 being on the warden's forum allow you to --
 15 A To an extent. There's certain things that -- like
 16 we have our meetings. We can talk directly with
 17 the warden and with the staff, so to an extent you
 18 can do things like set up the games, spend the PBF
 19 money, so, yeah, I guess there is a little bit of
 20 mobility, more than normal.
 21 MS. SOBO: That's all I have.
 22 MR. SCHNEIDER: A few follow-ups.
 23 RE-EXAMINATION
 24 BY MR. SCHNEIDER:
 25 Q To get on the warden's forum you get voted in by
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1 the other prisoners; is that right?
 2 A Correct.
 3 Q How does that work? Each house or each unit in a
 4 housing unit -- each wing, I'm sorry, gets two
 5 reps, right, one white and one non-white?
 6 A Each housing unit, not each wing.
 7 Q Okay. So each housing unit gets a white and a
 8 non-white rep; do I have that right?
 9 A Yes. Yes.
 10 Q And then if you're voted in you serve for six
 11 months?
 12 A Yes.
 13 Q You're allowed to serve up to two terms in a row.
 14 A Yes.
 15 Q And then you have to take some time off.
 16 A You have to take six months off, yes.
 17 Q Are you saying in this case you lost your job --
 18 or your position on the warden's forum?
 19 A I never said that.
 20 Q Oh, okay. That's not part of your damages or
 21 something like that?
 22 A No.
 23 Q You said that there's some kind of computer
 24 somewhere that shows what jobs you're eligible
 25 for. How do you know that?
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1 A It's in the policy.
 2 Q Which policy?
 3 A Classification and job assignments and school
 4 assignments. I think it says work and job
 5 assignments -- or work and school assignments and
 6 classification.
 7 Q So you think it says somewhere in that policy that
 8 there's supposed to be computers somewhere that
 9 list which job each individual prisoner is
 10 eligible for?
 11 A Well, I'm assuming computers since we're updated
 12 and it's not on paper anymore, but it says in that
 13 policy that it's listed in order of
 14 classification.
 15 Q To get one of these job assignments you have to
 16 select which three assignments you want and put
 17 your name in those three pools, correct?
 18 A Correct, you can, up to three.
 19 Q Between the time you lost your POA position and
 20 the time in 2017 when you got your hobby craft
 21 clerk position did you put your name on the list
 22 for any job assignments?
 23 A Several times.
 24 Q Which assignments?
 25 A Hobby craft clerk. The other two I may have
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1 changed, I don't know, but there's a list of -- in
 2 our commitment file our ARUS has to keep a list
 3 and so does the classification director of every
 4 time we classify. It's -- we get a copy. You
 5 sign it. It shows the date, time, and all that
 6 that you classify for that position.
 7 So like if I classified for hobby craft
 8 position for the first time in 2005 and I keep
 9 classifying all the way up to 2017 I'm going to be
 10 on that list starting at 2005.
 11 Q All right. Between 2000 -- between losing the POA
 12 job in February 2017 were you on the hobby craft
 13 list the entire time?
 14 MS. SOBO: If you know.
 15 A I'm unsure.
 16 Q (BY MR. SCHNEIDER): Did you have any tickets
 17 during that time frame that would have prevented
 18 you from getting a work assignment?
 19 A One.
 20 Q What was that for?
 21 A Taking a shower.
 22 Q What was the ticket written for, though; what was
 23 the nature of the ticket?
 24 A The nature of the ticket was an out of place.
 25 Q Were you found guilty?
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- 1 A Yes.
- 2 Q What year was that ticket?
- 3 A I don't remember.
- 4 Q Was it back in the old major, minor system or was
- 5 it the class I, II, III system?
- 6 A No, we've been doing the -- the ones now since I
- 7 came back to prison, so --
- 8 Q Out of place, that's a class II ticket, then,
- 9 right?
- 10 A Yes.
- 11 Q Did you have any other tickets between the time
- 12 you got removed from the POA position and today.
- 13 A No.
- 14 Q And I'm talking even if you were found not guilty
- 15 or if the ticket was dismissed, were you written
- 16 any other tickets aside from that out of place?
- 17 A Not that I recall.
- 18 Q That out of place ticket, did that affect your
- 19 ability to get a work assignment?
- 20 A When you get a class II it can affect it up to six
- 21 months, but if it isn't -- if you have a job and
- 22 it isn't on your job it shouldn't affect your job
- 23 unless the supervisor deems it appropriate.
- 24 Q How long can a -- does a class I ticket affect
- 25 your ability to get a job?

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- 1 A It depends on what type of class I.
- 2 Q I think you gave a couple examples earlier. Like
- 3 a smuggling ticket might be more serious than
- 4 something --
- 5 A Um-hum.
- 6 Q -- else.
- 7 A Yep.
- 8 Q Okay. But you didn't have any class Is during
- 9 this time frame.
- 10 A No.
- 11 Q You circled back to this conversation with Smith.
- 12 What time did that conversation occur, do you
- 13 know?
- 14 MS. SOBO: If you recall.
- 15 A I don't recall. It's wrote down somewhere.
- 16 Q (BY MR. SCHNEIDER): Somewhere in the paperwork
- 17 you gave to your attorneys?
- 18 A Um-hum. Yes.
- 19 MR. SCHNEIDER: All right. That's it at
- 20 this time for me.
- 21 THE WITNESS: Okay.
- 22 MR. SCHNEIDER: Ms. Sobo?
- 23 MS. SOBO: For me as well. Thanks.
- 24 MR. SCHNEIDER: All right. Thanks for
- 25 your time, Ms. Miller. Sorry this took so long.

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- 1 We just kind of had a lot to go through, so --
- 2 THE WITNESS: That's okay. Thank you.
- 3 MS. SOBO: Have a good day, Clif.
- 4 MR. SCHNEIDER: You too. Thank you.
- 5 (Deposition concluded at about 12:20
- 6 P.M.)
- 7
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- 1 STATE OF MICHIGAN)
2)
3 COUNTY OF INGHAM)
4
5 I, TUESDAY L. BRIGHTON, Notary Public in and
6 for the County of Ionia, acting in the County of
7 Ingham, Michigan, do hereby certify that the
8 foregoing deposition was taken before me at the
9 time and place hereinbefore set forth, and that
10 said witness was duly sworn by me to tell the
11 truth.
12 I FURTHER CERTIFY THAT this deposition was
13 taken in shorthand by me and transcribed with the
14 aid of a computer, and that it is a true and
15 accurate transcript of my original shorthand
16 notes.
17 I FURTHER CERTIFY THAT I am not a relative or
18 employee of or an attorney for a party; or a
19 relative or employee of an attorney for a party;
20 or financially interested in the action.
21 IN WITNESS WHEREOF, I have hereunto set my
22 hand this 16th day of November, 2017.

TUESDAY L. BRIGHTON,
RPR-CM/CSR-3563 and Notary Public
in and for the County of Ionia,
acting in the County of Ingham,
State of Michigan.

My Commission Expires: 3-23-18

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