

STATE OF INDIANA)
COUNTY OF MADISON) S.S.

COPY

IN THE MADISON COUNTY SUPERIOR
COURT, DIVISION III

CAUSE NOS. 3SCR-85-32
3SCR-85-33A
3SCR-85-33B
3SCR-85-33C
3SCR-85-33D
3SCR-85-33E

STATE OF INDIANA)
VS.)
JOHN CHARLES COLE,)
KEVIN MURPHY,)
CHARLES M. MURPHY,)
JEFFREY PARKER,)
THOMAS JOHNSON, and)
CHRISTOPHER TROTTER.)

DEPOSITION OF MICHAEL RICHARDSON

APPEARANCES:

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The deposition of Michael Richardson is taken by notice to the parties on the 10th day of February, 1987, at Anderson, Madison County, Indiana.

This deposition, produced and sworn to before me, is taken on behalf of the defendant, Kevin Murphy.

DIANA WILLIAMS, REPORTER
WILLIAMS REPORTING, INC.
404 West 9th Street
Anderson, Indiana 46016
Telephone: (317) 644-3040

MICHAEL RICHARDSON, being first duly sworn to tell the truth, the whole truth and nothing but the truth, deposes and says:

DIRECT EXAMINATION,

QUESTIONS BY MR. HALL:

- 1 Q Mr. Richardson, my name is Eric Hall and I represent Kevin Murphy. I'm going to be asking you some questions about the incident that happened on February 1, 1985. If you don't understand what I'm asking you, please feel free to interrupt me and I'll try to rephrase the question. Will you state your full name?
- A Michael W. Richardson.
- 2 Q Mr. Richardson, how are you presently employed?
- A Self-employed.
- 3 Q And what do you do?
- A I paint hospitals in Indianapolis.
- 4 Q How long have you been employed in that capacity?
- A Approximately a year.
- 5 Q When was the last time that you were employed in the Department of Corrections?
- A From resigning or from being able to work? I resigned April of '86. I haven't been able to

work since February 1, 1985, since I was stabbed.

6 Q Have you been back at the Indiana Reformatory since February 1, 1985?

A No, sir, the doctors diagnosed me 55 percent disabled and I was unable to return and I had to turn in my resignation as of April of '86.

7 Q In what capacity were you employed on February 1, 1985?

A I was in charge of the yard. Duties which would consist of supervising inmate movement and the line movements of inmates going to work at shops.

8 Q What was your rank on that day?

A They call it blue hat. Just a regular worker.

9 Q How long had you worked for the Department of Corrections?

A Five years, sir.

10 Q Were you always in the same capacity as you were on the 1st of April?

A Well, as far as jobwise?

11 Q Yes.

A No, sir. I worked the towers, the cellhouses, yard, the Maximum Restraint Units, whatever

duties that they would assign. I was an assignment officer. In other words, I didn't have any one particular duty. I would be assigned all over the institution.

12 Q Did you have a particular location that you would perform your duties as supervisor of the yard?

A Yes. Well, the entire yard.

13 Q You moved about the yard?

A You move about the yard. Any inmate or any officer leaving the cellhouse, they would have to radio to me for permission for him to enter the walks and then I would grant permission or tell them to hold that inmate due to the line movements. Or any inmate that was walking on the walks, I would check a pass, if he had a pass, to make sure he's going there. That was my duties.

14 Q So when someone would radio you, would there be one particular location where you'd more likely be found than some other location?

A My general standing area at this particular time in the institution consisted in front of the duty office, DO Building, or the--in front of the kitchen--inmate dining room.

15 Q Let me show you a diagram which is identified as Exhibit A. Can you point out the DO?

A Unit 19 is the DO Building and Unit 20 is the kitchen area. In front of these two buildings is where I generally patrolled back and forth to monitor the line movement from the cellhouse units.

16 Q Is there a walkway in front of those buildings?

A Yes, there's not one drawn in there. There's a--from Unit--from the cellhouses straight down to Unit 20 there should be a line drawn. From Building 15 clear to 17 there should be a sidewalk there. There are interchanging sidewalks throughout the whole institution.

17 Q So you were located east of the DO unit which would be Building 19 on this diagram? The diagram in front of you, sir.

A Well, my particular mode of traffic then was in front of the 19--the DO building at this time. The reason that I was in that particular area was due to the cold weather a lot of the shops and schools were shut down. So I wouldn't need to move on down to the 20 and 27 and Buildings 28 and 29 so we had closed about half of the

institution that day due to cold weather so then I restricted my movement to the Unit 20 and Unit 19.

18 Q What time did you come on duty on February 1, 1985?

A I believe it was about 6:35 or 6:40 a.m.

19 Q And did you immediately go to your position in the yard?

A I went to the DO to prepare the coffee pot for the Captain, Lieutenant and then wait for the officers to come down for me to--that were going to be assigned to me that day and then I would assign them their posts on the yard.

20 Q How many other officers were assigned to the yard on February 1, 1985?

A At this time I--well, the best I can recollect in the years it's been, I believe it's four or five.

21 Q Do you remember who those officers were?

A Officer Delph, Officer Richardson, which is no relation to me--I'm sorry, I can't remember the rest of them.

22 Q Is there some kind of roster, log or duty--

A Yes, there is, sir.

23 Q That would describe those officers, would iden-

tify those officers?

A The Captain has a log that they assign on that particular day. It's written and then typed up the day before on who is to work the yard, the officer in charge and then who works under him.

24 Q What time would you have entered the yard?

A Well, I entered the yard at 6:35 but work--the working assignments start at 7:15 a.m.

25 Q Did you see Kevin Murphy that morning?

A Yes, I did, sir.

26 Q Can you recall approximately what time you would have first seen Kevin Murphy?

A It would be during the line movements. It's hard for me--it was in the morning, I do remember that. After the assignment of the personnel to--they have a time that they call all line movement personnel to their post and then they --those are assigned officers from different parts, they have to take a post and then they release the inmates at approximately 7:15 to 7:30 in the morning.

27 Q When you say line movements, what are you referring to?

A Cellhouses. What inmates are allowed to go to

work that day. The shop closings. First they read shop closings. When the closings are read then they say all line movement personnel report to your posts. These officers are designated through the yard or through me or something and they do stand at key positions in the institution so they can supervise or see the inmates.

That way it keeps--you're always in control of an inmate when you're in the institution visually. This way it keeps trouble down for the other inmates and for you yourselves.

And then approximately 7:20 or 7:30 the Captain will call the cellhouses to release all their inmates for work.

28 Q Did you see Kevin Murphy during the line movement?

A No, sir.

29 Q You say you saw him after the line movements?

A After the line movements.

30 Q Do you remember how long after?

A The best I can remember timewise, and I can only estimate this, I believe it was somewhere after 8:00, 8:30 something like that.

31 Q Where did you see him?

A He was standing in between Building 19 and 20. There is a check point there and he was yelling in the MRU section carrying on a conversation with one of the inmates.

32 Q Do you know where Kevin Murphy would have been assigned that morning as far as any of his particular job responsibilities?

A That's a long time ago. No, I'm sorry, I can't.

33 Q I believe you testified that you would have been notified if an inmate was leaving a particular area in the yard to go to another area, is that right?

A Right. I don't know the shop that he works at or his actual functions but most of the time they're assigned--the inmates that are assigned in the back of the institution, back in Building 34, 32, 35, in that area, that instructor does not have a radio, so what he would do, he would issue a pass.

And Kevin Murphy would bring a pass to me and it would be a signature from this going to let's say, hospital. I think it would state that, his name and number. And then I would

examine the pass and then allow him to go. Or sign his pass. It may be another pass that I have to sign for him to get back in.

Or he may have a pass to the Law Library. It will state Law Library on it. Or he may not have a pass. And then in that case he would come with me and he would be locked up.

- 34 Q Do you recall if he had a pass on this morning?
A I would say yes. I cannot say positively but I believe he did, sir.

(WHEREUPON, Defendant's Deposition Exhibit B was marked for identification.)

- 35 Q Let me show you what we'll identify as Exhibit B for this deposition. Do you recognize that?
A Yes, sir. Yes, I do. He's a lay advocate for the people they were holding CAB for. He did have a pass for that.

- 36 Q Is that the pass he would have had on that morning to your knowledge?

A Yes, sir. That would be the pass.

- 37 Q And did he present this pass to you, do you remember?

A It's been so long. It's very possible. It's possible he could have. He would definitely--

put it this way, he would have definitely--if he came by me he would have been asked because that's one of the rules.

The inmate--automatically he would have to show that. To be in that area he has to go through that building and show the pass through there because no inmate can proceed beyond that point. If he's out in the yard he would have to have that pass. It would have to be okayed at least twice before he can proceed anywhere.

- 38 Q Why would it have to be checked at least twice?
- A Because when he comes through that check point there's an officer assigned there. A Sergeant or a Blue Hat and if he doesn't have a pass, he doesn't go anywhere else. I'm called immediately and the inmate's locked up. He's not permitted to--there's no way--what I'm trying to say is there's no--there's a fence there. It's approximately 15 feet wide and then there is a gate and he can't get through that area. He has to come through this little building which is a regular three or four foot door. He has to come through there single file, one inmate at a time, and they're stopped. They're

detained and they're questioned. And if they don't have a pass, they don't go anywhere.

39 Q Is this what they identify as Check Point 2?

A I don't know the terminology. They're just check points, I'm not sure if it's Check Point 2, but it is the check point.

40 Q And you say there is an actual gate at this check point?

A There is a gate there.

41 Q Do you remember who was manning this check point there between the Buildings 20 and 19?

A Officer Delph.

42 Q When you saw Kevin Murphy that morning for the first time, did you talk with him?

A Yes, I did.

43 Q Where was he when you spoke with him?

A He was in between the check point and the Officer's Dining Room which is by Building 20. There's a little--your drawing is actually incomplete but there's a--that the left hand as the drawing is facing me has the--I don't know what point of reference we can use here. As I'm facing the numbers on the page, the Officer's Dining Room is in the left hand corner of Building 20.

He was approximately from the check point right in between the fence and the officer's check point, that's the best way to describe it. Somewhere in that area.

44 Q Is there a walkway at that location?

A Yes, sir, there is.

45 Q Was he on the walkway?

A At that particular time, yes sir, he was.

46 Q And do you recall the substance of that conversation?

A He was told by Officer Sheets or, excuse me, Sgt. Sheets told me that that inmate was yelling into the Maximum Restraint Unit, that he shouldn't be there. And I said, yes, sir, I'll take care of it. Then I yelled at Inmate Murphy to return to his post and if I remember right, I explained to him that he was out of place and started yelling at him that he doesn't belong in the walks and he said something about--they use the terminology, I'm legal. And I've got a pass.

And there was somebody at the check point so I said, well, then go wherever you're supposed to go if you have a pass. But at that

particular time the pass was not shown to me at that time.

47 Q It wasn't that he refused to show you the pass?

A No, he did not refuse it. He left. He did go back in the back section of the yard which I don't proceed because Officer Delph and another officer, Richardson, is supposed to be back there. We divide the yard up--the institution up in several zones and it's impossible for one man to cover it so another officer would take it from there.

48 Q So after you told him to leave the area and return to his work site, did you monitor his trip back to his work site?

A It would be impossible, sir. He did leave around the Building 23, which is the Shoe Department, and was out of my sight so I naturally assumed that Building--I don't know how you've got it worded here, but it's 22, 23 and whatever number that is. The shoe shop, inmate clothing and the laundry, is what it's called, the laundry shop. He went around that area to return back to wherever his normal job was.

49 Q Would he have gone to the--?

A Left.

- 50 Q So he would have gone to the south of Building 22 and 23 and--
- A He would be on the other side--back side of it, sir.
- 51 Q How long did you observe him on the walkway by the MRU?
- A The first time? Just briefly, a few seconds, maybe a half a minute, maybe a minute. I would think no longer than that.
- 52 Q Did you hear him talking with people in the MRU?
- A Yes. There was a conversation between him and another inmate, Inmate Bates, that was being conducted from the--it was more so, I must say, from the Inmate Bates yelling to Inmate Murphy than anything else.
- 53 Q How did you recognize Inmate Bates?
- A Well, Inmate Bates has got a big mouth and screams and hollers and he was in that cell right there and I was in and out of MRU so I could recognize who the inmate was, so I was yelling at Inmate Bates to shut up.
- 54 Q Do you know who initiated the conversation between the two of them?
- A Inmate Bates.

55 Q Do you know what was happening, or did you know what was happening to Inmate Bates inside MRU at that time?

A Yes, I did.

56 Q And what did you know?

A Well, he had been threatened that he was going to be beaten and they led--officers led him to believe that he would be killed.

57 Q How did they do that?

A They told him that he was next after they had beaten one inmate. The inmates in the Maximum Restraint Unit had believed that Lincoln Love which was being beaten at this time was dead. And the officers looked over at Bates and told him that if he didn't shut up he was going to be next.

58 Q So he was yelling out to Inmate Murphy in fear for his life, is that right?

A He was totally--I am--the five years I've been at the institution I've never seen a man go like--act like a monkey. He was just jumping around screaming and hollering. He just went crazy for fear.

59 Q Do you recall anything else about what was said between Inmate Bates and Inmate Murphy at that

time?

A At that time the conversation was cut off. I cut it off and the inmate left.

60 Q Did you see Inmate Murphy again that day?

A Yes, sir, I saw him two times after that.

61 Q And when did you see him next?

A It was very shortly. The time--I can't due to the fact that the years it's been, it's hard for me to remember exactly in between how long it was. But he returned again very, very shortly after that. So I would assume that he didn't make it back up to the assigned job because the walk would take a good five minutes to get up there and be checked in, so he had came back up near the Maximum Restraint Unit which I was inside the DO at the time.

And if I remember correctly--now it's pretty hard to remember exactly the motive but he came up into the DO where Lincoln Love was laying in the anteroom which would be--well, they don't have it listed here but it's 19 and he was concerned for the safety of Lincoln Love and he noticed, I would naturally assume with the door open and the inmate laying there with

blood on him that somebody had done something to him and he wanted to know what was going on and what had happened to Lincoln Love.

And I and Danny Shelton asked Kevin Murphy, Inmate Kevin Murphy, he would have to leave and return to his assignment. Or he was ordered to by me. I opened the door and escorted him out. We were talking at this time, I don't remember exactly what the conversation was. Bates was yelling again and I told him in a very rough way to go back to his job assignment and stay there. And then I believe that's when he showed me he had a pass stating that he was legal.

