

1 PLAINTIFF: Ms. Oliver

2 WITNESS:

3 COURT:

4 DEFENDANT: Mr. Carter

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6 WARM UP

7 THE COURT: Calling People vs. Randall.

8 Appearances, please.

9 MS. OLIVER: Good morning, your Honor. Thank you.

10 Susan Oliver for the People.

11 MR. CARTER: Good morning, your Honor. Jim Carter on
12 behalf / of Mr. Randall, who is here in custody.

13 THE COURT: All right.

14 MR. CARTER: We're proceeding on the first complaint;
15 is that right?

16 THE COURT: Well, that's the only one I / have in
17 front of me.

18 Now, this case is here for prelim. The complaint
19 charges the defendant with a felony violation of Penal
20 Code Section / 245, said to have occurred on July 4th,
21 2012.

22 MR. CARTER: We are ready to proceed.

23 THE COURT: Okay.

24 MR. CARTER: For the record, my client is now /
25 standing in the holding cell of the courtroom.

26 THE COURT: If you and your client choose, I will

1 allow Mr. Randall to sit at the counsel table. /

2 MR. CARTER: I think he is fine, your Honor.

3 THE COURT: Is that acceptable with you?

4 MR. CARTER: Yes, your Honor.

5 THE COURT: Okay. Are the People ready?

6 MS. OLIVER: Yes, your Honor.

7 THE COURT: Any preliminary / motions?

8 MR. CARTER: Not on behalf of the defendant, your
9 Honor.

10 MS. OLIVER: None by the People.

11 THE COURT: All right. People can call their first
12 witness.

13 MS. OLIVER: Thank you, your Honor. /

14 At this time the People call Deputy Taft.

15 THE COURT: For the record, please state your full
16 name and spell your last name.

17 THE DEFENDANT: Steven David Taft. Last */ name Taft,
18 T-A-F-T.

19 THE COURT: Thank you.

20 Whenever you are ready.

21 MS. OLIVER: Thank you, your Honor.

22 THE COURT: Proceed.

23 DIRECT EXAMINATION

24 Q. BY MS. OLIVER: Good morning, Deputy Taft.

25 A. Good morning.

26 Q. Could you / please tell us your current

1 occupation and assignment.

2 A. I am a deputy for the Orange County Sheriff's
3 Department, assigned to the main jail in Module / B.

4 Q. How long have you been a peace officer?

5 A. About two years, ma'am.

6 Q. Can you describe some of your duties as a deputy
7 within the / jail.

8 A. To control the movement of the inmates and
9 housing of inmates. Just make sure the safety of all
10 inmates is cared for.

11 Q. All right. / I apologize, would you mind scooting
12 that microphone a little bit closer to you.

13 A. Sorry.

14 Q. Were you on duty in the jail on July 4th, / 2012,
15 at approximately 4:30?

16 A. Yes, ma'am.

17 Q. On that date and time, were you dispensing
18 medication to inmates in Module B?

19 A. Yes, ma'am. /

20 Q. On that date and time in that area, did you have
21 an opportunity to speak to an individual named Robert
22 Mitchell?

23 A. Yes, ma'am.

24 Q. And while / you were speaking with Robert
25 Mitchell, what happened?

26 A. He came out and told me that he needed to roll it

1 up.

2 THE COURT: I am sorry, I */ didn't understand you.

3 THE WITNESS: The victim told me he needed to roll it
4 up.

5 Q. BY MS. OLIVER: Are you familiar with what that
6 phrase means?

7 A. Definitely.

8 Q. And what does / that mean?

9 A. It is a common phrase for a prisoner to use if
10 they feel concerned for their personal safety.

11 Q. After Mr. Mitchell told you / he wanted to roll
12 it up, did you inquire of him what exactly he meant by
13 reporting that?