I guess on a technical basis he would be allowed to come in the DO because if he's a lay advocate, they do come in the DO to represent inmates that are locked up in the Maximum Restraint Unit and/or they need to see the supervisor to get permission to go upstairs to see the inmates in the AS, Administrative Segregation there.

- 62 Q Now the CAB hearings, where are they conducted or where were they conducted at that time?
- A Upstairs in Building 19.

63 Q In the DO building?

A Right. Well, it's the DO and it's the investigative officers, it's about three or four different things. It's all--it's just one building with several stories to it.

64 Q When you told Inmate Murphy to leave, did he immediately leave at that point?

A Yes, sir, he did. He gave me no problem whatsoever. He again walked down the walks, walked around the building and then he was out of sight and I went back in again.

65 Q Do you recall if he was talking again with inmates in the MRU when he left the DO?

A He came back and then came up near the window. And this was at this time when I became very upset and discouraged with him because he had came back for the third time and I was getting my butt chewed out by the Captain because I should have taken him and locked him in his cell which I didn't.

The man had a pass and I felt that as long as he had the pass he had, you know--most people don't understand. With that pass he's allowed to be on the walks to go where

he needs to go. And this upsets the supervisors because it says Lay Advocate but it doesn't specify that you have to go to the CAB and sit. Because he may need to go--as a Lay Advocate he's like an attorney for them.

He may need to go to the cellhouse, gather information, he may need to come in the Captain's Office, he may need to go to the school, or any shop whatsoever. So he came up at this particular time, Bates was yelling at him and had told him that they had killed Lincoln Love and that he was yelling out that he was next and he was in total hysteria and that he needed help. To go get help.

66 Q Now, the second time that you saw Kevin Murphy and you told him to go back to the auto body shop or wherever he came from?

A Whatever shop assignment he was at, yes sir.

67 Q Did he stop--I'm not sure if I'm following you. Did he stop along the way to talk with Inmate Bates when he left that time?

A The first time I saw Inmate Murphy I ran him back to--ordered him back to the shop, okay? The second time I saw him, this is what's hard for to me remember if it was the second time

he came in the DO or he went up there. I do know he came in the DO one time, he did go to the bars or up near the area at one time, leaving me went over to the thing and tried to talk to Inmate Bates.

68 Q You don't recall if that was the second or the third time?

A At this time I can't remember, sir, I'm sorry.

69 Q How much time approximately passed between when you told him to go back to his work assignment the first time and when you saw him at the DO office the second?

A Five, ten minutes at the most I would think. Somewhere in that area. It could be longer but like I say, it's an estimate on my part.

70 Q So if it was five or ten minutes, that would have given him enough time to go back to his work assignment and then return to the DO?

A He very well could have if he had that much time, yes, sir.

71 Q Was anyone else with him at the time you saw him at the DO?

A I don't think so.

72 Q Were they holding Conduct Adjustment Board

hearings that morning?

A Yes, sir, they were.

73 Q Do you remember who he was there to see?

A No, sir, I don't.

74 Q So it would not be unusual for an inmate who has a Lay Advocate's pass to be moving about the yard fairly freely from what I--

A Could I see your pass one more time? Then I can answer your question specifically. Up here it is written apparently in the same handwriting that to return at a given time. His call out time was 8:00, so it would be perfectly legal for, according to this thing, for him to be in MRU because that's exactly--it is not written by an inmate. These are written up by staff members or CAB Conduct Adjustment Board for him to report to MRU. So he was perfectly legal. Apparently, not reading this, I was wrong. He had permission to be in the MRU area.

75 Q Would it also be common for inmates to yell back and forth to persons in the MRU unit when they're on the sidewalk?

A Oh, it happens all the time. That's a--it's just like going to the kitchen and eating. It happens every day, every inmate, every line

movement it happens.

76 Q It's really the only way of communicating with the outside world for the persons in the MRU?

A You can't see the inmates. There's a screen that it's like 1/64th of an inch holes are poked into the screen where they can't see out. Excuse me, you can't see in but they can see out. Then there's a plexiglass shield they put up so nothing can be exchanged and then there's a fence around it so they couldn't possibly pass anything to the inmate. But they yell at--the inmates inside yell at the inmates on the walks.

77 Q When was the third time that you saw Kevin Murphy?

A The third time was when he came up to or near the area of the fence, of the cell where Inmate Bates was at. I came outside and Inmate Bates then remarked that he was--they were beating-- they had killed Lincoln Love and that he was next on the roster to be beaten. And he was pleading for his life to Inmate Murphy.

I told him that everything was under control, to go back to his work location and Bates

--I told Bates to shut up. It never did do any good. And Inmate Murphy replied--well, Bates kept going on and on, 'I need help, we need help in here, they're killing us or beating us all' and everything else. I'd become a little--well, not a little, I became very agitated at the fact that I was losing control with both inmates. One's locked in his cell and the other one I can't get him to go back, you know. Of course, they're involved in a conversation. He's not opposing me in any way except just not moving. And he remarked to Bates in the cell that he would go get the guys.

78 Q Where was Kevin Murphy at the time this third conversation was taking place?

A In between--well, I would say pretty close to the walk area at that time. And moving towards the area he was ordered to move to. In other words he was complying with my rules and regulations where I wanted him to go.

79 Q Do you recall Kevin Murphy making any comments to Inmate Bates about what he would do, if anything?

A He made no reference to anything. He just said he would go get the guys to help him. That was

it.

80 Q What did you perceive him to mean by that?

A I immediately went into the--Lt. Widener after he left with no confrontation. I told him this time, I want you to take your butt and stay gone, you know. I was yelling at him. I was getting a little irritated because every time I go in the office I'm getting chewed out by the Captain because this--he's coming in the DO or coming up there and he's legal. He can be. And the supervisors don't understand this. They want an inmate locked up 24 hours a day.

It's my--I get in between the inmate and my boss, is what it amounts to. He left. There was no argument. There was no confrontation. He wasn't rude in any fashion to me.

81 Q But he said he was going to get the guys, is that right?

A Yes.

82 Q And I went in and reported it to Lt. Widener that inmate Murphy made a comment as such and there was nothing thought about it. I reported it to the Lieutenant and he said, so? Is there any problem? I said, no, I don't think so.

83 Q Did you know who he was referring to when he said the guys?

A He never made a remark who he was going to go get. Had no remark at all.

84 Q Did you perceive that remark on his part to be --that he was going to get some guys and cause some trouble?

A No, sir. If I'd of thought that in any way I would have physically tackled the man and cuffed him immediately like I've done before. Any time an inmate makes a gesture that he is going to get somebody to harm a staff member and I'm out on that yard, I'll either call for a tower man and a rifle, shotgun or I'll physically take him to the ground.

85 Q So it was not said in a threatening manner?

A Just like he would be talking to me today. That was it.

86 Q Inasmuch as Kevin was a Lay Advocate, I assume that meant that he had some standing with other inmates, is that fair to say?

A Well, a Lay Advocate basically is one that can represent other inmates if they're in trouble in the institution through various crimes. When you're in the MRU it's generally a serious

offense because that's the strongest place of security that we have or we had at that time when I was working there.

87 Q Can anyone be a Lay Advocate?

A No.

88 Q What do you have to do to be a Lay Advocate?

A Well, if you've had any physical conflicts with staff, violent, in other words, if you've injured staff, you're not going to get in that area. You have to be somewhat trusted. You are searched when you're in there to begin with.

You have to be asked by that inmate to be a Lay Advocate and I'm not sure, I believe that the Conduct Adjustment Board does have somewhat of a say. In other words, an inmate can't pick some guy that's in MRU to be a Lay Advocate for a guy up on Administrative Segregation.

So he has to be in somewhat--in a community type--when you're incarcerated you have different levels of incarceration inside the unit, the prison. So if you go in there and keep your mouth shut and do what you're told and you have good time given to you, that's very important. At that time he had his good

time so there was no reason to believe that, you know, if we brought him in MRU he would try to overtake on the officers or anything. We keep an eye on that very, very strict. We keep any eye on it.

89 Q Do you recall anything else that Kevin Murphy said that morning besides I'll go talk to the guys or something to that effect?

A I was the last person to see him and escort him out of the DO and around there. There was nothing said back other than he replied that he was going to get the guys, boys, or whatever it was and that was it. That was the end of the conversation.

90 Q Did he run around with any particular inmates in the facility that you remember?

A Probably not any more than any other inmate. You got like 1,600 guys locked up. In the five years I've been there I've never had any problems with Inmate Murphy.

91 Q What happened after Kevin Murphy left for the third time that morning?

A In approximately 15 to 20 minutes we got a call from the instructor in Building 34--I don't even know the instructor's name that handles

the pants, clothing. I can't remember. He called Lt. Widener and said that Inmate Cole was on the walks with a shank.

And immediately, you know, I'm looking around, you know, when you hear that, you know, you're looking for Inmate Cole. And I immediately ran outside and informed Officer Delph I said, have you see him? He said, no. So we went--we interpreted that there might be a problem with Inmate Cole due to the fact that if he's on the walks and he has a knife, somebody is going to get stuck.

92 Q What happened after that?

A Approximately I believe 9:00, a little after 9:00, four inmates approached the DO, Cole, Trotter, I believe the other two were Inmate Parker and Trotter's brother, and demanded to see the Captain. Danny Shelton was in the office and I yelled at the Captain and I said, these four inmates want to see you. And he says, I don't want to see their ass, lock them up.

Immediately I step out on the--from the DO building, which was 19, and told them to--

gentlemen, you'll have to go lock up, you're out of place. You do not have a pass. Some of them did have passes but they were not the proper passes. We did check.

They walked around the front of the DO building, came around in the front of Building 19. Officer Delph and I went out to confront them and thusly we were--they told us that they were tired of this shit, there was not going to be anymore of these damned beatings, they were tired of it and I was in a confrontation fighting for my life from being stabbed outside.

93 Q When you first saw them over at the side door you were aware that apparently Trotter had a knife with him?

A No, it was Cole. But Cole--the raiment that he had on and the way he displayed himself it looked to me like he had nothing or I wouldn't have went outside.

94 Q Tell us what happened when this confrontation developed.

A Immediately Inmate Cole become very beligerent, Trotter become angered. I didn't understand at all why they were yelling and screaming at me

because I didn't understand what they were referring to. In other words, I wasn't expecting them. If we were expecting them particular guys to come up and stab us, we would have ordered the towers just to simply shoot them. And that would have been the end of that.

I walked right out into a hornets' nest. The next thing I know there's knives being pulled and I got--an inmate stabbed me in the side and I've got one that's stabbing in the left arm and I'm hitting one and grabbing one by the throat and I'm being pushed back through some doors.

And then Officer Delph was repeatedly beaten and stabbed over and over again. Once through the abdominal section and once through the throat, and in the top of the head and the eye. He was being pulverized.

I opened the door to go back in the--I'm shortening all this because I really don't like to talk about it. And he was just a bloody mess and they were just stomping the daylight out of him. And I opened the door to go back in and help him.

Now, those doors are just solid windows. And the--right next to him is solid windows so you can see clearly. And Cole and Trotter had stabbed him repeatedly and then Cole came in on top of me and at this time they--there was other inmates--this is one of the confusing things about it. There was more than four inmates involved in this total--I call it an attempt to take over the DO, but unfortunately I couldn't get anybody to respond from the hospital when I told them this.

There were approximately, I'd say, six to ten people that were involved outside that knew what was going on or had came in. I opened the door to help him and that's when several of them came on me and started swinging their knives and stuff and I went back against the DO door and the door was open. I fell down and then the attempt for Trotter and Cole to go inside the DO to stab the other people.

They stabbed Lt. Widener. And while they were on top of me, I rolled over and started crawling up the stairs. Several inmates pulled me in the--Officer Plank's thing. And then Lt. Widener was--I don't know what happened to him.

Delph was gone. I told them what was going on there.

95 Q Did you talk with Sgt. Plank about what had happened?

A Yes, sir, immediately. I told him there was a takeover. I heard him--I heard the inmates as I was crawling up the stairs talk about, well, go over and take care of the rest of this.

96 Q How many other inmates? You said there were more than four involved?

A I don't their names, I'd recognize their faces.

97 Q How many would you say there were?

A I would say probably six to eight.

98 Q Did you tell Sgt. Plank that Little Murphy and John Cole had a bunch of people out in the yard that were taking over the institution?

A It's possible at that time. If I remember my words right, I told him that there was a plan to take over the institution, they were going to take the Guard's Hall over. And he told me to lay down. But I can't remember my exact words. I'll be honest with you.

99 Q Why would you have said there was a plan to take over the Guard's Hall.

A Because of what the inmates said in the--while I was being stabbed. The conversation after I was down on the ground. Somebody yelled out, we'll go take over the rest of it.

100 Q Did you see Kevin Murphy with Cole or Trotter?

A No. Postively not.

101 Q Do you have any reason to believe that he was involved with them? With this incident?

A Are you asking my--personally? Do I--I can only tell you hypothetically that what I personally believe. It calls for a conclusion. I'll be glad to add that if you want.

102 Q Do you have any factual basis for believing that he was involved with those individuals?

A Well, I don't know how to answer it. On one side of the fence I would want to say, well, yes, because why would the inmates come around there and attack us, you know. Because something had to lead up to why these guys came around and started attacking us. They didn't know anything that was going on in the back. They didn't know anything about the beatings because I was the only one outside. There wasn't any inmates.

But then again, I would have to say, no.

That it would be very possible both ways. He could or could not have had anything to do with it.

103 Q Were there other inmates in the vicinity of the MRU that morning when this disturbance was going on with Inmate Love and Inmate Bates?

A Yes.

104 Q So there was other talk going on between the MRU and people on the walks?

A Well, you have the Officer's Dining Room right there and it's run by the inmates. See, you're only talking 75 feet away. Plus you have inmates that I personally brought into the Maximum Restraint Unit to shut off the water, that knew what was going on. All the inmates in the hospital knew what was going on because I was repeatedly over there three times for Vizine for the officers for the gas that was being administered.

Plus anybody that was in CAB that morning would have to know that there's some kind of disturbance because the curtain was pulled and water was running all over the place. There was about six inches of water, so you're prob-

ably talking about 50, 60, 70, maybe 100 inmates would know.

105 Q Isn't it fair to say that news of this sort spreads like wildfire in the institution?

A Unfortunately it does.

106 Q So how John Cole and Chris Trotter and anyone else that was involved first learned of this you wouldn't have any knowledge of, is that right?

A It would be impossible for me to know. Like I said before, if I would have thought that that incident that happened with Lincoln Love--that these four people that came up there that I got involved with, they wouldn't have walked any further than what they did right there. Because they would have been dealt with right there on the spot.

107 Q Do you know where John Cole and Chris Trotter were the morning of February 1st? What their work assignment was?

A If I remember right, they were assigned up in Building 34.

108 Q Which is?

A Well, something to do with making the prisoner's clothing, inmate clothing. That's at the very

back of the institution.

109 Q How far is that from the MRU unit.

A Oh, I'd say walkwise it would take you about three or four minutes to walk around there.

110 Q Do you know where that is in relationship to the Auto Body Shop?

A Well, if I remember right--well, I could be mistaken on that one. I'm not sure if 32 or 33 is the Auto Body. I can't remember now.

BY MR. HALL: Do you know which one represents the Auto Body? Is it 32, the new building they built there?

BY MR. MURPHY: It's probably 32.

They probably converted it.

A They built a new building. The Auto Body used to be very, very small. So it more likely would be 32, I would have to say.

111 Q And 34 would be--?

A Right. That would be correct. Thirty-three and thirty-four would be these buildings that are back against the wall back here where the inmates are assigned to work on clothes and stuff.

112 Q Could anyone get into those buildings and talk

with inmates if they weren't authorized to do so?

A Now, wait a minute. I don't understand what you're trying to ask me.

113 Q Let me rephrase the question. In order to enter Building 34 or 33 where inmates were working on clothing, would another inmate need a pass or authorization to enter that facility if that was not their work assignment?

A Yes. Well--no. Actually the answer is yes and no. If he is a plumber, electrician or works in the construction area and they were working that day then he doesn't need a pass to go through the institution other than where he may be assigned to go to a fixed--"J" cell-house. Some of the inmates--let's put it this way--are what the supervisors call privileged. They just walk around. I have no control over them. But the majority, 99 percent of the inmates have to have a pass.

114 Q Would Kevin Murphy have been able to enter those buildings with a Lay Advocate's Pass?

A If he wasn't working there, I don't see how he could get up in there because the instructor wouldn't let him in. The only way he could get

in that particular--Juroff, or whatever the man's name. As you go up a flight of stairs it's padlocked from the inside, and you have to have the officer, if he's working there-- sometimes they had an officer, very seldom. But the man that runs the shop has to first come over and let you in. The first thing he'd want to know is what the hell are you doing here without a pass? If he doesn't have a pass then he's not getting in. With that pass he can't get nowhere except over to MRU.

115 Q Were there windows on this building where they were working on clothing?

A Yes.

116 Q Would they generally have been closed this time of year?

A Oh, yes. It was cold.

117 Q So there wouldn't be the yelling back and forth like you have at the MRU?

A Can I see your drawing again? As this drawing indicates, there's 1, 2, 3, 5, there's numbers on the outside perimeter of this building. They're towers. Their function also is that if an inmate is in that area, he will call me

immediately. That's his orders. He has no choice, because if that sucker gets over the wall, he's had it.

So he's not going to let an inmate walk around back in this area. That's totally, clearly visible from Tower 4, Tower 5--he would have to pass Tower 6 to get back there. He'd have to pass Tower 5 and Tower 4 then would be able to see him come in within the viewpoint.

Plus Officer Richardson that worked for me was assigned in that particular area back there.

118 Q So it would be very difficult--

A He's got to pass five officers, excuse me, four officers to be back in that area.

119 Q Or an inmate who was at the MRU, in this case Kevin Murphy--

A In this particular case on this day half the shops were closed. The tower officers know when they're closed. So if he's running around back that there, somebody else is going to see him.

Now on a summer day it gets kind of hectic because everybody and his grandmother is running

around, so you really don't have much control, but during the winter you would have probably the best control of the inmates that you ever would have.

120 Q So you think it would be highly unlikely for an inmate to be able to get back to that area unless they were authorized, without you knowing it?

A If he came from that cellhouse and he went through this particular area here with that pass he could visit a number of shops if he requested to see a certain inmate to help as Lay Advocate. But he again could not enter any of them shops because they either have an officer in them or they have an instructor.

If he gets in that shop and steals something, then the instructor is going to lose his job or be in serious trouble. So they're just not going to let somebody in. That's what I'm trying to get at.

We have some--our security is tight. It's loose a little bit, but it is tight enough that the instructor's not going to get his butt in trouble. At this particular time, you're talking half the institution shut down, so he can't

get in half the shops and there's only at that particular time three or four shops back there that were open.

121 Q You're saying that it would also be likely that one of the individuals in the tower would have notified you if an inmate would have been out?

A That was his job. That is his assigned job. That's why he's put on that wall. He is to watch me, he's to watch the officers on the yard, the inmate movement and he's also to watch for anybody trying to go over the wall.

122 Q Do you recall when the Signal 10 was issued?

A Yes, sir.

123 Q When was that?

A When I was screaming.

124 Q Screaming?

A In the radio.

125 Q When you were involved in this confrontation?

A Yes, sir.

126 Q Do you know how Inmate Cole was able to get out of the building that he was working in?

A The only way that that--at that particular time is that instructor called us when he was out. So, therefore, he would have had to let him out of the building. That's the only way

he can get out. And the only reason he can get out of the building, is he would either have to be assigned to go somewhere, a pass. Because if he doesn't, then he's going to be in trouble, see?

So, he's either got a pass or he is ordered as a witness, let's say, to go to CAB. He would be given a pass for that because when you get to CAB you have to sign it. What I'm trying to say is you just can't walk out of a building and say, well, sorry Mr. Juroff, I'm tired today, I need to go to bed. You have to have a pass.

127 Q I assume this pass would have to be issued by someone at the Administrative Offices?

A Okay. It could come from anyone in the institution. Somebody can--if Kevin Murphy, let's say, is working at the Auto Body, he can't leave that shop unless somebody, somewhere requests him to leave there by pass. Or unless the Captain would call directly on the telephone and say, I want his butt over here immediately, something is stolen or some little thing like that. Or Officer Plank--or Sgt. Plank

would call. That is the only time--and then, I'm notified that he will be on the walks. And I wasn't notified that the man was on the walks only by a phone call.

128 Q Can any guard issue a pass?

A Yes.

129 Q Can any instructor issue a pass?

A Any instructor or any guard.

130 Q When a Signal 10 is issued, what is the response of the towers? The persons in the towers?

A Immediately they--well, when I worked the tower you immediately reached for your weapon or you become very observant to what's going on. Where's the Signal 10? When they give the Signal 10 it's--like a 1010, if I remember the code right, the 1010 is for inmates fighting. A Signal 10 is an officer needs help. It could be backwards, but anyway when you're in need of help you just yell Signal 10.

At that time I yelled that officers were being stabbed. Now whether they heard it, I have no idea. I would assume--I carried my radio where I wasn't allowed to. Okay. I just carried it up here. And I could just key the button like that and talk.

Immediately a man in the tower would automatically be looking for any inmates on the walks and what's going on. If they heard my transmission that somebody was being stabbed then immediately they'd have a rifle right out there.

131 Q I assume that if they saw an inmate running about the yard at that point, that they would have the permission to go ahead and shoot?

A No. No officers in the State of Indiana--you cannot just simply shoot an inmate for running. He has to be committing an act and it's very definite. We're schooled on what we can and cannot do.

You can issue a warning shot at any time if you feel that staff are involved in something or they're behind a building fighting. Like I have done this in the past, knew that there were several staff involved in a fight with an inmate for a knife. I couldn't see them but the concussion of the shotgun going off in the institution is enough to stop the rest of the inmates and keep their nose out of somebody else's business and it worked.

Just because he's running, he may be running to get the hell away from there because he doesn't want any part of it. This is a big thing. And this is what happens during the confusion. Everybody's either running to the incident, which is normal, or running away from it.

If I called for that man to be shot and single out who he is, then they will fire a warning shot. Then they might possibly, if they follow my instructions--we're not really, as far as a Blue Hat, is really not supposed to have the authority to call for shots. A supervisor and up. But it's still--since you're on the yard and you're in charge of it, they recognize that fact.

132 Q Did you see Kevin Murphy again after the third time that you saw him by the MRU?

A No, sir.

BY MR. HALL: No further questions.

CROSS-EXAMINATION,

QUESTIONS BY MR. LOCKWOOD:

133 Q Officer Richardson, my name is Jeff Lockwood. I represent Chris Trotter. As I understand it,

after you had asked Kevin Murphy for the third time to leave the MRU area, you turned around and went back into the DO?

A Yes, sir.

134 Q How long were you in there before you left the office again?

A Well, I would say--like I say, from the last time I saw him I'd say 15, 20 minutes went by. I'm just estimating. I would say that long.

135 Q I understand. But it was a considerable amount of time? It wasn't a matter of seconds or just--

A Oh, no. No. No, no.

136 Q What was going on inside the DO during this time period after Kevin Murphy left?

A Inmate Love was being taken from his cell at this--before Murphy even arrived. And I had to put the restraints on Lincoln Love and then he was being beaten with a club by Sgt. Myers, and beaten to the point that he couldn't move. You just couldn't recognize him.

137 Q Did Lincoln Love have a weapon?

A No, sir. None was found in his cell at all.

138 Q Now, I take it you were on the squad, or you

were part of the group that were ordered into the MRU to remove Lincoln Love from his cell?

A My original assignment was not. I was told to stay on the yard and take care of the yard. They pulled all my personnel that they could for the shakedown of the Maximum Restraint Unit. The reason I got involved in it was they needed the water shut off--the water was being shut off. Like I say, there was yelling and screaming going about the MRU section and they were using gas.

I was going to the hospital repeatedly bringing back Visine for the officers. We had --my God, they must have had 20-25 people there and half these officers were new officers, six months and under. And they had never been around any gas. They'd never had any training in removing--in even cuffing inmates. To them this was a whole new field. So I was in and out, in and out, in and out at this particular time until I went in and was asked to join--to get this particular inmate out.

139 Q When you first came on duty that morning, did you know that there would be a shakedown of the Maximum Restraint Unit?

A Oh, yes. Everybody knew about it.

140 Q What do you mean by everybody? Staff?

A Oh, yes. Staff. If they call on the radio to the cellhouses--they have radios, they sit them up on the desk. Even the inmates would know that there would be a shakedown of MRU. You couldn't help knowing.

141 Q When were you first advised that there would be a shakedown of the MRU that day?

A Six forty-five.

142 Q How did you happen to come by that information?

A A telephone call and I was notified by my supervisor who was Lt. Widener that I would be working the yard today by myself. And I told him I was really thrilled.

143 Q When you say by yourself, I thought you said that Sgt. Delph and another officer, Richardson, were also assigned to the yard?

A Okay. Officer Delph and Officer Richardson was part of the shakedown team. I have about seven officers that are assigned to me. They pulled everybody in and then they turned around and I worked the front yard by myself. The back of the institution is another matter. They have

to be assigned. Somebody has to be there. You have to patrol it because the inmates could break into the shops. So they apparently had left one or two people there.

144 Q And that would have been Officers Delph and Richardson that day?

A Right.

145 Q Did you know them to be assigned to the back part of the institution?

A Yes, sir. I personally--well, Officer Delph was moved--due to the fact that we didn't have anybody, he was moved up to the check point. That left just Officer Richardson to the best of my knowledge running the whole back section and he was a new officer.

146 Q Did the staff anticipate problems in the MRU at the time the shakedown was done?

A No. One of the statements that Lt. Widener made to the new recruits: I do not want anybody hurt. I do not want a staff hurt, I do not want the inmates hurt. You're new, you're to go with a veteran on the shakedown. The veterans are the ones to go in.

MRU gets shook down routinely twice, three times a week. This particular time a

day before an officer got something thrown on his face.

147 Q Was it feces that he got thrown on his face?
Human waste?

A Supposedly it was bleach and it wasn't. It was probably just urine.

148 Q And that precipitated this particular shakedown?

A Yes. Dan Juroff then would have been in charge. What they call a Unit Team Manger was in charge of the shakedown which meant that he was over my supervisor. It's a confusing situation. You got 50 bosses and you got one Indian and that's me. But you have--Lt. Widener is at the desk and he's given men to go into the shakedown. You have Unit Team Manager Dan Juroff. You have Lt. Wicker. You have Sgt. Myers. And then you have some 20, 25 officers in an area that is approximately like this but just a little longer.

So you have 18--15, 16 inmates locked up. You have, you know, 25 people back there and there was a cage in front of this, like I am right now, just across here. And this is where the supervisors will stand or lock up, hand

you one key to go back and get the inmates out.

The inmates didn't want the shakedown. They said, hell, you shook us down yesterday. Well, due to that they were going to take the stuff from the inmates. They were acting up so they were flooding their cells and I had to go get an inmate to shut off the water.

149 Q The inmates began flooding their cells?

A Yes.

150 Q Like stopping up the plumbing within the cells?

A Yes, they were taking their underwear, anything they could find, toilet paper, cramming it down the toilets, flushing them, holding the sink knobs on them, flooding them. Then the water was around four to six inches deep back there.

151 Q In the MRU?

A Yes.

152 Q At what point were you called out of the yard into the DO?

A I would say in the morning right after the line movement was made. And I can't remember the exact time of that, but it was, let's say 7:30, 7:45. Well, it was before that. Just a little bit before that. I was called over there repeatedly three times to bring in Visine and get

the water shut off underneath the MRU section.

153 Q At that point you had not had anything to do with the shakedown of the MRU? You were still attending to your duties.

A I was assigned on the yard and was supposed to stay there.

154 Q Who called you in to get Visine for the officers? Do you recall?

A Yes, sir.

155 Q Who was it?

A Lt. Wicker and Dan Juroff.

156 Q After you had gotten Visine--where did you get that from? The Infirmary?

A From the hospital. Building 15.

157 Q After you got that Visine and brought it back over the first time, did you go back then and assume your duty station in front of Building 19?

A Yes, I did.

158 Q Then you were called again to go to the hospital?

A Yes, I was.

159 Q And that happened three separate times?

A Three separate times.

160 Q At what point in time--which of those three trips did you see Kevin Murphy?

A He wasn't there.

161 Q At what point in time with relationship to the last trip you made to the Infirmary to get Visine did you see him?

A Well, the only time I saw Kevin Murphy, it was after the beating of Lincoln Love. It was completely over.