14 A. Yes.

15 Q. What did he tell you?

16 A. He / stated that he had just been victim of a
17 crime. He had been assaulted by inmates in his housing
18 unit.

19 Q. Did you go into detail / with Mr. Mitchell about
20 what exactly had just happened to him?

21 A. Yes, I did. But that was after I escorted him
22 away from other inmates / to speak with him privately.

23 Q. Where did you take him?

24 A. Just outside into the hallway on the third floor.
25 There is a lobby.

26 Q. Did you / subsequently interview him?

1 A. Yes, ma'am.

2 Q. What did Mr. Mitchell tell you at that time?

3 A. He reported to me he was sitting on his bunk
4 reading / a book when an inmate by the name of Baker
5 approached him and kicked him in the face.

6 Q. The name he reported was Baker?

7 A. Yes. */

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9 **END OF WARM UP**

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1 EXAM

2 Q. BY MS. OLIVER: Did Mr. Mitchell express to you
3 what happened after Mr. Baker had kicked him in the face?

4 A. He fell to the ground. He looked up / and
5 recognized him as Baker. After he did that, he continued
6 to be hit. He tried to cover his face with his hands and
7 his / forearms.

8 Q. After covering himself, what happened after that?

9 A. He said that another inmate by the name of
10 Jackson then also began hitting him using his / feet,
11 knees, and fists.

12 Q. Did Mr. Mitchell tell you how many times he was
13 hit by Jackson and Baker?

14 A. I cannot recall.

15 Q. Would reviewing your / report refresh your
16 recollection?

17 A. Yes, ma'am.

18 MS. OLIVER: With your Honor's permission, please.

19 THE COURT: All right. Deputy, if you can look at
20 your report, read it to yourself / silently, and then let
21 us know when you are finished.

22 THE WITNESS: Okay.

23 THE COURT: Deputy, I can direct your attention to the
24 middle of Page 2.

25 THE WITNESS: Thank you. / I am ready, your Honor.

26 THE COURT: If you can re-ask your question.

1 Q. BY MS. OLIVER: Did Mr. Mitchell tell you where
2 he was being hit by Baker and Jackson? /

3 A. Yes, he did.

4 Q. What did he tell you?

5 A. He reported he was being hit to the back of his
6 head and at the rear torso. */

7 Q. Did Mr. Mitchell advise you that he heard Baker
8 and Jackson say anything while they were hitting him?

9 A. They repeatedly yelled at him.

10 Q. What did / they yell at him?

11 A. They called him a rat. They also added some
12 profanity.

13 Q. What happened after that?

14 A. After the beating stopped, the victim was /
15 dazed. He stood up and walked away. He believed it was
16 completely over.

17 Q. When you say he stood up, you are referring to
18 Mr. Mitchell? /

19 A. Yes, ma'am.

20 Q. Mitchell stood up and thought it's over. What
21 happened after that?

22 A. Mitchell went to the sink within his cell and
23 began to just / rinse off his face.

24 Q. What, if anything, happened after that?

25 A. He saw the defendant signing to a different
26 person within the unit.

1 Q. I am sorry? / He saw this defendant doing what?

2 A. Like sign language. He was using his hands to
3 talk with another person in another cell within the unit./

4 Q. All right. What did the victim describe to you
5 after that?

6 A. Well, he saw the defendant then come up to him
7 and he forced his / head against the mirror that's mounted
8 on the wall.

9 Q. The defendant forced Mitchell's head into the
10 mirror?

11 A. Yes, ma'am.

12 Q. Are you familiar with an inmate */ with the last
13 name of Randall?

14 A. Yes.

15 Q. Do you see that individual in the courtroom
16 today?

17 A. I do.

18 Q. Can you describe what he or she / is wearing and
19 where he or she is sitting.

20 A. He is sitting to my right and wearing an orange
21 jumpsuit.

22 MS. OLIVER: May the record reflect the / witness has
23 identified the defendant?

24 THE COURT: The record will so reflect.

25 MS. OLIVER: Thank you, your Honor.

26 THE COURT: Okay.

1 Q. BY MS. OLIVER: After Mr. Mitchell described that
2 the defendant pushed his head / into the wall, what did he
3 tell you happened next?