162 Q How long afterwards?

A Boy! A few minutes. I personally carried In-mate Lincoln Love to the back of the anteroom in the back of the DO and laid him down, because he was unconscious in my opinion. I left then and went to the sink to wash off the blood on my arms and came back in there and Lt. Wicker and Sgt. Myers were kicking and beating Lincoln Love repeatedly.

I opened the door two or three different times and looked in. They finally shut the door in my face. I'd say five, six, seven minutes.

163 Q Did you at some point in time take part in restraining Lincoln Love?

A Yes, sir. I'm the one that cuffed him.

164 Q When was that with respect to him being beaten by Lt. Wicker and Sgt. Myers?

A Well, I'll have to run through the whole proceedings.

165 Q Please do.

A I was called in by Lt. Wicker because Lincoln Love refused to come out of his cell. And Lt. Wicker went up to the cell--

166 Q Now, let me interrupt you. Were you called in from the yard to do that?

A Yes, sir.

167 Q And that was after your last trip to the hospital to get Visine?

A Yes, sir, it was. Right after the last--well, excuse me. That was the last trip. I went in there and handed the Visine--the gas has little effect on me. I've been around it long enough to know not to panic and rub eyes and everything.

I went in there, I said: Is there anything you want? Anything else? He said, yes, come on in here and help us shake down this cell.

168 Q And they already had 20 officers in there?

A Yes.

169 Q And they asked you to come in out of the yard,
leaving the yard--

A Totally defenseless. They asked me to come in
there and help them shake down this because
they had a problem, this man wouldn't come out.

170 Q Where are all the rest of these 20 officers?

A They're back there in the back continuing the
shakedown. They have--well, you don't have a
cell--do you have a diagram of the cells?

BY MR. HALL: No.

A Well, they're divided like this room. To my
right here you would have your evens on one
side, your odds on the other. And they're--in
the process of being back there--some of the
officers had to leave due to the fact they
couldn't take the gas. It was just too much
for them. They were over there in the hospital
getting treated for it.

But I would say in the neighborhood of
15 officers were still back there. Six or
seven of us are planning to go into this one
particular cell.

171 Q That's the cell of Lincoln Love?

A Right.

172 Q Alright. Lt. Wicker ordered you to stay and help them restrain Lincoln Love?

A Yes, sir.

173 Q What happened next?

A Sgt. Myers was first in the cell, excuse me, I was the third one in the cell, Sgt. Myers was the second one and Dale Keegan was the first one. He took a club that was not issued by the Indiana Reformatory, it was given to him by Lt. Wicker and was the first one in the cell. The cell door was open, Lincoln Love was standing there with the--well, basically, in his shorts with a pillow, standing in front of us, not doing--backed up. And as he backed up to his cell into the very back, Dale Keegan with the club started swinging erratically and moved to the right. Sgt. Myers moved to the left and I moved to the center.

174 Q Did Sgt. Myers have a club also?

A Not at this time. The inmate was struck several times by Dale Keegan. Eventually the inmate backed up. He made no attempt to fight, to kick or do anything. Just backed to get the hell away from the club.

Sgt. Myers took the club immediately and started swinging at him. The inmate covered himself up, laid down near the--approximately between like the bed and the floor there's not much room. You're talking about 7x9x7½ cell. And everybody is heavier--the first two guys are a lot fatter than I am, so there's no room left in there for him to move. So I'm on top of him.

I've got one hand cuffed, the other hand I can't get up. Dale Keegan grabs the other arm. We commence to try to get it cuffed. We can't get it cuffed and Sgt. Myers starts beating him with the club.

175 Q After he was cuffed?

A After. Oh, yes, definitely.

176 Q While you were actually in the process of cuffing Lincoln Love, was anybody beating him at that time?

A Oh, yes. Sgt. Myers was. He was hitting him with the club in the form of like you would with the end of it into the stomach, into the ribs, also into the head. Several staff, their hands got in the way of Lincoln Love's head and they got cracked in the hands.

- 177 Q How long did this beating go on in the cell after Lincoln Love was cuffed?
- A After he was cuffed it was approximately 30, 40 seconds.
- 178 Q And was only one officer beating him then or more than one?
- A That was in there or beating him? You mean with the club?
- 179 Q Yes.
- A There was one club and Sgt. Myers was using it.
- 180 Q Was anyone else striking Lincoln Love with their fists or anything else?
- A They could have been, I don't know.
- 181 Q You were not?
- A No, I had the cuffs and Lincoln Love--I was on top of him.
- 182 Q Were you being struck also?
- A No.
- 183 Q By the other officers?
- A Well, now, I don't know at that particular time. I don't think I was. If I was I would have had some kind of a bruise. The only thing I received is a minor cut on the right arm from the handcuffs trying to be jerked around.

184 Q After the beating finally stopped, what happened then, next?

A Well, he was cuffed from behind his back. He was beaten until he just didn't move any more and I and several staff, I don't remember exactly who it was, picked him up, took him out of the cell, walked him--I think it was Cell 7 or somewhere down the range--walked him up near Cell 1 and the water was too deep to lay the inmate down.

Excuse me, there was a pile of mattresses there and I asked Lt. Wicker what he wanted to do with him. And he remarked something like beat the son-of-a-bitch, or kill the son-of-a-bitch, or something. I said, no, I said, what do you want to do with him. He said, take him in the anteroom.

So then I and another officer picked him up or drug him to the back--the room back there and laid him down and then Lt. Wicker and Sgt. Myers came in behind me, they shut the door. Dan Juroff was there. He could look through the door and see what was going on.

I missed a point that Juroff had mentioned in there. There was a comment before

the shakedown was made and one of the officers said, what are you going to do if one of these guys resist? And Dan Juroff said, we're going to make an example out of him.

So, we took him in the back room, laid him down and then Wicker and Myers came--Sgt. Myers, Lt. Wicker came in there and proceeded to kick and beat him with this club until the inmate was just--in my opinion he was unconscious and you just could not recognize him.

185 Q This beating by Wicker occurred after Lincoln Love would have been moved into the anteroom?

A Yes, and he was cuffed at all times.

186 Q You were present during that beating?

A Yes, sir.

187 Q Was anyone else beating Lincoln Love at that point?

A Well, they were taking turns beating him. I left approximately 15 seconds after the beating took place, went in there, I was covered with blood, my arms--Lt. Widener told me to wash it off and go back out on the yard. I went in there and rinsed it off. I heard commotion still going on in the back of the room, which

is about 15 feet away from it.

I go back in. The door's about, oh, three or four feet open. The door swings in a large--what I'm trying to describe is it was about 20 percent shut was all. I opened the door and they're continually kicking and beating this inmate.

188 Q You went back then out into the yard?

A No, sir.

189 Q You never got back out?

A I didn't at that particular time. I stayed. I told the Lieutenant that I had a small cut on my arm. He said, well go over to the hospital and get it taken care of. Well, I didn't go out the one door, I went out the side door of the DO, but before I did, Lincoln Love was there and he was still being assaulted by the two people and then they--Wicker took the door from my hand and shut it.

I went over to the hospital, so that would have taken a good five, six--I'd say a good six, seven minutes. I went in there and they were talking about giving me a tetanus shot and I said, hey, just forget that.

And I walked back over to the DO. By

then Wicker had walked out of the back room with the club, it was broken at this time, and laid the bloody club on the desk, slammed it down on the desk and said, well, this is pay-back for Officer Able.

190 Q Officer Able?

A He was stabbed by Lincoln Love who was prosecuted. At that particular time, I think it was about 9:00, 9:05, somewhere in that area. That is the first time after--it was several minutes after that, I was talking to Danny Shelton in the office. He was the Captain's Clerk. And this is the first time that I'd laid my eyes on Inmate Murphy. He had come up and wanted to know what had happened to--he walked in. He walked in and then stated, what's going on with this inmate. But I told him to leave, everything was under control.

191 Q And then Murphy came back a couple of times after that and you had to run him off?

A Yes.

192 Q Then what happened at this time?

A Well, he came up to the--he came in the DO the first time or up to the window area. Sgt.

Sheets yelled at me about getting him--sending him away. I ordered the inmate to leave. He left, turned around and came back again and Bates is yelling out at him. But by this time Bates was concerned about his life because I was back inside getting ready to go back through the room and the officers just told him that Bates was next and it was just a shakedown and he--evidentially he thought he was going to get killed.

193 Q Who told Bates that he was next?

A One of the officers.

194 Q Do you know which one?

A No, I don't.

195 Q Did you hear an officer tell Bates that Lincoln Love was dead and that he was next?

A Yes.

196 Q And that was the same officer?

A Yes.

197 Q I'm trying to bring you up to the point in time when you walked out into the hallway.

A Okay. I walked back out in the hallway and then walked back out on the yard. Then Inmate Murphy come back up around again. I told him, I said, look, you know, I told you once you're

supposed to go back to your assignment and that's when he showed me the pass.

I went back inside and I got my butt chewed out because he was supposed to be back someplace else. And I said, well, he's not supposed to be, he's got a pass.

198 Q Why did you go back into the DO then?

A Because I wanted to explain to the Captain. They don't understand. They want every inmate locked up in their cells. The man is legal and has a pass. Then he's allowed--at that particular time he is allowed in the DO building. Because that's what--it says MRU on there. He is allowed in the DO building.

199 Q Correct me if I'm mistaken: You had to know at that point in time that of all times there was an interest not to have anybody in that DO.

A Well, to be honest with you this stuff goes on up there. I don't worry about it. This isn't the first time these incidences have happened.

200 Q But didn't you realize that the officers in the DO wouldn't want an inmate to see what was going on at that particular time?

A He entered the building without my consent.

The door was open.

201 Q I understand.

A You see, the door's left open so if the door is locked, then you would keep the inmates out. Well, at this particular time if they have passes, they come in. That's where they come in at. So he would have permission to come in there.

202 Q Even though there was a beating going on?

A Yes.

203 Q So, you went back in to explain to the Captain. You did that and then did you go back outside again?

A Yes, sir, I did.

204 Q And what happened next?

BY MR. LAWLER: Excuse me, Mr. Lockwood. I have to leave. I have another engagement. We can reconvene this after lunch. (Discussion off the record.)

205 Q After you went in to explain that Kevin Murphy had a pass, did you then leave the DO and go back outside?

A Yes, sir, at that time I did.

BY MR. LOCKWOOD: Okay. We'll just stop right there.

(Recess taken at this point.)

CONTINUED CROSS-EXAMINATION,

QUESTIONS BY MR. LOCKWOOD:

206 Q You're the same Mike Richardson that testified this morning in this deposition?

A Yes, sir.

207 Q You understand that you're still under oath?

A Yes, sir.

208 Q You had testified just before the lunch break that you'd gone back into the DO because you wanted to explain to the Captain why Kevin Murphy was there at the DO and why you hadn't been successful in running him off?

A Yes, sir.

209 Q And also to tell him that he had a pass?

A Yes, sir.

210 Q After you gave the Captain that message did he have anything to say to you? The Captain?

A He just said--told me to go back out on the walk and keep the walk secured.

211 Q And did you do that?

A At that particular time, yes.

212 Q How long did you stay outside?

- A Not very long. It was cold. I kept coming back in, in and out, in and out. More or less I was in more than I was out.
- 213 Q So you came back in the DO then?
- A Yes, sir.
- 214 Q To get warm?
- A Yes, sir.
- 215 Q What happened when you got back inside? Anything?
- A No. They were just discussing in the Captain's Office what was going on and then the third time Inmate Murphy approached and I was around there and run him off for the third time.
- 216 Q Then did you stay outside after you ran him off the third time?
- A For a little bit, yes.
- 217 Q What did you do after that?
- A Went over to the--I call it the shack. Where's the drawing at? Back over to the check point and checked with Officer Delph over there about what's going on and stuff like this. Just general conversation with the man.
- 218 Q Did there come a time then that you went back in the DO?
- A Yes, sir.

- 219 Q Why?
- A Delph being in this particular zone doesn't require two officers being there and the institution was basically closed. And I just wanted to really nib around and see what's going on. Curiosity more than anything else. So I went back in and talked with--it's not Captain, it's Lt. Widener. He was Captain but he was a Lieutenant then.
- 220 Q Was the traffic on the walkways in the front part of the institution light?
- A There wasn't any.
- 221 Q So you went back in to talk to Lt. Widener?
- A Yes, sir.
- 222 Q What happened after you got back inside?
- A There was a phone call approximately, oh, I'd say ten, fifteen minutes maybe, somewhere in that area, from the Instructor in Building 34 that Inmate Cole was on the walks with a knife.
- 223 Q Was anybody else mentioned? Any other inmates' names?
- A None.
- 224 Q Just Inmate Cole on the walks with a knife?
- A Right.

225 Q And the other Officer Richardson was assigned to this area back in here?

A He was back in that area, yes, sir.

226 Q Back in the area of Building 34?

A Well, he had the back--the best way for me to do is draw a line across this paper. Anything beyond the boundaries of the 22, 23, and 20, that is called the back alley. Okay? The officer that has that perimeter to walk and to monitor or what buildings he can get into to keep warm is what you do. You go in and out of them to check the buildings out.

Any inmates in that area, I'll call and inform him that there's an inmate back there or that there's one back there that's not supposed to be I'll inform a man to come and get him and take him back to the cellhouse.

227 Q Did you call Officer Richardson and tell him that Cole was in the back?

A No, I received the message from the Lieutenant and I went out and informed Officer Delph, but I did not call Officer Richardson back there.

228 Q So you didn't take the phone call from the Instructor in Building 34?

A No, sir, the Lieutenant did. The supervisor.

- 229 Q What did he say to you, if anything, when he got off the phone?
- A He told me to monitor Inmate Cole's appearance, and above all be careful, do not approach the man who supposedly had a knife. I said, okay, I'll go out and inform Officer Delph.
- 230 Q Did he make any radio calls or notify anyone else within the institution to your knowledge?
- A Not to my knowledge, no. I mean, he could have. But, like I say, at that time I left and went back outside.
- 231 Q And you told Sgt. Delph or Officer Delph about this and then what did he do.
- A Officer Delph, yes, immediately then came back over to the Captain's Office and Officer Delph came with me.
- 232 Q Both of you went back into the DO?
- A Yes, I went back in.
- 233 Q Was there any attempt made to find Mr. Cole or to locate him?
- A No, because the time period what I'm trying to get at is--it's hard to remember exactly how much time went by from the time that Lincoln Love was laid there and to the time I went to

the hospital and then I went to get Delph. But I'd say 15 to 20 minutes totally passed at that time. In that particular time I brought Delph in and we were discussing with the supervisors, they were there at the time. There was Sgt. Phillips, Dan Juroff, Assistant Superintendent Schriener was there, Lt. Wicker and Captain Sands, and they were in there discussing the club that had beaten Lincoln Love.

234 Q What were they saying about this club?

A Well, they were just remarking about Wicker had brought it in, slammed down on the desk and said that was payback for Officer Able. But-- and Lt. Widener was there present, too.

235 Q None of these other gentlemen made any comment about the beating that had been administered to Lincoln Love?

A Not directly to me. I didn't really pay too much attention. Shortly after that that's when the four inmates approached and they wanted to-- they insisted on seeing the Captain. I asked Captain Sands, I said, do you want to see these guys. He said, no, they can get their ass back up there and lock them up.

236 Q What door did these inmates come to?

- A There at the side door of Building 19 that was open. It would be the same one that Kevin Murphy came in.
- 237 Q That would be near where Officer Shelton's desk was within that building?
- A Yes, sir.
- 238 Q And you're the one that talked to these four inmates?
- A Yes, sir.
- 239 Q Did you recognize them at the time?
- A Yes, sir, I believe so.
- 240 Q Name them again. I know you may have testified to some of this before.
- A Inmate Cole was first. Gordon, if I remember his first name, Trotter I believe is his last name. The one whose complexion is really poor. The muscular one.
- 241 Q Do you know his first name?
- A Well, I can't remember if it's Gordon or Chris. But both brothers were there and Inmate Parker.
- 242 Q Tell us the difference between the two Trotter brothers.
- A Well, there's a size difference. You could put them in here, you know, if you saw them, just

look at them, there's a lot of difference in them.

243 Q Describe the one that was--

A The muscular one is--it's been two years to remember a man's face. His complexion is rough, very rough, muscular, stocky built individual with a rough look on him. The other one is a young man, to the best of my knowledge, I believe, with a smooth complexion. I could be mistaken.

244 Q What about his size and build, the other Trotter?

A There's no comparison between the two to the best I remember.

245 Q Well, one is muscular. How would you describe the other one?

A Thin. Less than him.

246 Q Slighter build?

A Yes.

247 Q You saw both the Trotter brothers, Mr. Cole and who else? Who was the fourth one?

A Parker. Inmate Parker.

248 Q You told them to go back to their work assignment areas?

A Yes.

249 Q Did you check passes?

A Not at that time. They walked away from the area, started around the front of Building 19, there's a walkway.

250 Q How did you know they were starting around the front?

A We could see them. The whole DO system is just full of windows, so you can stand there and watch them through the door. Then when they started down the walk and turned to the right in front of the building, that's when I told Delph, come on, let's run these guys back to their cells.

So, Officer Delph and myself went outside and met them in front of Building 19. Officer Delph said, let me see your passes. And he said, well, these passes are no good so go back. He did remark that the passes were incomplete and that they should return. I said, yes, get back there and get yourselves locked up.

251 Q Did any of the four men say anything to either you or Officer Delph at that time?

A Cole and Trotter remarked that, the muscular one, remarked they were--well, Cole was really

the one doing most of the talking. He was mad about something. At the time I didn't understand. I didn't understand him because he got real, real upset real quick over something about he was tired of this shit and some other things which I don't really--and the next thing I knew I was fighting for my life.

252 Q Outside the building?

A Outside of the building, yes, sir.

253 Q Who assaulted you first?

A Cole.

254 Q How did he do it?

A With a knife in the right hand and swinging it this way. And I blocked it and when I did he stabbed me under the arm. Then Trotter had a knife and he started swinging it--

255 Q Is this the muscular Trotter?

A Yes, sir.

256 Q Who you've described as the muscular Trotter?

A Yes, sir. Well, if I had a photograph it would help me a lot more. Because it's hard to remember somebody's face from that time. I'd have to see him in person. But anyway, I was forced back in through the DO--the buildings go back--the doors come this way, okay? And

at that time there's a little bitty room in Building 19, it's a hallway actually. The corridor that separates the two doors and that's where Officer Delph got pinned in there and they went on top of him stabbing him.

257 Q Who did?

A Trotter and Cole.

258 Q The same two who had originally assaulted you?

A The same two, right.

259 Q They had stopped assaulting you and they started--

A Right. I was pushed all the way back through both doors and I fell back up against the Maximum Restraint bars. There's two bars--there's a cage they added on there and I was pushed so hard and after being stabbed I went back this way.

260 Q Did Chris Trotter or the muscular Trotter have a knife.

A The Trotter that I'm describing had a knife. The other two inmates did not have knives that I could see.

261 Q And did Chris Trotter stab you with that knife?

A Yes sir.

262 Q Where did he stab you?

A In the arm. Up here.

263 Q Then you were forced back into the DO area?

A Right.

264 Q And they left you and went on--

A Well, they--yes. Me going back through left Officer Delph and they just immediately--you're only talking about the width of a door. See, it's a paneled door, it's clear with windows and so is the section that he's in. There's windows--painters call them six panel doors.

Anyway, they went on him and started stabbing and beating him. Then I reopened the door and--well, I called for assistance but I don't know if it was heard or not. I reopened the door and that's when they left him and Cole came on me and started stabbing me. And Trotter was still there with him. The other two inmates--

265 Q Were still there with Delph?

A Were still there with Delph but had left. The other two had left and Delph was going down trying to cover up, swinging and hitting the other inmate because he was stabbed all over the face and the head. I think I remember it

was in the throat and the stomach or something like that.

266 Q Now, when you say the other two inmates, which would be the more slender of the Trotter brothers and Mr. Parker?

A Yes, sir.

267 Q Where did they go when they left, did you see?

A I have no idea, sir.

268 Q You just noticed--

A I was more concerned about myself. The only thing I--like I say, I'm standing right here and could see what's happening and then Cole comes after me and there was a lot of screaming and hollering and carrying on like that.

I backed up to the--there's a door that goes into the Captain's Office. He has to have a key to open it from one side or the other. I don't know if they've got a lock now on there. Well, anyway, the commotion brought one of the Lieutenants to the door and he opened it and I was leaning against it and then I fell down and then they went on top of me and then they stabbed Lt. Widener.

269 Q Did you see them stab--see--

A I saw Cole stab the Lieutenant.

270 Q Did you see Chris Trotter stab--

A No, they were standing on top of me trying to get into the DO.

271 Q They were trying to get into the DO area?

A Yes, sir.

272 Q That's what they were doing at the time that they were going over you and--

A Captain Sands was spraying mace which broke up the disturbance.

273 Q And then did the inmates leave the building?

A Yes, sir, they did.

274 Q After they were maced?

A Well, as the mace was being sprayed, okay? The bodies were off of me and they were still trying to get in. I started crawling up the stairs. And I turned around to look and see if anybody was going to stab me in the back.

Bob Delph was gone so evidently he had made his way--later on I found out he made his way into the Captain's Office. So by then they must have left. And I was pulled in by two inmates upstairs.

275 Q Did you see either of the Trotter brothers later on that day at all?

A No, I was in the hospital.

276 Q After you got upstairs I think you said some inmates assisted you into a room?

A Inmate Perkins and another inmate, I don't know who he is, pulled me in. And Sgt. Musick and then Sgt. Plank was up there also helping.

277 Q And from there you were taken to the Infirmary or the hospital?

A Yes, sir.

278 Q And you had no more involvement in anything else?

A I've never been back in the--well, I can't say that. At that time for many months I wasn't back in the institution. I did go back one time for--they wanted a hearing up there but I went inside the--not the Visitors' Room but --they have a room up front where they give the roll call and stuff. That's been the only time since I've been back in the institution.

279 Q Have you testified at any hearings at the Reformatory or anywhere else since the day you were injured?

A I became upset in the hospital that the events leading up to this could have been avoided

because of pressures in the institution and beatings of the inmates in the institution.

We went forward--many guards went up front and went downtown, went to the FBI about it and they just said there was nothing they could do. Then here we are laying up here and some of these guys are fighting for their life. I made up my mind right then and there that it was going to stop.

So, we contacted the Justice Department and people from Washington come down to get our testimony.

280 Q Had you ever been to see the FBI?

A Yes, sir. 1983.

281 Q Do you remember who you talked to at the FBI?

A. I have it written down. I believe his name is --oh, man, we were just talking--I can't remember. Mike Simcox or--I can't remember the man's name. I've got it written down at home.

282 Q Do you know Mike Simcox, if that's his name, to be an agent for the Federal Bureau of Investigation?

A Yes, sir. He's the head of the Civil Rights Division of the FBI.

283 Q And where is he stationed?

A Indianapolis.

284 Q Is that where you talked to him?

A Yes, sir.

285 Q Did you have to make an appointment to see him?

A Yes, sir.

286 Q Have you made the same or similar report to any other police agency that you made to the FBI agents?

A Yes, sir. State Police, District Post 51.

287 Q Who did you talk to?

A I talked to Investigator Bolander.

288 Q When did you talk to him about it?

A 1984, '83, somewhere in that area.

289 Q Tell me, if you will, just summarize what report or what complaint you made to Agent Simcox and Officer Bolander?

A Officer John Boyd and myself in 1983 went to the FBI and requested a meeting with them on Civil Rights violations of the inmates. We informed them that on February 28, of '83 five inmates were on the rec pad, six all totaled. One was allowed to leave that was white. The other five were left on the rec pad.

They were then ordered by rifle and shot-

gun to lay face down and throw their weapons down. They did such and they were cuffed and then after they were cuffed they were beaten until they couldn't move by 15 to 20 different staff members.

290 Q Did the other inmates know about this incident?

A Yes, sir.

291 Q Did the other inmates know about other incidents of brutality?

A There was a severe--I being on the yard, being in the towers and being in the cellhouses, you get to know the talk of the inmates. Like if you work there you got 1,600 of them--800, 900 may not like you because you wear a uniform.

And sometimes you try to be fair and you're not fair because you get irritated, you know, aggravated and things like this, but when you start talking about beatings and stuff like this, when you have to shackle a man up or tie a man up--tie a man down, strip all his clothes off and tie him to a bed and then watch him pee and shit on himself for two days because they wouldn't let him put clothes on or let him use the restroom, you get mad. Because that inmate turns around and says, you're the one I'm going

to get. They think you're part of it. And they don't understand that you're following orders.

292 Q These instances of inmate abuse, is there any particular part of the inmate population that these were directed toward?

A Blacks.

293 Q Would you say exclusively blacks?

A No. I'd--well, I'd say 90 some percent of them. The ones I've been about 15 or so have been all blacks but one.

294 Q Did you ever know of instances where problems were caused by black inmates either in retaliation to or in defense of this apparently systematic attempt to abuse them?

A Yes.

295 Q Did that cause unrest in the facility?

A One of the greatest problems is that when you're locked up if you're a white officer working there a black inmate very seldom, you know, has a well liking to you because of the black and white racial tension. But then if you're a guard and you cause problems that's even worse. So if you hang with the

Charles Murphy?

A I don't know. I can't honestly say.

299 Q But you identified that fellow as someone who was involved?

A I could identify that man if I had a photograph in front of me.

300 Q What was his participation in the events of February 1, 1985?

A He was there during the stabbing of Officer Delph and myself outside. And he was also involved in the--up front afterwards negotiating. This particular man I'm identifying may not be the same. I can't say for sure.

301 Q The fellow that you saw on TV, was also in front of the DO?

A Yes, sir.

302 Q But you indicated that there was only present Mr. Cole, two Trotters and Parker.

A Okay. We're talking about before this, before the incident happened. Around on this side over here there were inmates, other inmates and he was one of them, okay? He was there. All the inmates on that particular day I was asked to write down and turn in names of anybody I

saw prior to or after the incident of being stabbed.

I did such and this particular Murphy was not charged from any statement I gave. They said there wasn't enough there to do anything with.

303 Q What did you tell Officer Plank about that?

A Well, to the best of my knowledge I told him that he was involved--that he was one of the guys involved in the stabbing. He was outside there. He knew about it.

304 Q Can you recall what you may have seen him do?

A Just being there.

305 Q Did you notice whether he was armed?

A No, sir, I couldn't tell you.

306 Q Who else was with him?

A I have no idea. Being on the yard assignment that I was on I didn't know the inmates by name as well as some of the other staff. Only by face. And not being able to go back into the institution to put the face with the names and the numbers I was unable to identify several other inmates.

307 Q So did you first see this gentleman when you came out the door to tell Cole and Trotter and

Parker to leave?

A Yes. Well, not the first time. They were on that side when I was over here. When Delph and I approached him that's when I saw him.

308 Q What exactly was he doing?

A Just standing there watching.

309 Q How far away was he?

A From that doorway to the edge of the building is about 15 feet.

310 Q Was he in the forefront or in the background?

A He was just at the side of the building, sir. On the sidewalk there.

311 Q How many inmates were with him?

A Two or three.

312 Q Was he saying anything?

A No. Not that I know of. This has happened so long--with him I don't really know too much about--

313 Q Did you see what he did after you were stabbed? Did you notice what happened to him?

A I couldn't tell you, I have no idea. I'm back in here. The only people that I can identify is four inmates.

314 Q And you never left that building that day other

than to go to the hospital?

A I was carried out of there.

315 Q And then the next time you saw that fellow that you've identified was that night on TV?

A Yes, sir.

316 Q What appeared to be his role in this whole disturbance?

A Well, it was more of an assumption on my part because an inmate is in this particular area, and during the stabbing of Officer Delph, after I'm stabbed I'm back in this area here knowing that there's other inmates in here. A comment was yelled out to somebody out there to go ahead and take over and do this and do that, you know, the institution.

Several inmates left Officer Delph and then they came on me. I'm putting more or less an assumption together that we're talking--when you're scared naturally your assumptions are very important. You're assuming that you're talking about a major takeover of an institution.

317 Q I don't understand what your assumption is? Are you assuming then that he took over the institution?

A That he was part of it. That's what I have assumed.

318 Q And you can't identify the other inmates who were with him?

A And probably the letter you have there in front of you may not be totally accurate because I wasn't allowed to read and if I signed it, didn't realize what I was signing.

319 Q You were not allowed to read your statement?

A It may not be my statement. If I could read it for a second I will let you know. Because I was in the hospital.