4 A. Mitchell fell to the ground and again covered his
5 body from attack. Randall struck him / with two blows to
6 his head using his knees.

7 Q. How many times did he say the defendant hit him
8 in the head with his knees? /

9 A. Twice.

10 Q. What, if anything, did Mr. Mitchell describe?

11 A. The defendant continued to hit him along with
12 Jackson and Baker.

13 Q. Did he indicate to you how / many times he was
14 hit or where he was hit?

15 A. I cannot recall.

16 Q. Did Mr. Mitchell describe to you that he was
17 beaten all over / his body?

18 A. Yes, he did.

19 Q. Did he describe how long that lasted?

20 A. It lasted until the cell doors were opened
21 because dinner service was starting. */

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1 START TYPING

2 Q. BY MS. OLIVER: Did you have an opportunity to
3 examine the victim for injuries?

4 A. I did.

5 Q. What, if anything, did you observe?

6 A. He had scratches and bruising to / both shoulders
7 and his ribs, scratches and redness to the right side of
8 his face and swelling to both forearms.

9 Q. Did he also have bruising / that you saw on his
10 neck?

11 A. Yes, ma'am.

12 Q. After speaking with the victim, was he treated by
13 somebody within the jail?

14 A. He was escorted to / the second floor in the jail
15 and seen by medical staff there.

16 Q. At some point did you put together a six-pack
17 photographic lineup to show / to Mr. Mitchell?

18 A. Yes, ma'am.

19 Q. Did you put the six photos together for that
20 photo lineup?

21 A. Yes, I did.

22 Q. Did you place the defendant's photo / in the
23 lineup that you prepared for the victim to view?

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

25 Q. What position did you put it in?

26 A. I put him / in the third position.

1 Q. At some point did you show this photographic
2 lineup to Mr. Mitchell?

3 A. Yes.

4 Q. Before doing so, did you read him the /
5 admonition about the lineup?

6 A. Yes, ma'am.

7 Q. Did he understand those instructions?

8 A. Yes, ma'am.

9 Q. After giving him those instructions, did he
10 indicate which person he believed */ was the man who
11 pushed his head into the wall and then continued beating
12 him together with the other two inmates?

13 A. Yes.

14 Q. Which person did / he pick?

15 A. He identified the defendant.

16 Q. I'm sorry. I meant to ask you which position in
17 the lineup he chose.

18 A. The person in the third / position.

19 Q. And that was the defendant?

20 A. Yes, ma'am.

21 Q. Did you at some point have an opportunity to
22 speak with the defendant?

23 A. Yes, ma'am.

24 Q. Did you / have a chance to observe his body to
25 see if he had any injuries?

26 A. Yes, ma'am.

1 Q. Approximately how long after speaking with the
2 victim did / you then speak with the defendant?

3 A. I'm not certain.

4 Q. Now, what injuries did you observe on the
5 defendant that night?

6 A. The defendant had redness to / both knees.
7 Below his left knee he had a cut about an inch long, also
8 a scratch with a small amount of blood coming from / it.

9 MS. OLIVER: Your Honor, one moment.

10 THE COURT: That's fine.

11 Q. BY MS. OLIVER: Did you speak with the victim to
12 ask him if he was aware what the defendant was
13 communicating / with other inmates in the cell?

14 A. Can you please repeat that again, ma'am?

15 Q. Sure. You earlier testified that after Baker and
16 Jackson assaulted the victim, */ that he then went to the
17 sink to clean himself up. You testified that the victim
18 then saw the defendant, correct?