320 Q Let's take a look at that. For the record, this is titled: Statement Taken From Correctional Officer Michael Richardson, St. John's Hospital, Anderson, Indiana. Statement given on Sunday, February 3, 1985 witnessed by W. E. Plank, Institutional Investigator and Jane Brown, Secretary. It is not signed but it is typed signature at the end of the second page.

A Well, he came in--he came in with a woman and they asked for the events of what happened, and he specified exactly the certain events. He didn't ask for all the beatings of Lincoln

Love and everything else. So, like I say, I couldn't even say--I would have to read that to know whether or not any of that is exactly what I said.

321 Q Would you take a look at that for me? It's two pages. Take your time going through that.

(Brief recess.)

BY MR. WOODRUFF: Are we back on the record.

BY COURT REPORTER: Yes.

322 Q You've just reviewed a two page statement, did you not?

A Yes, sir.

323 Q And is that the same one you gave to Sgt. Plank?

A That is the correct statement that I gave to Sgt. Plank.

324 Q In that statement did you tell him that Charles Murphy was involved in this disturbance?

A No, sir, I did not.

325 Q Why did you not tell him that?

A Well, because at that time they come up to take the statement I was in critical condition. I had just been stabbed. I was in the hospital and was hurting. And when I saw on the tele-

cast the things that were going on, then I remembered at this particular time that this inmate had been in the background and I felt that he was involved. That he should be dealt with.

326 Q Did you know this particular inmate to have then--did you ever see him associate with Cole or anybody else before?

A I honestly didn't. I don't even know the inmate.

327 Q Had you ever seen him before that day?

A If I had, I didn't have any reason to single him out before then.

BY MR. WOODRUFF: I have no further questions.

CROSS-EXAMINATION,

QUESTIONS BY MR. WITHERS:

328 Q Mr. Richardson, my name is Mike Withers and I represent John Cole. Now, do I understand that you resigned from the DOC in April of '86 but you hadn't worked there since February of '85?

A Yes, sir, that's correct.

329 Q During that time what was your status?

A Workman's Compensation.

336 Q It has nothing to do with this incident?

A No, I slammed a door on it.

337 Q You've indicated that you were stabbed several times during this altercation. Do you have any scars or disability from those stab wounds?

A I have a small half-inch scar underneath my arm.

338 Q Any other scars from that?

A No.

339 Q How many times were you actually stabbed, do you know?

A Well, actually they drew blood just twice. But into the coat where I held my radio was several times.

340 Q So your clothing was torn from the stabs but--?

A Yes. Well, I had a radio up front.

341 Q Your skin was only punctured--

A Punctured twice.

342 Q Do you have any litigation pending or lawsuit pending at this time in regards to this incident that you're involved in?

A Against the State of Indiana?

343 Q Yes, sir.

A Yes.

- 344 Q Yes, sir, or with anyone?
- A Against, yes, the State of Indiana.
- 345 Q What's the status of that lawsuit?
- A Still pending. One Federal--the Federal incident was dismissed and the State is pending, which my attorney filed, Bill Wendling on the State.
- 346 Q The Federal incident, what was the nature of that?
- A First we went through the Federal Courts for the lawsuit against--it started from the DOC personnel on down. And it was turned down by the Federal Government due to the fact that they--well, I can't go into all that here but anyway, they didn't--they dismissed it.
- 347 Q What's your understanding of the reason for the dismissal?
- A Well, you can't sue the State but you can sue the officers is the way that it was brought to me. The way I understand it.
- 348 Q And you have a lawsuit then pending against the personnel that worked at the Reformatory?
- A Yes, sir, we do now.
- 349 Q So you actually do not have a lawsuit against the State of Indiana? Or is the State of Indi-

ana named as a defendant in that lawsuit?

A Now that I can't answer. I'll be honest with you. I don't know.

350 Q Is there more than one lawsuit pending that you're involved in?

A That my attorney's filed? Just one as far as I know.

351 Q Do you have any co-complainants?

A Yes, sir.

352 Q And who are they?

A Well, let's see, Officer Delph, Lt. Widener, William Sheets, Billy Huston, Jack Melling and myself.

353 Q Do you know the names of the defendants in your lawsuit?

A Well, ex-Commissioner this and departing individual that. There I don't know. You'd have to check with my attorney on that.

354 Q There are several?

A Well, I know Lt. Wicker is one, I know that an Officer Myers, which was Sergeant, is one. I believe it would be the Commissioner. I don't know how they really--I know they run the whole thing. Everybody's involved from what I under-

stand.

355 Q Where is the lawsuit filed, in what county?

A Indianapolis, I believe.

356 Q Do you stand to gain anything in regards to that lawsuit from your testimony here today?

A Nothing. Nothing.

357 Q In regards to the specific events of the day that this riot occurred, I understand your first knowledge that Mr. Cole was going to be involved is when you received a telephone call?

A Lt. Widener received a telephone call from the Instructor and then he informed me.

358 Q Do you know the name of that Instructor?

A Only--well, I'd like to say his name is Jarrett but I could be wrong. I know he's the Clothing Instructor up there.

359 Q What do they do in the Clothing Building?

A They make inmates' pants.

360 Q What kind of equipment is used to do that?

A Sewing machines, scissors, thread.

361 Q Did I also understand you to say that in order for Mr. Cole to get out of Building 34 and over to the DO Building, the DO Office, would be for the Instructor to let him out and the Instructor would have to issue him a pass?

A That's the only way he could get out of there because the Instructor does lock that gate and he does not have the key.

362 Q Would it be standard procedure for the Instructor to allow him out knowing that he has a shank or knife?

A No. That's what I didn't understand at the time when the Instructor made the phone call to the Lieutenant and the Lieutenant told me. I said, well, what's the guy doing on the walks if he's got a shank and he's calling because he's assigned there. And it didn't make any sense to me.

364 Q Now, let me ask you a hypothetical question. Let's say I worked as an Instructor at the Reformatory in one of the buildings and I've decided I didn't want an inmate to cause me any more trouble or anything else and I decided to have him executed or murdered. Would it be possible for me to release that inmate onto the walks, call someplace where he was supposed to be going and was legally going and tell them that he was there and that he was on his way and that he was armed.

- A You're asking for a conclusion. I'd say--I wouldn't even want to answer the thing. As far as I'm concerned that's a ridiculous question.
- 365 Q What's the standard procedure when you receive a phone call telling you that there's an inmate on the walks and he's armed?
- A Well, you'd advise your immediate officers right there in front of you not to approach the inmate. That what's we were told.
- 366 Q And are the guard towers notified?
- A That's a very good question. They should have been. You're correct, they should have been. They weren't that time.
- 367 Q If they are notified, is the standard procedure such that they would obtain their weapons and prepare to fire in case the inmate became involved in something?
- A If that inmate was out and I was in that tower and I knew he was suspected of having a weapon, I'd come out with my weapon and he wouldn't move under any circumstances.
- 368 Q And if he did then what would occur?
- A I'd fire a warning shot. If I saw the knife and he didn't drop it and an officer come up, well, I would have probably shot him. That's

if he was armed.

369 Q Is there any place between Building 34 and the DO where an inmate going to the DO office or an inmate going to Building 34 from the DO office could obtain a shank?

A Building 31, Metal Factory.

370 Q So he would have to stop there before coming to the Captain's Office?

A He could go from 34 to the Auto Body and get one there or he'd go to 31 because there they have nothing but grinders and they work on metal. And in our past we've had more shanks taken from 31 than any place else.

371 Q But to get into those buildings would he not need a pass?

A Oh, he couldn't get into the Auto Body or 31 without the Instructor opening the gate.

372 Q So an Instructor there would have to allow him in?

A Oh, yes. That would be the only way.

373 Q And if they got a phone call that that particular inmate was on the walks with a shank, would the Instructor let him in?

A No.

374 Q Would it be a fair conclusion that when the Instructor in Building 34 called and said that Cole was on the walks with knife that he would be the one who let him out with the knife and that he had knowledge that he was releasing an inmate onto the walks with a knife?

A That did go through my mind, yes, sir.

375 Q So that's a fair conclusion?

A Yes.

376 Q Now, you said there was an inmate named Bates who was told that he would be killed if he didn't keep his mouth shut after Lincoln Love had been killed, do you recall who told him that?

A The statement was that Inmate Bates was told that he was next in there and an officer, one of the Blue Hats that was new, was tormenting him and I don't know who he was. I wasn't able to get his name and I've tried several times.

377 Q Was this statement made before Mr. Murphy appeared at the DO office?

A I'm sorry?

378 Q Was this statement made to Bates before this gentleman across from you appeared?

A Oh, yes. Yes.

379 Q The call in regards to Cole was made when in relationship to the beating of Mr. Love?

A After.

380 Q And was it before or after that Mr. Murphy appeared?

A After.

381 Q You say you were informed by who that the call had been made?

A I was standing there right next to my supervisor, Lt. Widener. And the call came in and he was talking in the conversation and he announced who the man was on the phone and immediately told me that, be careful, be watchful, you know, Inmate Cole is supposedly on the walks with a knife.

And I asked him, well, where does the guy work? That's the first place, you know, because you want to know where in the hell this guy's at. And then he told me the Instructor's name. Well, then it kind of went through my mind a little bit and I was trying to figure how he got in and locked up for his assignment and he got out of the building with a knife, you know.

So that's why I was kind of doubtful whether or not the man had a knife because an Instructor, you know, it just seemed kind of funny.

- 382 Q Were any of the other inmates who eventually appeared with Mr. Cole mentioned in that phone call?
- A No, sir, they weren't.
- 383 Q You told Officer Delph then that Mr. Cole was coming and he was allegedly had a knife?
- A Supposedly he had a knife, right.
- 384 Q Delph was in charge of the yard at that time?
- A No, I was. He was--
- 385 Q I mean, you're inside, so Delph was left in charge of the yard while you were inside taking a break?
- A Well, he was working check point, sir. Okay. In other words, any inmate that goes through has to show a pass. I left as soon as the phone call was made and went out and informed Officer Delph and we came back in the DO.
- 386 Q Can you show me on the map where the check point is?
- A The check point is in between Building 20 and 19 and there's about forty feet of building

there. The check point--it's all fenced off. The only way in is through the doors.

387 Q Now where is it that Mr. Cole was supposed to be coming from?

A Mr. Cole was supposedly coming from back here at Building 34. He would have to enter around Building 31 and come by Tower 5, Tower 6, come this way. Then he would have to go--there's a gate here, running across here, he had to come through this gate which is about 15 feet wide, come right through here to the check point.

We have a swinging type--I did leave that out, it's a swinging type gate. It more or less kind of herds them over into the little--

388 Q From Building 34 to this check point next to Building 20 are there any check points in between there?

A No, sir.

389 Q There are two guard towers that he passes through, is that correct?

A Oh, yes. He would definitely have to pass through Tower 5 with clear visibility and Tower 6. There's no other way he could get there.

390 Q Do you know who was working those towers up

there?

A I believe Tower 5 was manned by--I'm trying to remember the officer's name. He was promoted to what the inmates call the guy who comes around and visits you. Counselor. He was moved up to a Counselor.

391 Q Do you know his name?

A Terry Head. And in Tower 6 it would either be well, like I say, now this is a guess, it would be Officer Campbell or John Boyd, I believe, would be working that tower.

392 Q Do you know if Mr. Cole ever had any altercations with the Instructor Jarrett?

A I have no idea, sir.

393 Q How about with either Terry Head or Campbell or Boyd?

A I'm sorry, I may--I probably didn't understand your question.

394 Q Had Cole gotten into any altercations with any --either the Instructor Jarrett, Terry Head, Campbell or Boyd?

A If he got into a conference with one of the tower officers it would be serious enough that he probably would have been hurt. But as far as the Instructor, I doubt it or he wouldn't

have him in the shop. The shop instructor would fire him.

395 Q Is Tower Officer a position that you would graduate to from being a Blue Hat?

A No, they have several reasons for putting you in a tower. Either because you're fat and they don't want you walking around. Or you might get in an argument with the Captain, you may not see eye-to-eye with him, or you might be a good shot, or sometimes it's a trustworthy post and sometimes it's a punishment post.

396 Q If you're in the tower is it possible that you worked as a Blue Hat?

A Well, you have to be. That's the only--you can't be a Sergeant and work there. They put the Blue Hats there. Generally speaking, they generally put the people that are good shots up there because they want somebody that knows how to shoot.

397 Q Are the Blue Hats the ones that generally have the most contact with the inmates?

A Yes, we're the--basically we're the blue collar workers and the Sergeants, Lieutenants and Captains are the bosses in rank.

- 398 Q How common is it for someone on the walk to carry a shank or a knife?
- A Well, about once a week we take something off of one. About three days before that we took a sword off of a man that was after two inmates. It was about 2½ feet long.
- 399 Q How common is it for someone to have a shank or knife or weapon where they work?
- A Oh, they damn near have to. Some of those inmates have to have them because--it's a common thing for a shank to be in a prison. Just as common as you having a--if you shoot or carry, you know, carry a gun. That many people.
- 400 Q Is it necessary for the inmates to carry these for their own protection?
- A Sometimes.
- 401 Q Against the other inmates?
- A Definitely.
- 402 Q What about against the guards?
- A You'd like for me to say yes. I would say, no, I can't--that's--that would be trying to say that, you know, wait a minute, you're asking me to condone somebody protecting from the guards. They have ways that they can protect themselves from the guards if they want. And that's due

process of law. *Something we don't see*

403 Q Now, in regards to the beating of Mr. Love, what ways were available to him to protect himself?

BY MR. LAWLER: Your Honor, I'm going to object at this time. This is--I'm objecting. It's not relevant to the issue we're here on. There's no showing that John Cole was there. So I'm objecting to the question. We've gone on and on about this.

BY MR. WITHERS: Well, you're allowed to object. I'm going to direct him to answer the question. You can answer.

BY MR. RICHARDSON: What am I suppose to do? Decide whether I want to answer or not?

BY MR. WITHERS: No. You answer the question and the Court will determine whether or not it will stay in the deposition.

BY MR. RICHARDSON: Alright. Let's start over with the question now.

404 Q In regards to the beating of Mr. Love, did he

have any weapons to protect himself with?

A No.

405 Q Were there any weapons found in the cell?

A No.

406 Q So, your statement earlier about due process, what due process did Lincoln Love have?

A The fact that he should have--well, if you're Maximum Restraint it's a little hard to go to Sgt. Plank to do the Lay Advocates and stuff. I'll be honest with you, I can't answer your question fairly.

407 Q Let me ask you this: Do the guys in MRU have Lay Advocates or anyone like that that comes over and puts in a word for them to the officers there?

A Yes, well--the other--

408 Q To protect their rights?

A They have a chance, if they're written up by an officer, to have someone defend them. That's their right. A Lay Advocate, like Kevin Murphy here, would be coming over to take care of him.

409 Q If you're in MRU and your cell is going to be shaken down, do you have any recourse prior to the shakedown to have that stopped or anything?

A No. You're expected to do exactly what you're

told when you're in an institution.

410 Q How often at that time does the MRU get a shakedown?

A Twice a week.

411 Q Is each call in there shaked down? Every call?

A Yes, sir.

412 Q You mentioned earlier that when the shakedown was going on they pulled the curtain in the CAB?

A I'm sorry, if I said CAB I meant the MRU.

413 Q MRU?

A Yes. That is an error on my part if I said that.

414 Q What's the signifiante of the curtain being pulled?

A They don't want any inmates to see what's going inside.

415 Q And why don't they?

A Well, the curtain's been there for a number of years, probably 10, 15 years. Generally there's disciplinary action being taken towards an inmate when the curtain's pulled.

416 Q And what do you mean, disciplinary action?

A A beating.

417 Q Is that a standard procedure for disciplinary

action?

A No, sir, it's not.

418 Q Is it habit or is it common?

A It's common. It's not the policy of the Department of Corrections nor is it by law the treatment handed down by the CAB. But if a man doesn't out of his cell, he's thumped.

419 Q From where can you see the curtain?

A Any inmate can see it. Any inmate that has to go upstairs, all he's got to do is reach in with his hand and pull the curtain back and he can see what's going on.

420 Q Well, I mean, where can you see that the curtain is pulled?

A When you walk right into the DO Building.

421 Q Did you state earlier that Mr. Cole had been into the DO Building and was told to leave?

A I'm sorry, I was interrupted.

422 Q Did you state earlier that Mr. Cole had been in the DO Building and was told to leave?

A Inmate Cole came up to the side of the Building 19, the DO Building. And he was told by me-- well, he informed me he wanted to see the Captain. And I told him--I asked the Captain and the Captain told me to send him back to

his cell.

423 Q From where he was at that point could he see the curtain?

A No, sir.

424 Q Where do you have to go in that building to see the curtain?

A You have to walk all the way around to the very front of the building. He'd have to come in through the front of Building 19 or walk in the MRU door on the side and there's another door, walk right up to it and look.

425 Q When you told him to leave did he not go around the building?

A He did go around, yes, sir, he did.

426 Q And did you not say earlier that the front of that building was all window?

A It's open. I mean, you can come right in. That's what it's for.

427 Q So from the outside you can see that the curtain was shut?

A I believe you could. I never thought of it that way.

428 Q And it is generally known among the inmates that when the curtain was shut, somebody's go-

ing to get beat?

A Yes.

429 Q I think you testified earlier that you'd seen beatings occur before, is that correct?

A Yes, sir.

430 Q Let me go back to the beating of Mr. Love. Did anyone do anything to restrain any of the guards after Mr. Love had been handcuffed and beaten?

A No, sir. The supervisors were in charge.

431 Q Who were the supervisors?

A Dan Juroff, Lt. Wicker and Sgt. Myers.

432 Q Now is Myers the second man who went into the cell, into Love's cell.

A He was the second man.

433 Q And was Wickens in the cell?

A Wicker?

434 Q Wicker?

A No, sir.

435 Q You said there were about 15 guards in the-- that went to shake down Mr. Love's cell?

A In the whole total shakedown. They were conducting several shakedowns. Not only his, but others. They were trying to do it as fast as they can. They start at the back and they work

their way forward.

436 Q So more than one cell would be shaken down at one time?

A Oh, yes, yes.

437 Q Were there other cells being shaken down as Mr. Love was being beaten?

A Yes, sir.

438 Q Were any of the other inmates beaten while that was going on that you are aware of?

A No. I'm not aware of them being beaten but I am aware that quite a few of them were gassed.

439 Q Did you know if any of them had offered any resistance?

A I know of three who didn't. *3-15-62*

440 Q And they were gassed?

A They were just yelling through their bars and stuff and they were gassed.

440 Q Do you know who they were?

A No, sir. I don't have any way of obtaining the records.

441 Q Do you know what they were yelling?

A Yes. Calling the officers a few adjectives and stuff.

442 Q They were yelling inside of the bars or the

outside?

A Both.

443 Q And do you know what they were yelling to the outside?

A Not at this time.

444 Q Do you know any reason why Mr. Love had been beaten besides as a payoff for Officer Able?

A Well, Lincoln Love was--like I say, he was not well liked by the Department of Corrections and they've had trouble with him multiple times in the past up north and down here and the word was out that they were not going to tolerate any more bullshit from him.

445 Q Was there any similar word out in regards to John Cole?

A No. I've never had any problems with John Cole.

446 Q Do you know if anyone in the institution had?

A I know that two weeks prior to that, or three, he was caught--he was a Lay Advocate in MRU and during this time I shook him down and found marijuana on him. And Lt. Widener ordered me to cuff him and take him back to his cell. I cuffed him, took him back to his cell and uncuffed him. I had no problems with him.

I took him back over to CAB for his trial

and had no trouble with him that time. And two weeks later this happened.

447 Q Do you know if Mr. Love would ever have been beaten before?

A Oh, definitely.

448 Q How many times that you're aware of?

A By what rumor it had--what somebody else had told me, it had been several times. I had witnessed that he had been shackled and the chains jerked out--well, similar to the way this inmate is at the table here. If he had the waist chains and the shackles, is that correct? Okay.

We have also what we call a dog leash. They don't use--I don't know if they use it now or not. Ours was about 15--10 feet long and after they're cuffed and they're shackled--they're shackled to the bare skin, not to the socks. And they're escorted out to what we call the sandbox. That's where they are allowed to play. And in the process if the inmate doesn't behave or makes any smartass remarks, we call it, they're jerked out from underneath and he made the comment when that

happened that he was going to--there would be retaliations. And he did.

449 Q The dog leash attaches to the feet shackle?

A Yes, sir.

450 Q When did that occur?

A During the summer. During the summer sometime. An officer who lived down the street--I can't even remember his name.

451 Q The summer of '84?

A Yes.

452 Q Did you ever witness any other times that Mr. Love had been beaten?

A I went into his cell--was ordered to go into his cell one time and was replaced by another officer. I had to go back out in the yard. They said they had a hard time getting him out. I don't know if a beating took place to him or not.

453 Q Are you aware if Mr. Cole had ever been beaten?

A I have no idea.

454 Q What other beatings have you witnessed at the institution that you talked about earlier?

You said earlier you witnessed other beatings.

A Ever since I've been there. About 15 of them.

455 Q Can you describe them?

A 1983, the Rac Pad incident. Lincoln Love incident in 1984. Earlier in 1983 or '82 before the Federal ruling of shackling inmates to the bed, one was beaten and shackled. Three different times Inmate Snizer, I was ordered to hold him while the Sergeant and Lieutenant beat him about the body.

Inmate Malone, another black inmate, I went in and got him out of his cell several times. Brought him down to the MRU section and on the way down they bashed his head into the doors and busted the door glass, beat him and gassed him while he was in the shower.

456 Q What was the purpose of these beatings. I mean you stated before that Mr. Love was jerked by the dog leash for making smart remarks.

A That's what it was about. Lincoln Love didn't want to come out of his cell that day. He had no weapon. And he was told that if he didn't come out what was going to happen and that's the way--it goes down that way.

457 Q Would it be fair to characterize the beatings that you've seen basically for refusal to obey an order?

A Every beating that I've seen on any inmate in there has been totally uncalled for. There's never been a weapon. Any ones that I've been in there's been only one time, I've got a commendation for on my packet where an inmate had a weapon and I took it from him and then the inmate had decided he was going to fight, so then we fought. But that's the only time that an inmate's actually been hurt while I've been present that I've participated in. The rest were totally uncalled for.

458 Q Of the 15 or so that you've seen, how many would you say were directed towards black inmates?

A Every one but one. Inmate Reynolds.

459 Q Have you ever witnessed a black guard beating a black inmate?

A One time.

460 Q And when was that?

A We had two officers who had the same name out there. I'll have to get it for you from prior testimony. We used to call them salt and pepper team, they had the same name. During the '83 incident on the Rec Pad back there. It'd be the only time.

- 461 Q Have you ever witnessed a black guard beating a white inmate?
- A Well, we don't have that many black guards around there. We had one Captain and three or four blacks. They weren't allowed to work there.
- 462 Q So generally would it be fair to say most of the beatings are from white guards to black inmates?
- A Yes.
- 463 Q And do you feel this adds to the racial tension that you've described?
- A Definitely.
- 464 Q Are you aware or have you ever heard of a group called the Aryan Brotherhood?
- A Yes, sir.
- 465 Q What do you know about them?
- A It's a white, like motorcycle type gang that lives in G cellhouse. They don't like blacks.
- 466 Q And it's composed of inmates?
- A It's inmates.
- 467 Q Solely inmates?
- A Everything I know. I've never heard of a guard belonging to the Aryan Brotherhood.

- 468 Q Are you aware of any white racially motivated groups that any of the guards belong to?
- A Sons of Light.
- 469 Q And what do you know about them?
- A It's a group of Lieutenants, Captains, Sergeants that belong to this that use the KKK literature and the same type of rituals. They are a splinter group. They're not affiliated, they don't pay the dues. It's developed solely for the institution.
- 470 Q What's their purpose?
- A Well, they hate niggers, they hate Jews, and they hate Catholics. That's what was explained to me.
- 471 Q Who explained it to you?
- A Well, you have Lt. Burke, which was the Reverend. He recruits the--
- 472 Q Excuse me. He's the Reverend?
- A The Reverend is the man who tries to--he'll talk to you about joining the Klan.
- 473 Q He's the Reverend of the Sons of Light?
- A Right.
- 474 Q He's not the Reformatory Reverend?
- A No. No.
- 475 Q Okay. Go ahead.

A Then you have somebody like Captain Sands. Our children used to be babysitted by him and played with his Klan robe. He carries a card. He's involved in it. That's the Captain which is over all the Captains of the institution.

And then you have now Captain Jackson which is involved in the Boga film and which Captain Sands took out of there to take to the group. We're trying to obtain a copy of that to get to the press.

476 Q The Boga film you're referring to is the film that was on the news?

A Is another beating.

477 Q The film that was on the news of the beating of another inmate?

A It shows an inmate in there cursing and cussing and calling people mothers and everything else, refusing to come out of his cell. And they took this film to show how they can just go in and obtain an inmate that is nude in his cell and remove him by shooting him with gas and then go in and club him.

478 Q What other personnel down there were you aware of that were members of the Sons of Light?

A Well, Lt.--let's see. I was told by Officer Boyd that Captain Jackson belongs to it. I know Lt. Stevens, retired Lt. Stevens belonged to it. Lt. Murdock, which has just retired about a year ago was a Klan carrying individual, which openly will admit it. Officer--no, I guess it would be Sgt. McClellan, which is next door neighbor to Barry Sands. I can go on with others if I had other names. I can sit down and study for you.

479 Q Of the personnel that were involved in the shakedown of the MRU on the day that this riot occurred, do you know of any men who were members of the Sons of Light?

A I don't know if they're--like I said, I know Lt. Wicker hates blacks with a passion because he's told me so himself. But as far as--they don't--this is really what I'm trying to explain to you. They don't go around and say, here's my card, my address, here's the \$25.00 for you. They'll leave the literature or something there on the desk. If you want to belong to it, fine. It's not a open the door policy where you first come in they jump you and want to hire you.

- 480 Q Is it a secret society?
- A Basically that's what it is. It is not affiliated with the Klan so it's easy for the Justice Department to pull records and such they were unable to find them but they were able to find that they do belong to a secret group.
- 481 Q Were you ever approached about being recruited into the Sons of Light?
- A Yes.
- 482 Q By whom?
- A Lt. Burke.
- 483 Q Have you told anybody else this before?
- A No, nobody asked.
- 484 Q Did you have anyone else approach you about it?
- A No.
- 485 Q Do you know of any other white militant groups in the Reformatory?
- A I can't remember the names of them. If you have anything written down I can tell you, but there are several.
- 486 Q So that there are several groups comprised of inmates and guards?
- A Okay. You have--I can't remember the black group that they've got there.

- 487 Q I'm talking about white groups?
- A Oh, I don't know. I mean there's--you get--
I've been away from there for a couple of years.
Yes, there's several.
- 488 Q Now, have you ever heard of the Black Dragons?
- A Yes.
- 489 Q What have you heard about them?
- A A black militant group that runs extortion and
run the gig on the pimping of young white boys.
- 490 Q Have you ever heard of any of the inmates whose
names have been mentioned today of being invol-
ved with the Black Dragons?
- A No. That--like that would be actually under
the investigation part of the Reformatory.
We're not--as an officer you hear about it but
you don't really--there's only one person I've
ever had a serious problem with and that's a
big fat black inmate there that I've caught
extorting and beating up several inmates. I'm
trying to remember his name. I locked him up
in the AS ward. But that's the only one.
- 491 Q Have you ever heard John Cole mentioned with
the Black Dragons?
- A I couldn't say. No, sir.
- 492 Q Do you know of any other black militant groups?

- A The Black Dragons was the only one I'm familiar with over there at that time.
- 493 Q Are you aware that there's a motorcycle club in Indianapolis known as the Black Dragons?
- A No.
- 494 Q Going back to when you were stabbed, the four inmates that you've described, the two Trotters, Cole and the other fella?
- A Yes.
- 495 Q Pardon?
- A Go ahead.
- 496 Q What was the other guy's name?
- A One was Chris and the other was Gordon.
- 497 Q The two Trotters, Cole and who was the other guy that showed up?
- A You have Gordon Trotter, Chris Trotter, Parker.
- 498 Q When the two Trotters, Parker and Cole showed up, it is my understanding they were told that they were not to be allowed into the Captain's Office and to return to their cells?
- A Yes, sir.
- 499 Q And they started to do that when they went outside?
- A They went around the other side.