19 A. Yes, ma'am.

20 Q. You testified / the victim saw the defendant
21 making hand signs to someone else?

22 A. Yes, ma'am.

23 Q. Did you speak --

24 MR. CARTER: Objection. That calls for conclusion of
25 the witness. He / can just describe the hand motions.

26 THE COURT: Well, what's the offer of proof?

1 MS. OLIVER: I can lay foundation.

2 THE COURT: All right. The objection is sustained for
3 lack of / foundation at this point.

4 MS. OLIVER: Thank you.

5 THE COURT: All right. Proceed.

6 Q. BY MS. OLIVER: Deputy, you testified that Mr.
7 Mitchell saw the defendant doing something with his hands;
8 is that / correct?

9 A. Yes, ma'am.

10 Q. Did Mr. Mitchell specifically describe to you
11 what he saw the defendant doing with his hands?

12 A. Yes, ma'am.

13 Q. What did he tell / you he was doing?

14 A. He said that he was signing to another inmate.

15 MR. CARTER: Objection. It is still a conclusion.

16 THE WITNESS: He was using his hand to / speak.

17 THE COURT: Just a minute. Is this an account of what
18 happened coming from the alleged victim to the deputy?

19 MR. CARTER: Yes.

20 THE COURT: I will overrule the objection. /

21 MS. OLIVER: Thank you, your Honor.

22 THE COURT: Next question.

23 Q. BY MS. OLIVER: Did you ask Mr. Mitchell if he
24 knew what the signs meant that he saw the defendant
25 displaying with */ his hands?

26 A. I can't recall.

1 Q. Well, would reviewing your report refresh your
2 recollection as to whether Mr. Mitchell told you what he
3 believed the hand / signs that he saw the defendant
4 display meant?

5 A. Yes.

6 MS. OLIVER: With your Honor's permission, please.

7 THE COURT: All right. Go ahead and just read that
8 portion of your / report to yourself silently. Let us
9 know when you are done, please.

10 THE WITNESS: All right. Yes, your Honor.

11 THE COURT: Thank you.

12 Q. BY MS. OLIVER: Deputy, did Mr. Mitchell tell you
13 / what he thought the sign that the defendant displayed
14 with his hands meant before he assaulted the victim?

15 A. Yes. He understood the defendant to be telling /
16 other inmates that he needed to be assaulted.

17 MR. CARTER: I object. That calls for a conclusion.
18 No foundation for the response.

19 THE COURT: Well, what's the relevance here / in terms
20 of my finding probable cause in this case?

21 MS. OLIVER: Well, I think --

22 THE COURT: How is this going to help me in deciding
23 whether or not / there is probable cause to believe --

24 MS. OLIVER: Your Honor, I'm sorry for interrupting.
25 I am seeking to introduce it for the purpose of showing
26 the joint / efforts of the inmates in the assault.

1 THE COURT: And what's the objection?

2 MR. CARTER: Well, I think it just calls for the
3 witness to give an opinion of */ what he believed the
4 signs to mean. There is no foundation that he knew what
5 any sign meant or if he had seen them previously. / It's
6 speculation as to what they meant.

7 THE COURT: Okay. The objection is sustained as to
8 the meaning. I will overrule the objection to the extent
9 that / there was signing between the inmates in this case.
10 That is the theory of the prosecution. I will allow it to
11 show there was some / form of communication.

12 MS. OLIVER: Thank you, your Honor.

13 THE COURT: All right.

14 Q. BY MS. OLIVER: Did the victim tell you who he
15 believed the defendant was signing to?

16 A. Yes, ma'am.

17 Q. Who / did he identify?

18 A. He gave the name of Scotty.

19 Q. Did he describe for you who this Scotty person
20 was or what involvement he had?

21 A. No, / ma'am. He was unable to.

22 Q. Where did he say Scotty was when the defendant
23 used the sign language?

24 A. He was in a separate cell.

25 Q. One / more question. When Mitchell described for
26 you that all three inmates were assaulting him, you

1 indicated that he told you he was being hit on / all parts
2 of his body, correct?