- 500 Q Was that the time when you asked to check their passes?
- A That's the time when Officer Delph and I told him, come on, let's run these guys back to their cells, then went outside. He asked to see their passes. He carried on a very short conversation.
- 501 Q You went outside with him?
- A Yes.
- 502 Q And there was some conversation about the passes, about their being valid?
- A Right.
- 503 Q Now, who told them to go to the lock-up?
- A Well, Officer Delph and myself.
- 504 Q Specifically, what did you say to John Cole? Or what did you and Officer Delph say?
- A We just told him to go back in lock-up and that was basically the extent of the discussion with the man.
- 505 Q What did he say to you?
- A He got mad about something. And he started saying he was tired of this shit and everything else, started cussing and everything and the next thing I know he was wielding a knife at me.
- 506 Q Did he make any reference to Lincoln Love and

the incident of his beating?

A If he did I didn't hear it.

507 Q Did you see where he pulled the knife from?

A No.

508 Q Did you see him striking you the first time?

A Yes.

509 Q And where did he strike you?

A Underneath the arm, left arm.

510 Q Is that the scar that you have there?

A Yes.

511 Q Did he strike you after that?

A Well, he was coming at me with the knife, him and Trotter was.

512 Q Pardon?

A Trotter and him were coming at me with the knife.

513 Q How many times were you struck, do you know?

A Twice that drew blood.

514 Q Well, how many times altogether.

A I don't know. I'd have to see my coat now. It had holes in it.

515 Q Do you know how many times Mr. Cole struck you himself?

A Quite a few.

516 Q And you then were forced back into the DO and as I understand it you went behind the door or through the door or something?

A There's an open door that has a doorway, excuse me, doorway I should say, then there is a door that's solid windows and both sides of the door is the same way as the door is. It's window panes. During this initial shove and force into us, that's where we went. I was shoved back through and the other officer was pushed off to the right.

517 Q Did you see Mr. Cole strike Officer Delph?

A Yes, sir.

518 Q How many times?

A Once.

519 Q Just one time?

A One time.

520 Q After you went through this door then what happened in regards to you and Cole?

A Well, they--both of them, Trotter and Cole and the other two inmates proceeded in stabbing Officer Delph and beating him. I was pushed back, going back through and being stabbed, I fell back against the bars. At this time, to keep my radio--

- 521 Q Were both you and Officer Delph being stabbed at the same time?
- A Well, no. I was stabbed first outside and pushed back through. Then going back--falling back more or less through the door, losing your balance and being shoved. Officer Delph was in a little cubbyhole-like, and that's when the inmates turned on him.
- 522 Q And Mr. Cole stabbed him one time only?
- A I believe so. I did see him stab him one time.
- 523 Q And you went through the door calling on your radio?
- A Right.
- 524 Q Then what happened?
- A Then I went back to open the door and that's when Inmate Cole came back on me.
- 525 Q Before you called on the radio had you shut the door?
- A The door shuts itself, sir.
- 526 Q Was Officer Delph on the same side of the door as you or outside?
- A Other side.
- 527 Q So you had managed to get through the door but he was still outside?

- A Right.
- 528 Q You could see through this door?
- A Yes, sir.
- 529 Q As you called on the radio you opened the door and then was attacked again?
- A I was attacked again, fell back up against the Captain's door, the side door of the Captain's Office.
- 530 Q In that particular attack did Mr. Cole stab you?
- A Yes, he did.
- 531 Q How many times?
- A Well, he was stabbing for my chest. Well, at that time--well, I don't know, I didn't count them. I was--I'm fighting for my life.
- 532 Q Did it seem like several times?
- A It was more than once.
- 533 Q You fell back against the Captain's door?
- A Yes, sir.
- 534 Q Did the attack break off at that point?
- A No. The door was opened by the Lieutenant.
- 535 Q From his side?
- A Yes. He heard the glass breaking because the inmates were still working on Officer Delph.
- 536 Q Now, had he gotten inside the first door?

A No. Well--

537 Q He was still outside?

A The only thing separating us was a door just like that, okay? On both sides of that door right there there would be windows just like that except it goes from the top to the bottom. You could clearly see from both sides. That door there would represent the DO, just like that. So, it moved it back just about four or five feet and I fell against that. The room I'm in now, you're talking probably 10 x 10.

538 Q But Officer Delph was still outside?

A Still out there, right.

539 Q And the Captain's door was opened and you were dragged in?

A No, Lt. Widener opened the door. At that particular time I fell down because I was laying against it. Cole was first, Trotter, they were both standing on top of me. I was looking up trying to block myself and that's when Lt. Widener was stabbed by Cole. Evidentially he was stabbed more than once but I don't know who stabbed him elsewhere. But then by that time--

540 Q Did you just see Cole stab Lt. Widener one time?

- A Yes.
- 541 Q What happened to you then?
- A I rolled over and had went in--into somewhat into the DO. And they were onto me, so I rolled over.
- 542 Q Did they go into the second door?
- A They went on in through the door there. And the gas was being sprayed. I turned over and then they must have left.
- 543 Q Who sprayed the gas?
- A Captain Sands.
- 544 Q You basically at that time were trying to roll over out of the way?
- A I'm trying to get the hell out of there.
- 545 Q Then when you looked up again the gas had been sprayed?
- A The gas had been sprayed and I'm looking behind me to see if anybody's going to stab me as I climbed up the stairs, crawling up the stairs. There's nobody there. I hear all the foot prints and the running, you know. And, like I say, after I got near the top of the stairs, Bubba Perkins, Inmate Bubba Perkins come up and pulled me up by the arms and pulled me on in with Sgt. Musick's help and I told them what

was going on.

546 Q At that point these four inmates were gone?
They were out of your vision?

A They were out of my vision, right.

547 Q Did you see Inmate Cole after that?

A No, I didn't see anybody after that. I went to
the hospital.

548 Q You went to the Infirmary?

A No, sir, I was carried out on a stretcher to
the hospital.

549 Q You were taken to the hospital?

A Right.

550 Q In the institution or to an outside hospital?

A Well, okay, I was carried to the Infirmary. I
suspect you're right on that. I was carried to
the Infirmary at the hospital up there on a
stretcher and some doctor that was visiting
another inmate looked at me and said--told him
well, he'll--he'll wait, the other one won't,
referring to Officer Delph. And then they
started working on Delph and they put me in
the hallway. The the Sergeants, the other
Sergeants come up and got around me and blocked
all the confusion. Hell, there were inmates

everywhere and other staff.

551 Q Did you see Inmate Cole in the Infirmary?

A No, sir.

552 Q How long after you had gotten up the stairs did this Inmate Bubba Perkins dragged you in, how long was it from that time before you were taken to the Infirmary?

A I don't know. Maybe five minutes, maybe ten. Something like that.

553 Q From where you were before you were taken to the Infirmary, could you see out in the yard?

A I had set up and asked for a club and we secured the door because I told them the next move was to come up—I figured they had—they had killed everybody in the DO is what I anticipated because of them going into the DO and having weapons. So I advised them to lock the doors.

Plank immediately come up and grabbed a club and locked and secured the door and I told him I wanted one because if they're going to come in here at least I wanted to be able to fight.

554 Q Could you see out into the yard from that point?

- A I could but I didn't.
- 555 Q You didn't look?
- A No, I just laid down.
- 556 Q Then you were taken to the Infirmary?
- A Yes, sir.
- 557 Q And from there you were taken where?
- A I think it was St. John's.
- 558 Q After you were taken from the Infirmary you had no more contact with Inmate Cole?
- A I've had no contact with any inmate. This is the first inmate I've seen since then.
- 559 Q You had indicated in the questions from Mr. Lockwood that you had given testimony to the Justice Department and the FBI and the State Police, is that correct?
- A Of this incident?
- 560 Q Of incidents at the Reformatory.
- A Yes.
- 561 Q Do you know if any action was ever taken on those reports?
- A The one to the Justice Department they've indicted two officers.
- 562 Q In relationship to the incident we're talking about in February of '85?

A Yes. Since then the Commissioner of the investigating the staff, secretaries, other people--Superintendent of the prison, have all been relieved of their duties.

563 Q But in the incidents that you reported prior to February of '85 was any action taken on them?

A None.

BY MR. WITHERS: That's all I have.

REDIRECT EXAMINATION,

QUESTIONS BY MR. HALL:

564 Q Mr. Richardson, I have just a couple of follow-up questions. You identified earlier a statement that you had given at St. John's Hospital to Sgt. Plank. In that statement it says that Inmate Murphy tried to force his way into the door of the DO and wanted to see the inmate that was hurt. Did he in fact force his way into the DO?

A Well, in that statement I told Sgt. Plank that Inmate Murphy came into the DO. I didn't--I didn't read that statement until after approximately four or five months after I even signed it. Basically--the basis of that statement is true, but not 100% factual on everything that

happened.

565 Q So he did not try to force his way in?

A He didn't physically force his way into that DO at all.

566 Q You had testified earlier that it was possible that you did say to Sgt. Plank after you had been injured that little Murphy and John Cole were out with the bunch of inmates in the yard wanting to take over the DO is that fair to say?

A It is possible I said that, yes.

567 Q But you didn't see Kevin Murphy there, is that right?

A I was asked specifically by Sgt. Plank in the hospital if Kevin Murphy was one of the people that did the stabbing and I told him no at the time. The other Murphy that I saw--somebody on TV, he said if there was anybody else around, I want you to take a day or two and think about it. If you see anybody, remember anybody in your mind, give me a call. And that's when I saw this other Murphy and I remember him being outside the DO and then I just assumed he was part of the group because

that's what I was supposed to relate to them. But they wanted to know names and numbers of anybody that was involved.

568 Q Little Murphy would refer to Kevin Murphy?

A Little Murphy is Kevin Murphy, right.

569 Q So when you said that, you were saying that based on the assumption?

A I was brought by Sgt. Plank some 15 or 20 pictures of black inmates in the institution. He asked me, can you identify if I show you the pictures of these inmates at this time, the ones that did the stabbing? I said that I could identify them in a matter of seconds. He laid them out there and I picked all four of them out and said these are them in less than five seconds.

He asked me, what about this man? I said, no, sir. He said, what about this man? I said, no, sir. Evidentially there were some other people that were involved that other officers gave statements to that I can't place at the scene. If they were, I can't place them there.

570 Q So your statement saying that little Murphy was there with John Cole was based on the fact

that you'd seen him earlier, is that right?

A The statement that I was asked: any inmates at all that morning, they wanted me to remember anybody that was involved or being there, to give him the names. And that's what it's based on for the investigating report.

571 Q Did you make a statement to the effect that when you were taken upstairs right after the incident that John Cole and Little Murphy were down in the yard with a group of inmates?

A I couldn't tell you. I honestly couldn't. It's possible, I don't know, sir.

572 Q Little Murphy was not there with John Cole, is that your testimony?

A Right. He's not--he wasn't there. He wasn't one of the inmates that did the stabbing to the best of my knowledge.

573 Q Do you know if any of the other statements that you have given to other law enforcement agencies have been reduced to writing?

A No. There was an attempt to get some of the copies, like I say, the first copy you have there in front of you. One of the copies you have, you notice it's not signed. And about a

couple of days later I had become very upset about this because I've signed--you know, I'm being given a statement that I am approached to and questioned about, you know. And I'm trying to remember these peoples' names.

Everything happened so quick but yet you can remember it. It's real easy remember, but who did what. Then I insisted that I would have to read it and sign it, you know. So it was brought out to my house in person for me to sign. They explained to me that it was an investigative tool.

574 Q And you have given a deposition in the civil and Federal case, is that correct?

A Yes, sir.

BY MR. HALL: I have no further questions.

RE-CROSS-EXAMINATION,

QUESTIONS BY MR. WOODRUFF:

575 Q I have another follow-up question for you, Mr. Richardson. You indicated earlier that in addition to the statement that you gave to Sgt. Plank you at another time called him and told him that Charles Murphy was involved in this.

When was it that you called him? What was the date?

A I was in the hospital. I was there for four days, so it was one of those days. The day they were negotiating, and he told me if I saw anything, remembered anything, to give him a call of any inmate that I thought of.

576 Q Do you remember what day it was when you saw Charles Murphy on television?

A Whatever day he was negotiating. It was in the hostage situation.

577 Q Was it the day of the riot?

A It was either the day or the day after the riot.

578 Q And then when was it that Sgt. Plank came out and you gave your statement to Sgt. Plank?

A He came to the hospital. I think he came that night or the next day or something like that and said they wanted to take an investigative report. I said fine. They came up. And the secretary for the Major came out and took it in shorthand and said that she could bring it back typed for me to read and asked me if that was okay and then he said fine.

Then I got to thinking I'd better have

something signed because that way they can't add something to it and I just went ahead and signed it.

579 Q Was it after Sgt. Plank came to see you in the hospital that you saw Mr. Murphy on television?

A Yes, sir.

BY MR. WOODRUFF: No further questions.

RECROSS-EXAMINATION,

QUESTIONS BY MR. WITHERS:

580 Q I've got just a couple. Besides stabbing you and attempting to stab you, did Mr. Cole make any other attempts to harm you or Officer Delph? Did he actually harm you or Officer Delph in any other way?

A Well, I just think stabbing would be enough.

581 Q Well, I mean did he strike you with his fists, kick you with his feet or anything like that?

A Well, he walked on me, and stabbed another officer, two officers in front of me and I was stabbed by him.

582 Q And did he try to strike at any other officers or walk on them?

A He was hitting Officer Delph and I don't know what he did to Widener other than stab him.

BY MR. WITHERS: That's all.
FURTHER AFFIANT SAITH NOT.

MICHAEL RICHARDSON

STATE OF INDIANA)
)S.S.
COUNTY OF MADISON)

I, Diana Williams, a Notary Public in and for said County and State, do hereby certify that Michael Richardson, was by me first duly sworn to tell the truth, the whole truth and nothing but the truth, in a cause entitled: State of Indiana vs John Cole, et al, now pending in the Superior Court of Madison County, Division III;

That the foregoing deposition is a true record of the testimony given by the witness and was taken at the instance of the defendants at Anderson, Madison County, Indiana, on the 10th day of February, 1987;

That the foregoing deposition was taken down in shorthand and mechanically recorded and afterwards reduced to typewriting by me; that the typewritten transcript is a true and complete record of the testimony given by the witness;

That the plaintiff was represented by counsel, to-wit: William F. Lawler, Jr.

That the defendants were represented as shown previously;

I do further certify that I am a disinterested person in this cause of action, that I am not a relative or attorney of either party or otherwise interested in the event of

this action, and am not in the employ of the attorneys for the respective parties.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of March, 1987.

Diana Williams, Notary Public
A resident of Madison County

My Commission Expires:
9/1/87

DIANA WILLIAMS
Printed Signature