3 A. Yes, ma'am.

4 Q. You testified that the defendant was kicking him
5 or, excuse me, was using his knees to hit */ him twice in
6 the head?

7 A. Yes, ma'am.

8 Q. Did Mr. Mitchell also tell you that the inmates
9 were using closed fists to assault him?

10 A. He reported / that, yes.

11 MS. OLIVER: No further questions. Thank you.

12 THE COURT: Okay. Cross-examination.

13 MR. CARTER: Thank you, your Honor.

14 THE COURT: Proceed.

15 CROSS-EXAMINATION

16 Q. BY MR. CARTER: Did Mr. Mitchell tell you where
17 the initial assault took place? /

18 A. This all happened in the module.

19 Q. Did he describe to you where exactly in the
20 module?

21 A. His housing location, sir. In his cell.

22 Q. He said / it started in the cell?

23 A. Yes, sir.

24 Q. At that time of the day are the cell doors open
25 so all the other inmates have access / to that cell?

26 A. Can you repeat that again? I couldn't hear your

1 question.

2 Q. Deputy, were the cell doors completely open
3 during the evening hours?

4 A. In / the evening hours all the cell doors remain
5 closed.

6 Q. Okay. Now, you didn't see the assault take
7 place, correct?

8 A. No, I didn't.

9 Q. Mr. Mitchell told / you the assault took place in
10 his cell?

11 A. Yes, sir.

12 Q. Did he explain to you how the other two inmates
13 were able to gain access / to his cell?

14 A. They were all housed in the same cell.

15 Q. To your knowledge, was there any type of video or
16 surveillance equipment that was */ in use that would show
17 the cell where Mr. Mitchell was located?

18 MS. OLIVER: Objection. Relevance.

19 THE COURT: What's the relevance?

20 MR. CARTER: To find out whether or not this witness /
21 viewed a video of this assault.

22 THE COURT: Overruled.

23 THE WITNESS: The only one we have shows the outside
24 of the tank. It does not show the inside.

25 Q. BY MR. CARTER: Did / you try to see if any of
26 the assault was on tape to determine who was involved?

1 A. No, I did not.

2 Q. There was no video / available to you that you
3 could watch to see who was in the housing location,
4 correct?

5 A. Not that I am aware of.

6 Q. Did Mr. Mitchell / tell you how long the original
7 assault took?

8 A. I don't remember.

9 Q. Did he see where the defendant was before the
10 assault took place by the / other two inmates?

11 A. He did tell me, yes.

12 Q. Where was Mr. Randall when the victim was hit by
13 the other two inmates?

14 A. He was sitting / on a bench.

15 Q. So he was not involved in the original assault;
16 is that correct?

17 MS. OLIVER: Objection. Vague as to being involved.

18 Q. BY MR. CARTER: He did not participate / in the
19 first assault, correct?

20 A. Yes, sir.

21 Q. When that one stopped, then you are saying that
22 my client beat Mr. Mitchell, correct?

23 A. Yes, sir.

24 Q. All */ by himself, correct?

25 A. Yes, sir.

26 Q. Did Mr. Mitchell explain to you he was on the

1 floor when my client allegedly hit him that evening?

2 A. Yes, / sir. He used his knees.

3 Q. What time was it that Mr. Mitchell approached you
4 to report to you this attack occurred and that he wanted /
5 to roll up?

6 A. I would have to review my written report.

7 Q. Deputy, would it refresh your recollection to
8 review your report?

9 A. Yes, sir.

10 MR. CARTER: With your / Honor's permission, please.

11 THE COURT: Deputy, look at that portion of your
12 report silently and let us know.

13 THE WITNESS: Okay.

14 Q. BY MR. CARTER: What time was that?

15 A. He told me at / 4:30 that he needed to roll up.
16 He gave me details about five minutes later.

17 Q. You finally separated the three inmates at what
18 time? /

19 A. I would have to look at the report again.

20 Q. Would that refresh your recollection?

21 A. Yes, it would.

22 MR. CARTER: With your Honor's permission, please.

23 THE COURT: Yes. Go ahead. /

24 Q. BY MR. CARTER: I think it's noted on the third
25 page. What time was that?

26 A. 6:30 is when we separated them.

1 Q. Then what time did you inspect / Mr. Randall's
2 body?

3 A. I don't remember.

4 Q. It was about 9:50 before the three inmates were
5 taken out of the module; is that correct?

6 A. Yes. */

7 Q. Do you know if those three inmates were under
8 surveillance or if they were detained by any other jail
9 staff?

10 MS. OLIVER: Objection. Relevance.

11 THE COURT: Overruled.

12 THE WITNESS: Sir, can / you rephrase the question?

13 Q. BY MR. CARTER: Between the time Mr. Mitchell
14 told you he wanted to roll up and when the three inmates
15 were taken out, were / they being watched by any other
16 member of the jail staff?

17 A. They were not being directly watched, no.

18 Q. Then they weren't taken out of their / cells and
19 interviewed until after 11:00; is that right?

20 A. I cannot remember.

21 Q. Is it noted in your report?

22 A. Yes, sir.

23 Q. Can you tell us if / that will refresh your
24 recollection?

25 A. Yes, sir.

26 THE COURT: All right. Go ahead.

1 Q. BY MR. CARTER: Did that refresh your
2 recollection?

3 A. Yes, sir.

4 Q. What time did you interview Mr. Randall? /

5 A. At 11:45.

6 Q. So that's about eight hours after the alleged
7 assault?

8 A. Yes, sir.

9 Q. Is that the first time that Mr. Randall's body is
10 examined / to see if he is injured in any way?

11 A. Yes, sir.

12 Q. Is that when you first noticed anything on his
13 body that made you believe / he had been involved in some
14 type of scuffle?

15 A. Yes. He had redness to both knees.

16 Q. Could you describe that better? Were the knees
17 scraped? */

18 A. I cannot remember.

19 Q. Were they cut in any way?

20 A. On his left knee he had a small scratch.

21 Q. When you say small, could you describe / what
22 size it was?

23 A. I believe it was about an inch.

24 Q. Did you take a picture of that?

25 A. Somebody took pictures of his knees, yes. /

26 Q. Did you request for those to be taken?

1 A. I believe I did.

2 Q. How soon after the incident was reported?

3 A. Photographs were taken during the complete /
4 investigation.

5 MR. CARTER: Your Honor, I don't think I have anything
6 further.

7 THE COURT: Redirect?

8 MS. OLIVER: Nothing further, your Honor.

9 THE COURT: May this witness be excused?

10 MS. OLIVER: Yes, your Honor.

11 THE COURT: All right. / Ms. Oliver, you may call
12 your next witness whenever you are ready.

13 MS. OLIVER: People rest, your Honor.

14 THE COURT: All right. Mr. Carter, does the defense
15 have any / witnesses?

16 MR. CARTER: Not at this time, your Honor.

17 THE COURT: Does the defense rest?

18 MR. CARTER: Yes, your Honor.

19 MS. OLIVER: Your Honor, we would move to hold the
20 defendant to answer / to all the charges in the complaint.

21 THE COURT: Will there be any argument on behalf of
22 the defendant?

23 MR. CARTER: No. Submit.

24 THE WITNESS: Excuse me, your Honor. Am I / allowed
25 to go?

26 THE COURT: Yes, you are excused. Thank you for

1 coming in today.

2 THE WITNESS: Thank you.

3 MS. OLIVER: If you would just wait outside, please.

4 Thank you, sir. */

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******EACH EXAM VARIES. THE ACTUAL TEST GIVEN MAY BE
SLIGHTLY DIFFERENT******

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